STATE OF NEW YORK

5856

2019-2020 Regular Sessions

IN SENATE

May 15, 2019

Introduced by Sen. LITTLE -- 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:

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

§ 9-1906. Additional disputed parcel.

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

52.006-2.2.110

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

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

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

2. Within sixty days of the department's receipt of the statement required by subdivision one of this section, the commissioner shall cause to be prepared an accurate survey of the additional disputed parcel, including the boundaries of any portion thereof which the person claiming title intends to convey in fee to the state or convey by conservation easement to the town.

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

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3. Within thirty days of the town's receipt of the notarized statement required by subdivision one of this section, the town assessor shall provide to the department and any person claiming title to the additional disputed parcel the assessed value of the parcel as determined in two thousand eighteen, provided that if the person claiming title decided pursuant to subdivision two of section 9-1907 of this title to convey a portion of the parcel as a gift to the state in fee simple without reservations for inclusion in the forest preserve, or a conservation easement to the town restricting development over all or a specified portion of the parcel, the town assessor shall provide the department and the person claiming title to the additional disputed parcel with an assessed value of that portion of the parcel to be retained by the person and an assessed value of such gift or easement.

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

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

6. Within thirty days after the town's payment required by subdivision five of this section or within thirty days of any conveyance of any fee lands to the state or conservation easements to the town, whichever is later, the commissioner shall record in the Hamilton county clerk's office the survey map prepared pursuant to subdivision two of this section, showing the boundaries of the additional disputed parcel to which the state will be releasing and extinguishing its right, title and interest. The commissioner shall also cause legal descriptions of such boundaries to be prepared from the map. Upon certification by the commissioner that the person claiming title to the additional disputed parcel has complied with all applicable terms and conditions of this title, and notwithstanding the provisions of the public lands law, the commissioner shall be authorized to release and extinguish all right, title and interest of the state in the additional disputed parcel, without reservation and exception. The legal descriptions shall be approved by the commissioner and incorporated into the release and extinguishment document. The commissioner shall send notice of the state's release and extinguishment of rights to the additional disputed parcel by letter to the person claiming title to such parcel, and upon release and extinguishment of rights, the state shall be estopped from asserting any claim of title to the parcel based upon (a) facts or actions that occurred prior to the effective date of this title, and (b) deeds, tax sales or other documents that predate the effective date of this amendment.

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

§ 3. This act shall take effect on the thirtieth day after it shall have become a law.