

S. 3810

A. 5309

2015-2016 Regular Sessions

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

February 17, 2015

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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 to amend the general municipal law, in relation to the enforcement by governing boards of municipal corporations of interests in real property acquired for the purposes of open space or open areas

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

1     Section 1. Subdivision 4 of section 247 of the general municipal law,  
2     as added by chapter 964 of the laws of 1977, is amended to read as  
3     follows:  
4     4. For purposes of this section, any interest acquired pursuant to  
5     this section is hereby enforceable by and against the original parties  
6     and the successors in interest, heirs and assigns of the original  
7     parties, AND ALSO MAY BE ENFORCED BY THE GOVERNING BOARD OF ANY MUNICI-  
8     PAL CORPORATION WITHIN WHICH THE LAND ENCUMBERED BY ANY SUCH INTEREST IS  
9     LOCATED, provided that a record of such acquisition is filed in the  
10    manner provided by section two hundred ninety-one of the real property  
11    law. Such enforceability shall not be defeated because of any subsequent  
12    adverse possession, laches, estoppel, waiver, change in character of the  
13    surrounding neighborhood or any rule of common law. No general law of  
14    the state which operates to defeat the enforcement of any interest in  
15    real property shall operate to defeat the enforcement of any acquisition  
16    pursuant to this section, unless such general law expressly states the  
17    intent to defeat the enforcement of any acquisition pursuant to this  
18    section.  
19    S 2. This act shall take effect immediately.

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

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