

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 ASSEM-
BLY, DO ENACT AS FOLLOWS:

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

3 TITLE 19

4 TOWNSHIP FORTY SETTLEMENT ACT

5 SECTION 9-1901. LEGISLATIVE PURPOSE AND INTENT.

6 9-1903. DEFINITIONS.

7 9-1905. LIST OF DISPUTED PARCELS.

8 9-1907. PROCESS FOR CLEARING TITLE.

9 9-1909. ATTORNEY GENERAL TO FILE SUIT.

10 9-1911. CONVEYANCES TO THE STATE.

11 9-1913. ADIRONDACK PARK AGENCY JURISDICTION.

12 9-1915. NOTARIZED STATEMENT.

13 S 9-1901. LEGISLATIVE PURPOSE AND INTENT.

14 1. DURING THE LAST ONE HUNDRED YEARS, BOTH THE STATE AND PRIVATE
15 PARTIES HAVE CLAIMED TITLE TO IDENTICAL PORTIONS OF TOWNSHIP FORTY,
16 TOTTON AND CROSSFIELD PURCHASE, IN THE TOWN OF LONG LAKE, COUNTY OF
17 HAMILTON. INDEED, SOME PRIVATE PARTIES HAVE OCCUPIED AND IMPROVED A
18 NUMBER OF SUCH PARCELS TO WHICH THE STATE CLAIMS TITLE AND, IN MANY
19 CASES, BOTH THE STATE AND PRIVATE PARTIES HAVE PAID TAXES ON SUCH
20 PARCELS. IN THE LAST SEVERAL DECADES, THE STATE AND SOME PRIVATE PARTIES
21 HAVE COMMENCED LITIGATION, AT SIGNIFICANT EXPENSE AND WITH LIMITED
22 SUCCESS, TO ESTABLISH THEIR RESPECTIVE CLAIMS OVER DISPUTED PARCELS. AS
23 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

1 OF THE PARCELS HAS BEEN INHIBITED, THEREBY CREATING ECONOMIC AND SOCIAL
2 HARDSHIP IN TOWNSHIP FORTY WHICH, IN TURN, HAS PREVENTED BOTH STATE AND
3 PRIVATE PARTIES FROM THE FULL USE AND ENJOYMENT OF THE PARCELS. THE
4 LEGISLATURE HAS DETERMINED THAT THE JUDICIAL SYSTEM IS NOT AN APPROPRI-
5 ATE FORUM TO RESOLVE THESE LONGSTANDING TITLE DISPUTES AND THAT A STATU-
6 TORY SOLUTION IS REQUIRED.

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

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

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

28 S 9-1903. DEFINITIONS.

29 FOR PURPOSES OF THIS TITLE, THE FOLLOWING TERMS SHALL HAVE THE FOLLOW-
30 ING MEANINGS:

31 1. "COUNTY" MEANS THE COUNTY OF HAMILTON.

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

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

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

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

40 S 9-1905. LIST OF DISPUTED PARCELS.

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

46 37.016-1-1.100

47 37.016-1-1.210

48 37.016-1-1.220

49 37.016-1-2

50 37.016-1-3

51 37.016-1-4.110

52 37.016-1-4.120

53 37.016-1-4.131

54 37.016-1-4.132

55 37.016-1-4.140

56 37.016-1-4.150

1	37.016-1-4.160
2	37.016-1-4.200
3	37.016-1-4.300
4	37.016-1-5
5	37.016-1-6
6	37.016-1-8.100
7	37.016-1-10
8	37.018-1-1
9	44.000-1-18
10	44.000-1-19
11	44.000-1-20
12	44.000-1-22
13	44.000-1-26.100
14	44.000-1-26.111
15	44.000-1-26.112
16	44.000-1-26.121
17	44.000-1-27.112
18	44.000-1-27.113
19	44.000-1-27.120
20	44.000-1-27.211
21	44.000-1-27.212
22	44.000-1-27.220
23	44.000-1-28
24	44.000-1-3
25	44.000-1-4.111
26	44.000-1-4.121
27	44.000-1-4.200
28	44.000-1-8
29	44.000-1-9
30	44.000-1-10
31	44.000-1-11
32	44.000-2-32.100
33	44.000-2-33.100
34	44.000-3-1
35	44.000-3-10
36	44.000-3-11
37	44.000-3-12
38	44.000-3-13
39	44.000-3-14
40	44.000-3-15
41	44.000-3-16
42	44.000-3-17
43	44.000-3-2.100
44	44.000-3-2.200
45	44.000-3-3
46	44.000-3-4
47	44.000-3-5
48	44.000-3-6
49	44.000-3-7
50	44.000-3-8
51	44.000-3-9.100
52	44.000-4-1.100
53	44.000-4-1.200
54	44.000-4-1.300
55	44.014-1-10
56	44.014-1-11.100

1	44.014-1-12
2	44.014-1-13
3	44.014-1-2
4	44.014-1-3.100
5	44.014-1-3.200
6	44.014-1-4.200
7	44.014-1-5
8	44.014-1-6
9	44.014-1-7
10	44.014-1-8
11	44.014-1-9
12	44.014-2-1
13	44.015-1-1
14	44.015-1-2
15	44.015-1-3
16	44.015-1-4
17	44.015-1-5
18	44.015-1-6
19	44.015-1-7
20	44.015-1-8
21	44.015-1-9
22	44.018-1-1.110
23	44.018-1-10
24	44.018-1-11
25	44.018-1-12
26	44.018-1-13
27	44.018-1-14
28	44.018-1-15
29	44.018-1-17
30	44.018-1-18
31	44.018-1-19
32	44.018-1-2
33	44.018-1-20
34	44.018-1-21
35	44.018-1-22.111
36	44.018-1-22.112
37	44.018-1-22.114
38	44.018-1-22.115
39	44.018-1-22.116
40	44.018-1-22.120
41	44.018-1-22.200
42	44.018-1-23.111
43	44.018-1-23.112
44	44.018-1-23.120
45	44.018-1-23.130
46	44.018-1-23.200
47	44.018-1-23.311
48	44.018-1-23.312
49	44.018-1-23.320
50	44.018-1-27.110
51	44.018-1-27.200
52	44.018-1-28.100
53	44.018-1-3
54	44.018-1-4
55	44.018-1-5
56	44.018-1-6.100

1	44.018-1-8.100
2	44.018-1-8.200
3	44.018-1-8.300
4	44.018-1-9
5	44.018-3-1
6	44.018-3-2
7	44.018-3-2.100
8	52.006-1-13
9	52.006-1-18
10	52.006-1-19.100
11	52.006-1-19.200
12	52.006-1-19.300
13	52.006-1-20
14	52.006-1-22
15	52.006-1-23
16	52.006-1-24
17	52.006-1-25
18	52.006-1-26
19	52.006-1-27
20	52.006-2-1
21	52.006-2-10
22	52.006-2-11
23	52.006-2-12
24	52.006-2-13
25	52.006-2-14
26	52.006-2-15
27	52.006-2-16
28	52.006-2-17
29	52.006-2-18
30	52.006-2-19.100
31	52.006-2-19.200
32	52.006-2-2.121
33	52.006-2-2.122
34	52.006-2-2.123
35	52.006-2-2.124
36	52.006-2-2.200
37	52.006-2-20
38	52.006-2-21.111
39	52.006-2-21.112
40	52.006-2-22.110
41	52.006-2-22.120
42	52.006-2-23.111
43	52.006-2-23.112
44	52.006-2-23.113
45	52.006-2-23.114
46	52.006-2-23.115
47	52.006-2-23.116
48	52.006-2-23.117
49	52.006-2-23.118
50	52.006-2-23.119
51	52.006-2-23.120
52	52.006-2-24./1
53	52.006-2-24.100
54	52.006-2-25.100
55	52.006-2-26.100
56	52.006-2-26.200

1 52.006-2-27
2 52.006-2-28.111
3 52.006-2-28.112
4 52.006-2-28.113
5 52.006-2-28.114
6 52.006-2-28.120
7 52.006-2-28.200
8 52.006-2-29
9 52.006-2-3
10 52.006-2-4
11 52.006-2-5
12 52.006-2-6
13 52.006-2-7
14 52.006-2-8.100
15 52.006-2-8.200
16 52.006-2-9
17 52.011-1-1
18 52.011-1-10.100
19 52.011-1-10.200
20 52.011-1-11
21 52.011-1-2.111
22 52.011-1-2.112
23 52.011-1-2.114
24 52.011-1-2.120
25 52.011-1-2.200
26 52.011-1-4.200
27 52.011-1-5
28 52.011-1-6
29 52.011-1-7.100
30 52.011-1-8
31 52.011-1-9.110
32 52.011-1-9.120
33 52.011-1-9.211
34 52.011-1-9.212
35 52.011-1-9.220
36 52.011-1-9.230
37 52.011-1-9.300

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

41 S 9-1907. PROCESS FOR CLEARING TITLE.

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

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

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

26 A. THAT HE OR SHE WILL PARTICIPATE IN THE PROCESS SET FORTH IN THIS
27 TITLE TO RESOLVE TITLE TO THE DISPUTED PARCEL OR PARCELS, AND, IF SO,
28 WHETHER HE OR SHE INTENDS TO PROVIDE AS A GIFT TO THE STATE A SPECIFIED
29 PORTION OF A DISPUTED PARCEL IN FEE SIMPLE WITHOUT RESERVATIONS FOR
30 INCLUSION IN THE FOREST PRESERVE OR A CONSERVATION EASEMENT TO THE TOWN
31 RESTRICTING DEVELOPMENT OVER ALL OR A SPECIFIED PORTION OF A DISPUTED
32 PARCEL, WITH A SECONDARY RIGHT OF ENFORCEMENT IN THE STATE; OR

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

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

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

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

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

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

25 7. THE COMMISSIONER SHALL CAUSE TO BE PREPARED AN ACCURATE SURVEY MAP
26 SHOWING THE BOUNDARIES OF ALL DISPUTED LAND TO WHICH THE STATE WILL BE
27 RELEASING AND EXTINGUISHING ITS RIGHT, TITLE AND INTEREST AND RECORD THE
28 SURVEY MAP IN THE HAMILTON COUNTY CLERK'S OFFICE. THE COMMISSIONER SHALL
29 ALSO CAUSE LEGAL DESCRIPTIONS OF SUCH BOUNDARIES TO BE PREPARED FROM THE
30 MAP. EXCEPT FOR THOSE PARCELS THE TITLE TO WHICH WILL BE LITIGATED
31 PURSUANT TO SECTION 9-1909 OF THIS TITLE, UPON LEGISLATIVE APPROVAL OF
32 THE LANDS TO BE PROVIDED TO THE STATE PURSUANT TO SUBDIVISION SIX OF
33 THIS SECTION, THE COMPLETION OF THE CONVEYANCES TO THE STATE, AND
34 CERTIFICATION BY THE COMMISSIONER THAT EACH RESPECTIVE PERSON HAS
35 COMPLIED WITH ALL APPLICABLE TERMS AND CONDITIONS OF THIS TITLE, AND
36 NOTWITHSTANDING THE PROVISIONS OF THE PUBLIC LANDS LAW, THE COMMISSIONER
37 SHALL BE AUTHORIZED TO RELEASE AND EXTINGUISH ALL RIGHT, TITLE AND
38 INTEREST OF THE STATE IN THE DISPUTED PARCELS THAT ARE LOCATED WITHIN
39 THESE SURVEYED BOUNDARIES, WITHOUT RESERVATION AND EXCEPTION. THE LEGAL
40 DESCRIPTIONS SHALL BE APPROVED BY THE COMMISSIONER AND INCORPORATED INTO
41 THE RELEASE AND EXTINGUISHMENT DOCUMENT. THE COMMISSIONER SHALL SEND
42 NOTICE OF THE STATE'S RELEASE AND EXTINGUISHMENT OF RIGHTS TO A DISPUTED
43 PARCEL BY SEPARATE LETTER TO EACH PERSON FOR EACH PARCEL OF LAND THE
44 TITLE TO WHICH HAS BEEN SETTLED PURSUANT TO THIS TITLE, AND UPON RELEASE
45 AND EXTINGUISHMENT OF RIGHTS, THE STATE SHALL BE ESTOPPED FROM ASSERTING
46 ANY CLAIM OF TITLE TO DISPUTED PARCELS BASED UPON (A) FACTS OR ACTIONS
47 THAT OCCURRED PRIOR TO THE EFFECTIVE DATE OF THIS TITLE, AND (B) DEEDS,
48 TAX SALES OR OTHER DOCUMENTS THAT PREDATE THE EFFECTIVE DATE OF THIS
49 TITLE. THE COMMISSIONER SHALL ALSO CAUSE TO BE PREPARED AN ACCURATE
50 SURVEY MAP, TO BE RECORDED IN THE COUNTY CLERK'S OFFICE, AND A LEGAL
51 DESCRIPTION FROM THE SURVEY MAP, FOR EACH INDIVIDUAL PARCEL OF LAND THE
52 CLAIMANT OF WHICH HAS FILED A NOTICE PURSUANT TO PARAGRAPH B OF SUBDIVI-
53 SION TWO OF THIS SECTION OR HAS NOT COMPLIED IN A TIMELY FASHION WITH
54 THE REQUIREMENTS OF SUBDIVISIONS TWO, FOUR OR FIVE OF THIS SECTION. THE
55 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

1 2. I (WE) ELECT TO NOT PARTICIPATE IN THE SPECIAL PROCESS TO RESOLVE
2 TITLE ISSUES REGARDING THE ABOVE-REFERENCED PARCEL AS AUTHORIZED BY
3 TITLE NINETEEN OF ARTICLE NINE OF THE ENVIRONMENTAL CONSERVATION LAW. I
4 (WE) UNDERSTAND THAT: WITHIN TWENTY-FOUR MONTHS OF MY (OUR) FILING OF
5 THIS NOTICE, THE ATTORNEY GENERAL SHALL COMMENCE AN ACTION IN A COURT OF
6 COMPETENT JURISDICTION TO DETERMINE TITLE TO SUCH PARCEL; NOTHING IN
7 TITLE NINETEEN OF ARTICLE NINE OF THE ENVIRONMENTAL CONSERVATION LAW
8 SHALL BE APPLICABLE TO SUCH LITIGATION; AND FAILURE BY THE ATTORNEY
9 GENERAL TO COMMENCE SUCH ACTION WITHIN SUCH TWENTY-FOUR MONTH TIME FRAME
10 SHALL NOT SUBSEQUENTLY PREVENT THE ATTORNEY GENERAL FROM COMMENCING SUCH
11 AN ACTION OR CREATE A PRESUMPTION AGAINST THE STATE'S CLAIM OF TITLE.

12 SIGNATURE

13 (NOTARIZATION)

14 S 2. This act shall take effect on the same date and in the same
15 manner as a "CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY proposing
16 an amendment to section 1 of article 14 of the constitution, in relation
17 to disputed title in township 40, Totten and Crossfield Purchase, in the
18 town of Long Lake, Hamilton county," takes effect in accordance with
19 section 1 of article 19 of the constitution.