§ 15-2111. Acquisition of real estate.

1. The board on behalf of such district shall, subject to the limitations herein contained, have the right to condemn for the use of the district any real estate which is determined to be necessary for the purpose of carrying out any of the provisions of title 21 of this article. It may acquire title to such real estate by agreement with the owner thereof and upon payment therefor of the amount of compensation to be paid such owner.

2. Lands of the state outside of the forest preserve, not used by canals of the state, may be used for the purposes of title 21 of this article. Not exceeding three per centum of the lands of the state, not owned or hereafter acquired, constituting the forest preserve as now fixed by law, may be used for the construction and maintenance of reservoirs for the purpose of title 21 of this article.

3. If any real estate belonging to any county, city, town, village or school district is required for the purposes of title 21 of this article, the county legislative body for such county, the mayor and common council or governing body for such city, the town board for such town, the village board for such village, the trustees or board of education of any school district for such district, or any persons, body or bodies, having a like power, acting for such public corporation may grant or surrender such real estate for such compensation as may be agreed upon by such official representatives and the board. The compensation agreed upon as thus provided shall be paid to the fiscal officer of the public corporation or the person or persons from whom such real estate is acquired.

4. Title to any such real estate owned by any infant or incompetent person may be acquired on behalf of the board in the same manner as provided by law with respect to the sale, mortgage or lease of real property of such infant or incompetent person upon such terms as the Supreme Court or the County Court of the county in which such real estate is situated may provide, and for such purpose jurisdiction is hereby conferred upon such courts.

5. If the board cannot agree with the owners upon the compensation and damages to be paid for the real estate so taken, it shall thereupon serve upon such owners a notice as hereinafter provided that the real estate described therein has been acquired by the board for the purposes of title 21 of this article, and shall proceed to acquire title thereto under the provisions of the eminent domain procedure law.

6. If any real property, owned by a corporation having by law the power to exercise the right of eminent domain, is taken under the eminent domain procedure law, the board shall have no right to enter upon and take possession of any such real estate until the owner thereof shall have been paid or tendered the amount due under the final order and judgment in such proceedings with interest.

7. If any such payments are made directly by the board, the amount so paid shall be refunded to the board out of the general funds of the district as provided in subdivision 7 of section 15-2119.

8. Title to all real estate acquired pursuant to the provisions of title 21 of this article except where this expressly provides otherwise, shall be taken in the name of the State of New York, and when so taken shall be deemed to be taken for a public use.

9. All real estate acquired or taken pursuant to the provisions of title 21 of this article is hereby dedicated to the use and purposes for which it is so taken, and the right, title and interest acquired by the state therein is so acquired subject to such use and purposes.