

10642

I N A S S E M B L Y

June 12, 2012

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Sweeney, Sayward) -- read once and referred to the Committee on Environmental Conservation

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing an amendment to section 1 of article 14 of the constitution, in relation to disputed title in township 40, Totten and Crossfield Purchase, in the town of Long Lake, Hamilton county

1 Section 1. Resolved (if the Senate concur), That section 1 of article
2 14 of the constitution be amended to read as follows:
3 Section 1. The lands of the state, now owned or hereafter acquired,
4 constituting the forest preserve as now fixed by law, shall be forever
5 kept as wild forest lands. They shall not be leased, sold or exchanged,
6 or be taken by any corporation, public or private, nor shall the timber
7 thereon be sold, removed or destroyed. Nothing herein contained shall
8 prevent the state from constructing, completing and maintaining any
9 highway heretofore specifically authorized by constitutional amendment,
10 nor from constructing and maintaining to federal standards federal aid
11 interstate highway route five hundred two from a point in the vicinity
12 of the city of Glens Falls, thence northerly to the vicinity of the
13 villages of Lake George and Warrensburg, the hamlets of South Horicon
14 and Pottersville and thence northerly in a generally straight line on
15 the west side of Schroon Lake to the vicinity of the hamlet of Schroon,
16 then continuing northerly to the vicinity of Schroon Falls, Schroon
17 River and North Hudson, and to the east of Makomis Mountain, east of the
18 hamlet of New Russia, east of the village of Elizabethtown and continu-
19 ing northerly in the vicinity of the hamlet of Towers Forge, and east of
20 Poke-O-Moonshine Mountain and continuing northerly to the vicinity of
21 the village of Keeseville and the city of Plattsburgh, all of the afore-
22 said taking not to exceed a total of three hundred acres of state forest
23 preserve land, nor from constructing and maintaining not more than twen-
24 ty-five miles of ski trails thirty to two hundred feet wide, together
25 with appurtenances thereto, provided that no more than five miles of
26 such trails shall be in excess of one hundred twenty feet wide, on the
27 north, east and northwest slopes of Whiteface Mountain in Essex county,
28 nor from constructing and maintaining not more than twenty-five miles of

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

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1 ski trails thirty to two hundred feet wide, together with appurtenances
2 thereto, provided that no more than two miles of such trails shall be in
3 excess of one hundred twenty feet wide, on the slopes of Belleayre Moun-
4 tain in Ulster and Delaware counties and not more than forty miles of
5 ski trails thirty to two hundred feet wide, together with appurtenances
6 thereto, provided that no more than eight miles of such trails shall be
7 in excess of one hundred twenty feet wide, on the slopes of Gore and
8 Pete Gay mountains in Warren county, nor from relocating, reconstructing
9 and maintaining a total of not more than fifty miles of existing state
10 highways for the purpose of eliminating the hazards of dangerous curves
11 and grades, provided a total of no more than four hundred acres of
12 forest preserve land shall be used for such purpose and that no single
13 relocated portion of any highway shall exceed one mile in length.
14 Notwithstanding the foregoing provisions, the state may convey to the
15 village of Saranac Lake ten acres of forest preserve land adjacent to
16 the boundaries of such village for public use in providing for refuse
17 disposal and in exchange therefore the village of Saranac Lake shall
18 convey to the state thirty acres of certain true forest land owned by
19 such village on Roaring Brook in the northern half of Lot 113, Township
20 11, Richards Survey. Notwithstanding the foregoing provisions, the state
21 may convey to the town of Arietta twenty-eight acres of forest preserve
22 land within such town for public use in providing for the extension of
23 the runway and landing strip of the Piseco airport and in exchange
24 therefor the town of Arietta shall convey to the state thirty acres of
25 certain land owned by such town in the town of Arietta. Notwithstanding
26 the foregoing provisions and subject to legislative approval of the
27 tracts to be exchanged prior to the actual transfer of title, the state,
28 in order to consolidate its land holdings for better management, may
29 convey to International Paper Company approximately eight thousand five
30 hundred acres of forest preserve land located in townships two and three
31 of Totten and [Crossfield's] CROSSFIELD Purchase and township nine of
32 the Moose River Tract, Hamilton county, and in exchange therefore Inter-
33 national Paper Company shall convey to the state for incorporation into
34 the forest preserve approximately the same number of acres of land
35 located within such townships and such County on condition that the
36 legislature shall determine that the lands to be received by the state
37 are at least equal in value to the lands to be conveyed by the state.
38 Notwithstanding the foregoing provisions and subject to legislative
39 approval of the tracts to be exchanged prior to the actual transfer of
40 title and the conditions herein set forth, the state, in order to facil-
41 itate the preservation of historic buildings listed on the national
42 register of historic places by rejoining an historic grouping of build-
43 ings under unitary ownership and stewardship, may convey to Sagamore
44 Institute Inc., a not-for-profit educational organization, approximately
45 ten acres of land and buildings thereon adjoining the real property of
46 the Sagamore Institute, Inc. and located on Sagamore Road, near Raquette
47 Lake Village, in the Town of Long Lake, county of Hamilton, and in
48 exchange therefor; Sagamore Institute, Inc. shall convey to the state
49 for incorporation into the forest preserve approximately two hundred
50 acres of wild forest land located within the Adirondack Park on condi-
51 tion that the legislature shall determine that the lands to be received
52 by the state are at least equal in value to the lands and buildings to
53 be conveyed by the state and that the natural and historic character of
54 the lands and buildings conveyed by the state will be secured by appro-
55 priate covenants and restrictions and that the lands and buildings
56 conveyed by the state will reasonably be available for public visits

1 according to agreement between Sagamore Institute, Inc. and the state.
2 Notwithstanding the foregoing provisions the state may convey to the
3 town of Arietta fifty acres of forest preserve land within such town for
4 public use in providing for the extension of the runway and landing
5 strip of the Piseco airport and providing for the maintenance of a clear
6 zone around such runway, and in exchange therefor, the town of Arietta
7 shall convey to the state fifty-three acres of true forest land located
8 in lot 2 township 2 Totten and Crossfield's Purchase in the town of Lake
9 Pleasant.

10 Notwithstanding the foregoing provisions and subject to legislative
11 approval prior to actual transfer of title, the state may convey to the
12 town of Keene, Essex county, for public use as a cemetery owned by such
13 town, approximately twelve acres of forest preserve land within such
14 town and, in exchange therefor, the town of Keene shall convey to the
15 state for incorporation into the forest preserve approximately one
16 hundred forty-four acres of land, together with an easement over land
17 owned by such town including the riverbed adjacent to the land to be
18 conveyed to the state that will restrict further development of such
19 land, on condition that the legislature shall determine that the proper-
20 ty to be received by the state is at least equal in value to the land to
21 be conveyed by the state.

22 Notwithstanding the foregoing provisions and subject to legislative
23 approval prior to actual transfer of title, because there is no viable
24 alternative to using forest preserve lands for the siting of drinking
25 water wells and necessary appurtenances and because such wells are
26 necessary to meet drinking water quality standards, the state may convey
27 to the town of Long Lake, Hamilton county, one acre of forest preserve
28 land within such town for public use as the site of such drinking water
29 wells and necessary appurtenances for the municipal water supply for the
30 hamlet of Raquette Lake. In exchange therefor, the town of Long Lake
31 shall convey to the state at least twelve acres of land located in
32 Hamilton county for incorporation into the forest preserve that the
33 legislature shall determine is at least equal in value to the land to be
34 conveyed by the state. The Raquette Lake surface reservoir shall be
35 abandoned as a drinking water supply source.

36 Notwithstanding the foregoing provisions and subject to legislative
37 approval prior to actual transfer of title, the state may convey to
38 National Grid up to six acres adjoining State Route 56 in St. Lawrence
39 County where it passes through Forest Preserve in Township 5, Lots 1, 2,
40 5 and 6 that is necessary and appropriate for National Grid to construct
41 a new 46kV power line and in exchange therefore National Grid shall
42 convey to the state for incorporation into the forest preserve at least
43 10 acres of forest land owned by National Grid in St. Lawrence county,
44 on condition that the legislature shall determine that the property to
45 be received by the state is at least equal in value to the land conveyed
46 by the state.

47 NOTWITHSTANDING THE FOREGOING PROVISIONS, THE LEGISLATURE MAY AUTHOR-
48 IZE THE SETTLEMENT, ACCORDING TO TERMS DETERMINED BY THE LEGISLATURE, OF
49 TITLE DISPUTES IN TOWNSHIP FORTY, TOTTEN AND CROSSFIELD PURCHASE IN THE
50 TOWN OF LONG LAKE, HAMILTON COUNTY, TO RESOLVE LONGSTANDING AND COMPET-
51 ING CLAIMS OF TITLE BETWEEN THE STATE AND PRIVATE PARTIES IN SAID TOWN-
52 SHIP, PROVIDED THAT PRIOR TO, AND AS A CONDITION OF SUCH SETTLEMENT,
53 LAND PURCHASED WITHOUT THE USE OF STATE-APPROPRIATED FUNDS, AND SUITABLE
54 FOR INCORPORATION IN THE FOREST PRESERVE WITHIN THE ADIRONDACK PARK,
55 SHALL BE CONVEYED TO THE STATE ON THE CONDITION THAT THE LEGISLATURE
56 SHALL DETERMINE THAT THE PROPERTY TO BE CONVEYED TO THE STATE SHALL

1 PROVIDE A NET BENEFIT TO THE FOREST PRESERVE AS COMPARED TO THE TOWNSHIP
2 FORTY LANDS SUBJECT TO SUCH SETTLEMENT.

3 S 2. Resolved (if the Senate concur), That the foregoing amendment be
4 referred to the first regular legislative session convening after the
5 next succeeding general election of members of the assembly, and, in
6 conformity with section 1 of article 19 of the constitution, be
7 published for 3 months previous to the time of such election.