



NEW YORK STATE SENATOR

Betty Little

Township 40 constitutional amendment gets second passage in Senate

BETTY LITTLE June 13, 2013

The State Senate today approved second passage of a proposed constitutional amendment that would settle a century-old title dispute in the Adirondacks.

The amendment, which is pending in the Assembly, would resolve competing claims of title between the State and private parties in Township Forty, Totten and Crossfield Purchase, in the Town of Long Lake, Hamilton County.

Following Assembly approval, the amendment would go before voters on the statewide ballot this November. Numerous groups are in support, including the Adirondack Council, Adirondack Wild, Hamilton County Board of Supervisors, Inter-county Legislative Committee of the Adirondacks and Adirondack Mountain Club.

“Settling the claims is in the state’s and property owners’ best interests,” said Senator Betty Little. “Continuing down the path of litigation would cost all of the parties more time and money. No one can argue that that route hasn’t been tried enough.

“The result of this amendment and subsequent implementation legislation being adopted will be better recreational access in the Adirondack Park and property owners finally being able to put this protracted ordeal behind them.”

Litigation over this matter has resulted in a mix of court decisions, with some favorable to the State and some favorable to private property owners. However, litigation over Township 40 title is extremely complex and time consuming because there are fifty intermingled chains of title in the Township and it is difficult to develop proof on what may or may not have happened more than 100 years ago, prior to the State's acquisition of its chain of title.

Separate legislation will need to follow establishing the process of resolving claims of title.

Provisions of that legislation would list the more than 200 parcels of land in Township 40 in Raquette Lake in Hamilton County, allow those with disputed titles to opt in or opt out of the settlement process and require a payment from occupants which would be used toward purchase of replacement land of greater benefit to be added to the Adirondack Park.

The replacement land would ensure the overall integrity of the Park is not diminished, but improved, and would be subject to State legislative approval.