

**HOME RULE REQUEST RESOLUTION NO. \_\_\_-2022**

RESOLVED, that the Westchester County Board of Legislators approves the making of a Home Rule Request in the following format:

*To the Legislature:*

Pursuant to Article IX of the Constitution, the County of Westchester requests the enactment of Assembly Bill No. 4017/Senate Bill No. 1138 entitled "AN ACT authorizing the commissioner of general services to convey real property in Westchester county to the county of Westchester."

A necessity exists for the enactment of this legislation because the local government does not have the power to enact such legislation by local law.

Dated: 2022  
White Plains, New York

Committee on Legislation

# STATE OF NEW YORK

4017

2021-2022 Regular Sessions

## IN ASSEMBLY

February 1, 2021

Introduced by M. of A. ABINANTI -- read once and referred to the Committee on Governmental Operations

AN ACT authorizing the commissioner of general services to convey real property in Westchester county to the county of Westchester

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The commissioner of the office of general services is  
2 authorized and empowered to transfer and convey certain state property,  
3 as further described in section two of this act, to the county of West-  
4 chester for one dollar, upon such terms and conditions as such commis-  
5 sioner may fix and determine.

6 § 2. The land authorized by this act to be conveyed consists of the  
7 North County Trailway, and is generally described as follows:

8 A parcel of land located in the Towns of Mount Pleasant, New Castle,  
9 Yorktown and Somers in Westchester consisting of approximately 20.8  
10 miles with varying width, as described in the lease agreement dated  
11 December 3, 2018 between the commissioner of transportation for the  
12 people of the state of New York and the county of Westchester, as  
13 described and on Exhibit A - Depiction of Proposed Lease Area delineated  
14 on Sheet Nos. 1-40 of Map 1, Parcels 1-39 subject to any and all ease-  
15 ments and conveyances granted by the state by and through the commis-  
16 sioner; Exhibit B - Map of the existing North County Trailway; and  
17 further described as:

18 From 110 feet south of old saw mill river road in eastview, north to  
19 3,000 feet south of route 1117, a total distance of approximately 15,000  
20 linear feet.

21 From route 117 to 350 feet south of route 9A for a total distance of  
22 approximately 8,800± linear feet.

23 From a point 2,000± feet north of route 9A/100 intersection to camp-  
24 fire road, approximately 4,000 linear feet.

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

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1 From a point 2,000± feet south of route 133 in miliwood, north to the  
2 south side of underhill avenue located in the hamlet of Yorktown  
3 Heights, town of Yorktown, a distance of 52,400 linear feet.

4 From the north side of underhill avenue to the south side of hanover  
5 street for a distance of 1,250± linear feet.

6 From hanover street, located in Yorktown Heights, north to the Putnam  
7 county boundary, a total distance of approximately 28,000± linear feet.

8 The entire linear distance of the parcel of land is approximately 20.8  
9 miles (109,530± linear feet).

10 § 3. The commissioner of the office of general services shall not  
11 transfer or convey the aforesaid land unless application in a form  
12 acceptable to the office of general services is made to the office of  
13 general services by the county of Westchester which application must be  
14 made within one year after the effective date of this act.

15 § 4. Any land transferred pursuant to this act shall be used and main-  
16 tained by the county of Westchester for the purpose of a pedestrian and  
17 non-motorized bicycle trailway, and upon termination of such use, title  
18 to the land so transferred shall revert to the state of New York.

19 § 5. This act shall take effect immediately.

A04017 Memo:

NEW YORK STATE ASSEMBLY

MEMORANDUM IN SUPPORT OF LEGISLATION submitted in accordance with Assembly Rule III, Sec 1(f)

BILL NUMBER: A4017

SPONSOR: Abinanti

TITLE OF BILL:

An act authorizing the commissioner of general services to convey real property in Westchester county to the county of Westchester

PURPOSE OR GENERAL IDEA OF BILL:

To authorize the transfer of the North County Trailway from the State to Westchester County.

SUMMARY OF PROVISIONS:

Section 1 of the bill authorizes the commissioner of the office of general services to transfer and convey certain state property, as described in section 2 of this act, to the county of Westchester for one dollar, upon such terms and conditions as the commissioner may fix and determine.

Section 2 sets forth the legal description of the land authorized to be conveyed consisting of the North County Trailway, which the linear distance of the parcel of land consists of approximately 20.8 miles.

Section 3 provides that the commissioner of the office of general services shall not transfer or convey the land unless an application in a form acceptable to the office is made by the county of Westchester within one year after the effective date of this act.

Section 4 provides that any land transferred pursuant to this act shall be used and maintained by the county of Westchester for the purpose of a pedestrian and non-motorized bicycle trailway, and upon termination of such use, title to the land transferred shall revert to the state of New York.

Section 5 of the bill is the effective date.

JUSTIFICATION:

The County of Westchester operates two recreational trailways that span Westchester County along a former railroad line from the Putnam County border to Van Cortland Park in the Bronx. These trailways are a unique resource enjoyed by thousands of hikers, bicyclists, and park-goers each year.

Located north of Interstate Highway 1-287, the North County Trailway, consisting of approximately 20.8 miles with varying widths in the Towns of Mount Pleasant, New Castle, Yorktown and Somers, is leased to Westchester County by the State of New York for \$1.00 under a 25 year agreement since 1994. South of 1-287 the County both owns and operates the South County Trailway, having acquired this property from New York State in 1993.

This legislation would authorize the transfer of the North County Trailway from the State to Westchester County as was previously done for the South County Trailway. Under the terms of the lease agreement for the North County Trailway (the "Trailway), the County is responsible for the maintenance and

improvements of the Trailway. In addition, the County is required to defend and indemnify the State against any claims arising from the use of the Trailway, including personal injury, property damage, death or contamination to the environment.

Notably, the County is planning a substantial rehabilitation of the Trailway, for which it has authorized bond financing of \$8.75 million. However, the lease requires the County to obtain New York State approval prior to constructing improvements which will add another step and delay the completion of this improvement.

The County's acquisition of the Trailway would enable Westchester County to more efficiently implement improvements, as well as simplify County planning and operations overall. In addition, other significant lease provisions such as County defense and indemnification of the State are fully satisfied by County ownership of the Trailway.

**PRIOR LEGISLATIVE HISTORY:**

2019-20: A7207 referred to governmental operations, same as 55247

(Harckham) passed senate 2019, advanced to third reading 2020

**FISCAL IMPLICATIONS FOR STATE AND LOCAL GOVERNMENTS:**

Minimal

**EFFECTIVE DATE:**

This act shall take effect immediately.