

4809

2013-2014 Regular Sessions

I N S E N A T E

April 24, 2013

Introduced by Sens. LITTLE, FARLEY -- read twice and ordered printed,
and when printed to be committed to the Committee on Environmental
Conservation

AN ACT to amend the environmental conservation law, in relation to
providing for the settlement of a land dispute between the state and
private parties with regard to parcels in township 40, Totten and
Crossfield Purchase, in the town of Long Lake, county of Hamilton

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Article 9 of the environmental conservation law is amended
2 by adding a new title 19 to read as follows:
3 TITLE 19
4 TOWNSHIP FORTY SETTLEMENT ACT
5 SECTION 9-1901. LEGISLATIVE PURPOSE AND INTENT.
6 9-1903. DEFINITIONS.
7 9-1905. LIST OF DISPUTED PARCELS.
8 9-1907. PROCESS FOR CLEARING TITLE.
9 9-1909. ATTORNEY GENERAL TO FILE SUIT.
10 9-1911. CONVEYANCES TO THE STATE.
11 9-1913. ADIRONDACK PARK AGENCY JURISDICTION.
12 9-1915. NOTARIZED STATEMENT.
13 S 9-1901. LEGISLATIVE PURPOSE AND INTENT.
14 1. DURING THE LAST ONE HUNDRED YEARS, BOTH THE STATE AND PRIVATE
15 PARTIES HAVE CLAIMED TITLE TO IDENTICAL PORTIONS OF TOWNSHIP FORTY,
16 TOTTEN AND CROSSFIELD PURCHASE, IN THE TOWN OF LONG LAKE, COUNTY OF
17 HAMILTON. INDEED, SOME PRIVATE PARTIES HAVE OCCUPIED AND IMPROVED A
18 NUMBER OF SUCH PARCELS TO WHICH THE STATE CLAIMS TITLE AND, IN MANY
19 CASES, BOTH THE STATE AND PRIVATE PARTIES HAVE PAID TAXES ON SUCH
20 PARCELS. IN THE LAST SEVERAL DECADES, THE STATE AND SOME PRIVATE PARTIES
21 HAVE COMMENCED LITIGATION, AT SIGNIFICANT EXPENSE AND WITH LIMITED
22 SUCCESS, TO ESTABLISH THEIR RESPECTIVE CLAIMS OVER DISPUTED PARCELS. AS

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

LBD10057-03-3

1 A RESULT OF LONGSTANDING CLAIMS TO DISPUTED PARCELS, THE FREE TRANSFER
2 OF THE PARCELS HAS BEEN INHIBITED, THEREBY CREATING ECONOMIC AND SOCIAL
3 HARDSHIP IN TOWNSHIP FORTY WHICH, IN TURN, HAS PREVENTED BOTH STATE AND
4 PRIVATE PARTIES FROM THE FULL USE AND ENJOYMENT OF THE PARCELS. THE
5 LEGISLATURE HAS DETERMINED THAT THE JUDICIAL SYSTEM IS NOT AN APPROPRI-
6 ATE FORUM TO RESOLVE THESE LONGSTANDING TITLE DISPUTES AND THAT A STATU-
7 TORY SOLUTION IS REQUIRED.

8 2. FOR THESE REASONS AND AS AUTHORIZED BY THE PROVISIONS OF SECTION
9 ONE OF ARTICLE FOURTEEN OF THE STATE CONSTITUTION, THE LEGISLATURE FINDS
10 THAT IT IS IN THE PUBLIC INTEREST TO COMPREHENSIVELY AND EXPEDITIOUSLY
11 RESOLVE THESE LONGSTANDING TITLE DISPUTES IN A MANNER WHICH IS FAIR AND
12 EQUITABLE. THE LEGISLATURE FINDS THAT IT IS IN THE BEST INTERESTS OF THE
13 STATE, THE COUNTY OF HAMILTON, THE TOWN OF LONG LAKE, AND THE PRIVATE
14 PARTIES WHO CLAIM TITLE TO PORTIONS OF TOWNSHIP FORTY TO RESOLVE THESE
15 TITLE DISPUTES IN A STRUCTURED AND EFFICIENT MANNER THAT RESULTS IN
16 CLARIFICATION OF OWNERSHIP INTERESTS, ENHANCEMENT OF PUBLIC ACCESS TO
17 FOREST PRESERVE LANDS, AND THE QUIET ENJOYMENT OF PRIVATE PROPERTY.

18 3. THE LEGISLATURE FURTHER FINDS THAT RESOLUTION OF THESE TITLE
19 DISPUTES SHALL BE ACCOMPLISHED IN A MANNER THAT ENSURES THE INTEGRITY OF
20 THE FOREST PRESERVE IN THE ADIRONDACK PARK AND THAT RESULTS IN A NET
21 BENEFIT TO THE FOREST PRESERVE WHEN COMPARED TO THE CONTESTED PARCELS.

22 4. THE LEGISLATURE FURTHER FINDS THAT THE TITLE DISPUTES ASSOCIATED
23 WITH TOWNSHIP FORTY CONSTITUTE A UNIQUE SITUATION, FOUND NOWHERE ELSE IN
24 THE STATE, AND THAT CONSEQUENTLY IT IS EQUITABLE AND APPROPRIATE FOR THE
25 STATE TO RELINQUISH ITS CLAIM OF TITLE TO DISPUTED PARCELS WITHIN THE
26 TOWNSHIP. THIS RELINQUISHMENT OF CLAIMS TO TITLE SHALL NOT BE DEEMED TO
27 SET PRECEDENT FOR THE RELINQUISHMENT OF CLAIMS TO TITLE WITH RESPECT TO
28 OTHER LANDS OWNED BY THE STATE.

29 S 9-1903. DEFINITIONS.

30 FOR PURPOSES OF THIS TITLE, THE FOLLOWING TERMS SHALL HAVE THE FOLLOW-
31 ING MEANINGS:

32 1. "COUNTY" MEANS THE COUNTY OF HAMILTON.

33 2. "DISPUTED PARCEL" MEANS A PARCEL OF LAND LOCATED IN TOWNSHIP FORTY
34 TO WHICH BOTH THE STATE AND A PERSON CLAIM TITLE.

35 3. "PERSON" MEANS ANY INDIVIDUAL, FIRM, PARTNERSHIP, ASSOCIATION,
36 TRUST, LIMITED LIABILITY COMPANY OR CORPORATION THAT CLAIMS TITLE TO A
37 DISPUTED PARCEL.

38 4. "TOWN" MEANS THE TOWN OF LONG LAKE, IN THE COUNTY OF HAMILTON.

39 5. "TOWNSHIP FORTY" MEANS TOWNSHIP FORTY, TOTTEN AND CROSSFIELD
40 PURCHASE.

41 S 9-1905. LIST OF DISPUTED PARCELS.

42 THE FOLLOWING PARCELS OF LAND, IDENTIFIED BY THE COUNTY'S TWO THOUSAND
43 TWELVE ASSESSMENT ROLLS AND THE COUNTY'S ONLINE MAPPING SYSTEM AS OF
44 OCTOBER, TWO THOUSAND TWELVE, AND ANY SUBSEQUENT CONVEYANCES THEREFROM,
45 ARE THE DISPUTED PARCELS THAT ARE THE SUBJECT OF THE PROVISIONS OF THIS
46 TITLE:

47 37.016-1-1.100

48 37.016-1-1.210

49 37.016-1-1.220

50 37.016-1-2

51 37.016-1-3

52 37.016-1-4.110

53 37.016-1-4.120

54 37.016-1-4.131

55 37.016-1-4.132

56 37.016-1-4.140

1	37.016-1-4.150
2	37.016-1-4.160
3	37.016-1-4.200
4	37.016-1-4.300
5	37.016-1-5
6	37.016-1-6
7	37.016-1-8.100
8	37.016-1-10
9	37.018-1-1
10	44.000-1-18
11	44.000-1-19
12	44.000-1-20
13	44.000-1-22
14	44.000-1-26.100
15	44.000-1-26.111
16	44.000-1-26.112
17	44.000-1-26.121
18	44.000-1-27.112
19	44.000-1-27.113
20	44.000-1-27.120
21	44.000-1-27.211
22	44.000-1-27.212
23	44.000-1-27.220
24	44.000-1-28
25	44.000-1-3
26	44.000-1-4.111
27	44.000-1-4.121
28	44.000-1-4.200
29	44.000-1-8
30	44.000-1-9
31	44.000-1-10
32	44.000-1-11
33	44.000-2-32.100
34	44.000-2-33.100
35	44.000-3-1
36	44.000-3-10
37	44.000-3-11
38	44.000-3-12
39	44.000-3-13
40	44.000-3-14
41	44.000-3-15
42	44.000-3-16
43	44.000-3-17
44	44.000-3-2.100
45	44.000-3-2.200
46	44.000-3-3
47	44.000-3-4
48	44.000-3-5
49	44.000-3-6
50	44.000-3-7
51	44.000-3-8
52	44.000-3-9.100
53	44.000-4-1.100
54	44.000-4-1.200
55	44.000-4-1.300
56	44.014-1-10

1	44.014-1-11.100
2	44.014-1-12
3	44.014-1-13
4	44.014-1-2
5	44.014-1-3.100
6	44.014-1-3.200
7	44.014-1-4.200
8	44.014-1-5
9	44.014-1-6
10	44.014-1-7
11	44.014-1-8
12	44.014-1-9
13	44.014-2-1
14	44.015-1-1
15	44.015-1-2
16	44.015-1-3
17	44.015-1-4
18	44.015-1-5
19	44.015-1-6
20	44.015-1-7
21	44.015-1-8
22	44.015-1-9
23	44.018-1-1.110
24	44.018-1-10
25	44.018-1-11
26	44.018-1-12
27	44.018-1-13
28	44.018-1-14
29	44.018-1-15
30	44.018-1-17
31	44.018-1-18
32	44.018-1-19
33	44.018-1-2
34	44.018-1-20
35	44.018-1-21
36	44.018-1-22.111
37	44.018-1-22.112
38	44.018-1-22.114
39	44.018-1-22.115
40	44.018-1-22.116
41	44.018-1-22.120
42	44.018-1-22.200
43	44.018-1-23.111
44	44.018-1-23.112
45	44.018-1-23.120
46	44.018-1-23.130
47	44.018-1-23.200
48	44.018-1-23.311
49	44.018-1-23.312
50	44.018-1-23.320
51	44.018-1-27.110
52	44.018-1-27.200
53	44.018-1-28.100
54	44.018-1-3
55	44.018-1-4
56	44.018-1-5

1	44.018-1-6.100
2	44.018-1-8.100
3	44.018-1-8.200
4	44.018-1-8.300
5	44.018-1-9
6	44.018-3-1
7	44.018-3-2
8	44.018-3-2.100
9	52.006-1-13
10	52.006-1-18
11	52.006-1-19.100
12	52.006-1-19.200
13	52.006-1-19.300
14	52.006-1-20
15	52.006-1-22
16	52.006-1-23
17	52.006-1-24
18	52.006-1-25
19	52.006-1-26
20	52.006-1-27
21	52.006-2-1
22	52.006-2-10
23	52.006-2-11
24	52.006-2-12
25	52.006-2-13
26	52.006-2-14
27	52.006-2-15
28	52.006-2-16
29	52.006-2-17
30	52.006-2-18
31	52.006-2-19.100
32	52.006-2-19.200
33	52.006-2-2.121
34	52.006-2-2.122
35	52.006-2-2.123
36	52.006-2-2.124
37	52.006-2-2.200
38	52.006-2-20
39	52.006-2-21.111
40	52.006-2-21.112
41	52.006-2-22.110
42	52.006-2-22.120
43	52.006-2-23.111
44	52.006-2-23.112
45	52.006-2-23.113
46	52.006-2-23.114
47	52.006-2-23.115
48	52.006-2-23.116
49	52.006-2-23.117
50	52.006-2-23.118
51	52.006-2-23.119
52	52.006-2-23.120
53	52.006-2-24./1
54	52.006-2-24.100
55	52.006-2-25.100
56	52.006-2-26.100

1 52.006-2-26.200
2 52.006-2-27
3 52.006-2-28.111
4 52.006-2-28.112
5 52.006-2-28.113
6 52.006-2-28.114
7 52.006-2-28.120
8 52.006-2-28.200
9 52.006-2-29
10 52.006-2-3
11 52.006-2-4
12 52.006-2-5
13 52.006-2-6
14 52.006-2-7
15 52.006-2-8.100
16 52.006-2-8.200
17 52.006-2-9
18 52.011-1-1
19 52.011-1-10.100
20 52.011-1-10.200
21 52.011-1-11
22 52.011-1-2.111
23 52.011-1-2.112
24 52.011-1-2.114
25 52.011-1-2.120
26 52.011-1-2.200
27 52.011-1-4.200
28 52.011-1-5
29 52.011-1-6
30 52.011-1-7.100
31 52.011-1-8
32 52.011-1-9.110
33 52.011-1-9.120
34 52.011-1-9.211
35 52.011-1-9.212
36 52.011-1-9.220
37 52.011-1-9.230
38 52.011-1-9.300

39 THE DISPUTED PARCELS IDENTIFIED IN THIS SECTION ARE NOT INTENDED TO BE
40 LEGAL DESCRIPTIONS, BUT ARE INTENDED TO IDENTIFY DISPUTED PARCELS BY TAX
41 LOT NUMBER ONLY.

42 S 9-1907. PROCESS FOR CLEARING TITLE.

43 1. WITHIN THIRTY DAYS OF THE EFFECTIVE DATE OF THIS SECTION, THE
44 DEPARTMENT SHALL SUBMIT A WRITTEN REQUEST TO THE COUNTY TAX ASSESSOR FOR
45 A CERTIFIED LIST, TO BE PREPARED FROM THE MOST CURRENT TAX ROLL, OF THE
46 NAMES AND ADDRESSES OF ALL PERSONS WHO CLAIM TITLE TO THE DISPUTED
47 PARCELS LISTED IN SECTION 9-1905 OF THIS TITLE. THE ASSESSOR SHALL
48 PREPARE SUCH A LIST WITHIN SEVEN DAYS AFTER RECEIVING THE DEPARTMENT'S
49 REQUEST, AND INCLUDE ON THE LIST THE NAMES AND ADDRESSES OF ALL PERSONS
50 ON THE MOST CURRENT TAX ROLL AND THE NAMES AND ADDRESSES OF ALL PERSONS
51 WHO, NOT LESS THAN SEVEN DAYS PRIOR TO THE DATE ON WHICH THE ASSESSOR
52 RECEIVED THE DEPARTMENT'S REQUEST, NOTIFIED THE ASSESSOR THAT THEY CLAIM
53 TITLE TO A DISPUTED PARCEL. THE DEPARTMENT SHALL BE ENTITLED TO RELY
54 UPON THE INFORMATION CONTAINED IN THE CERTIFIED LIST, AND FAILURE BY THE
55 DEPARTMENT TO GIVE NOTICE TO ANY PERSON CLAIMING TITLE WHO IS NOT
56 INCLUDED ON THE LIST OR IS NOT AT THE ADDRESS INCLUDED ON THE LIST SHALL

1 NOT INVALIDATE ANY PROCEEDING OR ACTIONS AUTHORIZED BY THIS TITLE.
2 WITHIN THIRTY DAYS AFTER RECEIPT OF THE CERTIFIED LIST FROM THE ASSES-
3 SOR, THE DEPARTMENT SHALL SEND, BY FIRST CLASS MAIL, A LETTER TO EACH
4 PERSON INCLUDED ON THE LIST, INFORMING THE PERSON THAT A CONSTITUTIONAL
5 AMENDMENT HAS BEEN ADOPTED AND LEGISLATION ENACTED THAT AUTHORIZES A
6 RESOLUTION OF TITLE ISSUES ON DISPUTED PARCELS IN TOWNSHIP FORTY,
7 INCLUDING THE DISPUTED PARCEL TO WHICH THE PERSON CLAIMS OWNERSHIP
8 RIGHTS. THE DEPARTMENT SHALL SEND A SEPARATE LETTER TO EACH PERSON
9 CLAIMING TITLE TO EACH DISPUTED PARCEL. SUCH LETTER SHALL DESCRIBE THE
10 PROCESS FOR RESOLVING TITLE SET FORTH IN THIS TITLE AND STATE THAT,
11 UNTIL SUCH TIME AS THE STATE IS ESTOPPED FROM ASSERTING ITS CLAIM OF
12 TITLE TO THE DISPUTED PARCEL PURSUANT TO SUBDIVISION SEVEN OF THIS
13 SECTION, ANY PERSON CLAIMING TITLE TO THE DISPUTED PARCEL SHALL ASSUME
14 ALL THE RISK WITH RESPECT TO SUBDIVIDING OR ADDING NEW STRUCTURES OR
15 IMPROVEMENTS TO THE DISPUTED PARCEL. THE DEPARTMENT SHALL PROVIDE A COPY
16 OF EACH SUCH LETTER TO THE ATTORNEY GENERAL. THE DEPARTMENT SHALL ALSO,
17 WITHIN THIRTY DAYS AFTER RECEIPT OF THE LIST FROM THE ASSESSOR, PUBLISH
18 WRITTEN NOTICE OF THE PROCESS TO CLEAR TITLE, INCLUDING A LIST BY TAX
19 LOT NUMBER OF THE PARCELS LISTED IN SECTION 9-1905 OF THIS TITLE, IN THE
20 STATE REGISTER, THE ENVIRONMENTAL NOTICE BULLETIN AND A NEWSPAPER OF
21 GENERAL CIRCULATION IN TOWNSHIP FORTY.

22 2. WITHIN NINETY DAYS OF THE RECEIPT OF THE DEPARTMENT'S LETTER,
23 PURSUANT TO SUBDIVISION ONE OF THIS SECTION, FOR EACH DISPUTED PARCEL, A
24 PERSON SHALL PROVIDE TO THE DEPARTMENT, WITH COPIES TO THE OFFICE OF THE
25 ATTORNEY GENERAL AND THE TOWN, A SEPARATE NOTARIZED STATEMENT AS SET
26 FORTH IN SECTION 9-1915 OF THIS TITLE, NOTIFYING THE DEPARTMENT EITHER:

27 A. THAT HE OR SHE WILL PARTICIPATE IN THE PROCESS SET FORTH IN THIS
28 TITLE TO RESOLVE TITLE TO THE DISPUTED PARCEL OR PARCELS, AND, IF SO,
29 WHETHER HE OR SHE INTENDS TO PROVIDE AS A GIFT TO THE STATE A SPECIFIED
30 PORTION OF A DISPUTED PARCEL IN FEE SIMPLE WITHOUT RESERVATIONS FOR
31 INCLUSION IN THE FOREST PRESERVE OR A CONSERVATION EASEMENT TO THE TOWN
32 RESTRICTING DEVELOPMENT OVER ALL OR A SPECIFIED PORTION OF A DISPUTED
33 PARCEL, WITH A SECONDARY RIGHT OF ENFORCEMENT IN THE STATE; OR

34 B. THAT HE OR SHE DECLINES TO PARTICIPATE IN THE PROCESS ESTABLISHED
35 BY THIS TITLE TO RESOLVE TITLE TO DISPUTED PARCELS.

36 3. WITH RESPECT TO A PARCEL OR CONSERVATION EASEMENT WHICH THE PERSON
37 INTENDS TO PROVIDE AS A GIFT TO THE STATE OR THE TOWN, RESPECTIVELY, AS
38 SPECIFIED IN PARAGRAPH A OF SUBDIVISION TWO OF THIS SECTION, THE TOWN
39 SHALL PROVIDE THE PERSON WITH AN ASSESSED VALUE OF THE PROPOSED CONVEY-
40 ANCE, WITH A COPY TO THE DEPARTMENT, WITHIN ONE HUNDRED TWENTY DAYS OF
41 THE TOWN'S RECEIPT OF A COPY OF THE NOTIFICATION CONCERNING SUCH GIFT.

42 4. WITHIN TWELVE MONTHS OF THE DATE OF THE LETTERS SENT BY THE DEPART-
43 MENT PURSUANT TO SUBDIVISION ONE OF THIS SECTION, ALL PERSONS WHO ARE
44 PARTICIPATING IN THE PROCESS SET FORTH IN THIS TITLE TO RESOLVE TITLE TO
45 DISPUTED PARCELS SHALL CONVEY TO THE STATE ANY LAND WHICH SUCH PERSONS
46 EXPRESSED AN INTENT TO SO CONVEY PURSUANT TO PARAGRAPH A OF SUBDIVISION
47 TWO OF THIS SECTION, CONVEY TO THE TOWN ANY CONSERVATION EASEMENTS WHICH
48 SUCH PERSONS EXPRESSED AN INTENT TO SO CONVEY PURSUANT TO PARAGRAPH A OF
49 SUBDIVISION TWO OF THIS SECTION, AND MAKE PAYMENT TO THE TOWN IN THE
50 AMOUNT DUE PURSUANT TO SUBDIVISION FIVE OF THIS SECTION.

51 5. WITHIN TWELVE MONTHS OF THE DATE OF THE LETTERS SENT BY THE
52 DEPARTMENT PURSUANT TO SUBDIVISION ONE OF THIS SECTION, PERSONS PARTIC-
53 IPATING IN THE PROCESS SET FORTH IN THIS TITLE TO RESOLVE TITLE TO
54 DISPUTED PARCELS SHALL PAY THE TOWN AN AMOUNT THAT APPROXIMATES THE
55 STATE'S ADMINISTRATIVE COSTS IN RESOLVING THE DISPUTED PARCELS SITUATED
56 WITHIN TOWNSHIP FORTY. THE PAYMENT AMOUNT FOR EACH INDIVIDUAL DISPUTED

1 PARCEL SHALL BE THE SUM OF: (A) A FLAT RATE OF TWO THOUSAND DOLLARS PER
2 PARCEL; AND (B) AN AMOUNT EQUAL TO THE TOTAL ASSESSED VALUE OF THE
3 PARCEL, INCLUDING STRUCTURES AND IMPROVEMENTS SITUATED THEREON, AS
4 DETERMINED BY THE TWO THOUSAND TWELVE TOWN ASSESSMENT, LESS THE ASSESSED
5 VALUE OF ANY PORTION OF SUCH PARCEL CONVEYED TO THE STATE IN FEE OR ANY
6 CONSERVATION EASEMENT CONVEYED TO THE TOWN, PURSUANT TO PARAGRAPH A OF
7 SUBDIVISION TWO OF THIS SECTION, DIVIDED BY THE TOTAL ASSESSED VALUE OF
8 ALL DISPUTED PARCELS, INCLUDING STRUCTURES AND IMPROVEMENTS SITUATED
9 THEREON AS DETERMINED BY THE TWO THOUSAND TWELVE TOWN ASSESSMENT, MULTI-
10 PLIED BY TWO HUNDRED THOUSAND DOLLARS. THE TOWN SHALL USE ALL SUCH
11 PAYMENTS TO ACQUIRE LAND FOR INCLUSION IN THE FOREST PRESERVE PURSUANT
12 TO SUBDIVISION SIX OF THIS SECTION.

13 6. WITHIN EIGHTEEN MONTHS OF THE DATE OF THE LETTERS SENT BY THE
14 DEPARTMENT PURSUANT TO SUBDIVISION ONE OF THIS SECTION, THE DEPARTMENT
15 SHALL IDENTIFY LANDS FOR THE TOWN TO ACQUIRE FOR INCLUSION IN THE FOREST
16 PRESERVE. SUBJECT TO LEGISLATIVE APPROVAL, SUCH LANDS SHALL PROVIDE A
17 NET BENEFIT TO THE FOREST PRESERVE AS COMPARED TO THE DISPUTED PARCELS
18 TO WHICH THE STATE IS ESTOPPED FROM ASSERTING A CLAIM PURSUANT TO SUBDI-
19 VISION SEVEN OF THIS SECTION. THE TOWN SHALL USE ALL PAYMENTS ACQUIRED
20 PURSUANT TO SUBDIVISION FIVE OF THIS SECTION FOR THE ACQUISITION OF SUCH
21 LANDS. SUCH LANDS SHALL BE CONVEYED FROM THE OWNER DIRECTLY TO THE
22 STATE. TITLE TO LAND TO BE CONVEYED TO THE STATE PURSUANT TO THIS TITLE
23 AND THE DEED TO THE STATE SHALL BE APPROVED BY THE ATTORNEY GENERAL, AS
24 TO FORM AND MANNER OF EXECUTION AND RECORDABILITY, BEFORE THE DEED SHALL
25 BE ACCEPTED ON BEHALF OF THE STATE.

26 7. THE COMMISSIONER SHALL CAUSE TO BE PREPARED AN ACCURATE SURVEY MAP
27 SHOWING THE BOUNDARIES OF ALL DISPUTED LAND TO WHICH THE STATE WILL BE
28 RELEASING AND EXTINGUISHING ITS RIGHT, TITLE AND INTEREST AND RECORD THE
29 SURVEY MAP IN THE HAMILTON COUNTY CLERK'S OFFICE. THE COMMISSIONER SHALL
30 ALSO CAUSE LEGAL DESCRIPTIONS OF SUCH BOUNDARIES TO BE PREPARED FROM THE
31 MAP. EXCEPT FOR THOSE PARCELS THE TITLE TO WHICH WILL BE LITIGATED
32 PURSUANT TO SECTION 9-1909 OF THIS TITLE, UPON LEGISLATIVE APPROVAL OF
33 THE LANDS TO BE PROVIDED TO THE STATE PURSUANT TO SUBDIVISION SIX OF
34 THIS SECTION, THE COMPLETION OF THE CONVEYANCES TO THE STATE, AND
35 CERTIFICATION BY THE COMMISSIONER THAT EACH RESPECTIVE PERSON HAS
36 COMPLIED WITH ALL APPLICABLE TERMS AND CONDITIONS OF THIS TITLE, AND
37 NOTWITHSTANDING THE PROVISIONS OF THE PUBLIC LANDS LAW, THE COMMISSIONER
38 SHALL BE AUTHORIZED TO RELEASE AND EXTINGUISH ALL RIGHT, TITLE AND
39 INTEREST OF THE STATE IN THE DISPUTED PARCELS THAT ARE LOCATED WITHIN
40 THESE SURVEYED BOUNDARIES, WITHOUT RESERVATION AND EXCEPTION. THE LEGAL
41 DESCRIPTIONS SHALL BE APPROVED BY THE COMMISSIONER AND INCORPORATED INTO
42 THE RELEASE AND EXTINGUISHMENT DOCUMENT. THE COMMISSIONER SHALL SEND
43 NOTICE OF THE STATE'S RELEASE AND EXTINGUISHMENT OF RIGHTS TO A DISPUTED
44 PARCEL BY SEPARATE LETTER TO EACH PERSON FOR EACH PARCEL OF LAND THE
45 TITLE TO WHICH HAS BEEN SETTLED PURSUANT TO THIS TITLE, AND UPON RELEASE
46 AND EXTINGUISHMENT OF RIGHTS, THE STATE SHALL BE ESTOPPED FROM ASSERTING
47 ANY CLAIM OF TITLE TO DISPUTED PARCELS BASED UPON (A) FACTS OR ACTIONS
48 THAT OCCURRED PRIOR TO THE EFFECTIVE DATE OF THIS TITLE, AND (B) DEEDS,
49 TAX SALES OR OTHER DOCUMENTS THAT PREDATE THE EFFECTIVE DATE OF THIS
50 TITLE. THE COMMISSIONER SHALL ALSO CAUSE TO BE PREPARED AN ACCURATE
51 SURVEY MAP, TO BE RECORDED IN THE COUNTY CLERK'S OFFICE, AND A LEGAL
52 DESCRIPTION FROM THE SURVEY MAP, FOR EACH INDIVIDUAL PARCEL OF LAND THE
53 CLAIMANT OF WHICH HAS FILED A NOTICE PURSUANT TO PARAGRAPH B OF SUBDIVI-
54 SION TWO OF THIS SECTION OR HAS NOT COMPLIED IN A TIMELY FASHION WITH
55 THE REQUIREMENTS OF SUBDIVISIONS TWO, FOUR OR FIVE OF THIS SECTION. THE
56 DEPARTMENT SHALL PROVIDE A COPY OF SUCH SURVEY AND LEGAL DESCRIPTION TO

THE OFFICE OF THE ATTORNEY GENERAL TO ASSIST IN THE LITIGATION REQUIRED BY SECTION 9-1909 OF THIS TITLE.

S 9-1909. ATTORNEY GENERAL TO FILE SUIT.

THE ATTORNEY GENERAL, WITHIN TWENTY-FOUR MONTHS OF EITHER A PERSON'S FAILURE TO COMPLY WITH THE REQUIREMENTS OF SUBDIVISION TWO OF SECTION 9-1907 OF THIS TITLE WITH RESPECT TO A PARTICULAR DISPUTED PARCEL, A PERSON'S FILING OF A NOTICE OF NONPARTICIPATION PURSUANT TO PARAGRAPH B OF SUBDIVISION TWO OF SECTION 9-1907 OF THIS TITLE WITH RESPECT TO A PARTICULAR DISPUTED PARCEL, A PERSON'S FAILURE TO MAKE THE REQUIRED CONVEYANCE REQUIRED BY SUBDIVISION FOUR OF SECTION 9-1907 OF THIS TITLE WITH RESPECT TO A PARTICULAR DISPUTED PARCEL, OR A PERSON'S FAILURE TO MAKE THE REQUIRED PAYMENT REQUIRED BY SUBDIVISIONS FOUR AND FIVE OF SECTION 9-1907 OF THIS TITLE WITH RESPECT TO A PARTICULAR DISPUTED PARCEL, SHALL COMMENCE AN ACTION IN A COURT OF COMPETENT JURISDICTION PURSUANT TO THE REAL PROPERTY ACTIONS AND PROCEEDINGS LAW TO DETERMINE TITLE TO SUCH PARCEL. NOTHING CONTAINED IN THIS TITLE SHALL BE APPLICABLE TO SUCH ACTION. FAILURE BY THE ATTORNEY GENERAL TO COMMENCE SUCH ACTION WITHIN SUCH TIME FRAME SHALL NOT SUBSEQUENTLY PREVENT THE ATTORNEY GENERAL FROM COMMENCING SUCH AN ACTION OR CREATE A PRESUMPTION AGAINST THE STATE'S CLAIM OF TITLE.

S 9-1911. CONVEYANCES TO THE STATE.

NOTHING IN THIS TITLE SHALL BE INTERPRETED AS AT ANY TIME PREVENTING ANY PERSON CLAIMING A DISPUTED PARCEL FROM OFFERING TO CONVEY ANY SUCH PARCEL, ANY PORTION OF SUCH PARCEL, OR ANY INTEREST IN SUCH PARCEL TO THE STATE ON SUCH TERMS AND CONDITIONS AS THE OWNER FINDS ACCEPTABLE, PROVIDED THE STATE MAY, SOLELY IN ITS DISCRETION, DECIDE WHETHER TO ACCEPT ANY SUCH OFFER.

S 9-1913. ADIRONDACK PARK AGENCY JURISDICTION.

NOTHING IN THIS TITLE SHALL BE INTERPRETED AS ALTERING OR AFFECTING THE REGULATORY JURISDICTION OF THE ADIRONDACK PARK AGENCY OVER ANY LAND LOCATED WITHIN TOWNSHIP FORTY.

S 9-1915. NOTARIZED STATEMENT.

THE FORMAT FOR THE NOTARIZED STATEMENT DESCRIBED IN SUBDIVISION TWO OF SECTION 9-1907 OF THIS TITLE SHALL BE AS FOLLOWS:

NOTARIZED STATEMENT RELATING TO THE SETTLEMENT OF COMPETING CLAIMS OF TITLE

TOWNSHIP FORTY, TOTTEN AND CROSSFIELD PURCHASE

TOWN OF LONG LAKE, COUNTY OF HAMILTON

NAME(S):

MAILING ADDRESS(ES):

TELEPHONE NUMBER(S):

TAX PARCEL NUMBER:

CIRCLE EITHER 1 OR 2; IF YOU CIRCLE 1, YOU MUST ALSO CIRCLE A OR B:

1. I (WE) ELECT TO PARTICIPATE IN THE PROCESS TO RESOLVE TITLE ISSUES REGARDING THE ABOVE-REFERENCED PARCEL AS AUTHORIZED BY TITLE NINETEEN OF ARTICLE NINE OF THE ENVIRONMENTAL CONSERVATION LAW.

A. I (WE) INTEND TO REDUCE MY (OUR) PAYMENT BY GIFTING TO THE STATE A SPECIFIED PORTION OF A DISPUTED PARCEL IN FEE SIMPLE WITHOUT RESERVATION FOR INCLUSION IN THE FOREST PRESERVE OR A CONSERVATION EASEMENT TO THE TOWN RESTRICTING DEVELOPMENT OVER ALL OR A SPECIFIED PORTION OF A DISPUTED PARCEL, WITH A SECONDARY RIGHT OF ENFORCEMENT IN THE STATE. THE INTENDED GIFT IS DESCRIBED IN THE ATTACHED DOCUMENT.

B. I (WE) DO NOT INTEND TO REDUCE MY (OUR) PAYMENT TO THE STATE BY GIFTING ANY PORTION OF THE PARCEL TO THE STATE OR BY GIFTING A CONSERVATION EASEMENT OVER ANY PORTION OF THE PARCEL TO THE TOWN; OR

1 2. I (WE) ELECT TO NOT PARTICIPATE IN THE SPECIAL PROCESS TO RESOLVE
2 TITLE ISSUES REGARDING THE ABOVE-REFERENCED PARCEL AS AUTHORIZED BY
3 TITLE NINETEEN OF ARTICLE NINE OF THE ENVIRONMENTAL CONSERVATION LAW. I
4 (WE) UNDERSTAND THAT: WITHIN TWENTY-FOUR MONTHS OF MY (OUR) FILING OF
5 THIS NOTICE, THE ATTORNEY GENERAL SHALL COMMENCE AN ACTION IN A COURT OF
6 COMPETENT JURISDICTION TO DETERMINE TITLE TO SUCH PARCEL; NOTHING IN
7 TITLE NINETEEN OF ARTICLE NINE OF THE ENVIRONMENTAL CONSERVATION LAW
8 SHALL BE APPLICABLE TO SUCH LITIGATION; AND FAILURE BY THE ATTORNEY
9 GENERAL TO COMMENCE SUCH ACTION WITHIN SUCH TWENTY-FOUR MONTH TIME FRAME
10 SHALL NOT SUBSEQUENTLY PREVENT THE ATTORNEY GENERAL FROM COMMENCING SUCH
11 AN ACTION OR CREATE A PRESUMPTION AGAINST THE STATE'S CLAIM OF TITLE.

12 SIGNATURE

13 (NOTARIZATION)

14 S 2. This act shall take effect on the same date and in the same
15 manner as a "CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY proposing
16 an amendment to section 1 of article 14 of the constitution, in relation
17 to disputed title in township 40, Totten and Crossfield Purchase, in the
18 town of Long Lake, Hamilton county," takes effect in accordance with
19 section 1 of article 19 of the constitution.