

2004-2

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE  
41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  
~~CITY~~ of Chenango  
~~TOWN~~  
~~VILLAGE~~

Local Law No. 2 of the year 2004.

A local law "A COUNTY LOCAL LAW AUTHORIZING THE SALE OF CERTAIN SURPLUS COUNTY  
(Insert Title)  
REAL PROPERTY IN THE TOWN OF NORTH NORWICH TO CHENANGO LAND TRUST"

Be it enacted by the Board of Supervisors of the  
(Name of Legislative Body)

County  
~~CITY~~ of Chenango  
~~TOWN~~  
~~VILLAGE~~ as follows:

LOCAL LAW

STATE OF NEW YORK  
COUNTY OF CHENANGO

ADOPTED LOCAL LAW NO. 2 OF THE YEAR 2004

"A COUNTY LOCAL LAW AUTHORIZING THE SALE OF CERTAIN SURPLUS COUNTY  
REAL PROPERTY IN THE TOWN OF NORTH NORWICH TO CHENANGO LAND  
TRUST"

BE IT ENACTED by the Chenango County Board of Supervisors as follows:

Section 1. DECLARATION OF FINDINGS AND INTENT.

The Chenango County Board of Supervisors hereby finds:

- (a) That a certain parcel of Chenango County real property in the Town of North Norwich formerly utilized by Chenango County for highway construction and maintenance purposes as a gravel and sand source is no longer needed for public purposes and has been declared surplus by the Board; and

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(b) That the entire parcel of land, containing approximately 44.77 acres of land, and currently owned by the County was obtained by Chenango County in two separate Deeds both duly recorded in the Chenango County Clerk's Office, one at Liber 509 of Deeds at Page 421 and the other at Liber 645 at Page 66. That this local law involves a portion of the said parcel, as more fully described within this local law, containing approximately 29.53 acres of land which is characterized as wetland and particularly suited for environmental preservation purposes. Further, the County has had discussions with the New York State Department of Conservation relating to reclamation of the land following its use as a gravel and sand pit. Such discussions resulted in a consensus that the land would be set aside for environmental and ecosystem protection purposes and be transferred to an entity having a goal of protecting and fostering environmentally valuable parcels.

(c) That the Chenango Land Trust is a not-for-profit corporation organized and existing under the laws of the State of New York and has as one of its goals the protection of environmentally sensitive land. The County believes such organization is an appropriate entity to hold title to the property.

#### Section 2. AUTHORIZATION OF TRANSFER.

(a) Notwithstanding the provisions of County Law, Section 215 and specifically subdivision 6 thereof, the Chenango County Board of Supervisors hereby authorizes the private sale and transfer of title of a certain parcel of real property hereinafter described and located in the Town of North Norwich to Chenango Land Trust.

(b) The consideration for the transfer shall be the Chenango Land Trust acceptance of the property and its promise to retain it in its natural state for the benefit of the environment.

(c) The transfer shall be by quitclaim deed and such deed shall contain the perpetual restrictive covenant that the land not be developed or utilized except for purposes of natural environmental preservation and or education. Also, such deed shall contain a restriction against the transfer by the Chenango Land Trust except to another non-profit entity or governmental organization that will continue the exclusive use for environmental preservation and or education.

(d) The Chairman of this Board be and hereby is authorized by this local law to execute a deed and any ancillary documents and to take such other actions as may be necessary to effectuate the provisions of this local law subject to the terms hereof.

#### Section 3. SUBJECT PROPERTY.

The real property which is the subject of this local law is approximately 29.53 acres of land more or less described as follows:

ALL THAT TRACT AND PARCEL OF LAND, Situate in the Town of North Norwich, described in a certain Deed recorded in the Chenango County Clerk's Office at Liber 509 at Page 421 and

ALSO, ALL THAT TRACT AND PARCEL OF LAND, Situate in the Town of North Norwich, County of Chenango, State of New York, described and designated as Parcel B in a certain Deed recorded in the Chenango County Clerk's Office in Liber 645 at Page 66, and

ALSO, ALL THAT TRACT AND PARCEL OF LAND, Situate in the Town of North Norwich, County of Chenango, State of New York, Being part of Parcel A as designated and described in Liber 645 on Page 66 bounded and described as follows:

BEGINNING AT A POINT, being a concrete monument, marking the southeastern corner of lands owned now or formerly by Chenango County, recorded in the Chenango County Clerk's Office in Liber 509 on Page 421.

Thence, in a northwesterly direction, N.  $06^{\circ}-40'-10''$  W. for a distance of 511.50 feet, along the easterly boundary line of lands owned now or formerly by Chenango County, recorded in the Chenango County Clerk's Office in Liber 509 on Page 421, to a point.

Thence, in a southwest direction, S.  $84^{\circ}-30'-38''$  W. for a distance of 222.92 feet, along the northerly line of said lands owned now or formerly by Chenango County, recorded in the Chenango County Clerk's Office in Liber 509 on Page 421, to a point. Said point being the southeastern corner of Parcel B of lands owned now or formerly by Chenango County, recorded in the Chenango County Clerk's Office in Liber 645 on Page 66.

Thence, in a northwest direction, N.  $05^{\circ}-29'-22''$  W. for a distance of 363.04 feet, along the easterly boundary line of said Parcel B lands, owned now or formerly by Chenango County, recorded in the Chenango County Clerk's Office in Liber 645 on Page 66, to a point. Said point also being marked by a 25" diameter Wolf Pine (as of 1986). Said point also being the northeastern corner of said Parcel B lands, owned now or formerly by Chenango County, recorded in the Chenango County Clerk's Office in Liber 645 on Page 66.

Thence, in a southeast direction, S.  $46^{\circ}-32'-36''$  E. for a distance of 850.00 feet, through said Parcel A lands, owned now or formerly by Chenango County, recorded in the Chenango County Clerk's Office in Liber 645 on Page 66, to a point.

Thence, in a southwest direction, S.  $48^{\circ}-48'-07''$  W. for a distance of 400.00 feet, continuing through said Parcel A lands, owned now or formerly by Chenango County, recorded in the Chenango County Clerk's Office in Liber 645 on Page 66, to the POINT AND PLACE OF BEGINNING. Said parcel hereinafter shall be referred to as Parcel A -2, containing 3.55 acres more or less of land belonging to County of Chenango (reputed owners).

Reference is made to a survey map dated January 6th, 1986, by Rhinevault Surveyor's, titled "Map of part of property of Barrett T. Welch, Liber 592 Page 749, to be conveyed to County of Chenango". Shawn G. Fry P.E., License Number 050089 — New York State Professional Land Surveyor prepared the foregoing legal description.

Together with and subject to covenants, easements, and restrictions of record.

Section 4. EFFECTIVE Date:

Pursuant to Section 24 of the Municipal Home Rule Law of the State of new York, this local law shall be effective forty-five (45) days after is shall have been adopted unless a proper petition has been filed so as to require a permissive referendum, in which case this law shall take effect upon its approval by a majority of qualified electors at an election called in accordance with the provisions of said statute.

Seconded by Mr. Conley

Results of a Roll Call Vote were: Yes-2211, No-97, Absent-93

No: Supervisor Kreiner

Absent: Supervisors O'Shea and Schlag

The Chairman declared the Local Law duly adopted.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. 2\_\_\_\_\_ of 20\_04 of the (County)(City)(Town)(Village) of \_\_\_\_\_ of Chenango \_\_\_\_\_ was duly passed by the Board of Supervisors \_\_\_\_\_ on June 14 20\_04, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of August 2\_\_\_\_\_ 20\_04, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_, above.



*[Handwritten Signature]*

Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: August 2, 2004

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK  
COUNTY OF Chenango

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

*[Handwritten Signature]*

Signature

County Attorney

Title

Chenango County, SS  
Recorded on this 3 Day  
of August 2004 at 4:30  
o'clock P. M., in Liber 1  
Local Laws  
at Page 339 and examined  
Mary C. Weidman Clerk.

County  
~~CITY~~ of Chenango  
~~TOWN~~  
~~VILLAGE~~

Date: August 2, 2004