

# STATE OF NEW YORK

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8014

2021-2022 Regular Sessions

## IN ASSEMBLY

June 4, 2021

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Introduced by M. of A. OTIS -- read once and referred to the Committee on Cities

AN ACT in relation to authorizing the city of New Rochelle, county of Westchester to sell, convey and alienate certain land, in furtherance of an economic development interest of the state and/or city of New Rochelle

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

1     Section 1. Subject to the provisions and conditions of this act, the  
2 city of New Rochelle, county of Westchester, acting by and through its  
3 governing body, is hereby authorized to discontinue as parklands and  
4 alienate, the parklands, described in section four of this act, in  
5 furtherance of an economic development interest of the state and/or city  
6 of New Rochelle.

7     § 2. The authorization contained in section one of this act shall take  
8 effect only upon the condition that:

9       (a) the city of New Rochelle shall dedicate the lands described in  
10 section nine of this act as parkland, provided that the city of New  
11 Rochelle has never used such lands for public open space or park  
12 purposes; and

13       (b) any such deed transferring the parcel described in section four of  
14 this act provides (i) for the preservation of the Armory Building,  
15 including the annex, and (ii) a dedicated space for veterans organization  
16 use at no charge or a de minimis rental amount as approved by the  
17 city council.

18     § 3. After the conditions specified in sections two and five of this  
19 act are satisfied and notwithstanding subdivision 2 of section 20 of the  
20 general city law, the city of New Rochelle is hereby authorized, acting  
21 through its legislative body, to sell, alienate and convey the water-  
22 front real property, described in section six of this act in furtherance

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

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1 of an economic development interest of the state and/or city of New  
2 Rochelle.

3 § 4. The parklands authorized by section one of this act to be discontinued  
4 as parklands in the letters patent dated July 24, 1997, recorded  
5 in the Westchester County Clerk's office at Liber 11802, Page 272 on  
6 September 3, 1997 are described as follows:

7 ALL THAT CERTAIN PIECE OR PARCEL OF LAND situate in the City of New  
8 Rochelle, County of Westchester, and State of New York, being further  
9 described as follows:

10 BEGINNING at a point on the southerly side of East Main Street at its  
11 intersection with the division line between the lands of the People of  
12 the State of New York, on the east, and lands now or formerly of Anthony  
13 Petro, on the west, said point being distant S. 29 51' W., 304.28 feet  
14 from New Rochelle City Monument No. 4 which is located at the northwes-  
15 terly corner of the intersection of Pratt and Huguenot Streets; thence  
16 N. 52 02' 34 E., along the southerly bounds of East Main Street, 200  
17 feet to a point in the westerly bounds of lands, now or formerly, owned  
18 by the city of New Rochelle, said point being distance S. 02 32' 30" E.,  
19 141.02 feet from the aforesaid Monument No. 4; thence S. 43 23' 32" E.,  
20 along the westerly bounds of said lands of the City of New Rochelle, 635  
21 feet to a point in the original high water line of New Rochelle Harbor  
22 (formerly called Snuff Mill Pond); thence S 52 02' 34" W., generally  
23 along said high water line, 200 feet to a point at the southeast corner  
24 of lands, now or formerly, of the Colonial Sand and Stone Company, Inc.;  
25 thence N. 43 23' 32" W., along the easterly bounds of said lands of the  
26 Colonial Sand and Stone Company, Inc., 327.55 feet to a point; thence N.  
27 52 28' 17" W., continuing along the easterly bounds of said lands of  
28 Colonial Sand and Stone Company, Inc., 57.92 feet to a point in the  
29 southerly bounds of lands, now or formerly, of Harvey A. Turnure  
30 (designated as Lot 45); thence N. 52 02' 34" E., along the southerly  
31 bounds of said lands of Turnure, 9.18 feet to a point; thence N. 43 23'  
32 32" W., along the easterly bounds of lands of said Turnure and then  
33 continuing along the easterly bounds of the aforesaid lands of Anthony  
34 Petro, 251.12 feet to the point and place of beginning, containing 2.908  
35 acres of land, more or less.

36 § 5. In the event that the parklands to be dedicated by the city of  
37 New Rochelle pursuant to section nine of this act are not equal to or  
38 greater than the fair market value of the parkland to be discontinued in  
39 section four of this act, the city of New Rochelle shall dedicate the  
40 difference of the fair market value of the lands to be alienated and the  
41 lands to be dedicated for the acquisition of additional parklands and/or  
42 for capital improvements to existing park and recreational facilities.

43 § 6. The waterfront lands authorized by section three of this act to  
44 be discontinued as waterfront are described as follows:

45 Parcel A:

46 All that certain piece or parcel of land situate, lying and being in  
47 the City of New Rochelle, County of Westchester and State of New York  
48 and being bounded and described as follows:

49 BEGINNING at a point on the northerly line of Huntington Place (35  
50 feet wide) and also being the southerly line of lands now or formerly  
51 owned by Bridge Management Corporation, said point being 537.37 feet  
52 distant from the easterly line of Evans Street along the northerly line  
53 of Huntington Place, and also being southerly from a concrete monument  
54 "New Rochelle City Monument #4" near the westerly line of Pratt Street  
55 and the northerly line of Main Street, a course of South 02°30'02" West,  
56 a distance of 482.73 feet and running thence; easterly along a fence and

1 along the division line between lands now or formerly owned by the City  
2 of New Rochelle and lands now or formerly owned by Bridge Management  
3 Corporation, a course of North  $51^{\circ}36'37''$  East, a distance of 58.07 feet  
4 to a point on the westerly line of lands now or formerly owned by the  
5 City of New Rochelle; thence running southerly along said division line  
6 and portions of a concrete wall, a course of South  $43^{\circ}49'29''$  East, a  
7 distance of 404.21 feet to a point in the waters of Echo Bay being on  
8 lands owned by the State of New York; thence  $43^{\circ}49'29''$  East, a distance  
9 of 147.72 feet to a point in the waters of Echo Bay; thence running  
10 through the waters of Echo Bay the following three courses:

11 Westerly along previously said division line, a course of South  
12  $60^{\circ}32'31''$  West, a distance of 135.71 feet to a point at the southeasterly  
13 corner of lands now or formerly owned by Jonel Development Corporation;  
14 thence northerly along previously said division line, a course  
15 of North  $29^{\circ}27'29''$  West, a distance of 10.00 feet to a point; thence  
16 westerly along previously said division line, a course of South  
17  $60^{\circ}32'31''$  West, a distance of 126.77 feet to a point; thence running  
18 northerly along previously said division line and along a fence, a  
19 course of North  $35^{\circ}33'35''$  West, a distance of 207.18 feet to a point on  
20 the southerly line of Huntington Place (35 feet wide); thence running  
21 easterly along the southerly line of Huntington Place, a course of North  
22  $51^{\circ}36'37''$  East, a distance of 326.97 feet to a point; thence running  
23 northerly, a course of North  $38^{\circ}23'27''$  West, a distance of 35.00 feet to  
24 the point and place of beginning. Encompassing an area of 101,824  
25 square feet or 2.33756 acres, more or less.

26 Parcel B:

27 All that certain piece or parcel of land situate, lying and being in  
28 the City of New Rochelle, County of Westchester and State of New York  
29 and being bounded and described as follows:

30 BEGINNING at a point on the southerly line of Main Street (variable  
31 width) and the division line of lands now or formerly owned by Serita  
32 Holding Corporation and lands now or formerly owned by the City of New  
33 Rochelle, said point being 1,215.24 feet distant from the easterly line  
34 of Evans Street along the southerly line of Main Street, and also being  
35 easterly from a concrete monument "New Rochelle City Monument #4" near  
36 the westerly line of Pratt Street and the northerly line of Main Street,  
37 a course of North  $68^{\circ}34'21''$  East, a distance of 391.24 feet and running  
38 thence;

39 Running Easterly along the division line of lands now or formerly  
40 owned by Serita Holding Corporation and lands owned by the State of New  
41 York, a course of South  $50^{\circ}05'59''$  East, a distance of 98.35 feet to a  
42 point;

43 thence continuing Easterly along said division line, a course of South  
44  $45^{\circ}42'59''$  East, a distance of 0.15 feet to a point;

45 thence running Northerly along said division line into the waters of  
46 Echo Bay, a course of North  $20^{\circ}09'01''$  East, a distance of 4.07 feet to a  
47 point;

48 thence running through the waters of Echo Bay and lands owned by the  
49 State of New York the following eight courses:

50 Easterly, a course of South  $49^{\circ}53'15''$  East, a distance of 148.40 feet  
51 to a point;

52 thence southerly, a course of South  $31^{\circ}32'25''$  East, a distance of  
53 44.22 feet to a point;

54 thence southerly, a course of South  $01^{\circ}01'42''$  East, a distance of  
55 154.33 feet to a point;

1        thence southerly, a course of South  $04^{\circ}45'45''$  West, a distance of  
2        105.62 feet to a point;  
3        thence southerly, a course of South  $08^{\circ}22'49''$  West, a distance of  
4        67.94 feet to a point;  
5        thence southerly, a course of South  $22^{\circ}43'00''$  West, a distance of  
6        65.54 feet to a point;  
7        thence westerly, a course of South  $55^{\circ}09'04''$  West, a distance of  
8        152.09 feet to a point;  
9        thence westerly, a course of South  $59^{\circ}23'37''$  West, a distance of 23.27  
10      feet to a point at the prolongation of the division line of lands now or  
11      formerly owned by the City of New Rochelle;  
12      thence running Northerly along a fence and along the division line of  
13      lands now or formerly owned by the City of New Rochelle, a course of  
14      North  $43^{\circ}49'29''$  West, a distance of 689.19 feet to a point on the south-  
15      erly line of Main Street, also known as U.S. 1;  
16      thence running Easterly along the southerly line of Main Street, a  
17      course of North  $51^{\circ}30'41''$  East, a distance of 455.94 feet to the POINT  
18      or PLACE of BEGINNING.

19      Encompassing an area of 289,962 square feet or 6.65661 acres, more or  
20      less.

21      § 7. The authorization contained in section six of this act shall take  
22      effect only upon the condition that the city of New Rochelle shall dedi-  
23      cate waterfront land or receive capital improvements to existing water-  
24      front property, the fair market value of which shall be equal to or  
25      greater than the fair market value of the waterfront property to be  
26      alienated.

27      § 8. The commissioner of general services is hereby authorized and  
28      directed to take such action as is necessary to release, extinguish, and  
29      relinquish to the city of New Rochelle, its successors and assigns, any  
30      and all conditions and/or reservations of the state that limit the use  
31      of the real property more particularly described in section four of  
32      this act, commonly known as the New York State Armory at City of New  
33      Rochelle, for park, recreation, street and highway purposes, including  
34      incidental, necessary municipal business in conjunction therewith, and  
35      to release, extinguish and convey to the city of New Rochelle any and  
36      all rights of reverter and/or of reversion that the state may have in  
37      and to such real property, such that any limits of use and/or the rights  
38      of reverter and/or reversion, shall be permanently released, extin-  
39      guished, and relinquished forever. This section shall not affect any  
40      conditions established pursuant to section two of this act.

41      § 9. The lands to be dedicated as parkland by the city of New Rochelle  
42      pursuant to subdivision (a) of section two of this act are described as  
43      follows:

44      All that certain piece or parcel of land situate, lying and being in  
45      the city of New Rochelle, county of Westchester and state of New York  
46      and being bounded and described as follows:

47      COMMENCING at a point on the southerly line of Main Street (variable  
48      width) and the division line of lands now or formerly owned by Serita  
49      Holding Corporation and lands now or formerly owned by the city of New  
50      Rochelle, said point being 1,215.24 feet distant from the easterly line  
51      of Evans Street along the southerly line of Main Street, and also being  
52      easterly from a concrete monument "New Rochelle City Monument #4" near  
53      the westerly line of Pratt Street and the northerly line of Main Street,  
54      a course of North  $68^{\circ}34'21''$  East, a distance of 391.24 feet and running  
55      the following two courses:

1 Southerly along said division line, a course of South  $42^{\circ}12'49''$  East,  
2 a distance of 138.15 feet to a point; thence continuing southerly along  
3 said division line, a course of South  $50^{\circ}05'59''$  East, a distance of  
4 39.09 feet to a point, being the POINT or PLACE of BEGINNING, as shown  
5 on a certain map entitled "State of New York Office of General Services,  
6 Park Area Land Grant in the Application of City of New Rochelle for a  
7 Grant of Lands Under the Waters of Echo Bay, Situate in the City of New  
8 Rochelle, County of Westchester, State of New York", prepared by Langan  
9 Engineering, Environmental, Surveying, Landscape Architecture and Geolo-  
10 gy, DPC, dated May 19, 2021; thence running easterly along the division  
11 line of lands now or formerly owned by Serita Holding Corporation and  
12 lands owned by the State of New York, a course of South  $50^{\circ}05'59''$  East,  
13 a distance of 59.26 feet to a point; thence continuing easterly along  
14 said division line, a course of South  $45^{\circ}42'59''$  East, a distance of 0.15  
15 feet to a point; thence running northerly along said division line into  
16 the waters of Echo Bay, a course of North  $20^{\circ}09'01''$  East, a distance of  
17 4.07 feet to a point; thence running through the waters of Echo Bay and  
18 land owned by the State of New York the following twenty courses:

19 Easterly, a course of South  $49^{\circ}53'15''$  East, a distance of 148.40 feet  
20 to a point; thence southerly, a course of South  $31^{\circ}32'25''$  East, a  
21 distance of 44.22 feet to a point; thence southerly, a course of South  
22  $01^{\circ}01'42''$  East, a distance of 154.33 feet to a point; thence southerly,  
23 a course of South  $04^{\circ}45'45''$  West, a distance of 105.62 feet to a point;  
24 thence southerly, a course of South  $08^{\circ}22'49''$  West, a distance of 67.94  
25 feet to a point; thence southerly, a course of South  $22^{\circ}43'00''$  West, a  
26 distance of 65.54 feet to a point; thence westerly, a course of South  
27  $55^{\circ}09'04''$  West, a distance of 152.09 feet to a point; thence westerly, a  
28 course of South  $59^{\circ}23'37''$  West, a distance of 70.76 feet to a point;  
29 thence northerly, a course of North  $34^{\circ}54'45''$  West, a distance of 24.51  
30 feet to a point; thence westerly, a course of South  $51^{\circ}31'11''$  West, a  
31 distance of 151.00 feet to a point; thence westerly along a portion of a  
32 wall, a course of South  $76^{\circ}11'06''$  West, a distance of 39.67 feet to a  
33 point; thence westerly along a wall, a course of South  $81^{\circ}48'28''$  West, a  
34 distance of 47.46 feet to a point; thence westerly along a wall, a  
35 course of North  $85^{\circ}25'57''$  West, a distance of 46.20 feet to a point;  
36 thence westerly along a wall, a course of North  $78^{\circ}58'50''$  West, a  
37 distance of 22.92 feet to a point; thence westerly along a wall, a  
38 course of North  $65^{\circ}46'48''$  West, a distance of 21.49 feet to a point;  
39 thence westerly along a wall, a course of North  $58^{\circ}15'30''$  West, a  
40 distance of 22.49 feet to a point; thence northerly along a wall, a  
41 course of North  $34^{\circ}36'11''$  West, a distance of 44.08 feet to a point;  
42 thence northerly along a wall, a course of North  $41^{\circ}07'25''$  West, a  
43 distance of 88.45 feet to a point; thence westerly along a portion of a  
44 wall, a course of South  $49^{\circ}31'51''$  West, a distance of 51.82 feet to a  
45 point on the easterly line of lands now or formerly owned by City of New  
46 Rochelle; thence running along the water's edge through the lands now or  
47 formerly owned by the City of New Rochelle the following six courses:

48 Westerly a course of South  $49^{\circ}31'51''$  West, a distance of 113.64 feet  
49 to a point; thence southerly a course of South  $29^{\circ}17'12''$  East, a  
50 distance of 16.95 feet to a point; thence westerly a course of South  
51  $47^{\circ}38'55''$  West, a distance of 24.95 feet to a point; thence westerly a  
52 course of South  $57^{\circ}50'50''$  West, a distance of 56.29 feet to a point;  
53 thence southerly a course of South  $16^{\circ}34'44''$  West, a distance of 17.88  
54 feet to a point; thence westerly a course of South  $53^{\circ}14'05''$  West, a  
55 distance of 28.55 feet to a point on the easterly division line of lands  
56 now or formerly owned by Jonel Development Corp.; thence running north-

1 erly along said division line and along a fence, a course of North  
2  $35^{\circ}33'35''$  West, a distance of 136.58 feet to a point on the southerly  
3 line of Huntington Place (35 feet wide); thence running easterly along  
4 the southerly line of Huntington Place a course of North  $51^{\circ}36'37''$  East,  
5 a distance of 326.97 feet to a point on the westerly intersection of  
6 lands now or formerly owned by the City of New Rochelle and the souther-  
7 ly line of Huntington Place; thence running through the lands now or  
8 formerly owned by the city of New Rochelle the following eighteen cours-  
9 es:

10 Southerly a course of South  $38^{\circ}23'27''$  East, a distance of 0.43 feet to  
11 a point; thence southerly along a curve to the left having an arc length  
12 of 26.37 feet, a radius of 35.50 feet, and a central angle of  $42^{\circ}33'21''$   
13 and being subtended by a chord which bears South  $35^{\circ}09'51''$  West, a  
14 distance of 25.77 feet; thence southerly with a compound curve to the  
15 left having an arc length of 55.76 feet, a radius of 35.50 feet, and a  
16 central angle of  $90^{\circ}00'00''$  and being subtended by a chord which bears  
17 South  $31^{\circ}06'50''$  East, a distance of 50.20 feet; thence easterly a course  
18 of South  $76^{\circ}06'50''$  East, a distance of 8.74 feet to a point; thence  
19 easterly along a curve to the left having an arc length of 62.49 feet, a  
20 radius of 45.50 feet, and a central angle of  $78^{\circ}41'06''$  and being  
21 subtended by a chord which bears North  $64^{\circ}32'37''$  East, a distance of  
22 57.69 feet; thence northerly with a reverse curve to the right having an  
23 arc length of 1.84 feet, a radius of 24.50 feet, and a central angle of  
24  $04^{\circ}17'34''$  and being subtended by a chord which bears North  $27^{\circ}20'51''$   
25 East, a distance of 1.84 feet; thence southerly a course of South  
26  $32^{\circ}10'08''$  East, a distance of 16.31 feet to a point; thence southerly a  
27 course of South  $37^{\circ}42'52''$  East, a distance of 35.96 feet to a point;  
28 thence easterly along a curve to the left having an arc length of 222.47  
29 feet, a radius of 169.34 feet, and a central angle of  $75^{\circ}16'24''$  and  
30 being subtended by a chord which bears South  $75^{\circ}21'04''$  East, a distance  
31 of 206.81 feet; thence easterly a course of North  $51^{\circ}29'31''$  East, a  
32 distance of 110.44 feet to a point; thence southerly a course of South  
33  $36^{\circ}14'53''$  East, a distance of 38.30 feet to a point; thence easterly a  
34 course of North  $52^{\circ}11'12''$  East, a distance of 138.84 feet to a point;  
35 thence northerly along a curve to the left having an arc length of  
36 103.38 feet, a radius of 235.50 feet, and a central angle of  $25^{\circ}09'09''$   
37 and being subtended by a chord which bears North  $39^{\circ}36'37''$  East, a  
38 distance of 102.55 feet; thence northerly with a compound curve to the  
39 left having an arc length of 278.34 feet, a radius of 335.50 feet, and a  
40 central angle of  $47^{\circ}32'02''$  and being subtended by a chord which bears  
41 North  $03^{\circ}16'02''$  East, a distance of 270.43 feet; thence northerly a  
42 course of North  $20^{\circ}29'59''$  West, a distance of 50.40 feet to a point;  
43 thence northerly along a curve to the left having an arc length of 52.00  
44 feet, a radius of 165.50 feet, and a central angle of  $18^{\circ}00'07''$  and  
45 being subtended by a chord which bears North  $29^{\circ}30'03''$  West, a distance  
46 of 51.79 feet; thence northerly a course of North  $38^{\circ}30'06''$  West, a  
47 distance of 94.49 feet to a point; thence northerly along a curve to the  
48 right having an arc length of 26.22 feet, a radius of 182.50 feet, and a  
49 central angle of  $08^{\circ}13'55''$  and being subtended by a chord which bears  
50 North  $34^{\circ}23'09''$  West, a distance of 26.20 feet to the POINT or PLACE of  
51 BEGINNING.

52 Encompassing an area of 116,875 square feet or 2.68308 acres, more or  
53 less.

54 § 10. In the event that the city of New Rochelle received any funding  
55 support or assistance from the federal government for the purchase,  
56 maintenance or improvement of the parklands set forth in section four of

1 this act, the discontinuance and alienation of such parkland authorized  
2 by the provisions of this act shall not occur until the city of New  
3 Rochelle has complied with any federal requirements pertaining to the  
4 alienation or conversion of parklands, including satisfying the secre-  
5 tary of the interior that the alienation or conversion complies with all  
6 conditions which the secretary of the interior deems necessary to assure  
7 the substitution of other lands shall be equivalent in fair market value  
8 and usefulness to the lands being alienated or converted.

9 § 11. This act shall take effect immediately.