§ 51. Proceedings for acquiring title. 1. Whenever the United States is desirous of purchasing or acquiring the title to or any interest any tract, piece or parcel of land within the boundaries of this state, except within the Adirondack park as defined by section 9-0101 of the environmental conservation law, where a special act of the legislature shall be required, for any of the purposes aforesaid, and cannot agree with the owner or owners thereof as to the purchase thereof, or if the owners of any of said lands are unknown, persons under the age of eighteen years, of unsound mind, or non-residents, or if for any other reason a perfect title can not be made to said lands, or any part thereof, the United States, by any agent authorized under the hand and seal of any head of an executive department of the government of the United States, is authorized to apply to the supreme court of the state, in and for the county within which the said lands are situated, or to the district court of the United States in the judicial district in which said lands are situated, to have the said lands acquired pursuant to the provisions of the eminent domain procedure law, for the use and benefit of the United States.

2. At any time during the existence of a state of war between the United States and any foreign power, or during the existence of a national emergency or limited national emergency involving the defense of the United States as proclaimed by the president of the United States, the United States may, by any agent duly authorized under the hand and seal of any head of an executive department of the government of the United States, for the purpose described in section fifty of this act, select, locate, enter upon and acquire any rights, easements or interest in property, either in fee or for the term of one year or longer, within this state. This shall include lands owned by the state of New York, the provisions of any other statute to the contrary notwithstanding, except those the alienation of which is prohibited by the constitution of the state of New York. Said agent shall from time to time cause to be made, accurate maps of such lands which, or rights and easements in which, he shall determine to take, which maps shall be certified by him and shall specify with respect to each parcel of land whether the whole title thereof is to be taken and if the whole is not to be taken, the rights, easements or interests therein and for what

period of time, that the same is taken. Said maps shall also show the names of the reputed owners of such lands and shall contain a description of the lands to be acquired and shall be filed in the office of the secretary of state and a duplicate thereof shall be filed in the office of the clerk or register of the county wherein said lands are situated. Said agent shall thereupon serve upon the owners of any real property so acquired a notice of the filing and date of filing of such maps, which notice shall specifically describe that portion of the property belonging to such owners which has been so acquired and what estate therein has been taken. If said agent shall not be able to serve such notice upon the owner personally within this state after making efforts so to do which in his judgment are under the circumstances deemed reasonable and proper, he may serve the same by filing with the clerk or register of the county wherein said lands are situated. From the time of the service of such notice, the entry upon and the acquisition by the United States of said estate in the property described for any of the purposes above mentioned shall be deemed complete and thereupon such property or said limited estate or interest therein so taken shall become the property of the United States. Such notice so served shall be conclusive evidence of an entry and acquisition by the United States. Said agent may cause a copy of such notice or notices with an affidavit or affidavits of due service thereof on such owner or on the county clerk or register as the case may be, to be recorded in the books used for recording deeds in the office of the clerk or register of the county in which such lands are situated and such records shall be evidence of the due service thereof and of the title of the United States to the property so acquired. Said agent shall have the power after the filing of such map and service of such notice to fix and determine with each and any of the respective owners of such lands upon the fair value thereof and may agree upon a price to be paid therefor by the United States and accepted by such owners respectively. In case such agent shall not agree with any owner or owners of such lands so acquired, then said agent shall proceed forthwith to determine the amount of compensation to be paid for the property so taken and acquired by a proceeding taken under the provisions of this act and the eminent domain procedure law. Said proceeding for the purpose of determining such compensation shall be instituted and maintained in the

name of the United States of America. No petition shall be necessary to institute such proceeding and the supreme court shall upon application of the United States and on ten days' notice to the owners of the property or, if they be unknown, to the county clerk, determine the compensation which ought justly to be made to the owners of the land or rights therein as provided in the eminent domain procedure law. The compensation awarded by the supreme court shall be paid by the United States. The eminent domain procedure law shall apply to all proceedings hereunder except in so far as the provisions of this act are inconsistent therewith.

3. The people of the state of New York may at any time be joined as party defendant in any proceeding instituted for the acquisition of any lands for any of the purposes aforesaid in which the people of this state have or may have any right, title or interest, and any awards which may be made to the people of the state of New York shall be paid into the state treasury.