STATE OF NEW YORK

9325

IN SENATE

May 17, 2022

Introduced by Sen. STEWART-COUSINS -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT authorizing the alienation of certain parklands in the town of Greenburgh, in the county of Westchester

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 town of Greenburgh, located in the county of Westchester, 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 and alienate the lands more particularly described in section three of this act for the purpose of providing an easement for access to a public housing apartment complex known as Greenburgh Heights.

§ 2. The authorization provided in section one of this act shall be effective only upon the condition that the town of Greenburgh dedicate the lands described in section four of this act as parklands; provided that the town of Greenburgh has never used such lands for public open space or park purposes.

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

ALL that certain plot, piece or parcel of land, situate, lying and located in the Village of Ardsley, Town of Greenburgh, County of Westchester, State of New York and identified as Leona Place (Private Access Road) property now or formerly Town of Greenburgh bounded and described as follows:

Beginning at a point formed by the westerly side of Lot 22 and the southerly side of Secor Road as shown on a map entitled "Subdivision Map of Kimberly Estates" dated Oct. 7, 1981, last revised Apr. 19, 1982 and filed in the Westchester County Clerks Office (Division of Land Records) on May 3, 1984 as Map No 21541, said point being distant 218.32 feet westerly from the P.C. (R=13.00') connecting the westerly side of Kimberly Drive to the POINT OF BEGINNING;

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

LBD15801-03-2

thence from said point of beginning along the westerly side of Lots 21, 22 and part of Lot 20, South 13 degrees 54 minutes 43 seconds West, a distance of 198.64 feet;

thence along the westerly side of Lot 20 Southerly, a distance of 44.11 feet along a curve to the right having a radius of 300.00 feet and a central angle of 8 degrees 25 minutes 26 seconds;

thence South 22 degrees 20 minutes 10 seconds West, a distance of 100.18 feet to a point on the south end of the Proposed 50-foot wide Access Easement;

thence over and across property now or formerly Town of Greenburgh and Leona Place, North 69 degrees 36 minutes 37 seconds West, a distance of 50.03 feet to a point on the easterly side of property now or formerly Greenburgh Housing Authority;

thence along said easterly side of property now or formerly Greenburgh Housing Authority, North 22 degrees 20 minutes 10 seconds East, a distance of 101.88 feet;

thence Northerly, a distance of 36.76 feet along a curve to the left having a radius of 250.00 feet and a central angle of 8 degrees 25 minutes 26 seconds;

thence North 13 degrees 54 minutes 43 seconds East, a distance of 205.74 feet to a point on the southerly side of Secor Road;

thence along said southerly side of Secor Road, South 68 degrees 00 minutes 20 seconds East, a distance of 50.50 feet to the westerly side of Lot 22 as shown on the aforesaid filed Map No. 21541, the point and place of BEGINNING.

Containing 17,182 square feet or 0.3944 acres, more or less.

§ 4. Prior to the discontinuance and alienation of the parklands described in section three of this act, the town of Greenburgh shall dedicate as parklands such land described as follows:

ALL that certain plot, piece or parcel of land, situate, lying and located in the Town of Greenburgh, County of Westchester, State of New York and bounded and described as follows:

Beginning at a point formed by the division line between property now or formerly Town of Greenburgh (Lot 4, Block 143, Section 7.131), Proposed Lot 2.1 and the northerly side of a (Permanent Easement for Driveway to the People of the State of New York as shown on a map entitled "Sheet 4 of 7, Survey of Tarrytown Hills Inc." dated Sept. 30, 1965 and filed in the Westchester County Clerk's Office (Division of Land Records) on Dec. 15, 1965 as Map No. 14695 and the southeasterly side of Taxter Road at an X-Cut set on a Boulder as shown on a map entitled "Subdivision Map prepared for the Town of Greenburgh" dated April 22, 2022 to be filed in the Westchester County Clerk's Office (Division of Land Records), said point being the POINT OF BEGINNING;

thence along the easterly side of Taxter Road along Lot 2.1, North 45 degrees 52 minutes 27 seconds East, a distance of 199.45 feet in a rebar set;

thence along the division line between Lots 2.1 and 2.2, South 56 degrees 50 minutes 50 seconds East, a distance of 312.80 feet to a rebar set;

thence South 45 degrees 52 minutes 27 seconds West, a distance of 199.45 feet through a concrete monument found, 1.0 feet north of corner;

thence along the southerly side of Lot 2.1, North 56 degrees 50 minutes 50 seconds West, a distance of 312.80 feet to the easterly side of Taxter Road and an X-Cut set on a Boulder, the point and place of BEGINNING.

Containing 60,856 square feet or 1.3971 acres, more or less.

§ 5. In the event that the fair market value of the parklands to be dedicated by the town of Greenburgh pursuant to section four of this act are not equal to or greater than the fair market value of the parkland to be discontinued in section three of this act, the town of Greenburgh 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 for capital improvements to existing park and recreational facilities.

§ 6. In the event that the town of Greenburgh 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 town of Greenburgh 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, such additional parklands dedication or capital improvements must occur no later than one year from the date of the discontinuance and alienation of parklands as described in section three of this act.

§ 7. This act shall take effect immediately.