STATE OF NEW YORK

9335--B

IN ASSEMBLY

February 23, 2022

Introduced by M. of A. FITZPATRICK -- read once and referred to the Committee on Local Governments -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT authorizing the county of Suffolk and the town of Smithtown, located in the county of Suffolk, to exchange certain parklands

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:

(a) the county of Suffolk acting by and through its governing body is hereby authorized and empowered to convey the property described in section two of this act, which was heretofore used by such county for park and/or recreational purposes, upon terms agreed upon between the parties, to the town of Smithtown, located in the county of Suffolk, for use by such town for park and/or recreational purposes, provided, however, that the town of Smithtown shall continue to provide access to such parkland and/or recreational facilities to all residents of the county of Suffolk and that such town shall not enact any fees or charges which are higher for such access for county residents who are not town residents; and

(b) the town of Smithtown acting by and through its governing body is hereby authorized and empowered to convey the property described in section three of this act, which was heretofore used by such town for park and/or recreational purposes, upon terms agreed upon between the parties, to the county of Suffolk for use by such county for park and/or recreational purposes, provided, however, that the county of Suffolk shall continue to provide access to such parkland and/or recreational facilities to all residents of the town of Smithtown and that such county shall not enact any fees or charges for such access which are higher for town residents.

§ 2. The parklands authorized by subdivision (a) of section one of this act to be conveyed to the town of Smithtown, located in the county of Suffolk, are described as follows:

a. Parcel A:

All that certain piece or parcel of land, situate and being in the Town of Smithtown, County of Suffolk, State of New York, being more

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

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particularly described as follows: Beginning at a point on the southerly right of way line of Jericho Turnpike, New York State Route 25, said point having New York State Plane Coordinate values of North 231,312.53, East 2,218,538.25, thence South 15 Degrees 45 Minutes 40 Seconds West, for a distance of 411.97 feet, to the northerly line of the Long Island Railroad; thence along said line North 55 Degrees 27 Minutes 30 Seconds West, for a distance of 95.00 feet; thence North 37 Degrees 42 Minutes 30 Seconds East, for a distance of 25.03 feet; thence North 55 Degrees 27 Minutes 30 Seconds West, for a distance of 567.35 feet, to the Nissequogue River; thence along said river as it winds the following 11 courses and distances:

1. North 74 Degrees 35 Minutes 00 Seconds East, 36.45 feet.
2. South 89 Degrees 06 Minutes 50 Seconds East, 94.73 feet.
3. South 80 Degrees 41 Minutes 00 Seconds East, 64.28 feet.
4. North 75 Degrees 57 Minutes 20 Seconds East, 58.33 feet.
5. North 47 Degrees 34 Minutes 00 Seconds East, 12.81 feet.
6. North 41 Degrees 56 Minutes 40 Seconds East, 30.00 feet.
7. North 12 Degrees 45 Minutes 30 Seconds East, 24.43 feet.
8. North 12 Degrees 45 Minutes 30 Seconds East, 9.50 feet.
9. North 72 Degrees 31 Minutes 00 Seconds East, 16.00 feet.
10. North 08 Degrees 28 Minutes 10 Seconds East, 9.00 feet.
11. North 10 Degrees 23 Minutes 10 Seconds West, 7.50 feet, to the southerly right of way line of Jericho Turnpike, New York State Route 25; thence along said line South 74 Degrees 14 Minutes 20 Seconds East, for a distance of 353.36 feet, to the Point of Beginning. Said parcel contains 3.25 Acres, more or less.

b. Parcel B:

All that certain piece or parcel of land, situate and being in the Town of Smithtown, County of Suffolk, State of New York, being more particularly described as follows: Beginning at a point on the southerly line of the Long Island Railroad, said point having New York State Plane Coordinate values of North 230,866.63, East 2,218,321.69, thence the following 10 courses and distances:

1. South 23 Degrees 57 Minutes 50 Seconds West, 59.57 feet.
2. South 24 Degrees 46 Minutes 10 Seconds West, 76.25 feet.
3. South 30 Degrees 48 Minutes 50 Seconds West, 103.87 feet.
4. South 33 Degrees 30 Minutes 30 Seconds West, 105.15 feet.
5. South 28 Degrees 05 Minutes 30 Seconds West, 84.24 feet.
6. North 76 Degrees 45 Minutes 20 Seconds West, 199.62 feet.
7. North 75 Degrees 22 Minutes 30 Seconds West, 96.70 feet.
8. North 75 Degrees 33 Minutes 00 Seconds West, 136.42 feet.
9. North 02 Degrees 40 Minutes 40 Seconds East, 90.06 feet.
10. North 03 Degrees 17 Minutes 20 Seconds West, for a distance of 294.07 feet to a point on the southeasterly bank of the Nissequogue River; thence meandering northerly along said bank for 292 feet, more or less to the southerly line of the Long Island Railroad; thence along said line the following 3 courses and distances:
1. South 55 Degrees 27 Minutes 30 Seconds East, 550 feet, more or less.
2. North 37 Degrees 42 Minutes 30 Seconds East, 25.03 feet.
3. South 55 Degrees 27 Minutes 30 Seconds East, 42.26 feet, to the Point of Beginning. Said Parcel contains 6.19 Acres, more or less.

c. Parcel C:

All that certain piece or parcel of land, situate and being in the Town of Smithtown, County of Suffolk, State of New York, being more particularly described as follows: Beginning at a point having New York

State Plane Coordinate values of North 230,979.49, East 2,217,682.01, thence the following 5 courses and distances through the Nissequogue River:

1. North 59 Degrees 57 Minutes 00 Seconds East, 90.52 feet.
2. North 16 Degrees 41 Minutes 10 Seconds East, 47.85 feet.
3. North 05 Degrees 06 Minutes 10 Seconds West, 93.22 feet.
4. North 06 Degrees 49 Minutes 40 Seconds East, 48.67 feet.
5. North 37 Degrees 09 Minutes 00 Seconds East, 2.58 feet to a point on the southerly line of the Long Island Railroad; thence South 55 Degrees 27 Minutes 30 Seconds East, 55 feet, more or less to the edge of the Nissequogue River; thence southerly along the edge of the river as it meanders and turns, 292 feet, more or less to the Point of Beginning. Said underwater parcel contains 8,400 Square Feet, more or less.

§ 3. The parklands authorized by subdivision (b) of section one of this act to be conveyed by the town of Smithtown are described as follows:

ALL that certain tract, piece or parcel of land situate, lying and being in the town of Smithtown, county of Suffolk and state of New York, bounded and described as follows:

BEGINNING at a point on the northerly side of Veterans Memorial Highway distant 310.67 feet Easterly from a point where the Veterans Memorial Highway is intersected by the division line between land now or one time of M. W. Platt and land of Smithtown Woods Company and running thence North 12 degrees 28 minutes 30 seconds East a distance of 700 feet; running thence North 58 degrees 18 minutes 1 second East a distance of 422.63 feet; running thence North 34 degrees 3 minutes 1 second East a distance of 396.88 feet; running thence South 89 degrees 58 minutes 20 seconds East a distance of 643.50 feet; running thence in a southerly direction along an arc having a radius of 300.38 feet a distance of 193.06 feet to a point of curve; running thence South 36 degrees 47 minutes 52 seconds East a distance of 738.19 feet to a point of curve; running thence along an arc bearing to the left and having a radius of 250 feet a distance of 80.87 feet; running thence South 18 degrees West a distance of 275.86 feet to the northerly side of Veterans Memorial Highway; running thence Westerly along the Northerly side of Veterans Memorial Highway along an arc having a radius of 4655.66 feet a distance of 143.41 feet; running thence North 2 degrees 53 minutes 4 seconds West a distance of 19 feet; running thence North 89 degrees 1 minute 42 seconds West a distance of 30.66 feet; running thence South 2 degrees 57 minutes 34 seconds East a distance of 21 feet; running thence Westerly along an arc having a radius of 4655.66 feet a distance of 151.04 feet; running thence South 85 degrees 10 minutes 54 seconds West a distance of 1532.21 feet to the point or place of Beginning, containing within the said area approximately 37.42 acres.

§ 4. The land to be transferred pursuant to this act and all structures and facilities situated on such land shall be maintained, owned and operated for park purposes by the county of Suffolk for lands acquired pursuant to subdivision (b) of section one of this act, and the town of Smithtown, located in the county of Suffolk for lands acquired pursuant to subdivision (a) of section one of this act. The use of such parkland and facilities shall continue to be made available to the general public of the state of New York, including all residents of the county of Suffolk and the town of Smithtown, located in the county of Suffolk. Where the availability of such facilities is limited, use of such facilities shall be determined by an equitable method.

§ 5. This act shall take effect immediately.