

STATE OF NEW YORK

8677

2025-2026 Regular Sessions

IN ASSEMBLY

May 28, 2025

Introduced by M. of A. SHIMSKY -- read once and referred to the Committee on Cities

AN ACT in relation to authorizing the city of Yonkers to alienate and discontinue the use of certain 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 city of Yonkers
2 is hereby authorized, acting by and through its governing body, and upon
3 such terms and conditions as determined by such governing body, to
4 discontinue the use as parkland and alienate the lands described in
5 section three of this act, and to sell and convey such lands at fair
6 market value to St. John's Riverside Hospital for the purpose of restoring
7 the Color Gardens once present on the Untermyer estate for residents
8 and visitors of the city of Yonkers to enjoy.

9 § 2. The authorization contained in section one of this act shall only
10 be effective on the condition that the city of Yonkers dedicate the
11 lands described in section four of this act as parklands; provided that
12 the city of Yonkers has not used such lands for public open space or
13 park purposes since the parkland alienation authorized by chapter 286 of
14 the laws of 1960.

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

17 ALL that certain plot, piece, or parcel of land situate, lying and
18 being in the city of Yonkers, county of Westchester and state of New
19 York, being a portion of Lot 56, Block 3535, Section 3 as shown on the
20 city of Yonkers Tax Maps, and being more particularly bounded and
21 described as follows:

22 BEGINNING at a point which is the northwesterly corner of Lot 100 as
23 described in Liber 6431 page 327;

24 RUNNING THENCE along the division line between Lot 100 (St. Johns
25 Riverside Hospital) on the east and Lot 56 (Samuel Untermyer Park &

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

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1 Gardens) on the west, South 17 degrees 10' 35" West 99.76 feet to a
2 point;
3 RUNNING THENCE through Lot 56 the following courses and distances:
4 North 69 degrees 36' 28" West 74.30 feet to a point;
5 North 72 degrees 12' 13" West, 32.11 feet to a point; and
6 North 06 degrees 50' 01" East, 86.90 feet to a point on the southerly
7 line of land now or Formerly of Michael Malotz Skilled Nursing Pavil-
8 lion, known as Tax Lot 84, Block 355, Section 3;
9 RUNNING THENCE along the southerly line of said Tax Lot 84, South 77
10 degrees 24' 04" East, 122.09 feet to the point or place of BEGINNING.
11 Containing a total of 10,535 square feet or approximately 0.24185032
12 acres.

13 § 4. Prior to the discontinuance and alienation of parkland described
14 in section three of this act, the City of Yonkers, acting by and through
15 its governing body, shall dedicate replacement land for use as parklands
16 described as follows:

17 ALL that certain, plot, piece, or parcel of land situate, lying and
18 being in the city of Yonkers, county of Westchester and state of New
19 York, being a portion of Lot 100, Block 3535, Section 3 as shown on the
20 city of Yonkers Tax Maps, and being more particularly bounded and
21 described as follows:

22 BEGINNING at a point which is the southwesterly corner of said Lot 100
23 as described in Liber 6431 page 327;

24 RUNNING THENCE along the division line between Lot 100 (St. Johns
25 Riverside Hospital) on the east and Lot 56 (Samuel Untermyer Park &
26 Gardens), on the west, North 17 degrees 10' 35" East, 87.36 feet to a
27 point;

28 RUNNING THENCE through Lot 100 the following courses and distances:
29 South 72 degrees 37' 25" East, 78.12 feet to a point;
30 North 17 degrees 22' 35" East, 94.60 feet to a point of curve;
31 In a northeasterly and southeasterly direction on a curve to the right
32 having a radius of 10.00 feet and a length of 25.87 feet to a point;
33 South 14 degrees 22' 48" East, 41.24 feet to a point;
34 South 12 degrees 27' 30" East, 35.48 feet to a point;
35 South 17 degrees 11' 49" East, 41.42 feet to a point of curve;
36 In a southeasterly direction on a curve to the left having a radius of
37 522.85 feet and a length of 21.98 feet to a point of compound curve;
38 In a southeasterly direction on a curve to the left having a radius of
39 180.00 feet and a length of 27.42 feet to a point; and
40 South 12 degrees 35' 56" West, 32.88 feet to the point on the southerly
41 side of Lot 100;

42 RUNNING THENCE along the division line between Lot 100 on the north
43 and Lot 56 on the south, North 77 degrees 24' 04" West 193.54 feet to
44 the point or place of BEGINNING.
45 Containing a total of 19,840 square feet or approximately 0.45546373
46 acres.

47 § 5. In the event that the fair market value of the parklands to be
48 dedicated by the city of Yonkers described in section four of this act
49 are not equal to or greater than the fair market value of the parklands
50 to be discontinued in section three of this act, the city of Yonkers
51 shall dedicate the difference of the fair market value of the lands to
52 be alienated and the lands to be dedicated for the acquisition of addi-
53 tional parklands and/or capital improvements to existing park and recre-
54 ational facilities.

55 § 6. In the event that the city of Yonkers received any funding
56 support or assistance from the federal government for the purchase,

1 maintenance, or improvement of the parklands set forth in section three
2 of this act, the discontinuance and alienation of such parklands author-
3 ized by the provisions of this act shall not occur until the city of
4 Yonkers has complied with any federal requirements pertaining to the
5 alienation or conversion of parklands, including satisfying the secre-
6 tary of the interior that the alienation or conversion complies with all
7 conditions which the secretary of the interior deems necessary to assure
8 the substitution of other lands shall be equivalent in fair market value
9 and usefulness to the lands being alienated or converted.
10 § 7. This act shall take effect immediately.