STATE OF NEW YORK

5799--A

2023-2024 Regular Sessions

IN ASSEMBLY

March 23, 2023

Introduced by M. of A. GANDOLFO -- 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 Islip, county of Suffolk, 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 Islip, county of Suffolk, 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 to lease at fair market value to J.P. Supreme Caterers, Inc., d/b/a Nicky's on the Bay, or its successors and/or assigns, for a term not to exceed forty years the lands more particularly described in section three of this act to make the necessary renovations and operate a fuel dock and restaurant.

§ 2. The authorization contained in section one of this act shall be effective only upon the condition that the town of Islip, county of Suffolk, 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:

BEGINNING at a point, said point being the following courses and distances from the corner formed by the intersection of the easterly side of Clinton Avenue and the southerly side of Bayview Avenue.

1.) N57° 44' 40"E 34.00 feet along the southerly side of Bayview Avenue to a point;

2.) S32° 15' 20"E 128.73 feet to a point;

3.) S38° 48' 10"E 129.10 feet to a point;

4.) S67° 01' 50"E 468.38 feet to a point;

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

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5.) N72° 50' 40"E 794.58 feet to a point;
6.) N49° 23' 30"E 476.11 feet to a point;
7.) N34° 30' 49"W 6.36 feet to the point of beginning, having the N.Y.S. coordinates N199,740.8400, E1195600.4500 Long Island Zone.

RUNNING THENCE in a northerly direction N34° 30' 49"W 152.09 feet to a point;

RUNNING THENCE in an easterly direction N49° 54' 46"E 173.11 feet to a point;

RUNNING THENCE in a southerly direction S36° 15' 02"E 151.42 feet to a point;

RUNNING THENCE in a westerly direction S54° 09' 42"W 160.93 feet to a point;

RUNNING THENCE in a southerly direction S34° 30' 49"E 13.46 feet to a point;

RUNNING THENCE in a westerly direction S54° 09' 42"W 16.00 feet to a point, the point or place of beginning.

Said Parcel has an area of 25,552.10 SQ.FT. or 0.59 Acres and can be found on Drawing 2008-18 of the Dept. Of Planning and Development, Town of Islip.

§ 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 Islip for public park and recreational purposes. At the time of such reversion, the removal of such fuel dock and restaurant 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 Islip 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 Islip 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.