

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

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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