STATE OF NEW YORK

6959--A

2023-2024 Regular Sessions

IN ASSEMBLY

May 9, 2023

Introduced by M. of A. BRABENEC -- 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 authorizing the town of Warwick, county of Orange to alienate certain lands held in public trust in the town of Warwick, county of Orange

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 Warwick, in the county of Orange, acting by and through its town board, is hereby authorized to discontinue as public trust lands and to alienate the lands more particularly described in section three of this act for the purpose of exchanging such land for lands owned by urbanXtracts, a "seed-to-market" cannabis business.

§ 2. The authorization contained in section one of this act shall take effect only upon the condition that the town of Warwick shall dedicate the lands described in section four of this act as parkland provided that the town of Warwick has never used such lands for public open space or park purposes.

§ 3. The lands authorized by section one of this act to be discontinued as public trust land and alienated are as follows:

All that parcel of land situate, lying and being in the Town of Warwick, County of Orange and State of New York, being more particularly bounded and described as follows:

Beginning at a point along the easterly boundary of Lot 5 at the northwesterly corner of Lot 2 West, being located S 00 01' 34" W, 50.00 feet from the most easterly corner of Lot 1; thence along the boundary of Lot 2 West the following four (4) courses and distances:

(1) S 00° 01' 34" W, a distance of 108.85 feet to a point;

(2) S 13° 15' 40" W, a distance of 234.10 feet to a point;

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

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(3) S 25° 00' 00" E, a distance of 148.92 feet to a point;
(4) N 72° 20' 30" E, a distance of 553.66 feet to a point;
thence through Lot 5 the following nineteen (19) courses and distances:
(1) S 13° 00' 00" W, a distance of 62.71 feet to a point;
(2) S 52° 27' 48" W, a distance of 1,126.22 feet to a point;
(3) S 69° 09' 00" W, a distance of 206.00 feet to a point;
(4) N 20° 51' 00" W, a distance of 254.50 feet to a point;
(5) N 69° 09' 00" E, a distance of 53.12 feet to a point;
(6) S 69° 37' 16" E, a distance of 62.55 feet to a point;
(7) N 20° 22' 24" E, a distance of 80.00 feet to a point;
(8) N 70° 38' 56" W, a distance of 80.00 feet to a point;
(9) N 29° 44' 43" E, a distance of 13.41 feet to a point;
(10) N 51° 49' 50" W a distance of 57.38 feet to a point;
(11) along a curve to the left having a radius of 115.00 feet, an arc length of 46.43 feet to a point;
(12) N 74° 57' 52" W, a distance of 25.46 feet to a point;
(13) along a curve to the right having a radius of 45.00 feet, an arc length of 43.03 feet to a point;
(14) N 20° 10' 47" W, a distance of 397.60 to the point located along the southerly boundary of a roadway now known as John Hicks Drive, said point being located N 65° 09' 20" E, 180.90 feet from the northeasterly boundary of Lot 1;
(15) N 65° 09' 20" E, for a distance of 136.44 feet to a point;
(16) along a curve to the right having a radius of 250.00 feet, an arc length of 97.24 feet to a point;
(17) N 87° 26' 30" E, a distance of 140.91 feet to a point;
(18) along a curve to the left having a radius of 350.00 feet, an arc length of 270.71 feet;
(19) along a curve to the right having a radius of 365.00 feet, an arc length of 298.77 feet to the Point Of Beginning.
Containing 15.67 acres of land, more or less.
Being a portion of Lot 5 shown on the map entitled "Survey Map showing The Remaining Lands to be Retained by the Town of Warwick of the former Mid-Orange Correctional Facility, prepared for Warwick Valley Local Development Corporation, New York State Office of General Services, Empire State Development Corporation," dated July 2, 2013, last revised December 5, 2013, on file at the New York State Office of General Services as OGS Map No. 2462, Sheet 4.

§ 4. Prior to the discontinuance and alienation of the public trust land described in section three of this act, the town of Warwick shall acquire and dedicate as public trust land such land consisting of approximately 2.28 acres described as follows:

All that parcel of land situate, lying and being in the Town of Warwick, County of Orange and State of New York, being more particularly bounded and described as follows:

Beginning at a point on the most Easterly corner of lands now or formerly NY Hemp Source, LLC (Section 46, Block 1, Lot 35) also known as Lot 2 West (Filed Map number 38-14 in the Orange County Clerk's Office) where the same is intersected by the Westerly Line of State School Road and runs along the original line of Lot 2 West S72°20'30W for a distance of 490.07 feet to a point, thence;

Along a line to become the new division line between NY Hemp Source, LLC and The Town Of Warwick N13°00'00"E for a distance of 237.29 feet to a point, thence;

Along the same N06°32'49"E for a distance of 103.00 feet to a point, thence;

Along the Southerly and Westerly line of State School Road on a curve to the left with a radius of 1,714.50 feet for an arc distance of 220.41 feet subtended with a Chord Bearing S86°56'44"E for a distance of 220.26 feet to a point, thence;

Along the same N89°22'18"E for a distance of 96.39 feet to a point, thence;

Along the same on a curve to the right with a radius of 35.50 feet for an arc distance of 44.41 feet subtended with a Chord Bearing S54°47'11"E a distance of 41.57 feet to a point, thence;

Along the same S18°56'40"E a distance of 158.83 feet to the point and place of beginning.

Said parcel containing 2.28 acres, more or less.

§ 5. In the event that the fair market value of the lands described in section four of this act to be dedicated by the town of Warwick as parklands are not equal to or greater than the fair market value of the lands to be alienated as described in section three of this act, the town of Warwick 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 improvement to existing park and recreational facilities.

§ 6. In the event that the town of Warwick received any funding support or assistance from the federal government for the purchase, maintenance or improvement of the lands held in public trust set forth in section three of this act, the discontinuance and alienation of such lands held in public trust authorized by the provisions of section one of this act shall not occur until the town of Warwick has complied with any federal requirements pertaining to the alienation or conversion of such public trust lands, 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.