STATE OF NEW YORK

5932

2023-2024 Regular Sessions

IN ASSEMBLY

March 24, 2023

Introduced by M. of A. E. BROWN -- read once and referred to the Committee on Local Governments

AN ACT in relation to authorizing the city of Long Beach to alienate and discontinue the use of certain 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 city of Long Beach is hereby authorized, acting by and through its governing body, and upon such terms and conditions as determined by, and in the sole discretion of, such governing body, to: (a) temporarily discontinue the use of the parklands described in section three of this act; and (b) to discontinue the use as parkland and alienate the lands described in section four of this act, and to convey property interests in such lands to EW Offshore Wind Transport Corporation for the purpose of constructing, maintaining and operating a subterranean conduit and electrical distribution cable system, together with subterranean transition joint bays and link boxes, and appurtenances thereto, under city of Long Beach parkland located at Ocean Beach Park (also known as Long Beach), designated on the city of Long Beach Tax Map as Section 59, Block A, Lot 2 (or Lots 1 - 6).

§ 2. The authorization contained in section one of this act shall only be effective on the condition that the city of Long Beach dedicate an amount equal to or greater than fair market value of the parklands being alienated pursuant to section one of this act towards the acquisition of new parklands and/or capital improvements to existing park and recreational facilities.

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

DESCRIPTION OF A PROPOSED LIMITED USE AREA ACROSS A PORTION OF TAX LOT 2, BLOCK A, CITY OF LONG BEACH, NASSAU COUNTY, NEW YORK.

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

LBD09922-01-3

BEGINNING AT A POINT IN THE DIVIDING LINE BETWEEN TAX LOT 2 BLOCK A AND THE SOUTHERLY TERMINUS OF RIVERSIDE BOULEVARD (100' WIDE R.O.W.), SAID POINT BEING DISTANT SOUTH 86 DEGREES 49 MINUTES 59 SECONDS EAST, 8.57 FEET FROM WHERE THE SAME IS INTERSECTED BY TAX LOT 203 BLOCK 272, AND RUNS THENCE

1. ALONG SAID DIVIDING LINE BETWEEN TAX LOT 2 BLOCK A AND THE SOUTHERLY TERMINUS OF SAID RIVERSIDE BOULEVARD, SOUTH 86 DEGREES 49 MINUTES 59 SECONDS EAST 84.49 FEET TO A POINT, THENCE

2. ACROSS TAX LOT 2 BLOCK A, SOUTH 01 DEGREES 31 MINUTES 22 SECONDS EAST, 488.93 FEET TO A POINT, THENCE

3. STILL ACROSS TAX LOT 2 BLOCK A, ALONG THE MEAN HIGH-WATER LINE OF THE ATLANTIC OCEAN, 157.1+/- FEET TO A POINT, THENCE

4. STILL ACROSS TAX LOT 2 BLOCK A, NORTH 00 DEGREES 23 MINUTES 41 SECONDS WEST, 424.50 FEET TO THE PLACE OF BEGINNING.

CONTAINING 43,990 SQUARE FEET OR 1.0099 ACRES OF LAND.

BEING SHOWN IN ACCORDANCE WITH A PLAN ENTITLED "LIMITED USE AREA EXHIBIT, PORTION OF TAX LOT 2, BLOCK A, BEACH AT LONG BEACH, CITY OF LONG BEACH, NASSAU COUNTY, NEW YORK "PREPARED BY DPK LAND SURVEYING, LLC, DATED FEBRUARY 17, 2023.

The foregoing metes and bounds description include the surface and subsurface of the temporarily discontinued parkland for construction.

§ 4. The subsurface portion of land authorized by section one of this act to be permanently discontinued as parkland is described as follows:

DESCRIPTION OF A PROPOSED LIMITED USE AREA ACROSS A PORTION OF TAX LOT 2, BLOCK A, CITY OF LONG BEACH, NASSAU COUNTY, NEW YORK.

BEGINNING AT A POINT IN THE DIVIDING LINE BETWEEN TAX LOT 2 BLOCK A AND THE SOUTHERLY TERMINUS OF RIVERSIDE BOULEVARD (100' WIDE R.O.W.), SAID POINT BEING DISTANT SOUTH 86 DEGREES 49 MINUTES 59 SECONDS EAST, 8.57 FEET FROM WHERE THE SAME IS INTERSECTED BY TAX LOT 203 BLOCK 272, AND RUNS THENCE

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The portion of the property subject to the permanently discontinued parkland will be below the surface of the Earth, with the vertical extents no higher than elevation -30 (Feet, North American Vertical Datum of 1988); the intent being that the proposed cable route will not interfere with or affect the existing boardwalk, boardwalk piles, or jetty on the subject property.

§ 5. Upon completion of construction, EW Offshore Wind Transport Corporation, as authorized by this act in agreement and in consultation with the New York State Historic Preservation Office, shall restore the surface of the lands more particularly described in section three of this act and such lands shall continue to be used for park purposes.

§ 6. In the event that the city of Long Beach received any funding support or assistance from the federal government for the purchase, maintenance, or improvement of the parklands set forth in sections three and four of this act, the discontinuance and alienation of such parklands authorized by the provisions of this act shall not occur until the city of Long Beach 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.