S T A T E O F N E W Y O R K

1114

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. DESTITO -- Multi-Sponsored by -- M. of A. McENENY -- read once and referred to the Committee on Tourism, Arts and Sports Development

AN ACT to amend the canal law, in relation to the method of abandonment for the purposes of the canal system

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

Section 1. Section 51 of the canal law, as amended by chapter 335 of the laws of 2001, is amended to read as follows:

S 51. Method of abandonment. Prior to the exercising of such authority of abandonment, however, the corporation shall cause a notice of any proposed abandonment to be transmitted to the commission and to be published once each week for three successive weeks in a newspaper published in the county wherein such lands are located, EXCEPT THAT SUCH PUBLICATION SHALL APPEAR IN A NEWSPAPER PUBLISHED IN THE MUNICIPALITY OR LOCALITY WHEREIN SUCH LANDS ARE LOCATED WHEN THERE IS A NEWSPAPER PUBLISHED IN SUCH MUNICIPALITY OR LOCALITY. Such notice shall describe the lands proposed to be abandoned with sufficient certainty to identify them and invite interested parties to file written statements either supporting or opposing the proposed abandonment. Upon the expiration of the period of publishing said notice, WHEN IT IS THE CASE THAT THE ASSESSMENT FOR SUCH LANDS PROPOSED FOR ABANDONMENT IS EQUAL TO OR GREATER THAN FIFTY THOUSAND DOLLARS, the corporation [may] SHALL hold a hearing at which evidence or further information may be submitted[, if in its opinion the written statements previously received warrant such action]. A record shall be made of all evidence submitted at such hearing. If no hearing shall appear to the corporation to be warranted or subsequent to such hearing, should one be held, the corporation may in its discretion declare such lands abandoned for the purposes of the canal system. The corporation shall thereupon issue an official order

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

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abandoning the lands for canal purposes together with a map and description of the lands abandoned and dispose of any portion of canal lands so abandoned. Any money realized from the sale of such land shall be deposited into the canal fund.

S 2. This act shall take effect on the thirtieth day after it shall have become a law.