

STATE OF NEW YORK

9393

IN SENATE

May 14, 2024

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 county of Monroe to convey appropriate instruments to EH Henrietta Solar 1 LLC and EH Henrietta Solar 2 LLC for an easement across Lehigh Valley Trail Park, for ingress and egress to and from the project site and installation of a medium voltage cable

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

1 Section 1. The county of Monroe, acting by and through its governing
2 body, is hereby authorized to convey by appropriate instruments to EH
3 Henrietta Solar 1 LLC and EH Henrietta Solar 2 LLC, and their successors
4 and/or assigns, an easement across Lehigh Valley Trail Park, as more
5 particularly described in section three of this act, to install and
6 maintain an access road for ingress and egress, and to install, operate,
7 and maintain a subsurface cable to facilitate electric grid intercon-
8 nection, provided that the thoroughfare shall be publicly accessible and
9 able to be used for park purposes. Upon completion of the improvements,
10 the land shall continue to be used for park purposes and any disturb-
11 ances to the surface of the land due to the subsurface cable shall be
12 restored by EH Henrietta Solar 1 LLC and EH Henrietta Solar 2 LLC, and
13 their successors and/or assigns.

14 § 2. The authorization provided in section one of this act shall be
15 effective only upon the condition that the county of Monroe dedicate the
16 fair market value of the easement toward the acquisition of new park-
17 lands and/or capital improvements to existing park and recreational
18 facilities.

19 § 3. The easement to be conveyed by the county of Monroe pursuant to
20 the provisions of this act is described as follows:

21 All that tract or parcel of land, situate in the town of Henrietta,
22 county of Monroe, state of New York, being part of lot 21, range 3,
23 township 12, particularly bounded and described as follows:

24 Commencing at a point in the division line between the lands of Lehr-
25 wood Estates, LLC (reputed owner), Liber 12459 at page 515 (Tax No.

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

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1 189.02-1-5), on the west with the lands of the County Of Monroe (reputed
2 owner), Liber 7217 at page 35 (Tax No. 189.04-1-49), on the east, said
3 point also being in the southerly right-of-way of the New York State
4 Thruway Authority (I-90); thence

5 South 08°37'21" west, along said division line, a distance of 42.37
6 feet to the point of beginning; thence

7 North 87°55'42" east, through said property of the County Of Monroe, a
8 distance of 67.17 feet to a point in the division line between the lands
9 of Lehrwood Estates, LLC (reputed owner), Liber 12459 at page 515 (Tax
10 No. 189.02-1-5), on the east with said lands of the County Of Monroe
11 (reputed owner), Liber 7217 at page 35 (Tax No. 189.04-1-49), on the
12 west; thence

13 South 08°37'21" west, along said division line, a distance of 40.71
14 feet to a point; thence

15 South 87°55'42" west, through said property of the County Of Monroe, a
16 distance of 67.17 feet to a point; thence

17 North 08°37'21" east, along said first division line, a distance of
18 40.71 feet to the point of beginning. Containing 0.062 acres more or
19 less.

20 § 4. Should the subsurface cable cease to be used for electric grid
21 interconnection, the easement shall terminate. At the time of such
22 termination, the removal of the access road and subsurface cable shall
23 take place and the property shall be returned to its previous state,
24 consistent with park and recreational purposes.

25 § 5. The conveyance of the easement authorized by the provisions of
26 this act shall not occur until the county of Monroe has complied with
27 any applicable federal requirements pertaining to the alienation or
28 conversion of parklands, including satisfying the secretary of the inte-
29 rior that the alienation or conversion complies with all conditions
30 which the secretary of the interior deems necessary to ensure that the
31 substitution of other lands or monetary compensation be equivalent in
32 fair market value and recreational usefulness to the lands being alien-
33 ated or converted.

34 § 6. This act shall take effect immediately.