

STATE OF NEW YORK

3691--A

2015-2016 Regular Sessions

IN SENATE

February 13, 2015

Introduced by Sen. GIANARIS -- read twice and ordered printed, and when printed to be 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 a parcel of certain park land consisting of Saint Michael's Park in the borough of Queens

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
2 York, acting by and through the commissioner of parks and recreation of
3 such city, is authorized to discontinue use as park land and sell at
4 fair market value the park land described in section three of this act
5 which is no longer needed for park purposes. Such land is authorized to
6 be sold and conveyed to Saint Michael's Protestant Episcopal Church for
7 the purpose of properly memorializing the deceased and upon such terms
8 and conditions as shall be agreed upon between the parties.

9 § 2. The authorization provided in section one of this act shall be
10 subject to the requirement that the city of New York shall use the
11 proceeds of such sale authorized by section one of this act for the
12 acquisition of additional park land, and/or for capital improvements to
13 existing park and recreational facilities within the borough of Queens.

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 situate, lying and
17 being in the Borough and County of Queens, City and State of New York,
18 bounded and described as follows:

19 BEGINNING at the corner formed by the intersection of the northwester-
20 ly side of 30th Avenue (80 feet wide) with the westerly side of Brook-
21 lyn-Queens Expressway East (also known as Boody Street) (134 feet wide)

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

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1 RUNNING THENCE northerly, the following nine courses and distance
2 along the westerly side of Brooklyn-Queens Expressway East;
3 1. THENCE North 01 degrees 17 minutes 43.9 seconds West, 730.91 feet
4 to a point of curvature;
5 2. THENCE northeasterly, along a curve bearing to the right having a
6 radius of 500 feet, an arc length of 94.51 feet to a point of reverse
7 curvature;
8 3. THENCE northeasterly and northerly, along a curve bearing to the
9 left having a radius of 630.991 feet, an arc length of 105.76 feet to a
10 point of tangency;
11 4. THENCE North 00 degrees 04 minutes 05.3 seconds West, 335.51 feet
12 to a point of curvature;
13 5. THENCE northeasterly, along a curve bearing to the right having a
14 radius of 816.101 feet, an arc length of 275.78 feet to a point of
15 tangency;
16 6. THENCE North 19 degrees 17 minutes 37.0 seconds East, 93.40 feet to
17 a point of curvature;
18 7. THENCE northerly and northwesterly, along a curve bearing to the
19 left having a radius of 569.635 feet, an arc length of 337.96 feet to a
20 point of tangency;
21 8. THENCE North 14 degrees 41 minutes 57.9 seconds West, 556.50 feet
22 to a point of curvature;
23 9. THENCE northwesterly, along a curve bearing to the left having a
24 radius of 30.00 feet, an arc length of 22.63 feet to the southerly side
25 of Grand Central Parkway Extension (also known as Astoria Boulevard
26 South);
27 RUNNING THENCE South 73 degrees 53 minutes 24.9 seconds West, along
28 the southerly side of Grand Central Parkway Extension, 15.99 feet to a
29 point;
30 RUNNING THENCE South 11 degrees 05 minutes 28.4 seconds East, 301.87
31 feet to a point;
32 RUNNING THENCE South 11 degrees 45 minutes 55.0 seconds East, 363.31
33 feet to a point;
34 RUNNING THENCE South 08 degrees 45 minutes 15.0 seconds East, 25.00
35 feet to a point;
36 RUNNING THENCE South 04 degrees 20 minutes East, 206.73 feet to a
37 point;
38 RUNNING THENCE South 19 degrees 17 minutes 37.0 seconds West, 31.31
39 feet to a point;
40 RUNNING THENCE North 88 degrees 20 minutes 01.5 seconds West, 142.31
41 feet to a point;
42 RUNNING THENCE South 01 degrees 15 minutes 59.9 seconds East, 1635.52
43 feet to the northwesterly side of 30th Avenue;
44 RUNNING THENCE North 53 degrees 05 minutes 15.0 seconds East, 57.40
45 feet to the corner formed by the intersection of the northwesterly side
46 of 30th Avenue with the westerly side of Brooklyn-Queens Expressway
47 East, the point or place of BEGINNING.
48 Consisting of 3.77 acres ±, more or less.
49 § 4. If the property described in section three of this act, and sold
50 to Saint Michael's Protestant Episcopal Church pursuant to the
51 provisions of this act, shall ever be used for a purpose other than for
52 the reason described in section one of this act, ownership of such prop-
53 erty shall revert back to the city of New York to be used for park and
54 recreational purposes.
55 § 5. If the parkland that is the subject of this act has received
56 funding pursuant to the federal land and water conservation fund, the

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1 discontinuance of parkland authorized by the provisions of this act
2 shall not occur until the municipality has complied with the federal
3 requirements pertaining to the conversion of parklands, including satis-
4 fying the secretary of the interior that the discontinuance will include
5 all conditions which the secretary of the interior deems necessary to
6 assure the substitution of other lands shall be equivalent in fair
7 market value and recreational usefulness to the lands being discontin-
8 ued.

9 § 6. 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: S3691A

SPONSOR: GIANARIS

TITLE OF BILL: An act to authorize the city of New York to discontinue use of and convey a parcel of certain park land consisting of Saint Michael's Park in the borough of Queens

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 to Saint Michael's Protestant Episcopal Church to be used as a cemetery.

Section 2. Requires that the City of New York use all proceeds of such sale for the acquisition of additional parkland, and/or capital improvements to existing park and recreational facilities in the borough of Queens.

Section 3. Describes the exact specifications of the property to be transferred.

Section 4. Provides that if the land shall ever be used for a purpose other than described in this act, the land will revert back to the City of New York to be used for park and recreational purposes.

Section 5. Provides that if the land has received federal land and water conservation funds, then the transfer of land cannot be completed until the city has complied with all applicable federal requirements.

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 in exchange for money which would be used to improve existing other city parkland or acquire other usable parkland in Queens.

PRIOR LEGISLATIVE HISTORY: 2014: Senate Bill 581 (Gianaris) - Died in Senate Cities Committee 2013: Senate Bill 581 (Gianaris) - Reported by Senate Cities Committee, Died Third Reading Calendar 2012: Senate Bill 2513 (Gianaris) - Died in Senate Cities Committee 2012: Assembly Bill 4874 (Simotas) - Died in Assembly Rules Committee 2010: Senate Bill 2768-B (Onorato) - Died in Senate Cities Committee 2010: Assembly Bill 4317-B (Gianaris) - Died in Assembly Cities Committee

FISCAL IMPLICATIONS: To be determined.

EFFECTIVE DATE: This act shall take effect immediately.

STATE OF NEW YORK

5246--A

2015-2016 Regular Sessions

IN ASSEMBLY

February 13, 2015

Introduced by M. of A. SIMOTAS -- read once and referred 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 a parcel of certain park land consisting of Saint Michael's Park in the borough of Queens

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
2 York, acting by and through the commissioner of parks and recreation of
3 such city, is authorized to discontinue use as park land and sell at
4 fair market value the park land described in section three of this act
5 which is no longer needed for park purposes. Such land is authorized to
6 be sold and conveyed to Saint Michael's Protestant Episcopal Church for
7 the purpose of properly memorializing the deceased and upon such terms
8 and conditions as shall be agreed upon between the parties.

9 § 2. The authorization provided in section one of this act shall be
10 subject to the requirement that the city of New York shall use the
11 proceeds of such sale authorized by section one of this act for the
12 acquisition of additional park land, and/or for capital improvements to
13 existing park and recreational facilities within the borough of Queens.

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 situate, lying and
17 being in the Borough and County of Queens, City and State of New York,
18 bounded and described as follows:

19 BEGINNING at the corner formed by the intersection of the northwester-
20 ly side of 30th Avenue (80 feet wide) with the westerly side of Brook-
21 lyn-Queens Expressway East (also known as Boody Street) (134 feet wide)

22 RUNNING THENCE northerly, the following nine courses and distance
23 along the westerly side of Brooklyn-Queens Expressway East;

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

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1 1. THENCE North 01 degrees 17 minutes 43.9 seconds West, 730.91 feet
2 to a point of curvature;

3 2. THENCE northeasterly, along a curve bearing to the right having a
4 radius of 500 feet, an arc length of 94.51 feet to a point of reverse
5 curvature;

6 3. THENCE northeasterly and northerly, along a curve bearing to the
7 left having a radius of 630.991 feet, an arc length of 105.76 feet to a
8 point of tangency;

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44 of 30th Avenue with the westerly side of Brooklyn-Queens Expressway
45 East, the point or place of BEGINNING.

46 Consisting of 3.77 acres ±, more or less.

47 § 4. If the property described in section three of this act, and sold
48 to Saint Michael's Protestant Episcopal Church pursuant to the
49 provisions of this act, shall ever be used for a purpose other than for
50 the reason described in section one of this act, ownership of such prop-
51 erty shall revert back to the city of New York to be used for park and
52 recreational purposes.

53 § 5. If the parkland that is the subject of this act has received
54 funding pursuant to the federal land and water conservation fund, the
55 discontinuance of parkland authorized by the provisions of this act
56 shall not occur until the municipality has complied with the federal

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1 requirements pertaining to the conversion of parklands, including satis-
2 fying the secretary of the interior that the discontinuance will include
3 all conditions which the secretary of the interior deems necessary to
4 assure the substitution of other lands shall be equivalent in fair
5 market value and recreational usefulness to the lands being discontin-
6 ued.

7 § 6. 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: A5246A

SPONSOR: Simotas

TITLE OF BILL: An act to authorize the city of New York to discontinue use of and convey a parcel of certain park land consisting of Saint Michael's Park in the borough of Queens

PURPOSE:

To authorize the city of New York to discontinue use of certain park land and sell such land to Saint Michael's Protestant Episcopal Church.

SUMMARY OF PROVISIONS:

Section 1. Authorizes the city of New York, acting by and through the commissioner of parks and recreation of such city, to discontinue use as park land and sell at fair market value the park land described in section three of this act which is no longer needed for park purposes. Such parkland is authorized to be sold to Saint Michael's Protestant Episcopal Church for the purpose of properly memorializing the deceased and upon such terms and conditions as shall be agreed upon between the parties.

Section 2. Provides that the authorization of this act shall be subject to the requirement that the city of New York shall use the proceeds of such sale authorized by section one of this act for the acquisition of additional park land, and/or for capital improvements to existing park and recreational facilities within the borough of Queens.

Section 3. Describes the land authorized to be discontinued as park land pursuant to this act.

Section 4. Requires, if the land sold to Saint Michael's Protestant Episcopal Church pursuant to this act is ever used for a purpose other than for the reason described in section one of this act, ownership of such land shall revert back to the city of New York to be used for park and recreational purposes.

Section 5. Requires, if the parkland that is subject to this act has received funding pursuant to the federal land and water conservation fund that the discontinuance of such parkland pursuant to this act shall not occur until the municipality has complied with the federal requirements pertaining to the conversion of parkland.

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.

PRIOR LEGISLATIVE HISTORY:

2014: Assembly Bill 3535 (Simotas) - Died in Assembly Cities Committee
2014: Senate Bill 581 (Gianaris) - Died in Senate Cities Committee
2013: Assembly Bill 3535 (Simotas) - Died in Assembly Cities Committee
2013: Senate Bill 581 (Gianaris) - Died in Senate Rules Committee
2012: Senate Bill 2513 (Gianaris) - Died in Senate Cities Committee
2012: Assembly Bill 4874 (Simotas) - Died in Assembly Rules Committee
2010: Senate Bill 276-B (Onorato) - Died in Senate Cities Committee
2010: Assembly Bill 4317-B (Gianaris) - Died in Assembly Cities Committee

FISCAL IMPLICATIONS:

None to the State.

EFFECTIVE DATE:

This act shall take effect immediately.
