STATE OF NEW YORK

1112--A

2023-2024 Regular Sessions

IN SENATE

January 10, 2023

Introduced by Sen. BORRELLO -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT in relation to authorizing the county of Cattaraugus to discontinue as parklands and lease certain reforested lands in the town of Perrysburg

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. (a) Subject to the provisions of this act, the county of Cattaraugus acting through its legislative body, is hereby authorized to discontinue the use of and lease for a term not exceeding thirty years certain parcels of reforested land in the town of Perrysburg, more particularly described in section two of this act, upon the terms and conditions contained in this act, for the purpose of aiding in discovering and removing oil and/or gas from such reforested land and adequately planting, fencing, and otherwise maintaining such land for purposes of watershed protection, development of oil and gas retrieval, production of timber and forest products, and recreation and kindred purposes pursuant to section 219 of the county law.

(b) Any revenues received by the county of Cattaraugus from the lease of such land shall be used for capital improvements of existing park or recreational facilities and/or the acquisition of additional park or recreational facilities.

§ 2. The lands authorized to be leased by the county of Cattaraugus pursuant to section one of this act, designated as Tax Map No. 2.003-1-20, shall be described as follows:

(a) That tract or parcel of land, situate in the Town of Perrysburg, County of Cattaraugus and State of New York, distinguished by being part of Lot 16, Town 6, Range 9 of the Holland Land Company's survey, bounded and described as follows: Beginning at a point on the south line of Lot

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

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16, which point is 2,258.24 feet west of the southeasterly corner of Lot 16; thence north parallel with the west line of Lot 16, 1,160.28 feet; thence east on a line parallel with the south bounds of Lot 16. 739.2 feet; thence southeasterly at an interior angle of 119o 21', 981.81 feet; thence east at an exterior angle of 119o 21', 790.6 feet to the center of the public highway commonly known as Easton Road; thence southeasterly along the center of said highway or public road 66.18 feet; thence west on a line parallel to the south bounds of said lot 1,780 feet; thence south 232.98 feet to the south bounds of Lot 16, thence west on the south bounds of said lot, 286.44 feet to the point of beginning, containing 23.73 acres more or less.

(b) Also all that other tract or parcel of land, situate in the Town of Perrysburg, County of Cattaraugus and State of New York, distinguished by being a part of lot number 16, in the 6th town and 9th range of the Holland Land Company's survey, and bounded as follows: Beginning on the north line of parcel D of lands conveyed to Vernon Croker and Harold Croker by Warranty Deed recorded in the Cattaraugus County Clerk's Office in Liber 555 of Deeds at Page 290 on March 2, 1956, at a point 1680.6 feet east of the center line of North Road (said center line of North Road being the west line of said Lot 16) ; thence easterly, along the north line of the above mentioned Deed, 1169.94 feet to a stake at the northeast corner of lands conveyed by above mentioned Deed; thence southerly along the east line of lands conveyed by above mentioned Deed and parallel to the west line of lot 16, 1160.28 feet to the southeast corner of lands conveyed by above mentioned Deed; thence westerly along the south bounds of land conveyed by above mentioned Deed, 1169.94 feet to a stake; thence north, parallel to the west line of Lot 16, 1160.28 feet to the point or place of beginning, containing 31 acres, more or less.

(c) Also all that other tract or parcel of land, situate in the Town of Perrysburg, County of Cattaraugus and State of New York, distinguished by being part of Lot 16 in Town 6, Range 9 of the Holland Land Company's survey, bounded and described as follows: Beginning at a point in the south bounds of Lot 16 which point is 2,014.3 feet measured along the south bounds of Lot 16 and an extension thereof from the center line of the public highway commonly known as Eaton Road; thence north on a line parallel to the west bounds of Lot 16 232.98 feet; thence east on a line parallel to the south bounds of said lot 935 feet; thence south on a line parallel to the west bounds of Lot 16 232.98 feet to the south bounds of Lot 16; thence west along the south bounds of Lot 16 935 feet to the point of beginning containing 5 acres, be the same more or less.

(d) Also all that other tract or parcel of land, situate in the Town of Perrysburg, County of Cattaraugus and State of New York, distinguished by being part of Lot 15 in Town 6, Range 9 of the Holland Land Company's Survey bounded and described as follows: Beginning at a point in the north bounds of Lot 15 which point is 2014.3 feet measured along the south bounds of Lot 16 and an extension thereof from the center line of the public highway commonly known as Eaton Road; thence south on a line parallel with the west bounds of Lot 15 400 feet; thence west on a line parallel to the north bounds of lot 15 435.6 feet; thence north on a line parallel to the west bounds of Lot 15 400 feet to the north bounds of Lot 15; thence east along the north bounds of Lot 15 435.6 feet to the point of beginning containing 4 acres, be the same more or less.

Said tract of lands containing a total of 63.73 acres, more or less.

§ 3. Should the lands described in section two of this act cease to be used for the purposes described in section one of this act, those lands shall revert to the county of Cattaraugus for the purposes described by section 219 of the county law.

§ 4. The land to be leased pursuant to this act, and all structures and facilities situated on such land, shall be maintained, and operated by the lessee for the purposes described in section one of this act. The use of such parkland and facilities shall continue to be made available to the general public, including all residents of the county of Cattaraugus. Where the availability of such facilities is limited, the use of such facilities must be determined by an equitable method which provides priority use to the general public based on a reservation policy for free or for a nominal charge.

§ 5. In the event that the county of Cattaraugus received any funding, support, or assistance from the federal government for the purchase, maintenance, or improvement of the parklands set forth in section two of this act, the discontinuance and alienation of such parkland authorized by the provisions of this act shall not occur until the county of Cattaraugus 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 ensure 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.