STATE OF NEW YORK

7590--A

2021-2022 Regular Sessions

IN ASSEMBLY

May 17, 2021

Introduced by M. of A. BYRNE -- read once and referred to the Committee on Local Governments -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT in relation to authorizing the town of Yorktown, county of Westchester, to alienate and discontinue the use of certain parkland

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 Yorktown, county of Westchester, 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 and lease at fair market value to HESP Solar LLC for a term not to exceed twenty-five years the lands more particularly described in section three of this act for the purpose of constructing a solar facility and electric vehicle charging stations.

§ 2. All proceeds from alienation and lease of the parklands authorized by section one of this act shall be used for acquisition of new parklands and/or towards capital improvements to existing park and recreational facilities.

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

All those parcels of land in the town of Yorktown, county of Westchester, and State of New York, bounded and described as follows:

Parcel 1

BEGINNING at a point starting at X: 674978.43, Y: 901697.76; thence running South 3 degrees 00' 48" East 211.71'; thence running South 88 degrees 04' 26" West 273.40'; thence running North 1 degree 55' 34" West 206.56'; thence running North 86 degrees 59' 10" East 269.44', to the point of beginning. Total acreage of 1.303 acres.

Parcel 2

BEGINNING at a point starting at X: 674645.87, Y: 901474.68; thence running South 6 degrees 25' 49" East 477.31'; thence running South 83

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

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degrees 20' 52" West 135.95'; thence running North 6 degrees 37' 56" West 477.83; thence running North 83 degrees 33' 55" E 137.64', to the point of beginning. Total acreage of 1.50 acres.

Parcel 3

BEGINNING at a point starting at X: 674639.18, Y: 901680.73; thence running North 6 degrees 46' 40" West 141.06'; thence running North 83 degrees 13' 25" East 64.00'; thence running South 6 degrees 46' 40" East 141.06'; thence running South 83 degrees 13' 25" West 64.0', to the point of beginning. Total acreage of 0.207 acres.

Total acreage of parcels 1, 2 and 3 is approximately 3.01 acres.

§ 4. Should the lands described in section three of this act cease to be used for the purposes described in section one of this act, the lease shall terminate and those lands shall revert to the town of Yorktown for public park and recreational purposes. At the time of such reversion, the removal of any solar facilities and electric charging stations shall take place and the property shall be returned to its previous state, consistent with park and recreation purposes.

§ 5. In the event that the town of Yorktown 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 Yorktown 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.