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

S. 7496 A. 10418

S E N A T E - A S S E M B L Y

May 29, 2012

IN SENATE -- Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

IN ASSEMBLY -- Introduced by M. of A. THIELE -- read once and referred to the Committee on Local Governments

AN ACT in relation to the respective powers of the Trustees of the Freeholders and Commonalty of the Town of Southampton relating to the rights of ownership and regulation over certain waters

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

Section 1. Legislative findings. The legislature enacted chapter 255 of the laws of 1818 and chapter 283 of the laws of 1831, addressing the respective powers of the Trustees of the Freeholders and Commonalty of the Town of Southampton, a body politic created by the Dongan Patent of 1686, and the Trustees for the Proprietors of the Town of Southampton, a body created by chapter 255 of the laws of 1818, with respect to title to and the power to regulate the use of the ocean beaches in the town, and further, to make clear the continuing ownership of the Trustees of the Freeholders and Commonalty of the Town of Southampton of the underwater lands in the Town, their right to regulate the said underwater lands and the taking of the products thereof, and their right to protect the public's right to use and enjoy the easement upon the ocean beaches that was granted to them by the Dongan Patent. The Trustees for the Proprietors of the town of Southampton sold the last of the ocean beach lands owned by them and disbanded as a board of trustees in or about 1882 and thereafter ceased to exist. Through the ensuing 150 years the courts of this state have rendered inconsistent decisions with respect to the interpretation of chapter 255 of the laws of 1818 and chapter 283 of the laws of 1831, and litigation is presently pending relating to the interpretation and application thereof; and the legislature wishes to clarify the interpretation of such chapters.

S 2. Notwithstanding any language of chapter 255 of the laws of 1818 and chapter 283 of the laws of 1831 to the contrary, the Trustees of the

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

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Freeholders and Commonalty of the Town of Southampton have and shall continue to have the right to protect the public's easement upon the ocean beaches within the Town of Southampton, and to exercise for the benefit of the people of the Town of Southampton all of the regulatory powers with respect to the said ocean beaches which were conferred upon them by the Dongan Patent of 1686 and that they exercised prior to the year 1818; and the legislature recognizes that any regulatory powers over the ocean beaches which by operation of the two said laws were conferred upon the Trustees for the Proprietors of the Town of Southampton, reverted to the Trustees of the Freeholders and Commonalty of the Town of Southampton after the year 1882.

S 3. The Trustees for the Freeholders and Commonalty of the Town of Southampton shall continue to have and exercise all of the rights of ownership and regulation over the waters of the Town of Southampton and the products thereof that they had and exercised by virtue of the powers conferred upon them by the Dongan Patent and that they had and exercised prior to the year 1818, as well as the rights of ownership and regulation over the said waters and the productions thereof that they were authorized to have and exercise by chapter 255 of the laws of 1818 and chapter 283 of the laws of 1831.

S 4. This act shall take effect immediately.