

STATE OF NEW YORK

4938--B

2021-2022 Regular Sessions

IN SENATE

February 18, 2021

Introduced by Sen. MARTUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to authorize the village of New Paltz, county of Ulster, to alienate and discontinue the use of certain parklands for the purpose of installing two wells for the benefit of village and town residents served by the municipal system

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

1 Section 1. Subject to the provisions of this act, the village of New
2 Paltz, county of Ulster, acting by and through its governing body, and
3 upon such terms and conditions as determined by such body, is hereby
4 authorized to discontinue as parklands the lands more particularly
5 described in section three of this act for the placement of two water
6 wells.

7 § 2. The authorization provided by section one of this act shall be
8 effective only upon the condition that the village of New Paltz convey
9 to the county of Ulster and that the village of New Paltz acquire and
10 dedicate the lands described in section five of this act as parklands,
11 provided that the village of New Paltz has never used such lands for
12 public open space or park purposes.

13 § 3. The lands authorized by section one of this act to be discontin-
14 ued as parklands are described as follows:

15 ALL that certain plot, piece or parcel of land situate in the Village
16 of New Paltz, County of Ulster, State of New York, lying easterly of and
17 adjacent to NYS Route 32 and being more particularly bounded and
18 described as follows:

19 BEGINNING at a point on the common line of lands now or formerly of
20 The Town of New Paltz, as described in book 1321 of deeds, at page 865,

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

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1 on the north, and lands now or formerly of The Town of New Paltz and The
2 Village of New Paltz, as described in book 1420 of deeds, at page 1003,
3 on the south, said point being situate N 80°00'03" W, 190.51 feet from
4 an iron pipe found at the southeast corner of said lands now or formerly
5 of The Town of New Paltz; thence from said point of beginning, through
6 said lands now or formerly of The Town of New Paltz and The Village of
7 New Paltz the following thirteen (13) courses and distances: S 20°22'22"
8 W 69.02 feet; N 80°00'03" W 30.00 feet; N 09°59'57" E 55.89 feet; N
9 80°00'03" W 58.40 feet; S 74°07'23" W 125.51 feet; S 09°59'57" W 24.34
10 feet; N 80°00'03" W 20.00 feet; N 09°59'57" E 47.83 feet; S 75°37'52" W
11 13.61 feet; N 78°31'10" W 48.71 feet; N 69°12'41" W 59.25 feet; N
12 83°14'52" W 30.92 feet; and N 69°12'41" W 26.78 feet to a point on the
13 easterly line of NYS Route 32; thence along said easterly line N
14 25°18'25" E 15.05 feet to a point; thence through said lands now or
15 formerly of The Town of New Paltz and The Village of New Paltz the
16 following six (6) courses and distances: S 69°12'41" E 23.75 feet; S
17 83°14'52" E 30.92 feet; S 69°12'41" E 59.88 feet; S 78°31'10" E 44.05
18 feet; N 75°37'52" E 16.96 feet; and N 09°59'57" E 26.82 feet to the
19 aforesaid common line; thence along said common line S 80°00'03" E 20.00
20 feet to a point; thence through said lands now or formerly of The Town
21 of New Paltz and The Village of New Paltz the following two (2) courses
22 and distances: S 09°59'57" W 19.57 feet; and N 86°10'56" E 81.95 feet to
23 a point on the aforesaid common line; thence along said common line S
24 80°00'03" E 134.17 feet to the point or place of BEGINNING.

25 CONTAINING 11,312 SQUARE FEET, more or less.

26 § 4. Should the lands described in section three of this act cease to
27 be used for the purposes described in section one of this act, those
28 lands shall revert to the village of New Paltz for public park and
29 recreational purposes. At the time of such reversion, the removal of
30 such water facilities shall take place and the property shall be
31 returned to its previous state, consistent with park and recreational
32 purposes.

33 § 5. The lands required by section two of this act to be acquired and
34 dedicated by the village of New Paltz as parklands are described as
35 follows:

36 Beginning at the intersection formed by the Southeasterly side of
37 Elting Avenue with the Easterly side of Mohonk Avenue, and running:

38 1) thence from said point of beginning, along the Southeasterly side
39 of Elting Avenue, North 28° 26' 44" East, 28.00 feet to a point at the
40 Northwesterly corner of other lands of Jean Hasbrouck Park, Village of
41 New Paltz;

42 2) thence along the Westerly line of lands of Jean Hasabrouck Park,
43 Village of New Paltz, South 30° 03' 16" East, 86.50 feet to a point on
44 the Easterly side of Mohonk Avenue;

45 3) thence along the Easterly side of Mohonk Avenue, North 48° 25' 48"
46 West, 75.73 feet to the place of beginning.

47 CONTAINING: 0.024 Acres or 1032.51 Sq. Ft.

48 All bearings are referred to Magnetic North

49 The above-described premises are shown on a certain map entitled, "Map
50 Showing Lands to be Annexed To Jean Hasbrouck Park, Village of New
51 Paltz," Prepared for the Village of New Paltz, by Brinnier & Larios,
52 P.C., dated June 2019; last revised April 21, 2021.

53 § 6. In the event that the fair market value of the lands described in
54 section five of this act to be dedicated as parklands by the village of
55 New Paltz pursuant to this act are not equal to or greater than the fair
56 market value of the parklands to be alienated as described in section

1 three of this act, the village of New Paltz shall dedicate the differ-
2 ence of the fair market value of the lands to be alienated and the lands
3 to be dedicated for the acquisition of additional parklands and/or
4 capital improvements to existing park and recreational facilities.

5 § 7. In the event that the village of New Paltz received any funding
6 support or assistance from the federal government for the purchase,
7 maintenance or improvement of the parklands set forth in section three
8 of this act, the discontinuance and alienation of such parkland author-
9 ized by the provisions of this act shall not occur until the village of
10 New Paltz has complied with any federal requirements pertaining to the
11 alienation or conversion of parklands, including satisfying the secre-
12 tary of the interior that the alienation or conversion complies with all
13 conditions which the secretary of the interior deems necessary to assure
14 the substitution of other lands shall be equivalent in fair market value
15 and usefulness to the lands being alienated or converted.

16 § 8. This act shall take effect immediately.