STATE OF NEW YORK

4938--C

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 -- 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:

Section 1. Subject to the provisions of this act, the village of New Paltz, county of Ulster, 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 the lands more particularly described in section three of this act for the placement of two water wells.

§ 2. The authorization provided by section one of this act shall be effective only upon the condition that the village of New Paltz dedicate the lands described in section five of this act as parklands, provided that the village of New Paltz has never used such lands for public open space or park purposes.

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

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

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

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BEGINNING at a point on the common line of lands now or formerly of The Town of New Paltz, as described in book 1321 of deeds, at page 865, on the north, and lands now or formerly of The Town of New Paltz and The Village of New Paltz, as described in book 1420 of deeds, at page 1003, on the south, said point being situate N 80°00'03" W, 190.51 feet from an iron pipe found at the southeast corner of said lands now or formerly of The Town of New Paltz; thence from said point of beginning, through said lands now or formerly of The Town of New Paltz and The Village of New Paltz the following thirteen (13) courses and distances: S 20°22'22" W 69.02 feet; N 80°00'03" W 30.00 feet; N 09°59'57" E 55.89 feet; N 80°00'03" W 58.40 feet; S 74°07'23" W 125.51 feet; S 09°59'57" W 24.34 feet; N 80°00'03" W 20.00 feet; N 09°59'57" E 47.83 feet; S 75°37'52" W 13.61 feet; N 78°31'10" W 48.71 feet; N 69°12'41" W 59.25 feet; N 83°14'52" W 30.92 feet; and N 69°12'41" W 26.78 feet to a point on the easterly line of NYS Route 32; thence along said easterly line N 25°18'25" E 15.05 feet to a point; thence through said lands now or formerly of The Town of New Paltz and The Village of New Paltz the following six (6) courses and distances: S 69°12'41" E 23.75 feet; S 83°14'52" E 30.92 feet; S 69°12'41" E 59.88 feet; S 78°31'10" E 44.05 feet; N 75°37'52" E 16.96 feet; and N 09°59'57" E 26.82 feet to the aforesaid common line; thence along said common line S 80°00'03" E 20.00 feet to a point; thence through said lands now or formerly of The Town of New Paltz and The Village of New Paltz the following two (2) courses and distances: S 09°59'57" W 19.57 feet; and N 86°10'56" E 81.95 feet to a point on the aforesaid common line; thence along said common line S 80°00'03" E 134.17 feet to the point or place of BEGINNING.

CONTAINING 11,312 SQUARE FEET, more or less.

§ 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, those lands shall revert to the village of New Paltz for public park and recreational purposes. At the time of such reversion, the removal of such water facilities shall take place and the property shall be returned to its previous state, consistent with park and recreational purposes.

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

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

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

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

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

CONTAINING: 0.024 Acres or 1032.51 Sq. Ft.

All bearings are referred to Magnetic North

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

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

market value of the parklands to be alienated as described in section three of this act, the village of New Paltz shall dedicate the difference of the fair market value of the lands to be alienated and the lands to be dedicated for the acquisition of additional parklands and/or capital improvements to existing park and recreational facilities.

§ 7. In the event that the village of New Paltz 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 village of New Paltz 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.

§ 8. This act shall take effect immediately.