§ 9-1907. Process for clearing title.

1. Within thirty days of the effective date of this section, the department shall submit a written request to the county tax assessor for a certified list, to be prepared from the most current tax roll, of the names and addresses of all persons who claim title to the disputed parcels listed in section 9-1905 of this title. The assessor shall prepare such a list within seven days after receiving the department's request, and include on the list the names and addresses of all persons on the most current tax roll and the names and addresses of all persons who, not less than seven days prior to the date on which the assessor received the department's request, notified the assessor that they claim title to a disputed parcel. The department shall be entitled to rely upon the information contained in the certified list, and failure by the department to give notice to any person claiming title who is not included on the list or is not at the address included on the list shall not invalidate any proceeding or actions authorized by this title. Within thirty days after receipt of the certified list from the assessor, the department shall send, by first class mail, a letter to each person included on the list, informing the person that a constitutional amendment has been adopted and legislation enacted that authorizes a resolution of title issues on disputed parcels in township forty, including the disputed parcel to which the person claims ownership rights. The department shall send a separate letter to each person claiming title to each disputed parcel. Such letter shall describe the process for resolving title set forth in this title and state that, until such time as the state is estopped from asserting its claim of title to the disputed parcel pursuant to subdivision seven of this section, any person claiming title to the disputed parcel shall assume all the risk with respect to subdividing or adding new structures or improvements to the disputed parcel. The department shall provide a copy of each such letter to the attorney general. The department shall also, within thirty days after receipt of the list from the assessor, publish written notice of the process to clear title, including a list by tax lot number of the parcels listed in section 9-1905 of this title, in the state register, the environmental notice bulletin and a newspaper of general circulation in township forty.

2. Within ninety days of the receipt of the department's letter, pursuant to subdivision one of this section, for each disputed parcel, a person shall provide to the department, with copies to the office of the attorney general and the town, a separate notarized statement as set forth in section 9-1915 of this title, notifying the department either:

a. that he or she will participate in the process set forth in this title to resolve title to the disputed parcel or parcels, and, if so, whether he or she intends to provide as a gift to the state a specified portion of a disputed parcel 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 a disputed parcel, with a secondary right of enforcement in the state; or

b. that he or she declines to participate in the process established by this title to resolve title to disputed parcels.

3. With respect to a parcel or conservation easement which the person intends to provide as a gift to the state or the town, respectively, as specified in paragraph a of subdivision two of this section, the town shall provide the person with an assessed value of the proposed conveyance, with a copy to the department, within one hundred twenty days of the town's receipt of a copy of the notification concerning such gift.

4. Within twelve months of the date of the letters sent by the department pursuant to subdivision one of this section, all persons who are participating in the process set forth in this title to resolve title to disputed parcels shall convey to the state any land which such persons expressed an intent to so convey pursuant to paragraph a of subdivision two of this section, convey to the town any conservation easements which such persons expressed an intent to so convey pursuant to paragraph a of subdivision two of this section, and make payment to the town in the amount due pursuant to subdivision five of this section.

5. Within twelve months of the date of the letters sent by the

department pursuant to subdivision one of this section, persons participating in the process set forth in this title to resolve title to disputed parcels shall pay the town an amount that approximates the state's administrative costs in resolving the disputed parcels situated within township forty. The payment amount for each individual disputed parcel shall be the sum of: (a) a flat rate of two thousand dollars per parcel; and (b) an amount equal to the total assessed value of the parcel, including structures and improvements situated thereon, as determined by the two thousand twelve town assessment, less the assessed value of any portion of such parcel conveyed to the state in fee or any conservation easement conveyed to the town, pursuant to paragraph a of subdivision two of this section, divided by the total assessed value of all disputed parcels, including structures and improvements situated thereon as determined by the two thousand twelve town assessment, multiplied by two hundred thousand dollars. The town shall use all such payments to acquire land for inclusion in the forest preserve pursuant to subdivision six of this section.

6. Within eighteen months of the date of the letters sent by the department pursuant to subdivision one of this section, the department shall identify lands for the town to acquire for inclusion in the forest preserve. Subject to legislative approval, such lands shall provide a net benefit to the forest preserve as compared to the disputed parcels to which the state is estopped from asserting a claim pursuant to subdivision seven of this section. The town shall use all payments acquired pursuant to subdivision five of this section for the acquisition of such lands. Such lands shall be conveyed from the owner directly to the state. Title to land to be conveyed to the state pursuant to this title and the deed to the state shall be approved by the attorney general, as to form and manner of execution and recordability, before the deed shall be accepted on behalf of the state.

7. The commissioner shall cause to be prepared an accurate survey map showing the boundaries of all disputed land to which the state will be releasing and extinguishing its right, title and interest and record the survey map in the Hamilton county clerk's office. The commissioner shall also cause legal descriptions of such boundaries to be prepared from the

map. Except for those parcels the title to which will be litigated pursuant to section 9-1909 of this title, upon legislative approval of the lands to be provided to the state pursuant to subdivision six of this section, the completion of the conveyances to the state, and certification by the commissioner that each respective person 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 disputed parcels that are located within these surveyed boundaries, 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 a disputed parcel by separate letter to each person for each parcel of land the title to which has been settled pursuant to this title, and upon release and extinguishment of rights, the state shall be estopped from asserting any claim of title to disputed parcels 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 title. The commissioner shall also cause to be prepared an accurate survey map, to be recorded in the county clerk's office, and a legal description from the survey map, for each individual parcel of land the claimant of which has filed a notice pursuant to paragraph b of subdivision two of this section or has not complied in a timely fashion with the requirements of subdivisions two, four or five of this section. The department shall provide a copy of such survey and legal description to the office of the attorney general to assist in the litigation required by section 9-1909 of this title.