§ 1383. Grants from commissioner of general services. 1. The commissioner of general services shall have power, in his discretion, from time to time to transfer and convey to the authority for such consideration as may be determined by him to be paid to the state of New York unappropriated state lands and lands under water which the authority shall certify to be necessary or desirable for the corporate purposes of the authority. The state hereby further authorizes the commissioner of general services, with the consent of the commissioner of mental hygiene and approval of the director of the budget, to grant to the authority a portion of the lands of the Saint Lawrence state hospital located in the county of Saint Lawrence, upon such terms and conditions, including consideration, as such commissioner may determine. The portion of such lands of such hospital herein authorized to be granted shall be taken from the southerly end of the hospital property adjacent to state highway route number thirty-seven, together with two parcels of land acquired by two deeds, one from Orville Cruikshank and Cora Cruikshank McEwen, dated October 11, 1945, and recorded in Saint Lawrence county clerk's office on November 8, 1945, in Liber 365 of deeds at page 47, containing 96.42 acres, more or less, and the other from Hubert Webb and Irene Webb, dated October 13, 1945, and recorded in the Saint Lawrence county clerk's office on November 8, 1945, in Liber 365 of deeds at page 45, containing 34 acres, more or less, such lands being former farm lands of such hospital. The department of transportation shall make an accurate survey of the parcels of such farm land to be granted and the grant to the authority may describe the land according to such survey. The land so conveyed by the state to the authority shall be utilized and developed by the authority for the establishment of an industrial park.

2. Actual payment of the consideration for the grant as determined by the commissioner of general services shall not be required as a condition precedent to the issuance of such grant, but the amount thereof shall be certified by the commissioner to the state comptroller and shall be deemed an advance to the authority by the state, to be repaid out of the port facilities development fund herein provided for unless the authority shall issue bonds for the development of such facilities, in which event the advance to the authority by the state

shall be repaid to the state out of the first proceeds of such issue of bonds.

3. The authority shall establish and maintain a port facilities development fund and shall cause all moneys received by it from the operation of such port facilities to be deposited in such fund for the payment of all costs of operation, maintenance and repair of the port facilities and the repayment to the people of the state of New York of any advance made by the state to the authority, which repayment to the people of the state of New York shall not exceed in any one year fifty per centum of the moneys received by the authority in excess of the costs of operation, maintenance and repair of said port facilities.

4. Upon the issuance of said lease or grant by the commissioner of general services pursuant to this act the authority shall assume all expense of or incidental to the operation, maintenance, repair and administration of said port facilities.

5. Except as to moneys and rates accrued thereunder at the time of vesting in the authority all the right, title and interest of the state in and to said port facilities as herein provided, and as incident thereto, there shall also vest in the authority all the right, title and interest of the state in and to and in connection with the following contracts, agreements and permits with third persons: (a) any and all executory contracts, agreements and permits for the use of said port facilities by third persons as tenants, licensees, or otherwise, or for the docking, mooring or anchorage thereat of vessels owned by third persons, or for the loading, unloading, handling, storage, processing or manipulation of grain, freight, or other property of third persons, or for the rendering of any other services to third persons at said pier properties as wharfinger or warehouseman or otherwise; (b) any and all executory contracts and agreements for the furnishing by third persons of electricity, gas, steam, water or telephone service at said port facilities.

6. The authority shall not grant or convey title to said port facilities to any person or legal entity other than the people of the

state of New York.

7. If the authority shall violate any of the conditions herein set forth or such other conditions as the board of commissioners of the land office heretofore included in any lease or grant of said port facilities or any other conditions as the office of general services may include in any lease or grant of said port facilities and such violation of any of said conditions shall not have been remedied by the authority within ninety days after the giving of notice of the existence of such violation by the commissioner of transportation of the state of New York, then at the option of the state such port facilities shall revert to the people of the state of New York.

8. If the port facilities revert to the people of the state of New York they shall be and shall be deemed to be unappropriated state lands.