STATE OF NEW YORK

11478

IN ASSEMBLY

May 22, 2026

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Tague) -- read once and referred to the Committee on Local Governments

AN ACT authorizing the discontinuance of certain parkland in the town of Windham, located in the county of Greene

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 Windham, located in the county of Greene, acting by and through its governing body and upon such terms and conditions as determined by such body, is hereby authorized to discontinue and to sell and convey at fair market value the lands more particularly described in section three of this act for the purposes of decommissioning an old baseball facility and pedestrian safety.

§ 2. The authorization contained in section one of this act shall only be effective on the condition that the town of Windham acquire and dedicate the lands described in section four of this act as parklands and maintain a public baseball facility on such parklands, provided that the town has never used such lands for public open space or park purposes.

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

Beginning at a concrete monument set in the ground on the northerly line of South Street (so-called) at the southwest corner of the premises conveyed by John H. Garraghan and Phoebe M. Garraghan, his wife, to Herbert C. Luhrs and Viola S. Luhrs, his wife, by deed dated November 17, 1954 and recorded in the Greene County Clerk's Office on November 19, 1954 in Liber 337 of Deeds at Page 319; running thence north 23° 50' east along the lands of said Luhrs a distance of 298 feet to a concrete monument set in the ground on the southerly boundary line of lands now owned by The Osborn House, Inc.; running thence north 51° 50'west along the lands of The Osborn House, Inc., a distance of 220 feet to an iron pin driven into the ground; running thence south 23° 50' west a distance of 345 feet to an iron pin driven into the ground on the northerly line of South Street; running thence south 67° 45' east a distance of 220

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

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feet to the concrete monument set in the ground marking the point and place of beginning, containing 1.6 acres, more or less.

Together with all the right, title and interest of the grantors herein in and to the land lying between the southerly boundary line of the premises above described to the center line of South Street.

Being a portion of the premises conveyed to John W. Garraghan by the following deeds: Deed by George W. Osborn, Jr., as Executor, etc. dated July 10, 1941, and recorded in Book 287 of Deeds at Page 365; deed by Hilda May Miller and others, dated July 11, 1943 and recorded in Book 290 of Deeds at Page 391, covering the same premises as Book 287 of Deeds Page 365; and Deed by Walter Jacobs and others, dated August 21,1946, and recorded in Book 312 of Deeds at Page 337; and by deed John H. Garraghan to John H. Garraghan and Phoebe M. Garraghan, his wife, dated July 23, 1948 and recorded in Greene County Clerk's Office in Liber 312 of Deeds at Page 339.

Being the same premises conveyed by John H. Garraghan and Phoebe M. Garraghan, his wife, by deed dated October 29, 1956, and recorded December 18, 1956, in the Greene County Clerk's Office, to W-A-J Civic Association, Inc.

Subject to pole and wire line easements of record.

§ 4. Prior to the discontinuance and alienation of the parklands described in section three of this act, the town of Windham shall dedicate as parklands and maintain a public baseball facility on such parklands are described as follows:

All that piece or parcel of land situate, lying and being in the Town of Windham, County of Greene and State of New York being a portion of lands conveyed to Eco Five of Windham Realty, Inc. by Leonidas Leonidou in a deed dated May 2, 1990 and recorded in the Greene County Clerk's Office on May 8, 1990 in Liber 728 of Deeds at page 117, said parcel being designated as Lot #1 on a map entitled "Survey Map Showing Proposed Subdivision of Lands of Eco Five of Windham Realty, Inc." dated October 11, 2024 by Santo Associates Land Surveying and Engineering, P.C., last revised on February 15, 2025 and recorded in the Greene County Clerk's Office on May 2, 2025 as Map number Easi-M 2025-38, said parcel being bounded and described as follows:

Beginning at a point marked by a capped iron pin on the east bounds of Greene County Route 65A approximately 63 feet north of the intersection of the centerline of said Greene County Route 65A with the centerline of Greene County Route 40, said point being 25.00 feet from said centerline of Greene County Route 65A and being the northwest corner of lands now or formerly of Eugenia Leonidou and the southwest corner of the parcel herein described; running thence from said point of beginning along said east bounds of Greene County Route 65A, being generally parallel to, and 25.0 feet east of, the centerline thereof, the following twelve courses:

N 08° 10' 08" E 16.08';
N 13° 29' 08" E 82.43';
N 17° 33' 53" E 80.64';
N 19° 50' 14" E 76.19';
N 23° 40' 00" E 82.68';
N 26° 01' 23" E 93.22';
N 23° 49' 43" E 85.46';
N 16° 05' 50" E 206.17';
N 15° 06' 36" E 80.17';
N 15° 36' 34" E 94.16';
N 16° 27' 22" E 76.02'; and

N 14° 52' 22" E 44.97' to a point marked by a capped iron pin at a corner of Lot #2 as it appears on the above-referenced subdivision map, said point being 50 feet south of the southwest corner of lands now or formerly of James M. McNab, Bruce G. McNab and Loretta McNab and on the south bounds of a 50' wide right-of-way; thence leaving said east bounds of Greene County Route 65A and running along a line which is parallel to, and 50.00 feet south of the south bounds of said lands now formerly of McNab, being along the south bounds of said Lot #2 and said right-of--way

S 77° 26' 41" E 137.04' to a point marked by a capped iron pin; thence continuing along the south bounds of said Lot #2 and said right-of-way

S 51° 05' 59" E 218.92' to a point marked by a capped iron pin; running thence along the west bounds of said Lot #2

S 21° 07' 27" W 958.05' to a point marked by a capped iron pin on the north bounds pf lands now or formerly of Rik Roc, LLC; running thence along said north bounds of lands now or formerly of Rik Roc, LLC

N 81° 16' 14" W 128.69' to a point marked by a capped iron pin on the east bounds of the aforementioned lands now or formerly of Eugenia Leon-idou; running thence along the bounds of said lands now or formerly of Leonidou the following two courses:

N 18° 02' 06" E 53.84' to a point marked by a capped iron pin; and

N 81° 16' 12" W 167.07' to the point and place of beginning, containing 7.2 acres, more or less.

Excepting and reserving a 50 foot wide access & utility easement running through the above-described Lot #1 from said east bounds of Greene County Route 65A to the west bounds of Lot #2, said easement being bounded and described as follows:

Beginning at a point on the east bounds of Greene County Route 65A approximately 615 feet north of the intersection of the centerline of said Greene County Route 65A with the centerline of Greene County Route 40, being distant 552.41 feet on a course of N20°11'58"E from the point of beginning of the above-described Lot #1, and being 25.00 feet from said centerline of Greene County Route 65A and approximately 10 feet north of a fire hydrant; running thence through the above-described Lot #1

S 68° 52' 33" E 300.69' to a point on the west bounds of Lot #2; running thence along said west bounds of Lot #2

S 21° 07' 27" W 50.00' to a point; thence leaving said west bounds of Lot #2 and running through Lot #1 on a course which is parallel to, and 50.00 feet south of, the first course above

N 68° 52' 33" W 297.98' to a point on the aforementioned east bounds of Greene County Route 65A; running thence along said east bounds of Greene County Route 65A the following two courses:

N 23° 49' 43" E 12.56'; and

N 16° 05' 50" E 37.60' to the point and place of beginning.

§ 5. In the event that the fair market value of the parklands described in section four of this act to be dedicated by the town of Windham pursuant to this act are not equal to or greater than the fair market value of the parklands to be alienated as described in section three of this act, the town of Windham shall dedicate the difference of the fair market value of the lands to be alienated and the lands to be dedicated for the acquisition of additional parklands and/or capital improvements to existing park and recreational facilities.

§ 6. In the event that the town of Windham received any funding support or improvement of the parklands set forth in section three of this act, the discontinuance and alienation of such parkland authorized

by the provisions of this act shall not occur until the town of Windham 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.

§ 7. This act shall take effect immediately.