STATE OF NEW YORK

10318

IN ASSEMBLY

May 17, 2024

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

AN ACT authorizing the town of New Windsor to alienate certain parklands for use as a sewer treatment plant and to dedicate other lands as replacement parklands

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 New Windsor, located in the county of Orange, 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 purposes of construction and expansion of the town's new sewer treatment plant.

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

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

Parcel I (D)

All that certain tract, piece, or parcel of land situate in the Town of New Windsor, County of Orange, State of New York lying Easterly of Butternut Drive and Northerly of County Route 74, being Parcel D as shown on a map entitled "Proposed Parkland Alienation Map Lands Now Or Formerly Of The Town Of New Windsor - Parkland Caesars Lane Wastewater Treatment Plant," dated March 15, 2024, Project No. 23.3664, Dwg. No. 24-259, prepared by C.T. Male Associates, Engineering, Surveying, Architecture, Landscape Architecture & Geology, D.P.C. and filed in the Orange County Clerk's Office 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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COMMENCING at the point of intersection of the Southeasterly road boundary of Butternut Drive at its point of intersection with the Northerly boundary of County Route 74 (a.k.a. Forge Hill Road);
thence from said Point of Commencement along said Southeasterly road boundary the following two (2) courses:
1) North 39 deg. 22 min. 45 sec. East 422.14 feet; and
2) along a curve to the left having a radius of 125.00 feet and an arc length of 2.82 feet, the chord for said course being North 38 deg. 43 min. 57 sec. East 2.82 feet to the True Point of Beginning and runs thence from said Point of Beginning continuing along the Easterly highway boundary of Butternut Drive the following two (2) courses:
1) along a curve to the left having a radius of 125.00 feet and an arc length of 74.74 feet, the chord for said course being North 20 deg. 57 min. 27 sec. East 73.63 feet to a point of tangency; and
2) North 03 deg. 49 min. 47 sec. East 62.02 feet to its point of intersection with the division line between the lands now or formerly of the Town of New Windsor as described in Book 2107 at Page 1131 (Parcel 3) on the South and Lot 1 as shown on a map entitled "Butter Hill Subdivision Section - 10," filed in the Orange County Clerk's Office as Map No. 8585 on the North;
thence along the last mentioned division line South 75 deg. 28 min. 30 sec. East 98.37 feet to the most Southerly corner of said Lot 1;
thence through said Parcel 3 South 49 deg. 52 min. 10 sec. West 164.41 feet to the point or place of beginning and containing 5,650± square feet or 0.13 acre of land, more or less.

Parcel II (F)

All that certain tract, piece, or parcel of land situate in the Town of New Windsor, County of Orange, State of New York lying generally Easterly of Butternut Drive and generally Northerly of County Route 74, being Parcel F as shown on a map entitled "Proposed Parkland Alienation Map Lands Now Or Formerly Of The Town Of New Windsor - Parkland Caesars Lane Wastewater Treatment Plant," dated March 15, 2024, Project No. 23.3664, Dwg. No. 24-259, prepared by C.T. Male Associates, Engineering, Surveying, Architecture, Landscape Architecture & Geology, D.P.C. and filed in the Orange County Clerk's Office and being more particularly bounded and described as follows:
COMMENCING at the point of intersection of the Northerly road boundary of County Route 74 (a.k.a. Forge Hill Road) with the division line between the lands now or formerly of the Town of New Windsor as described in Book 14126 at Page 266 (Parcel 2) on the West and the lands now or formerly of Forge Hill Holdings, LLC as described in Book 15076 at Page 1201 on the East; thence from said Point of Commencement the following two (2) courses:
1) North 16 deg. 31 min. 04 sec. East 150.00 feet;
2) North 56 deg. 40 min. 08 sec. East 294.26 feet to the True Point of Beginning and runs thence from said Point of Beginning along the division line between said Parcel 2 generally on the Southwest and the lands now or formerly of the Town of New Windsor as described in Book 2107 at Page 1131 (Parcel 3) generally on the Northeast the following seven (7) courses:
1) North 44 deg. 58 min. 11 sec. West 193.98 feet to a point;
2) North 11 deg. 48 min. 11 sec. West 208.00 feet to a point;
3) North 06 deg. 46 min. 49 sec. East 71.50 feet to a point;
4) North 40 deg. 27 min. 51 sec. West 338.85 feet to a point;

5) South 85 deg. 44 min. 49 sec. West 223.40 feet to a point;
6) South 70 deg. 07 min. 49 sec. West 354.60 feet to a point; and
7) South 52 deg. 30 min. 49 sec. West 100.93 feet to a point; thence through said Parcel 3 South 87 deg. 41 min. 15 sec. West 156.03 feet to a point on the common division line between said Parcel 3 on the East and Lots 1 and 2 as shown on a map entitled "Butter Hill Subdivision Section 10," filed in the Orange County Clerk's Office as Map No. 8585 on the West;
thence along said common division line North 03 deg. 49 min. 47 sec. East 37.64 feet to a point; thence through said Parcel 3 the following nineteen (19) courses:
1) North 85 deg. 18 min. 01 sec. East 136.71 feet to a point;
2) North 71 deg. 23 min. 39 sec. East 567.58 feet to a point;
3) South 80 deg. 29 min. 04 sec. East 121.46 feet to a point;
4) South 57 deg. 49 min. 56 sec. East 89.09 feet to a point;
5) South 85 deg. 20 min. 29 sec. East 116.26 feet to a point;
6) South 40 deg. 23 min. 39 sec. East 351.33 feet to a point;
7) South 82 deg. 12 min. 28 sec. East 57.93 feet to a point;
8) North 61 deg. 46 min. 55 sec. East 33.60 feet to a point;
9) North 51 deg. 11 min. 23 sec. East 29.23 feet to a point;
10) North 73 deg. 21 min. 00 sec. East 99.20 feet to a point;
11) North 75 deg. 17 min. 17 sec. East 112.32 feet to a point;
12) North 67 deg. 56 min. 13 sec. East 87.27 feet to a point;
13) North 70 deg. 33 min. 51 sec. East 103.85 feet to a point;
14) North 74 deg. 12 min. 07 sec. East 156.07 feet to a point;
15) North 15 deg. 06 min. 33 sec. East 215.10 feet to a point;
16) South 71 deg. 47 min. 02 sec. East 66.12 feet to a point;
17) South 65 deg. 02 min. 20 sec. East 131.07 feet to a point;
18) South 52 deg. 25 min. 09 sec. East 82.32 feet to a point; and
19) South 22 deg. 32 min. 34 sec. East 164.39 feet to a point on the division line between said Parcel 3 on the Northwest and the lands now or formerly of N&C Land Corp. as described in Book 5909 at Page 216 on the Southeast;
thence along said division line the following three (3) courses:
1) South 49 deg. 27 min. 57 sec. West 79.32 feet to a point;
2) South 53 deg. 19 min. 19 sec. West 240.04 feet to a point; and
3) South 22 deg. 14 min. 01 sec. East 184.92 feet to its point of intersection with the division line between said Parcel 3 on the Northwest and the said lands now or formerly of Forge Hill Holdings LLC on the Southeast;
thence along the last mentioned division line the following three (3) courses:
1) South 68 deg. 30 min. 44 sec. West 687.71 feet to a point;
2) North 58 deg. 12 min. 11 sec. West 225.00 feet to a point; and
3) North 44 deg. 58 min. 11 sec. West 37.51 feet to the point or place of beginning and containing 590,196± square feet or 13.55 acres of land, more or less.

Parcel III (G)

All that certain tract, piece, or parcel of land situate in the Town of New Windsor, County of Orange, State of New York lying Southerly of Caesars Lane being Parcel G as shown on a map entitled "Proposed Parkland Alienation Map Lands Now Or Formerly Of The Town Of New Windsor - Parkland Caesars Lane Wastewater Treatment Plant," dated March 15, 2024, Project No. 23.3664, Dwg. No. 24-259, prepared by C.T. Male Associates,

Engineering, Surveying, Architecture, Landscape Architecture & Geology, D.P.C. and filed in the Orange County Clerk's Office and being more particularly bounded and described as follows:
COMMENCING at a point on the Southerly road boundary of Caesars Lane at its point of intersection with the common division line between the lands now or formerly of the Town of New Windsor as described in Book 2107 at Page 1131 (Parcel 3) on the East and Lots 54, 53, 52, and 51 as shown on a map entitled "Butter Hill Subdivision Section - 1," filed in the Orange County Clerk's Office as Map No. 6289 on the West;
thence from said Point of Commencement along said Southerly road boundary of Caesars Lane the following six (6) courses:
1) South 74 deg. 51 min. 17 sec. East 125.63 feet to a point;
2) South 60 deg. 28 min. 06 sec. East 22.57 feet to a point;
3) North 88 deg. 01 min. 54 sec. East 32.27 feet to a point;
4) South 79 deg. 36 min. 50 sec. East 150.55 feet to a point;
5) South 53 deg. 39 min. 06 sec. East 144.71 feet to a point; and
6) South 38 deg. 00 min. 06 sec. East 63.24 feet to the True Point of Beginning and runs thence from said Point of Beginning along the Southerly road boundary of Caesars Lane the following two (2) courses:
1) South 22 deg. 53 min. 06 sec. East 38.56 feet to a point; and
2) South 23 deg. 24 min. 46 sec. East 33.51 feet to its point of intersection with the Easterly boundary of said Parcel 3;
thence along said Easterly boundary the following two (2) courses:
1) South 16 deg. 06 min. 04 sec. West 24.08 feet to a point; and
2) South 16 deg. 06 min. 04 sec. West 98.83 feet to its point of intersection with the division line between said Parcel 3 on the North and the lands now or formerly of the Town of New Windsor as described in Book 1784 at Page 128 (Parcel 5) on the South;
thence along the division line between said Parcel 3 on the North and West and said Parcel 5 on the South and East the following two (2) courses:
1) South 74 deg. 21 min. 20 sec. West 257.22 feet to a point; and
2) South 18 deg. 16 min. 14 sec. West 326.41 feet to its point of intersection with the division line between said Parcel 3 on the Northwest and the lands now or formerly of the Town of New Windsor as described in Book 1619 at Page 1146 (Parcel 4) on the Southeast;
thence along the last mentioned division line South 30 deg. 36 min. 04 sec. West 545.00 feet to a point; thence through said Parcel 3 the following three (3) courses:
1) North 18 deg. 29 min. 59 sec. West 237.91 feet to a point;
2) North 29 deg. 42 min. 22 sec. East 743.67 feet to a point; and
3) North 64 deg. 38 min. 35 sec. East 376.47 feet to the point or place of beginning and containing 185,451± square feet or 4.23 acres of land, more or less.

§ 4. Prior to the discontinuance and alienation of parkland described in section three of this act, the town of New Windsor, acting by and through its governing body, shall dedicate replacement land for use as parklands described as follows:

Parcel A

All that certain tract, piece, or parcel of land situated in the Town of New Windsor, County of Orange, State of New York, bounded and described as follows:
BEGINNING at a point in common with the approximate Town of New Windsor/Town of Cornwall Municipal Line, said point also being a point

in common with the lands now or formerly of Frank A. Calvari, Sr., Tax map Section 4, Block 1, Lot 10.1 of the Town of Cornwall, said point being further referenced as being a point in common with the remaining lands of Meadowbrook Estates Major Subdivision as shown on a map entitled "Meadowbrook Estates Minor Subdivision - Subdivision Plan", as prepared by Pietrzak & Pfau Engineering & Surveying, PLLC;
and running thence along said remaining lands N66°24'58"W 366 feet;
Thence N47°02'25"E 327.85 feet;
Thence N06°50'32"W 787.62 feet;
Thence N43°14'13"E 43.86 feet;
Thence N47°17'18"W 205.52 feet;
Thence N33°36'09"E 206.16 feet to a point of curvature;
Thence on a curve to the left with a radius of 225.00 feet and an arc length of 187.37 feet to a point of tangency;
Thence N14°06'37"W 211.63 feet to a point of curvature;
Thence on a curve to the left with a radius of 525.00 feet and an arc length of 92.47 feet to a point of tangency;
Thence N24°12'08" 322.51 to a point of curvature;
Thence on a curve to the left with a radius of 225.00 feet and an arc length of 91.67 feet to a point of tangency;
Thence N47°32'42"W 105.46 feet to a point of curvature;
Thence on a curve to the right with a radius of 175.00 feet and an arc length of 130.43 feet to a point of tangency;
Thence N04°50'29"W 22.97 feet to a point in common with the lands now or formerly of Mount Airy Estates, Inc., Tax Map Section 77, Block 10, Lot 5;
Thence N85°09'31"E 680.80 feet to a point in common with lands now or formerly of Hakaj, Tax Map Section 77, Block 9, Lot 6, said point being further referenced as being a point in common with lands now or formerly of the Town of Windsor, Tax Map Section 65, Block 1, Lot 62;
Thence along said lot 62 N82°45'08"E 164.12 feet;
Thence N85°49'46"E 155.05 feet;
Thence S06°27'51"E 644.70 feet;
Thence N85°48'15"E 568.38 feet;
Thence N84°57'25"E 674.86 feet to a point in common with lands now or formerly of John J. Desmond, Jr., Tax Map Section 65, Block 1, Lot 60, said point being further referenced as being a point in common with lands now or formerly of Michael Wygant and Christine Davis, Tax Map Section 66, Block 1, Lot 1;
Thence S12°33'38"E 198.32 feet to a point in common with lands now or formerly of Michael Wygant and Christine Davis, Tax Map Section 66, Block 1, Lot 2, said point being further referenced as a point in common with the portion of property to be combined with Tax Map Section 66, Block 1, Lot 2, as shown on the above mentioned map;
Thence along all said property to be combined as shown as the above mentioned map S78°48'52"W 50.00 feet;
Thence S11°11'08"E 122.80 feet;
Thence N78°48'52"E feet to a point in common with lands now or formerly of Rita M. Harris, Tax Map Section 66, Block 1, Lot 3, as shown on the above mentioned map;
Thence along said Lot 3 S09°54'02"E 125.91 feet to a point in common with Lot 90 as shown on the map above, said point also being a point in common with lands now or formerly of Franklin and Annabelle Smith, Tax Map Section 66, Block 1, Lot 4;
Thence along said Lot 90 S48°15'44"W 175.61 feet;

Thence S03°28'02"E 461.37 feet to a point in common with lands now or formerly of James and Evelyn Dolan, Tax Map Section 66, Block 1, Lot 8;
Thence along said Lot 8 S25°06'38"E 315.91 feet to a point in common with the approximate Town of New Windsor / Town of Cornwall Municipal Line;
Thence along said Municipal Line S81°50'01"W 610.06 feet to a point in common with lands now or formerly of Frank Real Estate, Tax Map Section 65, Block 1, Lot 61.2 as shown on the above mentioned map;
Thence along said Lot 61.2 N21°39'24"W 408.08 feet;
Thence S62°21'03"W 843.16 feet;
Thence S38°47'38"E 275.50 feet to a point in common with lands now or formerly of RRWC, LLC, Tax Map Section 4, Block 1, Lot 11.2;
Thence S63°56'54"W 390.03 feet;
Thence S34°56'30"E 201.10 feet;
Thence S55°03'30"W 255.34 feet;
Thence S34°56'30"E 84.25 feet to the point or place of beginning. Such parcel containing 74.76± acres of land.

Parcel B

All that certain tract, piece, or parcel of land situate in the Town of New Windsor, County of Orange, State of New York lying generally South-east of Butternut Drive and Northerly of County Route 74, being Parkland Parcel B as shown on a map entitled "Proposed Parkland Alienation Map Lands Now Or Formerly Of The Town Of New Windsor - Parkland Caesars Lane Wastewater Treatment Plant," dated March 15, 2024, Project No. 23.3664, Dwg. No. 24-259, prepared by C.T. Male Associates, Engineering, Survey-ing, Architecture, Landscape Architecture & Geology, D.P.C. and filed in the Orange County Clerk's Office and being more particularly bounded and described as follows:
BEGINNING at the point of intersection of the division line between the lands now or formerly of the Town of New Windsor as described in Book 14126 at Page 266 on the Southeast and other lands now or formerly of the Town of New Windsor as described in Book 2107 at Page 1131 on the Northwest with the Northerly road boundary of County Route 74 (a.k.a. Forge Hill Road) and runs thence from said point of beginning along the first herein mentioned division line the following four (4) courses:
1) North 41 deg. 25 min. 48 sec. East 109.30 feet to a point;
2) North 36 deg. 46 min. 49 sec. East 155.60 feet to a point;
3) North 52 deg. 35 min. 49 sec. East 386.10 feet to a point; and
4) North 52 deg. 30 min. 49 sec. East 94.67 feet to a point;
thence through the said lands now or formerly of the Town of New Windsor as described in Book 14126 at Page 266 the following four (4) courses:
1) South 49 deg. 57 min. 04 sec. East 205.22 feet to a point;
2) South 45 deg. 00 min. 40 sec. East 334.41 feet to a point;
3) South 59 deg. 11 min. 55 sec. East 245.74 feet to a point; and
4) South 71 deg. 44 min. 57 sec. East 271.80 feet to a point on the division line between the said lands now or formerly of the Town of New Windsor as described in Book 14126 at Page 266 on the Northwest and the lands now or formerly of Forge Hill Holdings LLC as described in Book 15076 at Page 1201 on the Southeast;
thence along the last mentioned division line the following two (2) courses:
1) South 56 deg. 40 min. 08 sec. West 97.18 feet to a point; and
2) South 16 deg. 31 min. 04 sec. West 150.00 feet to a point on the said Northerly road boundary of County Route 74 (a.k.a. Forge Hill Road);

thence along said Northerly road boundary the following ten (10) courses:
1) along a curve to the right having a radius of 1,560.23 feet and an arc length of 152.18 feet to a point, the chord for said course being North 69 deg. 35 min. 10 sec. West 152.12 feet;
2) North 21 deg. 09 min. 07 sec. West 55.45 feet to a point;
3) North 65 deg. 13 min. 47 sec. West 251.79 feet to a point;
4) North 65 deg. 34 min. 49 sec. West 87.24 feet to a point;
5) North 78 deg. 16 min. 35 sec. West 194.00 feet to a point;
6) South 83 deg. 26 min. 41 sec. West 79.92 feet to a point;
7) South 88 deg. 48 min. 17 sec. West 150.48 feet to a point;
8) North 81 deg. 25 min. 42 sec. West 143.63 feet to a point;
9) South 74 deg. 47 min. 23 sec. West 105.95 feet to a point; and
10) North 85 deg. 55 min. 17 sec. West 151.98 feet to the point or place of beginning and containing 373,148± square feet or 8.57 acres of land, more or less.

§ 5. In the event that the fair market value of the parklands to be dedicated by the town of New Windsor described in section four of this act are not equal to or greater than the fair market value of the parklands to be discontinued in section three of this act, the town of New Windsor 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.

§ 6. In the event that the town of New Windsor 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 parklands authorized by the provisions of this act shall not occur until the town of New Windsor 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.

§ 7. This act shall take effect immediately.