# STATE OF NEW YORK

10238

# IN ASSEMBLY

May 12, 2022

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Lunsford) -- read once and referred to the Committee on Local Governments

AN ACT in relation to authorizing the town of Webster, county of Monroe, to alienate certain lands used as parkland by the Candlewood Park District and to dedicate certain other lands as parklands for use by the Bear Creek Park District

**The People of the State of New York, represented in Senate and Assembly, do enact as follows:**

Section 1. Subject to the provisions of this act, the town of Webster, located in the county of Monroe, acting by and through its governing body and upon such terms and conditions as determined by such body, is hereby authorized to discontinue as parklands, alienate the lands and divide from the Candlewood park district more particularly described in section three of this act, creating a new park district consisting of 2.33 acres of land on Bear Creek Circle and designate and convey such land to the Bear Creek park district.

§ 2. The authorization provided in section one of this act shall be effective only upon the condition that the town of Webster acquire and dedicate the lands described in section three of this act as parklands.

§ 3. The parklands authorized by section one of this act to be alienated as parklands are described as follows:

All those tracts or parcels of land situated in the Town of Webster, County of Monroe, State of New York, being individually and more particularly bounded and described as follows:

Commencing at a point on the southeast property corner of 1086 Bear Creek Circle having tax ID # 095.02-2-1, said point also being the west Right of Way line of Harris Road; thence S 89° 49' 44" W a distance of 564.45± feet along the Webster Penfield border to the southwest property corner of 1092 Bear Creek Circle, said point being the point and place of beginning; thence

1. S 89° 49' 44" W continuing along the Webster Penfield border a distance of 300.00± feet to a point; thence
2. N 48° 25' 48" E a distance of 314.68± feet to a point; thence
3. N 19° 6' 32" E a distance of 233.34± feet to a point; thence

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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4. N 15° 4' 7" E a distance of 93.49± feet to a point; thence
5. S 76° 24' 33" E a distance of 162.54± feet to a point; thence
6. N 73° 15' 27" E a distance of 388.38± feet to a point on the west Right of Way line of Harris Road; thence
7. S 0° 9' 9" W a distance of 150.00± feet to a point, said point being the northeast property corner of 1087 Bear Creek Circle; thence
8. N 89° 50' 51" W a distance of 404.43± feet to a point, said point being a northerly property corner of 1093 Bear Creek Circle; thence
9. S 44° 43' 36" W a distance of 196.41± feet to a point, said point being a westerly property corner of 1095 Bear Creek Circle; thence
10. S 15° 36' 49" W a distance of 87.81± feet to a point, said point being the southwest property corner of 1095 Bear Creek Circle; thence
11. S 0° 10' 16" E a distance of 219.32± feet along the west property line of 1094 Bear Creek Circle to the point and place of beginning.

§ 4. In the event that the fair market value of the parklands described in section three of this act to be dedicated by the town of Webster pursuant to this act are not equal to or greater than the fair market value of the parklands to be alienated as described in section three of this act, the town of Webster shall dedicate the difference of the fair market value of the lands to be alienated and the lands to be dedicated for the acquisition of additional parklands and/or capital improvements to existing park and recreational facilities.

§ 5. In the event that the town of Webster received any funding support or assistance from the federal government for the purchase, maintenance or improvement of the parklands set forth in section three of this act, the discontinuance and alienation of such parkland authorized by the provisions of this act shall not occur until the town of Webster has complied with any federal requirements pertaining to the alienation or conversion of parklands, including satisfying the secretary of the interior that the alienation or conversion complies with all conditions which the secretary of the interior deems necessary to assure the substitution of other lands shall be equivalent in fair market value and usefulness to the lands being alienated or converted.

§ 6. This act shall take effect immediately.