

# STATE OF NEW YORK

6743

2023-2024 Regular Sessions

## IN SENATE

May 8, 2023

Introduced by Sen. HARCKHAM -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to authorize the town of Yorktown, county of Westchester, 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:

1 Section 1. Subject to the provisions of this act, the town of York-  
2 town, county of Westchester, acting by and through its governing body,  
3 and upon such terms and conditions as determined by such body, is hereby  
4 authorized to discontinue as parklands and lease at fair market value to  
5 Homeland Towers, LLC for a term not to exceed fifty-five years the lands  
6 more particularly described in section three of this act to make the  
7 necessary renovations and operate a radio transmission tower facility.

8 § 2. The authorization contained in section one of this act shall be  
9 effective only upon the condition that the town of Yorktown, county of  
10 Westchester, dedicate the proceeds from the lease toward the acquisition  
11 of new parklands and/or capital improvements to existing park and recre-  
12 ational facilities.

13 § 3. The lands authorized by section one of this act to be discontin-  
14 ued as parklands and leased are described as follows:

15 ALL THAT CERTAIN PARCEL OF LAND SITUATE IN THE TOWNSHIP OF YORKTOWN,  
16 COUNTY OF WESTCHESTER AND STATE OF NEW YORK, AND BEING A PORTION OF LAND  
17 CONVEYED TO THE TOWN OF YORKTOWN BY DEED BOOK 10175 AT PAGE 203 IN THE  
18 WESTCHESTER COUNTY CLERK'S OFFICE BOUNDED AND DESCRIBED AS FOLLOWS:

19 BEGINNING AT A POINT, SAID POINT BEING LOCATED ON THE SOUTHERLY BOUNDS  
20 OF US ROUTE 6 (SH 1309), SAID POINT ALSO BEING THE NORTHEASTERLY CORNER  
21 OF SAID LANDS OF THE TOWN OF YORKTOWN, AND BEING LOCATED ON THE WESTERLY  
22 BOUNDS OF HILL BOULEVARD, THENCE FROM SAID POINT OF BEGINNING ALONG THE  
23 SAID WESTERLY BOUNDS OF HILL BOULEVARD ON A CURVE TO THE LEFT HAVING A  
24 RADIUS OF 827.45, AND A CENTRAL ANGLE OF 11° 43' 02" AND LENGTH OF CURVE  
25 OF 169.22' TO A POINT, THENCE ALONG THE SAID SOUTHERLY BOUNDS OF THE

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

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1 SAID LANDS OF THE TOWN OF YORKTOWN, S. 59° 00' 00", 30.91' W. TO A  
2 POINT, THENCE THROUGH THE SAID LANDS OF THE TOWN OF YORKTOWN, THE  
3 FOLLOWING SEVEN (7) COURSES AND DISTANCES:

4 1. N. 02° 32' 58" W., 73.43', THENCE  
5 2. N. 46° 38' 01" W., 30.01', THENCE  
6 3. N. 57° 33' 50" W., 25.29', THENCE  
7 4. N. 79° 32' 32" W., 26.30', THENCE  
8 5. N. 88° 20' 33" W., 45.30'. THENCE  
9 6. N. 22° 16' 51" W., 26.30', THENCE  
10 7. N. 01° 32' 48" E., 31.46' TO A POINT OF THE SOUTHERLY BOUNDS OF US  
11 ROUTE 6 (SH 1309), THENCE ALONG SAID SOUTHERLY BOUNDS OF US ROUTE 6 (SH  
12 1309) ON A CURVE TO THE LEFT HAVING A RADIUS OF 1412.5, AND A CENTRAL  
13 ANGLE OF 05° 09' 02" AND LENGTH OF CURVE OF 126.98' TO THE POINT OR  
14 PLACE OF BEGINNING, CONTAINING 0.26 ACRES, MORE OR LESS.

15 § 4. Should the lands described in section three of this act cease to  
16 be used for the purposes described in section one of this act, the lease  
17 shall terminate and those lands shall revert to the town of Yorktown for  
18 public park and recreational purposes. At the time of such reversion,  
19 the removal of the radio transmission tower facility shall take place  
20 and the property shall be returned to its previous state, consistent  
21 with park and recreational purposes.

22 § 5. In the event that the town of Yorktown received any funding  
23 support or assistance from the federal government for the purchase,  
24 maintenance or improvement of the parklands set forth in section three  
25 of this act, the discontinuance and alienation of such parklands author-  
26 ized by the provisions of this act shall not occur until the town of  
27 Yorktown has complied with any federal requirements pertaining to the  
28 alienation or conversion of parklands, including satisfying the secre-  
29 tary of the interior that the alienation or conversion complies with all  
30 conditions which the secretary of the interior deems necessary to assure  
31 the substitution of other lands shall be equivalent in fair market value  
32 and usefulness to the lands being alienated or converted.

33 § 6. This act shall take effect immediately.