§ 1358. Grants from commissioner of general services. 1. The commissioner of general services shall have power, in his discretion, from time to time to transfer and convey to the authority for such consideration as may be determined by him to be paid to the state of New York, unappropriated state lands and lands under water which the authority shall certify to be necessary or desirable for the corporate purposes of the authority, and may, when the barge canal terminal and barge canal terminal lands in the city of Oswego become no longer necessary or useful for canal or terminal purposes, lease for a term or terms of years or convey said barge canal terminal and barge canal terminal lands as hereinafter described, to the authority for such consideration as may be determined by him to be paid to the people of the state of New York and upon the terms and conditions set forth in this act.

2. There is hereby ratified and confirmed in and to the authority title to the barge canal terminal and barge canal terminal lands described herein, conveyed to said authority by letters patent dated September tenth, nineteen hundred fifty-eight, pursuant to resolutions of the board of commissioners of the land office adopted July twenty-ninth, nineteen hundred fifty-eight, and September tenth, nineteen hundred fifty-eight, subject to the conditions set forth in said letters patent and in this title.

3. The authority shall establish and maintain a port facilities development fund and shall cause all moneys received by it from the operation of such port facilities to be deposited in such fund for the payment of all costs of operation, maintenance and repair of the port facilities and the repayment to the people of the state of New York of any advance made by the state to the authority, which repayment to the people of the state of New York shall not exceed in any one year fifty per cent of the moneys received by the authority in excess of the costs of operation, maintenance and repair of said port facilities.

4. Upon the issuance of said lease or grant by the commissioner of general services pursuant to this act the authority shall assume all expense of or incidental to the operation, maintenance, repair and

administration of said port facilities.

5. Except as to moneys and rates accrued thereunder at the time of vesting in the authority all the right, title and interest of the state in and to said port facilities as herein provided, and as incident thereto, there shall also vest in the authority all the right, title and interest of the state in and to and in connection with the following contracts, agreements and permits with third persons: (a) any and all executory contracts, agreements and permits for the use of said port facilities by third persons as tenants, licensees, or otherwise, or for the docking, mooring or anchorage thereat of vessels owned by third persons, or for the loading, unloading, handling, storage, processing or manipulation of grain, freight, or other property of third persons, or for the rendering of any other services to third persons at said pier properties as wharfinger or warehouseman or otherwise; (b) any and all executory contracts and agreements for the furnishing by third persons of electricity, gas, steam, water or telephone service at said port facilities.

6. The authority shall not grant or convey title to said port facilities to any person or legal entity other than the people of the state of New York.

7. If the authority shall violate any of the conditions herein set forth or such other conditions as the board of commissioners of the land office heretofore included in any lease or grant of said port facilities or any other conditions as the office of general services may include in any lease or grant of said port facilities and such violation of any of said conditions shall not have been remedied by the authority within ninety days after the giving of notice of the existence of such violation by the commissioner of transportation of the state of New York, then at the option of the state such port facilities shall revert to the people of the state of New York.

8. If the port facilities revert to the people of the state of New York they shall be and shall be deemed to be unappropriated state lands.

9. Officers and employees of the state departments and agencies now employed at said port facilities may be transferred to the authority without loss of any civil service status or rights but no such transfer may be made except with the approval of the head of the state department or division thereof charged with the operation of such port facilities, the director of the budget, and in compliance with the rules and regulations of the state civil service commission.

10. a. The premises constituting the port facilities so to be transferred consist of:

All that tract or parcel or land situate, lying and being in the city of Oswego, county of Oswego and state of New York, bounded and described as follows:

Beginning at a monument in the west line of Water Street, said monument being 231 feet northerly along said street line from the center line of Van Buren Street; thence S 67 degrees -47' W along the Barge Canal Terminal Right of Way line 102 feet to a monument; thence N 22 degrees -13' W along a line parallel to the east line of West First Street and 2 feet distant westerly therefrom, a distance of 38 feet to its intersection with the original shore line of Lake Ontario (1838); thence westerly along said original shore line a distance of 100 feet to its intersection with the west line of West First Street; thence S 22 degrees -13' E along said west street line a distance of 126 feet to a monument set in the westerly line of W. First Street at a point therein 140' northerly from the center line of Van Buren Street, thence S 67 degrees -47' W along the division line between the property of the People of the State of New York on the north and the property of the Delaware, Lackawanna and Western Railroad Co. (reputed owner) on the south a distance of 193 feet to a monument; thence N 71 degrees -37' W along the aforementioned division line a distance of 9.22 feet to a monument set in the east line of West Second Street; thence N 22 degrees - 13' W along said street line and said street line extended into the waters of Lake Ontario a distance of 1430 feet to a point; thence N 67 degrees -47' E and for part of the distance along the line of the northerly wall of the New York State Lake Terminal Pier a distance of

425 feet to a point; thence S 22 degrees -13' E a distance of 888 feet to a point in line with the northerly line of Parcel No. T-88, Terminal Contract No. 33, appropriated by the State of New York on August 25, 1914 pursuant to Chapter 746, Laws of 1911; thence S 67 degrees -47' W a distance of 25 feet to the northeast corner of said Parcel No. T-88; thence S 22 degrees -13' E along the easterly line of said Parcel No. T-88 and for part of the distance along the westerly line of Water Street a distance of 485.8 feet to the point of beginning, containing 13.31 acres more or less.

All Bearings are referred to the true meridian.

The above described parcel constitutes all of Parcels Nos. T-86, T-87, T-88 and T-89, Terminal Contract No. 33, appropriated by the State of New York on August 25, 1914 pursuant to Chapter 746, Laws of 1911, and certain lands now or formerly under the waters of Lake Ontario.

b. It is hereby found and determined that the properties described in paragraph a hereof, heretofore constituting a portion of the barge canal terminal and barge canal terminal lands in the city of Oswego, are no longer necessary or useful for canal or terminal purposes and are hereby abandoned.

11. The commissioner of general services shall issue said lease or grant to said lands to the authority only upon the delivery to and filing with said commissioner a certified copy of a resolution of the authority signifying its willingness to accept said port facilities on the conditions hereinabove set forth, all of which may be made a part of said lease or grant, which lease or grant may also contain such other and further conditions as the commissioner of general services may determine to be appropriate.