## STATE OF NEW YORK

6150--A<br>2023-2024 Regular Sessions<br>\section*{IN SENATE}

March 31, 2023

Introduced by Sen. COONEY -- 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 town of Henrietta, county of Monroe to alienate certain lands used as parkland and to dedicate certain other lands as 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 Henrietta, county of Monroe, acting by and through its governing body and upon such terms and conditions as determined by such board is hereby authorized to discontinue as parklands and alienate the lands described in section three of this act to Forest Creek Equity Corp. for the purpose of providing necessary land for the construction of planned residential and recreational structures.
§ 2. The authorization provided in section one of this act shall be effective only upon the condition that: 1. Forest Creek Equity Corp. convey to the town of Henrietta, and that the town of Henrietta acquire and dedicate the lands described in section four of this act as parklands, provided that the town of Henrietta has never used such lands for public open space or park purposes; and 2. Forest Creek Equity Corp. convey by appropriate instrument to the town of Henrietta, a right-ofway easement upon the lands described in section five of this act.
§ 3. The parklands authorized by section one of this act to be alienated are described as follows:

ALL THAT TRACT OR PARCEL OF LAND situated in the Town of Henrietta, County of Monroe, and State of New York more particularly described as follows:

COMMENCING at a point on the westerly right of way of Kingsbarn Road and the southwesterly corner of the portion of $N / F$ The Town of Henriet-

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

LBD09842-03-3
ta, Tax \# 187.040-2-1.1 to be transferred being the POINT OF BEGINNING; thence,

1. North $00^{\circ} 02^{\prime} 4^{\prime \prime}$ East a distance of 40.04 feet to a point; thence, 2. North $87^{\circ} 42^{\prime}$ 13" East a distance of 465.21 feet to a point; thence,
2. North $71^{\circ}$ 59' 10 " East a distance of 133.74 feet to a point; thence,
3. North $87^{\circ} 42^{\prime} 13^{\prime \prime}$ East a distance of 90.00 feet to a point; thence,
4. Southerly, along a curve to the left, having a radius of 1181.00 feet, an arc distance of 144.58 feet to a point; thence,
5. North 79ㅇ́ 0 $0{ }^{\prime \prime}$ West a distance of 261.31 feet to a point; thence,
6. South $87^{\circ} 42^{\prime} 13^{\prime \prime}$ West a distance of 382.75 feet to the PLACE AND POINT OF BEGINNING.

Said parcel containing 39,996 square feet or 0.918 acres more or less.
All as shown on plan prepared by D.S.B. Engineers \& Architects, P.C., entitled "Plat Plan Phase 1", The Fairways at Riverton Subdivision, Project No. 22-12035.
§ 4. Prior to the discontinuance of the parklands described in section three of this act, Forest Creek Equity Corp. shall convey to the town of Henrietta, and the town of Henrietta shall acquire and dedicate as parklands, such land described as follows:

All those parcels of land in the Town of Henrietta, County of Monroe, and State of New York more particularly described as follows:

PARCEL 1:
COMMENCING at a point on the westerly right of way of Erie Station Road and the southeasterly property corner of Lot 101; thence, North $78^{\circ}$ 13' 54" West a distance of 31.72 feet to the POINT OF BEGINNING; thence,

1. North $78^{\circ} 13^{\prime} 54^{\prime \prime}$ West a distance of 16.93 feet to a point; thence,
2. North $15^{\circ} 52^{\prime} 41 "^{\prime \prime}$ West a distance of 233.93 feet to a point; thence,
3. North 41 $35^{\prime}$ 18" West a distance of 629.73 feet to a point; thence,
4. North $50^{\circ} 33^{\prime} 02^{\prime \prime}$ West a distance of 226.63 feet to a point; thence,
5. North 63 ${ }^{\circ} 26^{\prime} 06^{\prime \prime}$ West a distance of 90.07 feet to a point; thence,
6. North $03^{\circ} 34^{\prime}$ 38" East a distance of 335.61 feet to a point; thence,
7. North $87^{\circ} 42^{\prime} 13 "^{\prime \prime}$ East a distance of 15.08 feet to a point; thence,
8. South $03^{\circ} 34^{\prime} 38^{\prime \prime}$ West a distance of 287.00 feet to a point; thence,
9. South 63' $26^{\prime} 06^{\prime \prime}$ East a distance of 81.83 feet to a point; thence,
10. South 50 ${ }^{\circ} 33^{\prime}$ 02" East a distance of 229.50 feet to a point; thence,
11. South 41ㅇ $35^{\prime}$ 18" East a distance of 634.33 feet to a point; thence,
12. South $15^{\circ} 52^{\prime} 41^{\prime \prime}$ East a distance of 245.21 feet to the PLACE AND POINT OF BEGINNING.

All as shown on plan prepared by D.S.B. Engineers \& Architects, P.C., entitled "Plat Plan Phase 1", The Fairways at Riverton Subdivision, Project No. 22-12035. Said parcel containing 0.522 acres of land more or less.

PARCEL 2:

COMMENCING at a point on the westerly right of way of Kingsbarn Road and the northwesterly corner of the portion of $N / F$ The Town of Henrietta, Tax \# 187.040-2-1.1; thence, South $87^{\circ} 42^{\prime} 13 "^{\prime \prime}$ West a distance of 139.71 feet to the POINT OF BEGINNING; thence,

1. South $87^{\circ} 42^{\prime} 13^{\prime \prime}$ West a distance of 15.08 feet to a point; thence,
2. North $75^{\circ} 48^{\prime}$ 21" West a distance of 278.27 feet to a point; thence,
3. North $08^{\circ} 33^{\prime} 20^{\prime \prime}$ East a distance of 571.36 feet to a point; thence,
4. North $23^{\circ} 51^{\prime}$ 02" East a distance of 519.35 feet to a point; thence,
5. North 090 22' 13" East a distance of 307.10 feet to a point; thence,
6. North $78^{\circ} 16^{\prime}$ 26" West a distance of 836.05 feet to a point; thence,
7. North $11^{\circ} 43^{\prime} 34^{\prime \prime}$ East a distance of 15.00 feet to a point; thence, 8. South $78^{\circ}$ 16' 26" East a distance of 850.45 feet to a point; thence,
8. South $09^{\circ} 22^{\prime}$ 13" West a distance of 323.40 feet to a point; thence,
9. South $23^{\circ} 51^{\prime}$ 02" West a distance of 519.24 feet to a point; thence,
10. South $08^{\circ} 33^{\prime}$ 20" West a distance of 555.75 feet to a point; thence,
11. South $75^{\circ} 48^{\prime} 21^{\prime \prime}$ East a distance of 324.32 feet to a point; thence,
12. South $03^{\circ} 34^{\prime} 38^{\prime \prime}$ West a distance of 10.91 feet to the PLACE AND POINT OF BEGINNING.

All as shown on plan prepared by D.S.B. Engineers \& Architects, P.C., entitled "Plat Plan Phase 1", The Fairways at Riverton Subdivision, Project No. 22-12035. Said parcel containing 0.886 acres of land more or less.

PARCEL 3:
COMMENCING at a point on the westerly right of way of Kingsbarn Road and the northeasterly property corner of Lot 111, being the POINT OF BEGINNING; thence,

1. North $89^{\circ} 56^{\prime} 13^{\prime \prime}$ West a distance of 145.22 feet to a point; thence,
2. North $03^{\circ} 34^{\prime} 38^{\prime \prime}$ East a distance of 51.09 feet to a point; thence,
3. North $87^{\circ} 42^{\prime}$ 13' East a distance of 142.19 feet to a point; thence,
4. South $00^{\circ} 02^{\prime} 4^{\prime \prime}$ West a distance of 56.84 feet to the PLACE AND POINT OF BEGINNING.

All as shown on plan prepared by D.S.B. Engineers \& Architects, P.C., entitled "Plat Plan Phase 1", The Fairways at Riverton Subdivision, Project No. 22-12035. Said parcel containing 0.178 acres of land more or less.

PARCEL 4:
COMMENCING at a point on the westerly right of way of Kingsbarn Road and the northwesterly corner of the portion of $N / F$ The Town of Henrietta, Tax \# 187.040-2-1.1, being the POINT OF BEGINNING; thence,

1. South $87^{\circ} 42^{\prime}$ 13" West a distance of 139.71 feet to a point; thence,
2. North $03^{\circ} 34^{\prime} 38^{\prime \prime}$ East a distance of 10.91 feet to a point; thence, 3. South $89^{\circ} 56^{\prime}$ 13" East a distance of 138.92 feet to a point; thence,
3. South $00^{\circ} 02^{\prime} 45^{\prime \prime}$ West a distance of 5.13 feet to the PLACE AND POINT OF BEGINNING.

All as shown on plan prepared by D.S.B. Engineers \& Architects, P.C., entitled "Plat Plan Phase 1", The Fairways at Riverton Subdivision, Project No. 22-12035. Said parcel containing 0.026 acres of land more or less.

PARCEL 5:
COMMENCING at a point on the southerly right of NYS Thruway Interstate 90 and the northwesterly property corner of $\mathrm{N} / \mathrm{F}$ Forest Creek Equity Corp., Tax \# 187.040-2-4.111, being the POINT OF BEGINNING; thence,

1. South $78^{\circ} 37^{\prime} 12^{\prime \prime}$ East a distance of 240.00 feet to a point; thence,
2. South $11^{\circ} 22^{\prime}$ 48" West a distance of 159.24 feet to a point; thence,
3. North $78^{\circ} 16^{\prime} 26^{\prime \prime}$ West a distance of 279.00 feet to a point; thence,
4. North $25^{\circ} 16^{\prime} 52^{\prime \prime}$ East a distance of 162.31 feet to the PLACE AND POINT OF BEGINNING.

All as shown on plan prepared by D.S.B. Engineers \& Architects, P.C., entitled "Plat Plan Phase 1", The Fairways at Riverton Subdivision, Project No. 22-12035. Said parcel containing 0.944 acres of land more or less.
§ 5. The right-of-way easement to be conveyed by Forest Creek Equity Corp. to the town of Henrietta, pursuant to section two of this act is described as follows:

ALL THAT TRACT OR PARCEL OF LAND situated in the Town of Henrietta, County of Monroe, and State of New York more particularly described as follows:

COMMENCING at a point on the westerly right of way of Erie Station Road and the northeasterly property corner of Lot 101 being the POINT OF BEGINNING; thence,

1. North 890 55' 27" West a distance of 238.41 feet to a point; thence,
2. Northerly, along a curve to the left, having a radius of 180.00 feet, an arc distance of 156.24 feet to a point; thence,
3. North $40^{\circ} 20^{\prime}$ 38" West a distance of 241.24 feet to a point; thence,
4. Northerly, along a curve to the left, having a radius of 180.00 feet, an arc distance of 126.89 feet to a point; thence,
5. North $00^{\circ} 02^{\prime}$ 45" East a distance of 161.19 feet to a point; thence,
6. South 89 56' 13" East a distance of 60.00 feet to a point; thence,
7. South $00^{\circ} 02^{\prime} 4^{\prime \prime}$ West a distance of 161.17 feet to a point; thence,
8. Southerly, along a curve to the left, having a radius of 120.00 feet, an arc distance of 84.59 feet to a point; thence,
9. South $40^{\circ} 20^{\prime} 38^{\prime \prime}$ East a distance of 84.54 feet to a point; thence,
10. Southerly, along a curve to the left, having a radius of 30.00 feet, an arc distance of 46.94 feet to a point; thence,
11. North 50 $00^{\prime}$ 58" East a distance of 134.81 feet to a point; thence,
12. Northerly, along a curve to the left, having a radius of 120.00 feet, an arc distance of 46.32 feet to a point; thence,
13. North $27^{\circ} 54^{\prime}$ 05" East a distance of 275.15 feet to a point; thence,
14. Northerly, along a curve to the left, having a radius of 30.00 feet, an arc distance of 48.09 feet to a point; thence,
15. North 630 56' $25^{\prime \prime}$ West a distance of 43.48 feet to a point; thence,
16. North $26^{\circ} 03^{\prime}$ 35" East a distance of 60.00 feet to a point; thence,
17. South 630 56' 25" East a distance of 47.34 feet to a point; thence,
18. Southerly, along a curve to the left, having a radius of 30.00 feet, an arc distance of 46.16 feet to a point; thence,
19. South 620 05' 55" East a distance of 60.00 feet to a point; thence,
20. South $27^{\circ} 54$ 05" West a distance of 395.21 feet to a point; thence,
21. Southerly, along a curve to the right, having a radius of 180.00 feet, an arc distance of 69.48 feet to a point; thence,
22. South $50^{\circ} 00^{\prime} 58^{\prime \prime}$ West a distance of 134.05 feet to a point; thence,
23. Southerly, along a curve to the left, having a radius of 30.00 feet, an arc distance of 47.31 feet to a point; thence,
24. South $40^{\circ} 20^{\prime}$ 38" East a distance of 36.70 feet to a point; thence,
25. Southerly, along a curve to the left, having a radius of 120.00 feet, an arc distance of 104.16 feet to a point; thence,
26. South $89^{\circ} 55^{\prime}$ 27" East a distance of 238.59 feet to a point; thence,
27. Easterly, along a curve to the left, having a radius of 30.00 feet, an arc distance of 47.08 feet to a point; thence,
28. South $00^{\circ} 00^{\prime} 46^{\prime \prime}$ West a distance of 120.00 feet to a point; thence,
29. Northerly, along a curve to the left, having a radius of 30.00 feet, an arc distance of 47.17 feet to the PLACE AND POINT OF BEGINNING.

All as shown on plan prepared by D.S.B. Engineers \& Architects, P.C., entitled "Plat Plan Phase 1", The Fairways at Riverton Subdivision, Project No. 22-12035. Said parcel containing 2.230 acres of land more or less.
§ 6. In the event that the parklands described in section four of this act to be acquired and dedicated by the town of Henrietta pursuant to this act are not equal to or greater than the parklands described in section three of this act being alienated, the town of Henrietta 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.
§ 7. In the event that the town of Henrietta 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 section three of this act shall not occur until the town of Henrietta has complied with any federal requirements
pertaining to the alienation or conversion of such parklands, including
satisfying the secretary of the interior that the alienation or conver-
sion 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 alien-
ated or converted.
§ 8. This act shall take effect immediately.

