

# STATE OF NEW YORK

7939

## 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

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 thirteen assessment rolls and the county's online mapping system as of  
6 October, two thousand thirteen, and any subsequent conveyances there-  
7 from, 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  
23 parcel, including the boundaries of any portion thereof which the person  
24 claiming title intends to convey in fee to the state or convey by  
25 conservation easement to the town.

26 3. Within thirty days of the town's receipt of the notarized statement  
27 required by subdivision one of this section, the Hamilton county asses-

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

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1 essor shall provide to the department and any person claiming title to the  
2 additional disputed parcel the assessed value of the parcel as deter-  
3 mined in two thousand thirteen, provided that if the person claiming  
4 title decided pursuant to subdivision two of section 9-1907 of this  
5 title to convey a portion of the parcel as a gift to the state in fee  
6 simple without reservations for inclusion in the forest preserve, or a  
7 conservation easement to the town restricting development over all or a  
8 specified portion of the parcel, the Hamilton county assessor shall  
9 provide the department and the person claiming title to the additional  
10 disputed parcel with an assessed value of that portion of the parcel to  
11 be retained by the person and an assessed value of such gift or ease-  
12 ment.

13 4. Within sixty days of receipt of the assessed value, the person  
14 claiming title to the additional disputed parcel shall pay the town the  
15 sum of: (a) a flat rate of two thousand dollars; and (b) an amount equal  
16 to the total current assessed value of the parcel, including structures  
17 and improvements situated thereon, as determined by the Hamilton county  
18 assessor, less the assessed value of any portion of such parcel conveyed  
19 to the state in fee or any conservation easement conveyed to the town,  
20 divided by the total assessed value of all disputed parcels, including  
21 structures and improvements situated thereon as determined by the survey  
22 developed pursuant to subdivision two of this section, multiplied by two  
23 hundred thousand dollars.

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

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

55 § 2. Severability clause. If any clause, sentence, paragraph, subdi-  
56 vision, section or part of this act shall be adjudged by any court of

1 competent jurisdiction to be invalid, such judgment shall not affect,  
2 impair, or invalidate the remainder thereof, but shall be confined in  
3 its operation to the clause, sentence, paragraph, subdivision, section  
4 or part thereof directly involved in the controversy in which such judg-  
5 ment shall have been rendered. It is hereby declared to be the intent of  
6 the legislature that this act would have been enacted even if such  
7 invalid provisions had not been included herein.

8 § 3. This act shall take effect immediately.