STATE OF NEW YORK

10172

IN ASSEMBLY

May 10, 2024

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Flood) -- read once and referred to the Committee on Local Governments

AN ACT in relation to authorizing the town of Brookhaven to discontinue a portion of real property in the county of Suffolk as parkland and to grant easements to West Ferry Office, LLC for the construction of sewer facilities

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, but notwithstanding any provision of law to the contrary, the town of Brookhaven is hereby authorized to discontinue the use as parklands of the lands described in section three of this act and to grant easements to West Ferry Office, LLC, upon such terms and conditions as the town shall determine, to enable West Ferry Office, LLC to construct below surface sewer lines under such parkland.

§ 2. The authorization provided in section one of this act shall be effective only upon the condition that the town of Brookhaven dedicates an amount equal to or greater than the fair market value of the land to be discontinued towards the acquisition of new parklands and/or capital improvements to existing parklands and recreational facilities within the town of Brookhaven.

§ 3. The lands hereby authorized to be discontinued as parklands and for which easements may be granted to West Ferry Office, LLC are located in the county of Suffolk, town of Brookhaven, village of Port Jefferson and state of New York, and are bounded and described as follows:

ALL THAT CERTAIN PLOT, PIECE OR PARCEL of land situate, lying and being at Port Jefferson, in the town of Brookhaven, county of Suffolk and state of New York, known and designated as lots 3 and 4, said easement being bounded and described as follows:

Beginning at a point on the Northerly side of West Broadway at the division line between lots 2 and 4 and 3. Running thence North 18 degrees 18 minutes 00 seconds West at 30.00 feet to the easement point of beginning.

1. Thence, North 49 degrees 45 minutes 16 seconds East at 270.00 feet;

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

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2. Thence, North 19 degrees 01 minutes 39 seconds West at 30.00 feet;
3. Thence, South 69 degrees 03 minutes 11 seconds West at 60.00 feet;
4. Thence, South 18 degrees 11 minutes 35 seconds West at 30.00 feet;
5. Thence, South 49 degrees 45 minutes 16 seconds East at 206.00 feet;
6. Thence, South 18 degrees 18 minutes 00 seconds East at 20.50 feet to the point or place of beginning.

§ 4. In the event that the town of Brookhaven 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 Brookhaven has complied with any federal requirements pertaining to the alienation or conversion of such 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 discontinued.

§ 5. Upon the completion of construction of the sewer facilities the West Ferry Office, LLC shall, in agreement with the town of Brookhaven, restore the surface of the lands described in section three of this act and such lands shall continue to be used for park purposes.

§ 6. This act shall take effect immediately.