

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

BILL NUMBER: A4717A/S2342A

REVISED MEMO 06/06/2013

SPONSOR: Assembly: Fahy

Senate: Breslin

TITLE OF BILL: An act to authorize the city of Albany to discontinue the use of certain lands as park lands and to dedicate new park lands

PURPOSE OR GENERAL IDEA OF BILL:;

To allow the City of Albany to alienate a small under utilized pocket park and sell it so it can be developed and the property put back on the tax rolls.

SUMMARY OF SPECIFIC PROVISIONS:

Section 1- authorization of the alienation

Section 2 - conditions of alienation regarding replacement value

Section 3- delineates the property to be alienated

Section 4 - description of replacement property

Section 5 -outlines conditions that need to be met for parkland alienation to take effect

Section 5 - effective date

JUSTIFICATION:

To allow the city to replace a small pocket park - where the majority of the property is well below street level and contains forest and overgrowth - to sell it so it can be developed into independent senior garden apartments. The city will dedicate new city park lands equal to or greater than fair market value to the lands being alienated.

PRIOR LEGISLATIVE HISTORY:

2012;A10578-A/S7606-A

FISCAL IMPLICATIONS:

None to the State

EFFECTIVE DATE:

This act shall take effect immediately

STATE OF NEW YORK

4717--A

2013-2014 Regular Sessions

IN ASSEMBLY

February 8, 2013

Introduced by M. of A. FAHY -- 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 Albany to discontinue the use of certain lands as park lands and to dedicate new park lands

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 Albany,
2 located in the county of Albany, is hereby authorized, acting by and
3 through its common council and upon such terms and conditions as deter-
4 mined by such common council, to discontinue the use as park lands the
5 lands more particularly described in section two of this act and to
6 transfer such lands, at fair market value, which are no longer needed
7 for park purposes for use in connection with the development of property
8 for independent senior garden apartments.

9 § 2. The authorization contained in section one of this act shall only
10 be effective on the condition that the city of Albany acquire and dedi-
11 cate as parklands the lands described in section four of this act, such
12 land to be used for park purposes. If the replacement lands are less
13 than the fair market value of the lands being alienated, the city of
14 Albany must dedicate the difference for the acquisition of additional
15 parkland and/or for capital improvements to existing parkland.

16 § 3. The lands authorized by this act to be discontinued as park lands
17 are as follows:

18 All that tract, piece or parcel of land situate, lying and being in
19 the City of Albany, County of Albany, State of New York, more partic-
20 ularly described as follows:

21 Beginning at a point on the southeasterly side of South Allen Street
22 60 feet northeasterly from the corner of South Allen Street and Dale
23 Place and running thence northeasterly along said southeasterly side of
24 South Allen Street a distance of 390 feet to a point, thence southeast-

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

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1 erly along the southerly line of lot 252 as shown on map of Allen Street
2 Terrace referenced below, 100 feet, running thence northeasterly on a
3 line parallel to South Allen Street 60 feet to the south line of lot 165
4 on said map, thence southeasterly 98 feet to the northwest side of
5 Onderdonk Avenue, thence running southwesterly along the northwesterly
6 side of Onderdonk Avenue 510 feet to the northerly line of Dale Place,
7 running thence northwesterly along the said northerly line of Dale Place
8 98 feet, thence northeasterly on a line parallel to South Allen Street
9 60 feet, thence northwesterly 100 feet to the southeasterly side of
10 South Allen Street, the point and place of beginning.

11 Said parcels being lots 166 to 182 on Onderdonk Avenue and Lots 239 to
12 251 fronting on South Allen Street as shown on map or plan of Allen
13 Street Terrace, made by A.L. Eliot, C.E. dated March 8, 1911 and filed
14 in the Albany County Clerk's Office in Book 25 as Map 750, said lands to
15 be removed from park purposes.

16 Containing 2.04 acres, more or less.

17 § 4. The lands to be acquired and dedicated as parkland are all that
18 tract, piece or parcel of land situate, lying and being in the City of
19 Albany, County of Albany, State of New York, more particularly bounded
20 and described as follows:

21 Beginning at a point on the northerly street line of North Third
22 Street distant 173.50 feet westerly from the westerly street line of
23 North Pearl Street; running thence northerly and parallel to the westerly
24 street line of North Pearl Street for a distance of 212.00 feet to a
25 point of bend; thence northwesterly with an interior angle of 214
26 degrees, 46 minutes for a distance of 125.38 feet to a point which is
27 105.00 feet westerly from and at right angles to the easterly lot line
28 of the property of William P. Van Rensselaer Estate Corporation, reputed
29 owners; thence easterly with an interior angle of 55 deg. 14 minutes for
30 a distance of 105.00 feet to the said easterly lot line of William P.
31 Van Rensselaer Estate Corporation; thence southerly with an interior
32 angle of 90 deg. along the said easterly lot line and parallel to the
33 westerly street line of North Pearl Street for a distance of 315.00 feet
34 to the northerly street line of North Third Street; thence westerly with
35 an interior angle of 90 deg. along the northerly street line of North
36 Third Street for a distance of 33.50 feet to the point and place of
37 beginning.

38 All that tract, piece or parcel of land situate, lying and being in
39 the City of Albany, County of Albany, State of New York, more partic-
40 ularly bounded and described as follows:

41 Beginning at a point in the northerly street line of North Third
42 Street located 173.50 feet westerly along said street line from its
43 intersection with the west line of North Pearl Street, running thence
44 northerly and parallel to the westerly street line of North Pearl Street
45 for a distance of 212.00 feet to a point of bend; thence northwesterly
46 with an interior angle of 214 deg. 46' for a distance of 125.38 feet to
47 a point; thence easterly a distance of 105.00 feet; thence N 24 deg. 29'
48 58" E for a distance of 112.64 feet to the south line of lots fronting
49 on Lawn Avenue; thence N 65 deg. 30' 02" W along the south lines of said
50 lots 260.0 feet to the southwest corner of premises known as 42 Lawn
51 Avenue; thence S 24 deg. 29' 58" W a distance of 427.64 feet to a point
52 on the north line of North Third Street; thence S 65 deg. 53' 38" E
53 along the north line of North Third Street 226.50 feet to the point of
54 beginning. Containing 2.20 acres more or less.

55 § 5. If the park land that is the subject of this act has received
56 funding pursuant to the federal land and water conservation fund, the

1 discontinuance of park land 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 park lands, including
4 satisfying the secretary of the interior that the discontinuance will
5 include all conditions which the secretary of the interior deems neces-
6 sary to assure the substitution of other lands shall be equivalent in
7 fair market value and recreational usefulness to the lands being discon-
8 tinued.
9 § 6. This act shall take effect immediately.

STATE OF NEW YORK

2342--A

2013-2014 Regular Sessions

IN SENATE

January 16, 2013

Introduced by Sen. BRESLIN -- read twice and ordered printed, and when
printed to be committed to the Committee on Local Government --
committee discharged, bill amended, ordered reprinted as amended and
recommitted to said committee

AN ACT to authorize the city of Albany to discontinue the use of certain
lands as park lands and to dedicate new park lands

(Text same as A.4717-A)