

STATE OF NEW YORK

5364

2023-2024 Regular Sessions

IN SENATE

March 2, 2023

Introduced by Sen. CANZONERI-FITZPATRICK -- 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 Long Beach to alienate and discontinue the use of certain parklands

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

1 Section 1. Subject to the provisions of this act, the city of Long
2 Beach is hereby authorized, acting by and through its governing body,
3 and upon such terms and conditions as determined by, and in the sole
4 discretion of, such governing body, to: (a) temporarily discontinue the
5 use of the parklands described in section three of this act; and (b) to
6 discontinue the use as parkland and alienate the lands described in
7 section four of this act, and to convey property interests in such lands
8 to EW Offshore Wind Transport Corporation for the purpose of construct-
9 ing, maintaining and operating a subterranean conduit and electrical
10 distribution cable system, together with subterranean transition joint
11 bays and link boxes, and appurtenances thereto, under city of Long Beach
12 parkland located at Ocean Beach Park (also known as Long Beach), desig-
13 nated on the city of Long Beach Tax Map as Section 59, Block A, Lot 2
14 (or Lots 1 - 6).

15 § 2. The authorization contained in section one of this act shall only
16 be effective on the condition that the city of Long Beach dedicate an
17 amount equal to or greater than fair market value of the parklands being
18 alienated pursuant to section one of this act towards the acquisition of
19 new parklands and/or capital improvements to existing park and recre-
20 ational facilities.

21 § 3. The parklands authorized by section one of this act to be tempo-
22 rarily discontinued as parkland for construction are described as
23 follows:

24 DESCRIPTION OF A PROPOSED LIMITED USE AREA ACROSS A PORTION OF TAX LOT
25 2, BLOCK A, CITY OF LONG BEACH, NASSAU COUNTY, NEW YORK.

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

LBD09922-01-3

1 BEGINNING AT A POINT IN THE DIVIDING LINE BETWEEN TAX LOT 2 BLOCK A
2 AND THE SOUTHERLY TERMINUS OF RIVERSIDE BOULEVARD (100' WIDE R.O.W.),
3 SAID POINT BEING DISTANT SOUTH 86 DEGREES 49 MINUTES 59 SECONDS EAST,
4 8.57 FEET FROM WHERE THE SAME IS INTERSECTED BY TAX LOT 203 BLOCK 272,
5 AND RUNS THENCE

6 1. ALONG SAID DIVIDING LINE BETWEEN TAX LOT 2 BLOCK A AND THE SOUTHER-
7 LY TERMINUS OF SAID RIVERSIDE BOULEVARD, SOUTH 86 DEGREES 49 MINUTES 59
8 SECONDS EAST 84.49 FEET TO A POINT, THENCE

9 2. ACROSS TAX LOT 2 BLOCK A, SOUTH 01 DEGREES 31 MINUTES 22 SECONDS
10 EAST, 488.93 FEET TO A POINT, THENCE

11 3. STILL ACROSS TAX LOT 2 BLOCK A, ALONG THE MEAN HIGH-WATER LINE OF
12 THE ATLANTIC OCEAN, 157.1+/- FEET TO A POINT, THENCE

13 4. STILL ACROSS TAX LOT 2 BLOCK A, NORTH 00 DEGREES 23 MINUTES 41
14 SECONDS WEST, 424.50 FEET TO THE PLACE OF BEGINNING.

15 CONTAINING 43,990 SQUARE FEET OR 1.0099 ACRES OF LAND.

16 BEING SHOWN IN ACCORDANCE WITH A PLAN ENTITLED "LIMITED USE AREA
17 EXHIBIT, PORTION OF TAX LOT 2, BLOCK A, BEACH AT LONG BEACH, CITY OF
18 LONG BEACH, NASSAU COUNTY, NEW YORK "PREPARED BY DPK LAND SURVEYING,
19 LLC, DATED FEBRUARY 17, 2023.

20 The foregoing metes and bounds description include the surface and
21 subsurface of the temporarily discontinued parkland for construction.

22 § 4. The subsurface portion of land authorized by section one of this
23 act to be permanently discontinued as parkland is described as follows:

24 DESCRIPTION OF A PROPOSED LIMITED USE AREA ACROSS A PORTION OF TAX LOT
25 2, BLOCK A, CITY OF LONG BEACH, NASSAU COUNTY, NEW YORK.

26 BEGINNING AT A POINT IN THE DIVIDING LINE BETWEEN TAX LOT 2 BLOCK A
27 AND THE SOUTHERLY TERMINUS OF RIVERSIDE BOULEVARD (100' WIDE R.O.W.),
28 SAID POINT BEING DISTANT SOUTH 86 DEGREES 49 MINUTES 59 SECONDS EAST,
29 8.57 FEET FROM WHERE THE SAME IS INTERSECTED BY TAX LOT 203 BLOCK 272,
30 AND RUNS THENCE

31 1. ALONG SAID DIVIDING LINE BETWEEN TAX LOT 2 BLOCK A AND THE SOUTHER-
32 LY TERMINUS OF SAID RIVERSIDE BOULEVARD, SOUTH 86 DEGREES 49 MINUTES 59
33 SECONDS EAST 84.49 FEET TO A POINT, THENCE

34 2. ACROSS TAX LOT 2 BLOCK A, SOUTH 01 DEGREES 31 MINUTES 22 SECONDS
35 EAST, 488.93 FEET TO A POINT, THENCE

36 3. STILL ACROSS TAX LOT 2 BLOCK A, ALONG THE MEAN HIGH-WATER LINE OF
37 THE ATLANTIC OCEAN, 157.1+/- FEET TO A POINT, THENCE

38 4. STILL ACROSS TAX LOT 2 BLOCK A, NORTH 00 DEGREES 23 MINUTES 41
39 SECONDS WEST, 424.50 FEET TO THE PLACE OF BEGINNING.

40 CONTAINING 43,990 SQUARE FEET OR 1.0099 ACRES OF LAND.

41 BEING SHOWN IN ACCORDANCE WITH A PLAN ENTITLED "LIMITED USE AREA
42 EXHIBIT, PORTION OF TAX LOT 2, BLOCK A, BEACH AT LONG BEACH, CITY OF
43 LONG BEACH, NASSAU COUNTY, NEW YORK "PREPARED BY DPK LAND SURVEYING,
44 LLC, DATED FEBRUARY 17, 2023.

45 The portion of the property subject to the permanently discontinued
46 parkland will be below the surface of the Earth, with the vertical
47 extents no higher than elevation -30 (Feet, North American Vertical
48 Datum of 1988); the intent being that the proposed cable route will not
49 interfere with or affect the existing boardwalk, boardwalk piles, or
50 jetty on the subject property.

51 § 5. Upon completion of construction, EW Offshore Wind Transport
52 Corporation, as authorized by this act in agreement and in consultation
53 with the New York State Historic Preservation Office, shall restore the
54 surface of the lands more particularly described in section three of
55 this act and such lands shall continue to be used for park purposes.

1 § 6. In the event that the city of Long Beach received any funding
2 support or assistance from the federal government for the purchase,
3 maintenance, or improvement of the parklands set forth in sections three
4 and four of this act, the discontinuance and alienation of such park-
5 lands authorized by the provisions of this act shall not occur until the
6 city of Long Beach has complied with any federal requirements pertaining
7 to the alienation or conversion of parklands, including satisfying the
8 secretary of the interior that the alienation or conversion complies
9 with all conditions which the secretary of the interior deems necessary
10 to assure the substitution of other lands shall be equivalent in fair
11 market value and usefulness to the lands being alienated or converted.
12 § 7. This act shall take effect immediately.