

4689

2013-2014 Regular Sessions

I N   S E N A T E

April 18, 2013

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

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 Assembly concur), That section 1 of arti-  
2     cle 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

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

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

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

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

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

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

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

1 SHALL BE CONVEYED TO THE STATE ON THE CONDITION THAT THE LEGISLATURE  
2 SHALL DETERMINE THAT THE PROPERTY TO BE CONVEYED TO THE STATE SHALL  
3 PROVIDE A NET BENEFIT TO THE FOREST PRESERVE AS COMPARED TO THE TOWNSHIP  
4 FORTY LANDS SUBJECT TO SUCH SETTLEMENT.

5 S 2. RESOLVED (if the Assembly concur), That the foregoing amendment  
6 be submitted to the people for approval at the general election to be  
7 held in the year 2013 in accordance with the provisions of the election  
8 law.