

# STATE OF NEW YORK

6150

2023-2024 Regular Sessions

## 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

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:

1 Section 1. Subject to the provisions of this act, the town of Henrietta,  
2 ta, county of Monroe, acting by and through its governing body and upon  
3 such terms and conditions as determined by such board is hereby author-  
4 ized to discontinue as parklands and alienate the lands described in  
5 section three of this act to Forest Creek Equity Corp. for the purpose  
6 of providing necessary land for the construction of planned residential  
7 and recreational structures.

8 § 2. The authorization provided in section one of this act shall be  
9 effective only upon the condition that: 1. Forest Creek Equity Corp.  
10 convey to the town of Henrietta, and that the town of Henrietta acquire  
11 and dedicate the lands described in section four of this act as park-  
12 lands; and 2. Forest Creek Equity Corp. convey by appropriate instrument  
13 to the town of Henrietta, a right-of-way easement upon the lands  
14 described in section five of this act.

15 § 3. The parklands authorized by section one of this act to be alien-  
16 ated are described as follows:

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

20 COMMENCING at a point on the westerly right of way of Kingsbarn Road  
21 and the southwesterly corner of the portion of N/F The Town of Henrietta,  
22 Tax # 187.040-2-1.1 to be transferred being the POINT OF BEGINNING;  
23 thence,

24 1. North 00° 02' 45" East a distance of 40.04 feet to a point; thence,

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

LBD09842-01-3

1 2. North 87° 42' 13" East a distance of 465.21 feet to a point;  
2 thence,  
3 3. North 71° 59' 10" East a distance of 133.74 feet to a point;  
4 thence,  
5 4. North 87° 42' 13" East a distance of 90.00 feet to a point; thence,  
6 5. Southerly, along a curve to the left, having a radius of 1181.00  
7 feet, an arc distance of 144.58 feet to a point; thence,  
8 6. North 79° 03' 05" West a distance of 261.31 feet to a point;  
9 thence,  
10 7. South 87° 42' 13" West a distance of 382.75 feet to the PLACE AND  
11 POINT OF BEGINNING.

12 BEING 39,996 SQ. FT./ 0.918 ACRES.

13 All as shown on plan prepared by D.S.B. Engineers & Architects, P.C.,  
14 entitled "Plat Plan Phase 1", The Fairways at Riverton Subdivision,  
15 Project No. 22-12035.

16 § 4. Prior to the discontinuance of the parklands described in section  
17 three of this act, Forest Creek Equity Corp. shall convey to the town of  
18 Henrietta, and the town of Henrietta shall acquire and dedicate as park-  
19 lands, such land described as follows:

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

22

PARCEL 1:

23 COMMENCING at a point on the westerly right of way of Erie Station  
24 Road and the southeasterly property corner of Lot 101; thence, North 78°  
25 13' 54" West a distance of 31.72 feet to the POINT OF BEGINNING; thence,  
26 1. North 78° 13' 54" West a distance of 16.93 feet to a point; thence,  
27 2. North 15° 52' 41" West a distance of 233.93 feet to a point;  
28 thence,  
29 3. North 41° 35' 18" West a distance of 629.73 feet to a point;  
30 thence,  
31 4. North 50° 33' 02" West a distance of 226.63 feet to a point;  
32 thence,  
33 5. North 63° 26' 06" West a distance of 90.07 feet to a point; thence,  
34 6. North 03° 34' 38" East a distance of 335.61 feet to a point;  
35 thence,  
36 7. North 87° 42' 13" East a distance of 15.08 feet to a point; thence,  
37 8. South 03° 34' 38" West a distance of 287.00 feet to a point;  
38 thence,  
39 9. South 63° 26' 06" East a distance of 81.83 feet to a point; thence,  
40 10. South 50° 33' 02" East a distance of 229.50 feet to a point;  
41 thence,  
42 11. South 41° 35' 18" East a distance of 634.33 feet to a point;  
43 thence,  
44 12. South 15° 52' 41" East a distance of 245.21 feet to the PLACE AND  
45 POINT OF BEGINNING.

46 All as shown on plan prepared by D.S.B. Engineers & Architects, P.C.,  
47 entitled "Plat Plan Phase 1", The Fairways at Riverton Subdivision,  
48 Project No. 22-12035.

49

PARCEL 2:

50 COMMENCING at a point on the westerly right of way of Kingsbarn Road  
51 and the northwesterly corner of the portion of N/F The Town of Henrietta-

1 ta, Tax # 187.040-2-1.1; thence, South 87° 42' 13" West a distance of  
2 139.71 feet to the POINT OF BEGINNING; thence,  
3 1. South 87° 42' 13" West a distance of 15.08 feet to a point; thence,  
4 2. North 75° 48' 21" West a distance of 278.27 feet to a point;  
5 thence,  
6 3. North 08° 33' 20" East a distance of 571.36 feet to a point;  
7 thence,  
8 4. North 23° 51' 02" East a distance of 519.35 feet to a point;  
9 thence,  
10 5. North 09° 22' 13" East a distance of 307.10 feet to a point;  
11 thence,  
12 6. North 78° 16' 26" West a distance of 836.05 feet to a point;  
13 thence,  
14 7. North 11° 43' 34" East a distance of 15.00 feet to a point; thence,  
15 8. South 78° 16' 26" East a distance of 850.45 feet to a point;  
16 thence,  
17 9. South 09° 22' 13" West a distance of 323.40 feet to a point;  
18 thence,  
19 10. South 23° 51' 02" West a distance of 519.24 feet to a point;  
20 thence,  
21 11. South 08° 33' 20" West a distance of 555.75 feet to a point;  
22 thence,  
23 12. South 75° 48' 21" East a distance of 324.32 feet to a point;  
24 thence,  
25 13. South 03° 34' 38" West a distance of 10.91 feet to the PLACE AND  
26 POINT OF BEGINNING.  
27 All as shown on plan prepared by D.S.B. Engineers & Architects, P.C.,  
28 entitled "Plat Plan Phase 1", The Fairways at Riverton Subdivision,  
29 Project No. 22-12035.

30 PARCEL 3:

31 COMMENCING at a point on the westerly right of way of Kingsbarn Road  
32 and the northeasterly property corner of Lot 111, being the POINT OF  
33 BEGINNING; thence,  
34 1. North 89° 56' 13" West a distance of 145.22 feet to a point;  
35 thence,  
36 2. North 03° 34' 38" East a distance of 51.09 feet to a point; thence,  
37 3. North 87° 42' 13" East a distance of 142.19 feet to a point;  
38 thence,  
39 4. South 00° 02' 45" West a distance of 56.84 feet to the PLACE AND  
40 POINT OF BEGINNING.  
41 All as shown on plan prepared by D.S.B. Engineers & Architects, P.C.,  
42 entitled "Plat Plan Phase 1", The Fairways at Riverton Subdivision,  
43 Project No. 22-12035.

44 PARCEL 4:

45 COMMENCING at a point on the westerly right of way of Kingsbarn Road  
46 and the northwesterly corner of the portion of N/F The Town of Henrietta,  
47 Tax # 187.040-2-1.1, being the POINT OF BEGINNING; thence,  
48 1. South 87° 42' 13" West a distance of 139.71 feet to a point;  
49 thence,  
50 2. North 03° 34' 38" East a distance of 10.91 feet to a point; thence,  
51 3. South 89° 56' 13" East a distance of 138.92 feet to a point;  
52 thence,

1 4. South  $00^{\circ} 02' 45''$  West a distance of 5.13 feet to the PLACE AND  
2 POINT OF BEGINNING.

3 All as shown on plan prepared by D.S.B. Engineers & Architects, P.C.,  
4 entitled "Plat Plan Phase 1", The Fairways at Riverton Subdivision,  
5 Project No. 22-12035.

6 PARCEL 5:

7 COMMENCING at a point on the southerly right of NYS Thruway Interstate  
8 90 and the northwesterly property corner of N/F Forest Creek Equity  
9 Corp., Tax # 187.040-2-4.111, being the POINT OF BEGINNING; thence,

10 1. South  $78^{\circ} 37' 12''$  East a distance of 240.00 feet to a point;  
11 thence,

12 2. South  $11^{\circ} 22' 48''$  West a distance of 159.24 feet to a point;  
13 thence,

14 3. North  $78^{\circ} 16' 26''$  West a distance of 279.00 feet to a point;  
15 thence,

16 4. North  $25^{\circ} 16' 52''$  East a distance of 162.31 feet to the PLACE AND  
17 POINT OF BEGINNING.

18 All as shown on plan prepared by D.S.B. Engineers & Architects, P.C.,  
19 entitled "Plat Plan Phase 1", The Fairways at Riverton Subdivision,  
20 Project No. 22-12035.

21 § 5. The right-of-way easement to be conveyed by Forest Creek Equity  
22 Corp. to the town of Henrietta, pursuant to section two of this act is  
23 described as follows:

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

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

30 1. North  $89^{\circ} 55' 27''$  West a distance of 238.41 feet to a point;  
31 thence,

32 2. Northerly, along a curve to the left, having a radius of 180.00  
33 feet, an arc distance of 156.24 feet to a point; thence,

34 3. North  $40^{\circ} 20' 38''$  West a distance of 241.24 feet to a point;  
35 thence,

36 4. Northerly, along a curve to the left, having a radius of 180.00  
37 feet, an arc distance of 126.89 feet to a point; thence,

38 5. North  $00^{\circ} 02' 45''$  East a distance of 161.19 feet to a point;  
39 thence,

40 6. South  $89^{\circ} 56' 13''$  East a distance of 60.00 feet to a point; thence,

41 7. South  $00^{\circ} 02' 45''$  West a distance of 161.17 feet to a point;  
42 thence,

43 8. Southerly, along a curve to the left, having a radius of 120.00  
44 feet, an arc distance of 84.59 feet to a point; thence,

45 9. South  $40^{\circ} 20' 38''$  East a distance of 84.54 feet to a point; thence,

46 10. Southerly, along a curve to the left, having a radius of 30.00  
47 feet, an arc distance of 46.94 feet to a point; thence,

48 11. North  $50^{\circ} 00' 58''$  East a distance of 134.81 feet to a point;  
49 thence,

50 12. Northerly, along a curve to the left, having a radius of 120.00  
51 feet, an arc distance of 46.32 feet to a point; thence,

52 13. North  $27^{\circ} 54' 05''$  East a distance of 275.15 feet to a point;  
53 thence,

1 14. Northerly, along a curve to the left, having a radius of 30.00  
2 feet, an arc distance of 48.09 feet to a point; thence,  
3 15. North 63° 56' 25" West a distance of 43.48 feet to a point;  
4 thence,  
5 16. North 26° 03' 35" East a distance of 60.00 feet to a point;  
6 thence,  
7 17. South 63° 56' 25" East a distance of 47.34 feet to a point;  
8 thence,  
9 18. Southerly, along a curve to the left, having a radius of 30.00  
10 feet, an arc distance of 46.16 feet to a point; thence,  
11 19. South 62° 05' 55" East a distance of 60.00 feet to a point;  
12 thence,  
13 20. South 27° 54' 05" West a distance of 395.21 feet to a point;  
14 thence,  
15 21. Southerly, along a curve to the right, having a radius of 180.00  
16 feet, an arc distance of 69.48 feet to a point; thence,  
17 22. South 50° 00' 58" West a distance of 134.05 feet to a point;  
18 thence,  
19 23. Southerly, along a curve to the left, having a radius of 30.00  
20 feet, an arc distance of 47.31 feet to a point; thence,  
21 24. South 40° 20' 38" East a distance of 36.70 feet to a point;  
22 thence,  
23 25. Southerly, along a curve to the left, having a radius of 120.00  
24 feet, an arc distance of 104.16 feet to a point; thence,  
25 26. South 89° 55' 27" East a distance of 238.59 feet to a point;  
26 thence,  
27 27. Easterly, along a curve to the left, having a radius of 30.00  
28 feet, an arc distance of 47.08 feet to a point; thence,  
29 28. South 00° 00' 46" West a distance of 120.00 feet to a point;  
30 thence,  
31 29. Northerly, along a curve to the left, having a radius of 30.00  
32 feet, an arc distance of 47.17 feet to the PLACE AND POINT OF BEGINNING.  
33 All as shown on plan prepared by D.S.B. Engineers & Architects, P.C.,  
34 entitled "Plat Plan Phase 1", The Fairways at Riverton Subdivision,  
35 Project No. 22-12035.

36 § 6. In the event that the parklands described in section four of this  
37 act to be acquired and dedicated by the town of Henrietta pursuant to  
38 this act are not equal to or greater than the parklands described in  
39 section three of this act being alienated, the town of Henrietta shall  
40 dedicate the difference of the fair market value of the lands to be  
41 alienated and the lands to be dedicated for the acquisition of addi-  
42 tional parklands and/or capital improvements to existing park and recre-  
43 ational facilities.

44 § 7. In the event that the town of Henrietta received any funding  
45 support or assistance from the federal government for the purchase,  
46 maintenance or improvement of the parklands set forth in section three  
47 of this act, the discontinuance and alienation of such parklands author-  
48 ized by the provisions of section three of this act shall not occur  
49 until the town of Henrietta has complied with any federal requirements  
50 pertaining to the alienation or conversion of such parklands, including  
51 satisfying the secretary of the interior that the alienation or conver-  
52 sion complies with all conditions which the secretary of the interior  
53 deems necessary to assure the substitution of other lands shall be  
54 equivalent in fair market value and usefulness to the lands being alien-  
55 ated or converted.

56 § 8. This act shall take effect immediately.