§ 1299-ii. Acquisition and disposition of real property. 1. In addition to the powers provided in section twelve hundred ninety-nine-gg of this title to acquire transportation facilities, equipment and real property, the authority may acquire, by condemnation pursuant to the condemnation law and/or in accordance with the condemnation provisions of subdivision seven of this section, any real property it may deem necessary, convenient, or desirable to effectuate the purpose of this title, provided, however, that any such condemnation proceedings shall be brought only in the supreme court and the compensation to be paid shall be ascertained and determined by the court without a jury. Notwithstanding the foregoing provisions of this subdivision, no real property may be acquired by the authority by condemnation or by purchase for purposes other than a transportation facility unless the governing body of the city, village or town in which such real property is located shall first consent to such acquisition.

2. Nothing herein contained shall be construed to prevent the authority from bringing any proceedings to remove a cloud on title or such other proceedings as it may, in its discretion, deem proper and necessary or from acquiring any such property by negotiation or purchase.

3. Where a person entitled to an award in the proceedings to condemn any real property for any of the purposes of this title remains in possession of such property after the time of the vesting of title in the condemnor, the reasonable value of his use and occupancy of such property subsequent to such time as fixed by agreement or by the court in such proceedings or by any court of competent jurisdiction shall be a lien against such award subject only to the liens of record at the time of vesting of title in the condemnor.

4. Title to all property acquired under this act shall vest in the authority.

5. The authority may, whenever it determines that it is in the interest of the authority, dispose of any real property or property other than real property, which it determines is not necessary,

convenient or desirable for its purposes.

6. The authority may, whenever it shall determine that it is in the interest of the authority, rent, lease or grant easements or other rights in, any land or property of the authority.

7. The authority may adopt the following condemnation procedures. A certified copy of a resolution adopted by the authority authorizing the acquisition and identifying and describing the property and franchises, if any, sought to be acquired by condemnation shall be filed in the office of the county clerk of the county in which such property is situated, held or maintained. A petition for an order vesting title to such property and franchises, if any, sought to be acquired by condemnation shall set forth a description of the said property and franchises, if any, and a prayer that title be vested in the authority, shall be presented, upon notice of the application to condemn published in five successive issues of a publication of general circulation within the county where such property and franchises, if any, are located, to a special term of the supreme court held at the time and place specified in such notice, within the judicial district in which the property being acquired or some part thereof is situated. Such proceedings shall have precedence over all other cases on the calendar of such court, any other provision of the law to the contrary notwithstanding. Upon due proof to the satisfaction of the court of the filing of the resolution as hereinafter described, such court, not later than three days after the presentation of the petition, shall thereupon enter an order vesting title to such property and franchises, if any, in the authority. Upon such vesting of title the authority shall have the right to enter upon and take possession of such property. A notice of such acquisition shall be directed to the owners of the property and franchises, if any, so acquired and to any other person or persons having an estate, interest or easement in such property or a lien, charge or encumbrance thereon by personal service or by registered mail at the last known address within fifteen days after such vesting of title. Such notice shall set forth such resolution, the date of the submission to the court, the date of the order vesting title in such authority and such other matters as the authority may determine.

8. If funds are made available by the authority for the payment of the cost and expense of the acquisition thereof, the department of transportation of the state of New York, when requested by the authority, may acquire such real property in the name of the state as may be determined from time to time by the authority as being necessary, convenient or desirable to effectuate the purposes of this title, may remove the owner or occupant thereof where necessary, and obtain possession and, when requested by the authority, may dispose of any real property so acquired, all according to the procedure provided in section thirty of the highway law and pursuant to the procedure required under federal law, when applicable. The authority shall have the right to possess and use for its corporate purposes all such real property so acquired. Claims for the value of the property appropriated and for legal damages caused by any such appropriation shall be adjusted and determined by such department with the approval of the authority or by the court of claims as provided in section thirty of the highway law and as required by federal law, when applicable. When a claim has been filed with the court of claims, the claimant shall cause a copy of such claim to be served upon the authority and the authority shall have the right to be represented and heard before such court. All awards and judgments arising from such claims shall be paid out of moneys of the authority. No real property may be acquired pursuant to the provisions of this section for purposes other than a transportation facility unless the governing body of the city, village or town in which such real property is located shall first consent to such acquisition.