STATE OF NEW YORK

6701--A

2023-2024 Regular Sessions

IN ASSEMBLY

May 4, 2023

Introduced by M. of A. SLATER -- read once and referred to the Committee on Local Governments -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to authorize the town of Yorktown, county of Westchester, to discontinue as parklands and lease certain lands

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 Yorktown, 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 lease at fair market value to Homeland Towers, LLC for a term not to exceed thirty years the lands more particularly described in section three of this act to make the necessary renovations and operate a radio transmission tower facility.

§ 2. The authorization contained in section one of this act shall be effective only upon the condition that the town of Yorktown, county of Westchester, dedicate the proceeds from the lease toward the acquisition of new parklands and/or capital improvements to existing park and recreational facilities.

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

ALL THAT CERTAIN PARCEL OF LAND SITUATE IN THE TOWNSHIP OF YORKTOWN, COUNTY OF WESTCHESTER AND STATE OF NEW YORK, AND BEING A PORTION OF LAND CONVEYED TO THE TOWN OF YORKTOWN BY DEED BOOK 10175 AT PAGE 203 IN THE WESTCHESTER COUNTY CLERK'S OFFICE BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT, SAID POINT BEING LOCATED ON THE SOUTHERLY BOUNDS OF US ROUTE 6 (SH 1309), SAID POINT ALSO BEING THE NORTHEASTERLY CORNER OF SAID LANDS OF THE TOWN OF YORKTOWN, AND BEING LOCATED ON THE WESTERLY BOUNDS OF HILL BOULEVARD, THENCE FROM SAID POINT OF BEGINNING ALONG THE SAID WESTERLY BOUNDS OF HILL BOULEVARD ON A CURVE TO THE LEFT HAVING A RADIUS OF 827.45, AND A CENTRAL ANGLE OF 11° 43' 02" AND LENGTH OF CURVE

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

LBD10765-03-3

OF 169.22' TO A POINT, THENCE ALONG THE SAID SOUTHERLY BOUNDS OF THE SAID LANDS OF THE TOWN OF YORKTOWN, S. 59° 00' 00", 30.91' W. TO A POINT, THENCE THROUGH THE SAID LANDS OF THE TOWN OF YORKTOWN, THE FOLLOWING SEVEN (7) COURSES AND DISTANCES:

1. N. 02° 32' 58" W., 73.43', THENCE
2. N. 46° 38' 01" W., 30.01', THENCE
3. N. 57° 33' 50" W., 25.29', THENCE
4. N. 79° 32' 32" W., 26.30', THENCE
5. N. 88° 20' 33" W., 45.30'. THENCE
6. N. 22° 16' 51" W., 26.30', THENCE
7. N. 01° 32' 48" E., 31.46' TO A POINT OF THE SOUTHERLY BOUNDS OF US ROUTE 6 (SH 1309), THENCE ALONG SAID SOUTHERLY BOUNDS OF US ROUTE 6 (SH 1309) ON A CURVE TO THE LEFT HAVING A RADIUS OF 1412.5, AND A CENTRAL ANGLE OF 05° 09' 02" AND LENGTH OF CURVE OF 126.98' TO THE POINT OR PLACE OF BEGINNING, CONTAINING 0.26 ACRES, MORE OR LESS.

§ 4. Should the lands described in section three of this act cease to be used for the purposes described in section one of this act, the lease shall terminate and those lands shall revert to the town of Yorktown for public park and recreational purposes. At the time of such reversion, the removal of the radio transmission tower facility shall take place and the property shall be returned to its previous state, consistent with park and recreational purposes.

§ 5. In the event that the town of Yorktown 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 Yorktown 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.

§ 6. This act shall take effect immediately.