

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:

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

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

16 § 2. The lands authorized to be leased by the county of Cattaraugus
17 pursuant to section one of this act, designated as Tax Map No.
18 2.003-1-20, shall be described as follows:

19 (a) That tract or parcel of land, situate in the Town of Perrysburg,
20 County of Cattaraugus and State of New York, distinguished by being part
21 of Lot 16, Town 6, Range 9 of the Holland Land Company's survey, bounded
22 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.

LBD01673-03-3

1 16, which point is 2,258.24 feet west of the southeasterly corner of Lot
2 16; thence north parallel with the west line of Lot 16, 1,160.28 feet;
3 thence east on a line parallel with the south bounds of Lot 16. 739.2
4 feet; thence southeasterly at an interior angle of 119° 21', 981.81
5 feet; thence east at an exterior angle of 119° 21', 790.6 feet to the
6 center of the public highway commonly known as Easton Road; thence
7 southeasterly along the center of said highway or public road 66.18
8 feet; thence west on a line parallel to the south bounds of said lot
9 1,780 feet; thence south 232.98 feet to the south bounds of Lot 16,
10 thence west on the south bounds of said lot, 286.44 feet to the point of
11 beginning, containing 23.73 acres more or less.

12 (b) Also all that other tract or parcel of land, situate in the Town
13 of Perrysburg, County of Cattaraugus and State of New York, distin-
14 guished by being a part of lot number 16, in the 6th town and 9th range
15 of the Holland Land Company's survey, and bounded as follows: Beginning
16 on the north line of parcel D of lands conveyed to Vernon Croker and
17 Harold Croker by Warranty Deed recorded in the Cattaraugus County
18 Clerk's Office in Liber 555 of Deeds at Page 290 on March 2, 1956, at a
19 point 1680.6 feet east of the center line of North Road (said center
20 line of North Road being the west line of said Lot 16) ; thence easter-
21 ly, along the north line of the above mentioned Deed, 1169.94 feet to a
22 stake at the northeast corner of lands conveyed by above mentioned Deed;
23 thence southerly along the east line of lands conveyed by above
24 mentioned Deed and parallel to the west line of lot 16, 1160.28 feet to
25 the southeast corner of lands conveyed by above mentioned Deed; thence
26 westerly along the south bounds of land conveyed by above mentioned
27 Deed, 1169.94 feet to a stake; thence north, parallel to the west line
28 of Lot 16, 1160.28 feet to the point or place of beginning, containing
29 31 acres, more or less.

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

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

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

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

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

14 § 5. In the event that the county of Cattaraugus received any funding,
15 support, or assistance from the federal government for the purchase,
16 maintenance, or improvement of the parklands set forth in section two of
17 this act, the discontinuance and alienation of such parkland authorized
18 by the provisions of this act shall not occur until the county of Catta-
19 raugus has complied with any federal requirements pertaining to the
20 alienation or conversion of parklands, including satisfying the secre-
21 tary of the interior that the alienation or conversion complies with all
22 conditions which the secretary of the interior deems necessary to ensure
23 the substitution of other lands shall be equivalent in fair market value
24 and usefulness to the lands being alienated or converted.

25 § 6. This act shall take effect immediately.