

# STATE OF NEW YORK

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6553--C

Cal. No. 1103

2021-2022 Regular Sessions

## IN SENATE

May 5, 2021

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Introduced by Sen. HARCKHAM -- 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 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading -- again amended and ordered reprinted, retaining its place in the order of third reading

AN ACT in relation to authorizing the town of Yorktown, county of Westchester, to alienate and discontinue the use of certain parkland

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 town of York-  
2 town, county of Westchester, acting by and through its governing body  
3 and upon such terms and conditions as determined by such body, is hereby  
4 authorized to discontinue as parklands and lease at fair market value to  
5 HESP Solar LLC for a term not to exceed twenty-five years the lands more  
6 particularly described in section three of this act for the purpose of  
7 constructing a solar facility and electric vehicle charging stations.

8 § 2. All proceeds from alienation and lease of the parklands author-  
9 ized by section one of this act shall be used for acquisition of new  
10 parklands and/or towards capital improvements to existing park and  
11 recreational facilities.

12 § 3. The parklands authorized by section one of this act to be discon-  
13 tinued as parklands and leased are described as follows:

14 All those parcels of land in the town of Yorktown, county of Westches-  
15 ter, and State of New York, bounded and described as follows:

16 Parcel 1

17 BEGINNING at a point starting at X: 674978.43, Y: 901697.76; thence  
18 running South 3 degrees 00' 48" East 211.71'; thence running South 88  
19 degrees 04' 26" West 273.40'; thence running North 1 degree 55' 34" West

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

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1 206.56'; thence running North 86 degrees 59' 10" East 269.44', to the  
2 point of beginning. Total acreage of 1.303 acres.

3 Parcel 2

4 BEGINNING at a point starting at X: 674645.87, Y: 901474.68; thence  
5 running South 6 degrees 25' 49" East 477.31'; thence running South 83  
6 degrees 20' 52" West 135.95'; thence running North 6 degrees 37' 56"  
7 West 477.83; thence running North 83 degrees 33' 55" E 137.64', to the  
8 point of beginning. Total acreage of 1.50 acres.

9 Parcel 3

10 BEGINNING at a point starting at X: 674639.18, Y: 901680.73; thence  
11 running North 6 degrees 46' 40" West 141.06'; thence running North 83  
12 degrees 13' 25" East 64.00'; thence running South 6 degrees 46' 40" East  
13 141.06'; thence running South 83 degrees 13' 25" West 64.0', to the  
14 point of beginning. Total acreage of 0.207 acres.

15 Total acreage of parcels 1, 2 and 3 is approximately 3.01 acres.

16 § 4. Should the lands described in section three of this act cease to  
17 be used for the purposes described in section one of this act, the lease  
18 shall terminate and those lands shall revert to the town of Yorktown for  
19 public park and recreational purposes. At the time of such reversion,  
20 the removal of any solar facilities and electric charging stations shall  
21 take place and the property shall be returned to its previous state,  
22 consistent with park and recreation purposes.

23 § 5. In the event that the town of Yorktown received any funding,  
24 support or assistance from the federal government for the purchase,  
25 maintenance or improvement of the parklands set forth in section three  
26 of this act, the discontinuance and alienation of such parkland author-  
27 ized by the provisions of this act shall not occur until the town of  
28 Yorktown has complied with any federal requirements pertaining to the  
29 alienation or conversion of parklands, including satisfying the secre-  
30 tary of the interior that the alienation or conversion complies with all  
31 conditions which the secretary of the interior deems necessary to assure  
32 the substitution of other lands shall be equivalent in fair market value  
33 and usefulness to the lands being alienated or converted.

34 § 6. This act shall take effect immediately.