STATE OF NEW YORK

6610

2023-2024 Regular Sessions

IN SENATE

April 28, 2023

Introduced by Sen. COONEY -- read twice and ordered printed, and when printed to be committed to the Committee on Cities 2

AN ACT in relation to authorizing the city of Rochester to convey by appropriate instruments to the Rochester Pure Waters District, an easement in Genesee Valley Park, for installation and maintenance of sanitary sewer facilities

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

Section 1. The city of Rochester, acting by and through its governing body, is hereby authorized to convey by appropriate instruments to the Rochester Pure Waters District, a permanent easement in Genesee Valley Park described in section three of this act, for the purpose of enabling such water district to construct, operate, repair, replace, and maintain sanitary sewer facilities. Upon completion of any repairs or construction, the Rochester Pure Waters District shall restore the surface of the lands and the lands shall continue to be used for park purposes.

§ 2. The authorization provided in section one of this act shall be effective only upon the condition that the University of Rochester grants to the city of Rochester a conservation easement over a 3.962 acre parcel of land adjacent to Genesee Valley Park, and that the University of Rochester further compensate the city of Rochester in a sum of not less than $100,000 or an amount equal to or greater than the fair market value of the easement interest being alienated pursuant to section one of this act, whichever is greater, to be used for the acquisition of new parklands and/or capital improvements to existing park and recreational facilities.

§ 3. The easements to be conveyed by the city of Rochester pursuant to the provisions of this act are described as follows:

MAP 1, PARCEL 1:

All that track or parcel of land being in the City of Rochester, County of Monroe, State of New York, as shown on the accompanying map and

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

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described as follows: Commencing at an angle point in the southerly property line of the City of Rochester (reputed owner), Tax Account No. 148.06-1-1.001 on the north and property of the City of Rochester (reputed owner), Tax Account No. 135.15-1-1 on the south; thence S 83° 50' 06" W along said division line a distance of 122.53 feet to the true point of beginning, said point having coordinates of N 1,138,746.57 and E 1,401,724.37; thence, continuing south westerly along the said division line S 83° 50' 06" W, 44.77 feet to a point, said point having coordinates of N 1,138,741.76 and E 1,401,679.86; thence, through land owned by the City of Rochester (reputed owner), Tax Account No. 148.06-1-1.001, N 32° 51' 14" W, 187± feet to a point on the approximate mean high water of the Genesee River: thence easterly along the approximate high water of the Genesee River 43± feet to a point; thence, through lands owned by the City of Rochester (reputed owner), Tax Account No.148.06-1-1.001, S 32° 51' 14" E 193± feet to the point of beginning, being 7,572± square feet or 0.174± acres.

MAP 2, PARCEL 1:

All that track or parcel of land being in the City of Rochester, County of Monroe, State of New York, as shown on the accompanying map and described as follows: Commencing at an angle point in the southerly property line of the City of Rochester (reputed owner), Tax Account No. 148.06-1-1.001 on the north and property of the City of Rochester (reputed owner), Tax Account No. 135.15-1-1 on the south; thence S 83° 50' 06" W along said division line a distance of 122.53 feet to the true point of beginning, said point having coordinates of N 1,138,746.57 and E 1,401,724.37; thence, through land owned by the City of Rochester (reputed owner), Tax Account No. 135.15-1-1, S 32° 51' 14" E, 280.84 feet to a point at the division line of lands owned by the University of Rochester (reputed owner), Tax Account No. 135.67-1-2.001 on the south and lands owned by the City of Rochester (reputed owner), Tax Account No. 135.15-1-1 on the north, said point having coordinates of N 1,138,510.64 and E 1,401,876.73; thence south westerly along said division line on a curve to the right with a radius of 2,435.31 feet a distance of 43.72 feet to a point, said point having coordinates of N 1,138,474.12 and E 1,401,852.70; thence, through lands owned by the City of Rochester (reputed owner), Tax Account No. 135.15-1-1, N 32° 51' 14" W, 318.60 feet to a point at the division line of lands owned by the City of Rochester (reputed owner), Tax Account No. 148.06-1-1.001 on the north and property of the City of Rochester (reputed owner), Tax Account No. 135.15-1-1 on the south, said point having coordinates of N 1,138,741.76 and E 1,401,679.86; thence N 83° 50' 06" E along said division line a distance of 44.77 feet to the point of beginning, being 11,992± square feet or 0.275± acres.

MAP 3, PARCEL 1:

All that track or parcel of land being in the City of Rochester, County of Monroe, State of New York, as shown on the accompanying map and described as follows: Commencing on the southerly boundary of Elmwood Avenue and the property line of the City of Rochester (reputed owner), Tax Account No. 135.58-1-1 on the east and property of the City of Rochester (reputed owner), Tax Account No. 135.51-1-8 on the west; thence, the following courses and distances along said division line S 28° 49' 55" W 289.60 feet to a point, S 26° 36' 13" W 163.97 feet to a

point, S 29° 22' 52" W 57.60 feet to the true point of beginning, said point having coordinates of N 1,139,566.23 and E 1,401,089.95; thence, the following courses and distances through land owned by the City of Rochester (reputed owner), Tax Account No. 135.58-1-1, S 58° 00' 55" E, 197.66 feet to a point, said point having coordinates of N 1,139,461.53 and E 1,401,257.60, S 33° 08' 00" E, 290± feet to a point on the approximate mean high water of the Genesee River: thence southwesterly along the approximate high water of the Genesee River 40 feet ± to a point; thence, the following courses and distances through land owned by the City of Rochester (reputed owner), Tax Account No. 135.58-1-1, N 33° 08' 00" W, 278± feet to a point, said point having coordinates of N 1,139,432.27 and E 1,401,228.93, N 58° 00' 55" W, 188.14 feet to a point at the division line of lands owned by the City of Rochester (reputed owner), Tax Account No. 135.58-1-1 on the east and lands owned by the City of Rochester (reputed owner), Tax Account No. 135.51-1-8 on the west, said point having coordinates of N 1,139,531.93 and E 1,401,069.35; thence, the following courses and distances along said division line, N 31° 12' 15" E, 35.19 feet, N 29° 22' 52" E, 4.82 feet to the point of beginning, being 19,075± square feet or 0.438± acres.

MAP 4, PARCEL 1:

All that track or parcel of land being in the City of Rochester, County of Monroe, State of New York, as shown on the accompanying map and described as follows: Commencing on the southerly boundary of Elmwood Avenue and the property line of the City of Rochester (reputed owner), Tax Account No. 135.58-1-1 on the east and property of the City of Rochester (reputed owner), Tax Account No. 135.51-1-8 on the west; thence, the following courses and distances along said division line S 28° 49' 55" W 289.60 feet to a point, S 26° 36' 13" W 163.97 feet to a point, S 29° 22' 52" W 57.60 feet to the true point of beginning, said point having coordinates of N 1,139,566.23 and E 1,401,089.95; thence, the following courses and distances along said division line, S 29° 22' 52" W, 4.82 feet, S 31° 12' 15" W, 35.19 feet to a point, said point having coordinates of N 1,139,531.93 and E 1,401,069.35; thence, through land owned by the City of Rochester (reputed owner), Tax Account No. 135.51-1-8, N 58° 00' 55" W, 40.84 feet to a point at the division line of lands owned by the City of Rochester (reputed owner), Tax Account No. 135.51-1-8 on the east and lands owned by the City of Rochester (reputed owner), Tax Account No. 135.58-1-2 on the west, said point having coordinates of N 1,139,553.56 and E 1,401,034.71; thence, the following courses and distances along said division line, N 32° 46' 56" E, 33.69 feet to a point, N 30° 57' 33" E, 6.32 feet to a point; thence, through land owned by the City of Rochester (reputed owner), Tax Account No. 135.51-1-8, S 58° 00' 55" E, 39.79 feet to the point of beginning, being 1,612± square feet or 0.037± acres.

§ 4. The conveyance of the easement authorized by the provisions of this act shall not occur until the city of Rochester 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 that the substitution of other lands be equivalent in fair market value and recreational usefulness to the lands being alienated or converted.

§ 5. This act shall take effect immediately.