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

7869

2013-2014 Regular Sessions

I N A S S E M B L Y

June 6, 2013

Introduced by M. of A. SWEENEY, BUTLER, STEC, DUPREY, MAGNARELLI -- read once and referred 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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Article 9 of the environmental conservation law is amended by adding a new title 19 to read as follows:

TITLE 19

TOWNSHIP FORTY SETTLEMENT ACT

SECTION 9-1901. LEGISLATIVE PURPOSE AND INTENT.
9-1903. DEFINITIONS.
9-1905. LIST OF DISPUTED PARCELS.
9-1907. PROCESS FOR CLEARING TITLE.
9-1909. ATTORNEY GENERAL TO FILE SUIT.
9-1911. CONVEYANCES TO THE STATE.
9-1913. ADIRONDACK PARK AGENCY JURISDICTION.
9-1915. NOTARIZED STATEMENT.

S 9-1901. LEGISLATIVE PURPOSE AND INTENT.

1. DURING THE LAST ONE HUNDRED YEARS, BOTH THE STATE AND PRIVATE PARTIES HAVE CLAIMED TITLE TO IDENTICAL PORTIONS OF TOWNSHIP FORTY, TOTTEN AND CROSSFIELD PURCHASE, IN THE TOWN OF LONG LAKE, COUNTY OF HAMILTON. INDEED, SOME PRIVATE PARTIES HAVE OCCUPIED AND IMPROVED A NUMBER OF SUCH PARCELS TO WHICH THE STATE CLAIMS TITLE AND, IN MANY CASES, BOTH THE STATE AND PRIVATE PARTIES HAVE PAID TAXES ON SUCH PARCELS. IN THE LAST SEVERAL DECADES, THE STATE AND SOME PRIVATE PARTIES HAVE COMMENCED LITIGATION, AT SIGNIFICANT EXPENSE AND WITH LIMITED SUCCESS, TO ESTABLISH THEIR RESPECTIVE CLAIMS OVER DISPUTED PARCELS. AS A RESULT OF LONGSTANDING CLAIMS TO DISPUTED PARCELS, THE FREE TRANSFER

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

LBD10057-03-3

OF THE PARCELS HAS BEEN INHIBITED, THEREBY CREATING ECONOMIC AND SOCIAL HARDSHIP IN TOWNSHIP FORTY WHICH, IN TURN, HAS PREVENTED BOTH STATE AND PRIVATE PARTIES FROM THE FULL USE AND ENJOYMENT OF THE PARCELS. THE LEGISLATURE HAS DETERMINED THAT THE JUDICIAL SYSTEM IS NOT AN APPROPRIATE FORUM TO RESOLVE THESE LONGSTANDING TITLE DISPUTES AND THAT A STATUTORY SOLUTION IS REQUIRED.

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

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

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

S 9-1903. DEFINITIONS.

FOR PURPOSES OF THIS TITLE, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

1. "COUNTY" MEANS THE COUNTY OF HAMILTON.

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

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

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

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

S 9-1905. LIST OF DISPUTED PARCELS.

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

37.016-1-1.100
37.016-1-1.210
37.016-1-1.220
37.016-1-2
37.016-1-3
37.016-1-4.110
37.016-1-4.120
37.016-1-4.131
37.016-1-4.132
37.016-1-4.140
37.016-1-4.150

37.016-1-4.160
37.016-1-4.200
37.016-1-4.300
37.016-1-5
37.016-1-6
37.016-1-8.100
37.016-1-10
37.018-1-1
44.000-1-18
44.000-1-19
44.000-1-20
44.000-1-22
44.000-1-26.100
44.000-1-26.111
44.000-1-26.112
44.000-1-26.121
44.000-1-27.112
44.000-1-27.113
44.000-1-27.120
44.000-1-27.211
44.000-1-27.212
44.000-1-27.220
44.000-1-28
44.000-1-3
44.000-1-4.111
44.000-1-4.121
44.000-1-4.200
44.000-1-8
44.000-1-9
44.000-1-10
44.000-1-11
44.000-2-32.100
44.000-2-33.100
44.000-3-1
44.000-3-10
44.000-3-11
44.000-3-12
44.000-3-13
44.000-3-14
44.000-3-15
44.000-3-16
44.000-3-17
44.000-3-2.100
44.000-3-2.200
44.000-3-3
44.000-3-4
44.000-3-5
44.000-3-6
44.000-3-7
44.000-3-8
44.000-3-9.100
44.000-4-1.100
44.000-4-1.200
44.000-4-1.300
44.014-1-10
44.014-1-11.100

44.014-1-12
44.014-1-13
44.014-1-2
44.014-1-3.100
44.014-1-3.200
44.014-1-4.200
44.014-1-5
44.014-1-6
44.014-1-7
44.014-1-8
44.014-1-9
44.014-2-1
44.015-1-1
44.015-1-2
44.015-1-3
44.015-1-4
44.015-1-5
44.015-1-6
44.015-1-7
44.015-1-8
44.015-1-9
44.018-1-1.110
44.018-1-10
44.018-1-11
44.018-1-12
44.018-1-13
44.018-1-14
44.018-1-15
44.018-1-17
44.018-1-18
44.018-1-19
44.018-1-2
44.018-1-20
44.018-1-21
44.018-1-22.111
44.018-1-22.112
44.018-1-22.114
44.018-1-22.115
44.018-1-22.116
44.018-1-22.120
44.018-1-22.200
44.018-1-23.111
44.018-1-23.112
44.018-1-23.120
44.018-1-23.130
44.018-1-23.200
44.018-1-23.311
44.018-1-23.312
44.018-1-23.320
44.018-1-27.110
44.018-1-27.200
44.018-1-28.100
44.018-1-3
44.018-1-4
44.018-1-5
44.018-1-6.100

44.018-1-8.100
44.018-1-8.200
44.018-1-8.300
44.018-1-9
44.018-3-1
44.018-3-2
44.018-3-2.100
52.006-1-13
52.006-1-18
52.006-1-19.100
52.006-1-19.200
52.006-1-19.300
52.006-1-20
52.006-1-22
52.006-1-23
52.006-1-24
52.006-1-25
52.006-1-26
52.006-1-27
52.006-2-1
52.006-2-10
52.006-2-11
52.006-2-12
52.006-2-13
52.006-2-14
52.006-2-15
52.006-2-16
52.006-2-17
52.006-2-18
52.006-2-19.100
52.006-2-19.200
52.006-2-2.121
52.006-2-2.122
52.006-2-2.123
52.006-2-2.124
52.006-2-2.200
52.006-2-20
52.006-2-21.111
52.006-2-21.112
52.006-2-22.110
52.006-2-22.120
52.006-2-23.111
52.006-2-23.112
52.006-2-23.113
52.006-2-23.114
52.006-2-23.115
52.006-2-23.116
52.006-2-23.117
52.006-2-23.118
52.006-2-23.119
52.006-2-23.120
52.006-2-24./1
52.006-2-24.100
52.006-2-25.100
52.006-2-26.100
52.006-2-26.200

52.006-2-27
52.006-2-28.111
52.006-2-28.112
52.006-2-28.113
52.006-2-28.114
52.006-2-28.120
52.006-2-28.200
52.006-2-29
52.006-2-3
52.006-2-4
52.006-2-5
52.006-2-6
52.006-2-7
52.006-2-8.100
52.006-2.8.200
52.006-2-9
52.011-1-1
52.011-1-10.100
52.011-1-10.200
52.011-1-11
52.011-1-2.111
52.011-1-2.112
52.011-1-2.114
52.011-1-2.120
52.011-1-2.200
52.011-1-4.200
52.011-1-5
52.011-1-6
52.011-1-7.100
52.011-1-8
52.011-1-9.110
52.011-1-9.120
52.011-1-9.211
52.011-1-9.212
52.011-1-9.220
52.011-1-9.230
52.011-1-9.300

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

S 9-1907. PROCESS FOR CLEARING TITLE.

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

WITHIN THIRTY DAYS AFTER RECEIPT OF THE CERTIFIED LIST FROM THE ASSESSOR, THE DEPARTMENT SHALL SEND, BY FIRST CLASS MAIL, A LETTER TO EACH PERSON INCLUDED ON THE LIST, INFORMING THE PERSON THAT A CONSTITUTIONAL AMENDMENT HAS BEEN ADOPTED AND LEGISLATION ENACTED THAT AUTHORIZES A RESOLUTION OF TITLE ISSUES ON DISPUTED PARCELS IN TOWNSHIP FORTY, INCLUDING THE DISPUTED PARCEL TO WHICH THE PERSON CLAIMS OWNERSHIP RIGHTS. THE DEPARTMENT SHALL SEND A SEPARATE LETTER TO EACH PERSON CLAIMING TITLE TO EACH DISPUTED PARCEL. SUCH LETTER SHALL DESCRIBE THE PROCESS FOR RESOLVING TITLE SET FORTH IN THIS TITLE AND STATE THAT, UNTIL SUCH TIME AS THE STATE IS ESTOPPED FROM ASSERTING ITS CLAIM OF TITLE TO THE DISPUTED PARCEL PURSUANT TO SUBDIVISION SEVEN OF THIS SECTION, ANY PERSON CLAIMING TITLE TO THE DISPUTED PARCEL SHALL ASSUME ALL THE RISK WITH RESPECT TO SUBDIVIDING OR ADDING NEW STRUCTURES OR IMPROVEMENTS TO THE DISPUTED PARCEL. THE DEPARTMENT SHALL PROVIDE A COPY OF EACH SUCH LETTER TO THE ATTORNEY GENERAL. THE DEPARTMENT SHALL ALSO, WITHIN THIRTY DAYS AFTER RECEIPT OF THE LIST FROM THE ASSESSOR, PUBLISH WRITTEN NOTICE OF THE PROCESS TO CLEAR TITLE, INCLUDING A LIST BY TAX LOT NUMBER OF THE PARCELS LISTED IN SECTION 9-1905 OF THIS TITLE, IN THE STATE REGISTER, THE ENVIRONMENTAL NOTICE BULLETIN AND A NEWSPAPER OF GENERAL CIRCULATION IN TOWNSHIP FORTY.

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

A. THAT HE OR SHE WILL PARTICIPATE IN THE PROCESS SET FORTH IN THIS TITLE TO RESOLVE TITLE TO THE DISPUTED PARCEL OR PARCELS, AND, IF SO, WHETHER HE OR SHE INTENDS TO PROVIDE AS A GIFT TO THE STATE A SPECIFIED PORTION OF A DISPUTED PARCEL IN FEE SIMPLE WITHOUT RESERVATIONS 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; OR

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

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

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

5. WITHIN TWELVE MONTHS OF THE DATE OF THE LETTERS SENT BY THE DEPARTMENT PURSUANT TO SUBDIVISION ONE OF THIS SECTION, PERSONS PARTICIPATING IN THE PROCESS SET FORTH IN THIS TITLE TO RESOLVE TITLE TO DISPUTED PARCELS SHALL PAY THE TOWN AN AMOUNT THAT APPROXIMATES THE STATE'S ADMINISTRATIVE COSTS IN RESOLVING THE DISPUTED PARCELS SITUATED WITHIN TOWNSHIP FORTY. THE PAYMENT AMOUNT FOR EACH INDIVIDUAL DISPUTED PARCEL SHALL BE THE SUM OF: (A) A FLAT RATE OF TWO THOUSAND DOLLARS PER

PARCEL; AND (B) AN AMOUNT EQUAL TO THE TOTAL ASSESSED VALUE OF THE PARCEL, INCLUDING STRUCTURES AND IMPROVEMENTS SITUATED THEREON, AS DETERMINED BY THE TWO THOUSAND TWELVE TOWN ASSESSMENT, LESS THE ASSESSED VALUE OF ANY PORTION OF SUCH PARCEL CONVEYED TO THE STATE IN FEE OR ANY CONSERVATION EASEMENT CONVEYED TO THE TOWN, PURSUANT TO PARAGRAPH A OF SUBDIVISION TWO OF THIS SECTION, DIVIDED BY THE TOTAL ASSESSED VALUE OF ALL DISPUTED PARCELS, INCLUDING STRUCTURES AND IMPROVEMENTS SITUATED THEREON AS DETERMINED BY THE TWO THOUSAND TWELVE TOWN ASSESSMENT, MULTIPLIED BY TWO HUNDRED THOUSAND DOLLARS. THE TOWN SHALL USE ALL SUCH PAYMENTS TO ACQUIRE LAND FOR INCLUSION IN THE FOREST PRESERVE PURSUANT TO SUBDIVISION SIX OF THIS SECTION.

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

7. THE COMMISSIONER SHALL CAUSE TO BE PREPARED AN ACCURATE SURVEY MAP SHOWING THE BOUNDARIES OF ALL DISPUTED LAND TO WHICH THE STATE WILL BE RELEASING AND EXTINGUISHING ITS RIGHT, TITLE AND INTEREST AND RECORD THE SURVEY MAP IN THE HAMILTON COUNTY CLERK'S OFFICE. THE COMMISSIONER SHALL ALSO CAUSE LEGAL DESCRIPTIONS OF SUCH BOUNDARIES TO BE PREPARED FROM THE MAP. EXCEPT FOR THOSE PARCELS THE TITLE TO WHICH WILL BE LITIGATED PURSUANT TO SECTION 9-1909 OF THIS TITLE, UPON LEGISLATIVE APPROVAL OF THE LANDS TO BE PROVIDED TO THE STATE PURSUANT TO SUBDIVISION SIX OF THIS SECTION, THE COMPLETION OF THE CONVEYANCES TO THE STATE, AND CERTIFICATION BY THE COMMISSIONER THAT EACH RESPECTIVE PERSON HAS COMPLIED WITH ALL APPLICABLE TERMS AND CONDITIONS OF THIS TITLE, AND NOTWITHSTANDING THE PROVISIONS OF THE PUBLIC LANDS LAW, THE COMMISSIONER SHALL BE AUTHORIZED TO RELEASE AND EXTINGUISH ALL RIGHT, TITLE AND INTEREST OF THE STATE IN THE DISPUTED PARCELS THAT ARE LOCATED WITHIN THESE SURVEYED BOUNDARIES, WITHOUT RESERVATION AND EXCEPTION. THE LEGAL DESCRIPTIONS SHALL BE APPROVED BY THE COMMISSIONER AND INCORPORATED INTO THE RELEASE AND EXTINGUISHMENT DOCUMENT. THE COMMISSIONER SHALL SEND NOTICE OF THE STATE'S RELEASE AND EXTINGUISHMENT OF RIGHTS TO A DISPUTED PARCEL BY SEPARATE LETTER TO EACH PERSON FOR EACH PARCEL OF LAND THE TITLE TO WHICH HAS BEEN SETTLED PURSUANT TO THIS TITLE, AND UPON RELEASE AND EXTINGUISHMENT OF RIGHTS, THE STATE SHALL BE ESTOPPED FROM ASSERTING ANY CLAIM OF TITLE TO DISPUTED PARCELS BASED UPON (A) FACTS OR ACTIONS THAT OCCURRED PRIOR TO THE EFFECTIVE DATE OF THIS TITLE, AND (B) DEEDS, TAX SALES OR OTHER DOCUMENTS THAT PREDATE THE EFFECTIVE DATE OF THIS TITLE. THE COMMISSIONER SHALL ALSO CAUSE TO BE PREPARED AN ACCURATE SURVEY MAP, TO BE RECORDED IN THE COUNTY CLERK'S OFFICE, AND A LEGAL DESCRIPTION FROM THE SURVEY MAP, FOR EACH INDIVIDUAL PARCEL OF LAND THE CLAIMANT OF WHICH HAS FILED A NOTICE PURSUANT TO PARAGRAPH B OF SUBDIVISION TWO OF THIS SECTION OR HAS NOT COMPLIED IN A TIMELY FASHION WITH THE REQUIREMENTS OF SUBDIVISIONS TWO, FOUR OR FIVE OF THIS SECTION. THE 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

2. I (WE) ELECT TO NOT PARTICIPATE IN THE SPECIAL PROCESS TO RESOLVE TITLE ISSUES REGARDING THE ABOVE-REFERENCED PARCEL AS AUTHORIZED BY TITLE NINETEEN OF ARTICLE NINE OF THE ENVIRONMENTAL CONSERVATION LAW. I (WE) UNDERSTAND THAT: WITHIN TWENTY-FOUR MONTHS OF MY (OUR) FILING OF THIS NOTICE, THE ATTORNEY GENERAL SHALL COMMENCE AN ACTION IN A COURT OF COMPETENT JURISDICTION TO DETERMINE TITLE TO SUCH PARCEL; NOTHING IN TITLE NINETEEN OF ARTICLE NINE OF THE ENVIRONMENTAL CONSERVATION LAW SHALL BE APPLICABLE TO SUCH LITIGATION; AND FAILURE BY THE ATTORNEY GENERAL TO COMMENCE SUCH ACTION WITHIN SUCH TWENTY-FOUR MONTH 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.
SIGNATURE
(NOTARIZATION)

S 2. This act shall take effect on the same date and in the same manner as a "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," takes effect in accordance with section 1 of article 19 of the constitution.