STATE OF NEW YORK

7692

2021-2022 Regular Sessions

IN ASSEMBLY

May 19, 2021

Introduced by M. of A. B. MILLER -- read once and referred to the Committee on Higher Education

AN ACT authorizing the conveyance of real property at the State University of New York College at Delhi

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

Section 1. Legislative findings. The legislature finds that the State University of New York, Agricultural and Technical College at Delhi ("University") is in need of additional facilities to fulfill its legislatively mandated mission of providing educational experiences and applied learning opportunities to its students. Specifically, the College Foundation at Delhi, Inc. ("Foundation") has offered to construct, maintain and operate a hotel to support the University's hospitality management program on a site that is currently state-owned land. To effectuate this development, the Foundation would exchange four parcels of land to be put to future academic purposes with a parcel of state-owned land located in the Town of Delhi.

The legislature further finds that granting the trustees of the State University of New York the authority and power to exchange the subject land will ensure such activity will promote the continued investment in tourism and economic development in the surrounding community.

§ 2. Notwithstanding any other provision of law, the state of New York is authorized to convey to the College Foundation at Delhi, Inc. all its rights, title and interest in the real property and improvements thereon described as Parcel A in section three of this act, now owned by the state of New York and under the jurisdiction of the State University of New York College at Delhi, in exchange for the conveyance by the College Foundation at Delhi, Inc. to the state of New York, for the benefit of the State University of New York College at Delhi, of all its rights, title and interest in the real property and improvements thereon described as Parcels B-1, B-2, B-3, and B-4 in section four of this act,

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

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owned by the College Foundation at Delhi, Inc., upon such terms and conditions as the parties shall agree. The conveyances authorized by this act may be made upon such terms and conditions as the state of New York and the College Foundation at Delhi, Inc. may agree.

§ 3. The property authorized by this act to be conveyed by the State University of New York at Delhi to the College Foundation at Delhi, Inc. is generally described as that parcel of real property with improvements thereon consisting of a total of approximately 7.28 acres owned by the State University of New York at Delhi. The description in this section of the parcel to be made available pursuant to this act is not meant to be a legal description, but is intended only to identify the parcel:

ALL that certain plot, piece or parcel of land situate, lying, and being in the Village of Delhi, County of Delaware and State of New York, being bounded and described as follows:

PARCEL A

BEGINNING at a point on at the northwesterly corner of Appropriation Map 11.

RUNNING THENCE South 68 degrees 30 minutes 40 seconds East along the northerly bounds of Appropriation Map 11 a distance of 82.00 feet to a point;

THENCE North 89 degrees 50 minutes 50 seconds East along the northerly bounds of Appropriation Map 12 a distance of 513.92 feet to a point;

THENCE South 22 degrees 30 minutes 20 seconds West along the easterly bounds of Appropriation Map 12 a distance of 701.78 feet to a point;

THENCE North 68 degrees 30 minutes 40 seconds West along the southerly bounds of Appropriation Map 12 a distance of 475.01 feet to a point;

THENCE continuing North 68 degrees 30 minutes 40 seconds West and being along the southerly bounds of Appropriation Map 11 a distance of 33.00 feet to a point;

THENCE North 20 degrees 15 minutes 40 seconds East along the westerly bounds of Appropriation Map 11 a distance of 190.92 feet to a point;

THENCE North 68 degrees 30 minutes 40 seconds West along the southerly bounds of Appropriation Map 11 a distance of 27.00 feet to a point;

THENCE northerly on a curve to the left having a delta of 13 degrees 21 minutes 59 seconds, a radius of 1366.67' and an arc length of 318.83', to THE POINT OR PLACE OF BEGINNING.

Containing: 7.280 acres of land.

§ 4. The property to be conveyed by the College Foundation at Delhi, Inc. to the State University of New York at Delhi is generally described as those parcels of real property with improvements thereon consisting of a total of approximately 238.66 acres. The description in this section of the parcels to be made available pursuant to this act is not meant to be a legal description, but is intended only to identify the parcels:

Parcel B-1

ALL that certain plot, piece or parcel of land situate, lying and being in the Town of Delhi, County of Delaware and State of New York, bounded and described as follows:

BEGINNING at a point on the northerly side of New York State Route 10, said point being the most southerly corner of the herein described parcel of land, thence continuing along the lands of Sherwood Mountain Farm Irrevocable Trust (DB 1380 PG 122) the following nine (9) courses and distances:

North 15 degrees 38 minutes 58 seconds West a distance of 267.42 feet to a set 5/8" rebar tagged "JHA INC";

North 03 degrees 36 minutes 02 seconds East a distance of 197.50 feet to a set 5/8" rebar tagged "JHA INC";

North 01 degrees 38 minutes 58 seconds West a distance of 186.90 feet to a set 5/8" rebar tagged "JHA INC";

North 18 degrees 46 minutes 02 seconds East a distance of 125.10 feet to a set 5/8" rebar tagged "JHA INC";

North 87 degrees 43 minutes 58 seconds West a distance of 556.10 feet to a 1/2" rebar in a 3/4" pipe;

North 11 degrees 28 minutes 58 seconds West a distance of 688.16 feet to a 1/2" rebar;

South 68 degrees 12 minutes 27 seconds West a distance of 359.11 feet to a 1/2" rebar;

North 46 degrees 35 minutes 17 seconds West a distance of 999.10 feet to a 3/4" pipe;

THENCE continuing along the lands of Sherwood Mountain Farm Irrevocable Trust (DB 1380 PG 122) and Fort Delhi Realty Associates LLC (DB 1032 PG 164) the following two (2) courses and distances:

South 58 degrees 04 minutes 53 seconds West a distance of 894.60 feet to a 1/2" rebar in a 3/4" pipe;

North 31 degrees 56 minutes 46 seconds West a distance of 1087.19 feet partially along a stone wall to a 1/2" rebar;

THENCE along lands of Barry Lee Allen (DB 706 PG 623) the following two (2) courses and distances:

North 54 degrees 42 minutes 37 seconds East a distance of 2038.31 feet to a 1" pipe;

North 35 degrees 04 minutes 46 seconds West a distance of 1344.59 feet to a set 5/8" rebar tagged "JHA INC";

THENCE along lands of Seth J. and Erin F. Haight (DB 1281 PG 227) North 54 degrees 51 minutes 16 seconds East following a stone wall a distance of 1105.64 feet to a set 5/8" rebar tagged "JHA INC";

THENCE along lands of Kathleen and Gary A. Leahy (DB 650 PG 431) South 35 degrees 52 minutes 50 seconds East a distance of 1235.24 feet following a stone wall to 1/2" rebar tagged "LEO";

THENCE along the lands of Scott Michael Dreyfus (DB 1543 PG 283) South 22 degrees 46 minutes 58 seconds East a distance of 20.92 feet following a stone wall to 1/2" rebar with a cap;

THENCE along lands of The People of the State of New York the following seven (7) courses and distances:

South 35 degrees 24 minutes 35 seconds East a distance of 352.99 feet following a stone wall to a 1 1/2" pipe;

South 44 degrees 51 minutes 34 seconds West a distance of 480.05 feet following a stone wall to a 1" pipe; South 36 degrees 08 minutes 33 seconds East a distance of 1811.71 feet to a rebar tagged "CT Male"; South 08 degrees 25 minutes 52 seconds West a distance of 176.48 feet to a rebar tagged "CT Male";

South 53 degrees 48 minutes 08 seconds West a distance of 353.83 feet to a rebar tagged "CT Male";

South 24 degrees 21 minutes 44 seconds East a distance of 1044.00 feet to a 3/4" rebar;

South 35 degrees 12 minutes 15 seconds East a distance of 366.50 feet to a rebar tagged "CT Male";

THENCE along the northerly side of New York State Route 10 South 45 degrees 09 minutes 33 seconds West a distance of 369.56 feet to a point;

THENCE leaving said road and along lands of Jeffrey E. and Brian P. Hoyt (DB 1542 PG 219) the following two (2) courses and distances:

North 42 degrees 41 minutes 19 seconds West a distance of 176.15 feet to a 1" pipe;

South 48 degrees 26 minutes 03 seconds West a distance of 140.42 feet to a 5/8" rebar;

THENCE along lands of Michelle A. Stemper (DB 1624 PG 243) South 48 degrees 11 minutes 12 seconds West a distance of 164.09 feet to a 3/4" pipe;

THENCE along lands of John M. Sandman and Barbara E. Jones (DB 1348 PG 23) the following two (2) courses and distances:

South 20 degrees 10 minutes 55 seconds West a distance of 112.70 feet to a set 5/8" rebar tagged "JHA INC";

South 26 degrees 09 minutes 05 seconds East a distance of 125.70 feet to a point on the north side of State Route 10;

THENCE along the northerly side of New York State Route 10 South 49 degrees 20 minutes 33 seconds West a distance of 116.63 feet to THE POINT OR PLACE OF BEGINNING.

Containing 180.19 Acres of land. Being Parcel A shown on map entitled "Boundary Line Adjustment for College Foundation at Delhi, INC" by JHA Companies dated January 21, 2021.

Parcel B-2

ALL that certain plot, piece or parcel of land situate, lying and being in the Town of Delhi, County of Delaware and State of New York, bounded and described as follows:

BEGINNING at a point on the northerly side of Arbor Hill Road, said point being the westerly corner of the lands herein described, and also being in line of lands now or formerly belonging to NYS Ag & Tech (DB 452 PG 813), thence along the northerly side of said road the following four (4) courses and distances:

North 74 degrees 44 minutes 09 seconds East a distance of 67.59 feet to a point;

North 70 degrees 45 minutes 08 seconds East a distance of 151.42 feet to a point;

North 58 degrees 15 minutes 07 seconds East a distance of 121.46 feet to a point;

North 31 degrees 47 minutes 09 seconds East a distance of 208.50 feet to a set 5/8" rebar tagged "JHA-INC";

THENCE leaving the northerly line of Arbor Hill Road and continuing through the lands now or formerly belonging to the College Foundation at Delhi, Inc. (DB 779 PG 43) the following three (3) courses and distances:

South 58 degrees 12 minutes 51 seconds East a distance of 149.25 feet to a set 5/8" rebar tagged "JHA-INC";

South 31 degrees 58 minutes 11 seconds West a distance of 195.03 feet to a set 5/8" rebar tagged "JHA-INC";

South 65 degrees 28 minutes 13 seconds East a distance of 350.27 feet to a found rebar, said point being in line of lands now or formerly belonging to The State University of New York (DB 1074 PG 29);

THENCE continuing along the lands of the State University of New York (DB 1074 PG 29), South 38 degrees 59 minutes 14 seconds West a distance of 236.44 feet to a found rebar, said point being the northern corner of lands now or formerly belonging to City of New York (DB 1527 PG 314);

THENCE along the lands of the City of New York (DB 1527 PG 314) the following four (4) courses and distances:

South 38 degrees 57 minutes 17 seconds West a distance of 175.90 feet to a found 1/2" rebar;

South 48 degrees 04 minutes 50 seconds West a distance of 89.32 feet to a found 1/2" rebar;

South 80 degrees 28 minutes 33 seconds West a distance of 131.15 feet to a found 5/8" rebar tagged "THEW";

South 67 degrees 12 minutes 17 seconds West a distance of 160.04 feet to a found 5/8" rebar tagged "THEW";

THENCE along lands now or formerly of the County of Delaware (DB 1518 PG 25) the following three (3) courses and distances;

North 16 degrees 13 minutes 12 seconds West a distance of 37.00 feet to a found 1/2" rebar;

North 34 degrees 57 minutes 47 seconds East a distance of 165.12 feet to a found 5/8" rebar tagged "THEW";

North 35 degrees 40 minutes 48 seconds West a distance of 394.96 feet to a found capped rebar;

THENCE crossing Arbor Hill Road North 15 degrees 36 minutes 39 seconds West a distance of 54.94 feet to THE POINT OR PLACE OF BEGINNING.

Containing 6.86 acres.

Parcel B-3

ALL that certain lot, piece or parcel of land situate, lying and being in the Town of Delhi, County of Delaware and State of New York, bounded and described as follows:

BEGINNING at a stone monument marking the highway boundary of New York State Route 28, said point being the northeasterly corner of the lands herein described, thence along the lands now or formerly of Helen L. Bramley Family Trust (DB 1242 PG 83) South 14 degrees 33 minutes 37 seconds West passing through a set 5/8" rebar tagged "JHA INC" at a distance of 686.72', and a total distance of 751.72 feet to a point in the Little Delaware River. Said point being the northeast corner of lands now or formerly belonging to College Foundation at Delhi Inc. (DB 779 PG 43);

THENCE continuing along the lands now or formerly of the College Foundation at Delhi Inc. (DB 779 PG 43) generally along or near the Little Delaware River the following twelve (12) bearings and distances:

North 80 degrees 24 minutes 55 seconds West a distance of 233.01 feet to a point;

South 86 degrees 27 minutes 28 seconds West a distance of 105.35 feet to a point;

North 81 degrees 55 minutes 06 seconds West a distance of 516.14 feet to a point;

North 89 degrees 51 minutes 25 seconds West a distance of 277.24 feet to a point;

South 83 degrees 16 minutes 25 seconds West a distance of 384.98 feet to a point;

North 33 degrees 17 minutes 30 seconds West a distance of 102.77 feet to a point;

North 41 degrees 43 minutes 45 seconds West a distance of 140.64 feet to a point;

North 57 degrees 48 minutes 23 seconds West a distance of 228.64 feet to a point;

North 74 degrees 42 minutes 36 seconds West a distance of 132.19 feet to a point;

North 55 degrees 28 minutes 13 seconds West a distance of 108.40 feet to a point;

North 48 degrees 29 minutes 38 seconds West a distance of 316.67 feet to a set 5/8" rebar tagged "JHA INC";

Leaving the Little Delaware River, North 01 degrees 03 minutes 18 seconds East a distance of 293.11 feet to a found capped rebar on the highway boundary of New York State Route 28.

THENCE continuing along the highway boundary of New York State Route 28 the following thirteen (13) courses and distances:

North 78 degrees 32 minutes 37 seconds East a distance of 75.70 feet to a set 5/8" rebar tagged "JHA INC";

South 89 degrees 02 minutes 10 seconds East a distance of 385.27 feet to a found stone monument;

South 58 degrees 31 minutes 15 seconds East a distance of 105.91 feet to a set 5/8" rebar tagged "JHA INC";

South 80 degrees 51 minutes 28 seconds East a distance of 311.37 feet to a set 5/8" rebar tagged "JHA INC";

North 61 degrees 18 minutes 20 seconds East a distance of 106.66 feet to a found stone monument;

South 85 degrees 48 minutes 49 seconds East a distance of 319.81 feet to a found capped rebar;

South 00 degrees 31 minutes 14 seconds East a distance of 114.26 feet to a found capped rebar;

South 57 degrees 13 minutes 59 seconds East a distance of 61.74 feet to a set 5/8" rebar tagged "JHA INC";

South 84 degrees 20 minutes 19 seconds East a distance of 125.47 feet to a found 1/2" rebar;

North 18 degrees 45 minutes 27 seconds East a distance of 137.95 feet to a found capped rebar;

South 64 degrees 07 minutes 31 seconds East a distance of 94.10 feet to a set 5/8" rebar tagged "JHA INC";

South 83 degrees 03 minutes 15 seconds East a distance of 818.41 feet to a set 5/8" rebar tagged "JHA INC";

South 85 degrees 55 minutes 36 seconds East a distance of 97.89 feet to THE POINT OR PLACE OF BEGINNING.

Containing 38.20 Acres.

Parcel B-4

ALL that certain lot, piece or parcel of land situate, lying, and being in the Town of Delhi, Delaware County, New York, bounded and described as follows:

BEGINNING at a point on the division line between the lands now or formerly of Joseph Moscato and Melody A. Moscato and Kenneth Scott and Carol A. Scott (ref. Liber 685 page 781) reputed owners on the southeast and the lands being described on the northwest at its intersection with the division line between the lands now or formerly of Robert B. Cornell and Charlotte Cornell (ref. Liber 1278 page 328), reputed owners on the South, and the lands being described on the North; said point being North 61 degrees 06 minutes 43 seconds West, 332.23 feet measured along the division line between the lands now or formerly of said Robert B. Cornell and Charlotte Cornell, reputed owners on the South, and the lands now or formerly of said Joseph Moscato and Melody A. Moscato and Kenneth Scott and Carol A. Scott, reputed owners on the North, from a 1/2 inch iron rod found in place;

THENCE westerly along the division line between the lands now or formerly of said Robert B. Cornell and Charlotte Cornell, reputed owners on the South, and the lands being described on the North, North 61 degrees 06 minutes 43 seconds West, 300.84 feet to a point; said point being South 61 degrees 06 minutes 43 seconds East, 333.50 feet from a 1 inch iron pipe found in place;

THENCE northerly along the division line between the lands now or formerly of Joseph John Maggi and Mary Ann Maggi (ref. Liber 528 page 925), reputed owners on the West, and the lands being described on the East crossing Arbor Hill Road and thence along the division line between the lands now or formerly of James Bright (ref. Liber 684 page 120), reputed owner on the West, and the lands being described on the East North 28 degrees 22 minutes 36 seconds East, 2,123.48 feet to a point at the top of the southerly bank of the West Branch of the Delaware River;

THENCE easterly along the top of said bank the following eight (8) courses and distances:

North 84 degrees 40 minutes 09 seconds East, 52.64 feet to a point;
North 88 degrees 35 minutes 35 seconds East, 73.14 feet to a point;
South 81 degrees 19 minutes 53 seconds East, 34.06 feet to a point;
South 74 degrees 08 minutes 12 seconds East, 37.61 feet to a point;
South 85 degrees 29 minutes 37 seconds East, 36.27 feet to a point;
South 82 degrees 44 minutes 48 seconds East, 39.94 feet to a point;
North 89 degrees 11 minutes 51 seconds East, 45.12 feet to a point;
North 83 degrees 41 minutes 52 seconds East, 18.19 feet to a point;

THENCE southerly along the division line between the lands now or formerly of said Joseph Moscato and Melody A. Moscato and Kenneth Scott and Carol A. Scott, reputed owners on the East, and the lands being described on the West passing over Arbor Hill Road South 28 degrees 22 minutes 36 seconds West, 2,272.77 feet TO THE POINT OF BEGINNING;

Containing 15.20 acres of land. Subject to: Public Utility easements of record; the rights of the public and highway rights and easements in and to that portion of the above described parcel lying within the bounds of Arbor Hill Road, Town Highway.

§ 5. This act shall take effect immediately.