STATE OF NEW YORK

4030--A

2025-2026 Regular Sessions

IN ASSEMBLY

January 30, 2025

Introduced by M. of A. McMAHON -- read once and referred to the Committee on Local Governments -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT in relation to authorizing the discontinuance of certain parklands in the town of Amherst, county of Erie

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

Section 1. Subject to the provisions of this act, the town of Amherst, county of Erie, is hereby authorized, acting by and through its governing body, and upon such terms and conditions as determined by such governing body, to discontinue as parklands and to lease at fair market value to Bell Atlantic Mobile Systems, LLC d/b/a Verizon Wireless for a term not to exceed thirty years the lands more particularly described in section three of this act for the placement and operation of a wireless communications tower.

§ 2. The authorization contained in section one of this act shall only be effective on the condition that the town of Amherst, county of Erie, dedicate the proceeds from the lease towards the acquisition of new parklands and/or capital improvements to existing park and recreational facilities.

§ 3. The parklands authorized by section one of this act to be discontinued as parkland are described as follows:

All that tract or parcel of land situate in the Town of Amherst, County of Erie, State of New York, all as shown on a map entitled "Swormville Survey Plan", prepared by Costich Engineering, D.P.C., having drawing number 8997, sheet number VA101, last dated 11/25/2024, and being more particularly bounded and described as follows:

Commencing at a 0.75" pipe found on the assumed common line of lands now or formerly owned by Charles Herberger (T.A.#28.04-1-52.11) to the west and lands now or formerly owned by the Town of Amherst (T.A.#28.04-1-45) to the east, said point also being on the assumed

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

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southerly right of way line of Smith Street-County Route 297 (66' R.O.W.); thence

1. S47°10'44"E, along the assumed southerly bounds of Smith Street-County Route 297, a distance of 38.33 feet to a point of curvature; thence

2. Southerly along a curve to the left having a delta angle of 16°59'34", a radius of 71.00 feet, and an arc length of 21.06 feet, said curve also having a chord of S31°41'25"W 20.98 feet to a point; thence

3. S23°11'38"W, a distance of 82.89 feet to a point of curvature; thence

4. Southerly along a curve to the right having a delta angle of 29°38'29", a radius of 85.00 feet, and an arc length of 43.97 feet, said curve also having a chord of S38°00'52"W 43.49 feet to a point; thence

5. S52°50'06"W, a distance of 72.46 feet to a point of curvature; thence

6. Westerly along a curve to the right having a delta angle of 57°35'20", a radius of 101.00 feet, and an arc length of 101.52 feet, said curve also having a chord of S81°37'47"W 97.30 feet to a point; thence

7. N69°34'33"W, a distance of 220.32 feet to a point of curvature; thence

8. Westerly along a curve to the left having a delta angle of 37°32'16", a radius of 220.00 feet, and an arc length of 144.13 feet, said curve also having a chord of S89°00'57"W 141.57 feet to a point; thence;

9. S01°20'21"W, a distance of 115.31 feet to a point; thence

10. N88°35'45"W, a distance of 130.00 feet to a point being the south-east corner of the proposed Verizon Lease Parcel; thence

11. N01°25'25"E, a distance of 130.00 feet to a point; thence

12. S88°34'35"E, a distance of 90.18 feet to a point of curvature; thence

13. Easterly along a curve to the right having a delta angle of 35°32'55", a radius of 250.00 feet, and an arc length of 155.11 feet, said curve also having a chord of N80°44'26"E 152.63 feet to a point; thence;

14. N03°43'43"E, a distance of 10.03 feet to a point of curvature; thence

15. Easterly along a curve to the right having a delta angle of 09°39'57", a radius of 260.00 feet, and an arc length of 43.86 feet, said curve also having a chord of S76°50'12"E 43.81 feet to a point; thence;

16. S69°34'33"E, a distance of 5.70 feet to a point on the assumed common line of lands now or formerly owned by Kathleen Grimm (T.A.#28.04-1-53.112) to the east and lands now or formerly owned by the Town of Amherst (T.A.#28.04-1-45) to the west; thence

17. S07°46'19"E, along the assumed common line, a distance of 9.00 feet to a point being the southwest corner of lands now or formerly owned by Kathleen Grimm (T.A.#28.04-1-53.112); thence

18. S88°48'15"E, along the assumed south line of lands now or formerly owned by Kathleen Grimm (T.A.#28.04-1-53.112) a distance of 24.09 feet to a point; thence

19. S69°34'33"E, a distance of 65.42 feet to a point; thence

20. S20°25'27"W, a distance of 10.00 feet to a point; thence

21. S69°34'33"E, a distance of 123.09 feet to a point of curvature; thence

22. Easterly along a curve to the left having a delta angle of 57°35'20", a radius of 71.00 feet, and an arc length of 71.36 feet, said curve also having a chord of N81°37'47"E 68.40 feet to a point; thence

23. N52°50'06"E, a distance of 72.46 feet to a point of curvature; thence

24. Northerly along a curve to the left having a delta angle of 29°38'29", a radius of 55.00 feet, and an arc length of 28.45 feet, said curve also having a chord of N38°00'52"E 28.14 feet to a point; thence

25. N23°11'38"E, a distance of 82.89 feet to a point of curvature; thence

26. Northerly along a curve to the right having a delta angle of 09°12'34", a radius of 101.00 feet, and an arc length of 16.23 feet, said curve also having a chord of N27°47'55"E 16.22 feet to a point; thence;

27. N47°10'44"W, a distance of 4.57 feet to a point being on the assumed common line of lands now or formerly owned by Charles Herberger (T.A.#28.04-1-52.11) to the west and lands now or formerly owned by the Town of Amherst (T.A.#28.04-1-45) to the east; thence

28. N23°11'38"E, along the assumed common line, a distance of 15.93 feet to the point and place of beginning. Containing 0.892 acres of land, more or less.

§ 4. Should the lands described in section three of this act cease to be used for the purposes described in section one of this act, the lease shall terminate and those lands shall revert to the town of Amherst for public park and recreational purposes. At the time of such reversion, the removal of such wireless communication tower shall take place and the property shall be returned to its previous state, consistent with park and recreational purposes.

§ 5. In the event that the town of Amherst received any funding support or assistance from the federal government for the purchase, maintenance, or improvement of the parklands set forth in section three of this act, the discontinuance and alienation of such parklands authorized by the provisions of this act shall not occur until the town of Amherst has complied with any federal requirements pertaining to the alienation or conversion of parklands, including satisfying the secretary of the interior that the alienation or conversion complies with all conditions which the secretary of the interior deems necessary to assure the substitution of other lands shall be equivalent in fair market value and usefulness to the lands being alienated or converted.

§ 6. This act shall take effect immediately.