

STATE OF NEW YORK

7939--A

Cal. No. 1266

IN SENATE

March 12, 2018

Introduced by Sen. LITTLE -- (at request of the Department of Environmental Conservation) -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the environmental conservation law, in relation to the additional parcel in township 40

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The environmental conservation law is amended by adding two
2 new sections 9-1906 and 9-1908 to read as follows:

3 § 9-1906. Additional disputed parcel.

4 The following parcel of land, identified by the county's two thousand
5 twelve assessment rolls and the county's online mapping system as of
6 October, two thousand twelve, and any subsequent conveyances therefrom,
7 constitutes an additional disputed parcel that is subject to the
8 provisions of this title:

9 52.006-2.2.110

10 The disputed parcel identified in this section is not intended to be a
11 legal description, but is intended to identify the disputed parcel by
12 tax lot number only.

13 § 9-1908. Process for clearing title of additional disputed parcel.

14 1. On or before August first, two thousand eighteen a person claiming
15 title to the additional disputed parcel identified in section 9-1906 of
16 this title shall provide to the department, with copies to the office of
17 the attorney general and the town, a notarized statement as set forth in
18 section 9-1915 of this title which complies with the requirements of
19 subdivision 2 of section 9-1907 of this title.

20 2. Within sixty days of the department's receipt of the statement
21 required by subdivision one of this section, the commissioner shall
22 cause to be prepared an accurate survey of the additional disputed

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

LBD14344-02-8

1 parcel, including the boundaries of any portion thereof which the person
2 claiming title intends to convey in fee to the state or convey by
3 conservation easement to the town.

4 3. Within thirty days of the town's receipt of the notarized statement
5 required by subdivision one of this section, the town assessor shall
6 provide to the department and any person claiming title to the addi-
7 tional disputed parcel the assessed value of the parcel as determined in
8 two thousand seventeen, provided that if the person claiming title
9 decided pursuant to subdivision two of section 9-1907 of this title to
10 convey a portion of the parcel as a gift to the state in fee simple
11 without reservations for inclusion in the forest preserve, or a conser-
12 vation easement to the town restricting development over all or a speci-
13 fied portion of the parcel, the town assessor shall provide the depart-
14 ment and the person claiming title to the additional disputed parcel
15 with an assessed value of that portion of the parcel to be retained by
16 the person and an assessed value of such gift or easement.

17 4. Within sixty days of receipt of the assessed value, the person
18 claiming title to the additional disputed parcel shall pay the town the
19 sum of: (a) a flat rate of two thousand dollars; and (b) an amount equal
20 to the total assessed value of the parcel as of two thousand seventeen,
21 including structures and improvements situated thereon, as determined by
22 the town assessor pursuant to subdivision three of this section, less
23 the assessed value of any portion of such parcel conveyed to the state
24 in fee or any conservation easement conveyed to the town, divided by the
25 total two thousand seventeen assessed value of all disputed parcels as
26 listed in section 9-1905 of this title, including structures and
27 improvements situated thereon multiplied by two hundred thousand
28 dollars.

29 5. Within twenty days after the town's receipt of the payment require-
30 ment by subdivision four of this section, the town shall make payment of
31 such funds to the grantor who conveyed the property described by chapter
32 two hundred thirty-one of the laws of two thousand sixteen relating to
33 approving land transactions relating to implementation of the settlement
34 of property disputes in township 40, in the town of Long Lake, to the
35 state.

36 6. Within thirty days after the town's payment required by subdivision
37 five of this section or within thirty days of any conveyance of any fee
38 lands to the state or conservation easements to the town, whichever is
39 later, the commissioner shall record in the Hamilton county clerk's
40 office the survey map prepared pursuant to subdivision two of this
41 section, showing the boundaries of the additional disputed parcel to
42 which the state will be releasing and extinguishing its right, title and
43 interest. The commissioner shall also cause legal descriptions of such
44 boundaries to be prepared from the map. Upon certification by the
45 commissioner that the person claiming title to the additional disputed
46 parcel has complied with all applicable terms and conditions of this
47 title, and notwithstanding the provisions of the public lands law, the
48 commissioner shall be authorized to release and extinguish all right,
49 title and interest of the state in the additional disputed parcel, with-
50 out reservation and exception. The legal descriptions shall be approved
51 by the commissioner and incorporated into the release and extinguishment
52 document. The commissioner shall send notice of the state's release and
53 extinguishment of rights to the additional disputed parcel by letter to
54 the person claiming title to such parcel, and upon release and extin-
55 quishment of rights, the state shall be estopped from asserting any
56 claim of title to the parcel based upon (a) facts or actions that

1 occurred prior to the effective date of this title, and (b) deeds, tax
2 sales or other documents that predate the effective date of this amend-
3 ment.

4 § 2. Severability clause. If any clause, sentence, paragraph, subdi-
5 vision, section or part of this act shall be adjudged by any court of
6 competent jurisdiction to be invalid, such judgment shall not affect,
7 impair, or invalidate the remainder thereof, but shall be confined in
8 its operation to the clause, sentence, paragraph, subdivision, section
9 or part thereof directly involved in the controversy in which such judg-
10 ment shall have been rendered. It is hereby declared to be the intent of
11 the legislature that this act would have been enacted even if such
12 invalid provisions had not been included herein.

13 § 3. This act shall take effect immediately.