STATE OF NEW YORK

8807

IN SENATE

April 19, 2022

Introduced by Sen. BROOKS -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing an amendment to section 1 of article 14 of the constitution in relation to the exchange of lands in the state forest preserve

Section 1. Resolved (if the Assembly concur), That section 1 of article 14 of the constitution be amended by adding a new closing paragraph to read as follows:

Notwithstanding the foregoing provisions, to increase the acreage of forest preserve land located on Cathead Mountain in the southern Adirondacks, to enhance public recreational opportunities by reopening to the public a historic fire tower located on the summit of such mountain and providing public access to such tower, to provide for the conservation of private land located on such mountain, and to resolve longstanding public health and safety concerns in the southern Adirondacks by addressing the need for reliable emergency communication equipment on the summit of such mountain, a land exchange is authorized between the state, the Hatchbrook Sportsmen Club, Inc., the Thomas Gang, Inc., and the county of Hamilton whereby the Hatchbrook Sportsmen Club, Inc. may convey to the state for incorporation into the forest preserve Lots 122, 165, and 172 Benson Tract, town of Benson, county of Hamilton, totaling approximately four hundred eighty acres of true forest land, may convey to the state an easement for hiking trails across Lots 122, 165 and 166 of such tract to provide public access to the fire tower located on the summit of such mountain, may convey to the state a conservation easement and a right of first refusal over Lot 166 of such tract, may convey easements over Lot 166 of such tract to the county of Hamilton and the state for the construction and maintenance of a tower for emergency communications equipment in Lot 166 of such tract, and may convey to the county of Hamilton and the state an easement over Lot 166 of such tract for a utility line to bring power to such tower and equipment and a road for motorized access to such tower and equipment, and the Thomas Gang, Inc. may convey to the state an easement for a hiking trail across Lot 113 of such tract to provide public access to the fire tower located on the summit of such mountain, may convey to the state a conservation

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

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easement and right of first refusal over Lot 167 of such tract, may convey to the state a conservation easement over fifty-eight acres of Lot 113 of such tract, and may convey to the county of Hamilton and the state an easement over Lots 113 and 167 of such tract for road access to such tower and equipment and for a utility line to bring power to such tower and equipment. The county of Hamilton may convey to the state for incorporation into the forest preserve a total of not less than one hundred acres of lands suitable for inclusion in the forest preserve subject to legislative approval. Upon the completion of each of the aforementioned conveyances and in exchange therefor, the state shall convey to the Thomas Gang, Inc. approximately forty-six acres of land in Lot 120 of such tract on Cathead Mountain and adjoining the real property of such club, provided further that the state shall retain from such conveyance an easement for utilities and administrative motor vehicle access to the emergency communications equipment located on the summit of such mountain, a conservation easement restricting development over such land, and a right of first refusal over such land provided that the state conveyance authorized by this amendment must be concluded no later than January 1, 2028.

§ 2. Resolved (if the Assembly concur), That the foregoing amendment be referred to the first regular legislative session convening after the next succeeding general election of members of the Assembly, and, in conformity with section 1 of article 19 of the constitution, be published for 3 months previous to the time of such election.