

Urging The State Of New York To Amend Real Property Tax Law And Real Property Law (Gasper's Law) In Relation To Notifying Certain Property Owners Of Record Of Changes To A Parcel And Coordinating Tax Maps With Surveyor Maps

The General Services / Community Services Committee (Chairman Tipp and Legislators Every, Maloney, McAfee, Kraft, Rodriguez and Stoeckeler) and Legislators Bartels, Berardi, Dart, Donaldson, Feldmann, Hyatt, Lomita, Loughran, R.A. Parete, R.S. Parete, Provenzano, Shapiro and Zimet offer the following:

WHEREAS, it is important that adjacent landowners receive adequate notification when a newly conducted survey of an adjacent parcel conflicts with the tax map of that same parcel, and

WHEREAS, the Hon. William Larkin, New York State Senator and the Hon. Kevin Cahill, New York State Assemblyman, have sponsored companion bills in the New York State Legislature, the Senate version known as bill number S2078-A and the Assembly version known as A7115, entitled “AN ACT to amend real property tax law and real property law, in relation to notifying certain property owners of record of changes to a parcel and coordinating tax maps with surveyor maps,” and

WHEREAS, the bill(s) would require the licensed land surveyor to notify adjacent owners of changes to maps of a subdivided parcel and for the coordination of tax maps with surveyor maps, and

WHEREAS, the bill(s) would amend Section 503 of the Real Property Tax Law of the State of New York to provide (1) that the county director of real property tax services, in making changes to tax maps, shall include the date such changes were made and the name of the person making the changes, and (2) that if a survey is done on any parcel, such parcel must be coordinated with the tax map of the same area, and (3) that the licensed surveyor must notify all affected landowners should a discrepancy exist between the tax map and survey, and

WHEREAS, the bill(s) would further amend Section 334 of Real Property Law of the State of New York to provide for posting and newspaper publication notifications when subdividing real property for the purpose of sale, and in the case of a discrepancy between the land map to be field and a previously filed map, written notice notification shall be sent to all owners of adjacent property by the surveyor, and

WHEREAS, the Ulster County Legislature believes that these amendments to Real Property Tax Law and Real Property Law would provide adequate notification and reasonable protection to landowners in the event a newly conducted survey of an adjacent parcel of land conflicts with the tax map of that same parcel, and

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WHEREAS, the Ulster County Legislature believes that these amendments to Real Property Tax Law and Real Property Law are in the best interest of the residents of the County of Ulster and the State of New York, and

WHEREAS, the General Services/Community Services Committee has been polled and reviewed said request with a majority of the members voting approval.

RESOLVED, that the Ulster County Legislature hereby urges the New York State Assembly, the New York State Senate and the Governor of the State of New York to approve the bill referenced herein and enact these amendments to Real Property Tax Law and Real Property Law, and

FURTHER RESOLVED, that the Clerk of the Ulster County Legislature shall forward copies of this resolution to Governor George E. Pataki, Comptroller Alan Hevesi, Senate Majority Leader Joseph Bruno, Senate Minority Leader David A. Paterson, Assembly Speaker Sheldon Silver, Assembly Majority Leader Paul A. Tokasz, Assembly Minority Leader Charles Nesbitt, New York State Senators John J. Bonacic and William J. Larkin, Jr., New York State Assemblymen Kevin Cahill, Clifford Crouch, Daniel Hooker and Thomas Kirwan, and the New York State Association of Counties,

and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 31 NOES: 0
(Absent: Legislators Alfonso and Hyatt)

FINANCIAL IMPACT:
NONE