

STATE OF NEW YORK

2768--B

2009-2010 Regular Sessions

IN SENATE

March 2, 2009

Introduced by Sen. ONORATO -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading -- recommitted to the Committee on Local Government in accordance with Senate Rule 6, sec. 8 -- committee discharged and said bill committed to the Committee on Cities -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to authorize the city of New York to discontinue use of and convey certain park land

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 New York
2 is authorized to discontinue use as park land and to convey, in fee
3 simple, the land described in section three of this act. Such land is
4 authorized to be conveyed to the Saint Michael's Cemetery upon such
5 terms and conditions as the city council of the city of New York shall
6 determine to be fair and reasonable.

7 § 2. The authorization provided in section one of this act shall be
8 subject to the requirement that the city of New York shall use any
9 proceeds and/or land received in exchange for the conveyance authorized
10 by this act to acquire land, to be dedicated for park purposes, in an
11 amount equal to or greater than the fair market value of the land being
12 conveyed pursuant to this act and/or used for capital improvements to
13 existing park and recreational facilities.

14 § 3. The land authorized to be discontinued as park land and conveyed
15 is as follows:

16 ALL that certain plot, piece or parcel of land, lying and being in the
17 Borough and County of Queens, City and State of New York, bounded and
18 described as follows:

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

LBD07529-05-0

S. 2768--B

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1 BEGINNING at the corner formed by the intersection of the westerly
2 side of Brooklyn-Queens Expressway East (Service Road), also known as
3 Boody Street, with the northerly side of 30th Avenue, formerly known as
4 Grand Avenue (80 feet wide);
5 RUNNING THENCE along the northerly side of 30th Avenue, South 53
6 degrees 05 minutes 15 seconds West, 57.40 feet;
7 THENCE North 1 degree 15 minutes 59.9 seconds West, 1635.52 feet;
8 THENCE South 88 degrees 20 minutes 01.5 second East, 142.31 feet;
9 THENCE North 19 degrees 17 minutes 37 seconds East, 31.30 feet;
10 THENCE North 4 degrees 20 minutes 15 seconds West, 206.73 feet;
11 THENCE North 8 degrees 45 minutes 15 seconds West, 25.00 feet;
12 THENCE North 11 degrees 45 minutes 55 seconds West, 363.31 feet;
13 THENCE North 11 degrees 05 minutes 28.4 seconds West, 301.87 feet to
14 the southerly side of Grand Central Parkway (Service Road), also known
15 as Astoria Boulevard;
16 THENCE along the southerly side of Grand Central Parkway (Service
17 Road), also known as Astoria Boulevard, North 73 degrees 53 minutes 24.9
18 seconds East, 15.99 feet to the extreme northwesterly end of the arc of
19 a curve which connects the southerly side of Grand Central Parkway
20 (Service Road), also known as Astoria Boulevard with the westerly side
21 of Brooklyn-Queens Expressway East (Service Road), also known as Boody
22 Street;
23 THENCE southeasterly along the westerly side of Brooklyn-Queens
24 Expressway East (Service Road), also known as Boody Street and along the
25 last mentioned arc of a curve, bearing to the right having a radius of
26 30.00 feet, a distance of 22.63 feet;
27 THENCE continuing along the westerly side of Brooklyn-Queens Express-
28 way East (Service Road), also known as Boody Street, the following eight
29 (8) courses and distances:
30 1) South 14 degrees 41 minutes 57.9 seconds East, 556.50 feet;
31 2) southerly along the arc of a curve bearing to the right having a
32 radius of 569.64 feet, a distance of 337.96 feet;
33 3) South 19 degrees 17 minutes 37 seconds West, 93.40 feet;
34 4) southerly along the arc of a curve bearing to the left having a
35 radius of 816.10 feet, a distance of 275.78 feet;
36 5) South 0 degrees 04 minutes 05.3 seconds East, 335.50 feet;
37 6) southerly along the arc of a curve bearing to the right having a
38 radius of 630.99 feet, a distance of 105.76 feet;
39 7) southerly along the arc of a curve bearing to the left having a
40 radius of 500.00 feet, a distance of 94.51 feet;
41 8) South 1 degree 17 minutes 43.9 seconds East, 730.91 feet to the
42 northerly side of 30th Avenue, at the point or place of BEGINNING.
43 Consisting of 3.77 acres ±.
44 § 4. If the parkland that is the subject of this act has received
45 funding pursuant to the federal land and water conservation fund, the
46 discontinuance of parkland authorized by the provisions of this act
47 shall not occur until the municipality has complied with the federal
48 requirements pertaining to the conversion of parklands, including satis-
49 fying the secretary of the interior that the discontinuance will include
50 all conditions which the secretary of the interior deems necessary to
51 assure the substitution of other lands shall be equivalent in fair
52 market value and recreational usefulness to the lands being discontin-
53 ued.
54 § 5. This act shall take effect immediately.

**NEW YORK STATE SENATE
INTRODUCER'S MEMORANDUM IN SUPPORT
submitted in accordance with Senate Rule VI. Sec 1**

BILL NUMBER: S2768B

SPONSOR: ONORATO

TITLE OF BILL:

An act to authorize the city of New York to discontinue use of and convey certain park land

PURPOSE:

To authorize the city of New York to discontinue use of certain park land and convey it to the St. Michael's cemetery.

SUMMARY OF PROVISIONS:

Section 1. Authorizes the city of New York to discontinue use as park land and to convey, in fee simple, the land described in section three of this act to Saint Michael's Cemetery.

Section 2. Provides that the authorization of this act shall be subject to the requirement that the city of New York shall use any proceeds and/or land received in exchange for the conveyance authorized by this act to acquire land, to be dedicated for park purposes in an amount equal to or greater than the fair market value of the land being conveyed.

Section 3. Describes the boundaries of the land authorized to be discontinued as park land and conveyed to St. Michael's Cemetery.

JUSTIFICATION:

This legislation would allow St. Michael's Cemetery, located in Astoria, Queens to acquire a small strip of park land that is under utilized and in disrepair located adjacent to the cemetery.

St. Michael's Cemetery has agreed to transfer a replacement parcel of land to the city of New York in order to replace the park land acquired and ensure that the western Queens community does not lose valuable green space.

PRIOR LEGISLATIVE HISTORY:

None.

FISCAL IMPLICATIONS:

To be determined.

EFFECTIVE DATE:

This act shall take effect immediately.

STATE OF NEW YORK

4317--B

2009-2010 Regular Sessions

IN ASSEMBLY

February 3, 2009

Introduced by M. of A. GIANARIS -- read once and referred to the Committee on Cities -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Cities in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to authorize the city of New York to discontinue use of and convey certain park land

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 New York
2 is authorized to discontinue use as park land and to convey, in fee
3 simple, the land described in section three of this act. Such land is
4 authorized to be conveyed to the Saint Michael's Cemetery upon such
5 terms and conditions as the city council of the city of New York shall
6 determine to be fair and reasonable.

7 § 2. The authorization provided in section one of this act shall be
8 subject to the requirement that the city of New York shall use any
9 proceeds and/or land received in exchange for the conveyance authorized
10 by this act to acquire land, to be dedicated for park purposes, in an
11 amount equal to or greater than the fair market value of the land being
12 conveyed pursuant to this act and/or used for capital improvements to
13 existing park and recreational facilities.

14 § 3. The land authorized to be discontinued as park land and conveyed
15 is as follows:

16 ALL that certain plot, piece or parcel of land, lying and being in the
17 Borough and County of Queens, City and State of New York, bounded and
18 described as follows:

19 BEGINNING at the corner formed by the intersection of the westerly
20 side of Brooklyn-Queens Expressway East (Service Road), also known as

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

LBD07529-06-0

A. 4317--B

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1 Boody Street, with the northerly side of 30th Avenue, formerly known as
2 Grand Avenue (80 feet wide);
3 RUNNING THENCE along the northerly side of 30th Avenue, South 53
4 degrees 05 minutes 15 seconds West, 57.40 feet;
5 THENCE North 1 degree 15 minutes 59.9 seconds West, 1635.52 feet;
6 THENCE South 88 degrees 20 minutes 01.5 second East, 142.31 feet;
7 THENCE North 19 degrees 17 minutes 37 seconds East, 31.30 feet;
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43 funding pursuant to the federal land and water conservation fund, the
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45 shall not occur until the municipality has complied with the federal
46 requirements pertaining to the conversion of parklands, including satis-
47 fying the secretary of the interior that the discontinuance will include
48 all conditions which the secretary of the interior deems necessary to
49 assure the substitution of other lands shall be equivalent in fair
50 market value and recreational usefulness to the lands being discontin-
51 ued.
52 § 5. This act shall take effect immediately.

**NEW YORK STATE ASSEMBLY
MEMORANDUM IN SUPPORT OF LEGISLATION
submitted in accordance with Assembly Rule III, Sec 1(f)**

BILL NUMBER: A4317B

SPONSOR: Gianaris

TITLE OF BILL: An act to authorize the city of New York to discontinue use of and convey certain park land

PURPOSE: To authorize the city of New York to discontinue use of certain park land and convey it to the St. Michael's cemetery.

SUMMARY OF PROVISIONS: Section 1. Authorizes the city of New York to discontinue use as park land and to convey, in fee simple, the land described in section three of this act to Saint Michael's Cemetery.

Section 2. Provides that the authorization of this act shall be subject to the requirement that the city of New York shall use any proceeds and/or land received in exchange for the conveyance authorized by this act to acquire land, to be dedicated for park purposes in an amount equal to or greater than the fair market value of the land being conveyed.

Section 3. Describes the land authorized to be discontinued as park land and conveyed as the property bounded by Astoria Boulevard to the north, 30th Avenue to the south, the Brooklyn-Queens Expressway to the east, and St. Michael's Cemetery to the west, in the Astoria section of Queens, City and State of New York. The property consists of a 3.77 acre highly irregularly shaped parcel of vacant land know as St. Michael's Park.

JUSTIFICATION: This legislation would allow St. Michael's Cemetery, located in Astoria, Queens to acquire a small strip of park land that is underutilized and in disrepair located adjacent to the cemetery.

St. Michael's Cemetery has agreed to transfer a replacement parcel of land to the City of New York in order to replace the park land acquired and ensure that the western Queens community does not lose valuable green space.

PRIOR LEGISLATIVE HISTORY: None.

FISCAL IMPLICATIONS: To be determined.

EFFECTIVE DATE: This act shall take effect immediately.