

NEW YORK STATE OFFICE OF GENERAL SERVICES

INSTRUCTIONS APPLICATION FOR USE OF LAND UNDERWATER (Easement for cables, pipelines, conduits, hydro-electric, etc.)

An application for use of land underwater, pursuant to Article 2 Section 3, Subdivision 2 of the Public Lands Law, shall be made to the Commissioner of General Services.

Please read these instructions and the enclosed pages. The application is composed of pages 1 through 6 and is intended to provide information on the existing or proposed structure, use of project, and notice of the project to the adjacent shorefront owners and the municipality. Applicant should fill out each page of the application and return the same to the address set forth at the end of these instructions.

- ◆ Page 1 and 2, *Petition*, are for the applicant's name, location, and deed ownership of adjacent owners' properties together with a description of the purpose of the easement. **Please Note, as detailed on Page II of these instructions, the requirement of material necessary to complete the application process**
- ◆ Page 3, *Affidavit of Applicant*, is a verification of applicant's or corporate officer's identity. It must be notarized.
- ◆ Page 4, *Notice of Application*, to be served upon the local municipality and upon the adjacent shorefront owners.
- ◆ Page 5 is the *Affidavit of Service* providing proof that you served the local municipality and each of the adjacent shorefront owners. (*One affidavit for each service made*). It must be notarized.
- ◆ Page 6 is the State Environmental Quality Review Short Environmental Assessment Form.

PLEASE ALLOW A PERIOD OF AT LEAST TWENTY (20) DAYS AFTER THE DATE OF SERVICE OF THE NOTICE OF APPLICATION BEFORE YOU SUBMIT YOUR APPLICATION TO ALLOW THE MUNICIPALITY AND ADJACENT SHOREFRONT OWNERS SUFFICIENT TIME TO COMMENT ON YOUR APPLICATION.

The following additional documents shall be submitted with your application for use of underwater lands. (You may wish to check off these documents prior to submission of the application).

- A map showing plan and profile made by a licensed land surveyor and/or professional engineer pursuant to Section 7208 of the New York State Education Law showing the location of the pipeline, cable, conduit, the upland property of the applicant and those of adjoining properties along the waterfront;
- A metes and bounds or centerline description, as appropriate, of the lands applies for including the desired width of the proposed easement. The centerline shall be described with reference to permanent tie points or monuments on the shore;
- A certified copy of the deed(s) of applicant's adjacent upland or the consent of the owner of such adjacent upland together with a certified copy of the deed(s) thereto;
- A copy of adjoining shorefront deed(s) and a copy of the applicable tax map section;
- A duplicate copy of any permit or letter issued by the U.S. Department of the Army Corps of Engineers;
- A completed environmental assessment form, if applicable;
- Other satisfactory evidence of compliance with the State Environmental Quality Review Act;
- The Commissioner may require additional submissions such as permits and/or letters from the NYS Department of Environmental Conservation, the NYS Department of State, the NYS Office of Parks, Recreation and Historic Preservation, the Power Authority of the State of New York and county or local agencies.

Receipt of these materials will be acknowledged immediately. After an initial review, the applicant will be advised of the fees required and whether further information is necessary.

Applications should be sent to:

**NYS OFFICE OF GENERAL SERVICES
BUREAU OF LAND MANAGEMENT
CORNING TOWER, 26th FLOOR
EMPIRE STATE PLAZA
ALBANY, NEW YORK 12242**

FORM OF PETITION PURSUANT TO THE PROVISIONS OF SECTION 3,
SUBDIVISION 2 OF THE PUBLIC LANDS LAW

STATE OF NEW YORK
EXECUTIVE DEPARTMENT
OFFICE OF GENERAL SERVICE

In the Matter of the Petition of _____:

PETITION

_____:

For a grant of easement in lands under the waters of _____:

(Town) (City) (Village) _____ County of _____:

TO: THE COMMISSIONER OF GENERAL SERVICES

DEAR SIR:

The petition of _____

_____, residing (having its principal office, if a
corporation) at _____

_____ respectfully alleges:

1. That he (she, they, it) is (are) owner(s) in fee of real property located at _____

and adjacent to _____, which real

(name of body of water)

property is described in a deed to the Petitioner(s) dated _____

recorded in the County Clerk's (Registers) Office in Liber _____ of Deeds at page _____

on _____.

(Date)

2. That the proposed use of the easement hereinafter requested and the proposed work or
structures is (insert brief description of proposed easement area including dimensions and use):

3. That the full names addresses of the owners of record of the adjoining shorefront properties are:

4. That there is attached hereto a copy of permit from the U.S. Department of the Army (Corps of Engineers) authorizing such work to be done. (This is not required if the waters under which the lands are located are not federally controlled)

5. That there are attached hereto a (1) reproducible map made by a licensed surveyor showing the adjacent upland property of the Petitioner(s) along the waterfront, the adjoining properties along the waterfront, and (2) a metes and bounds description of the easement (underwater) area applied for.

6. That here is attached hereto a certified copy of the deed (or deeds) to the upland of the undersigned petitioner(s), or letter of consent from upland owned together with certified copies of deed(s).

7. That there are attached hereto affidavits of service of notice on the municipality in which the proposed grant is situate, and on the adjoining owners along the shorefront with copies of the respective notices attached.

WHEREFORE, Your petitioner respectfully applies, pursuant to the provisions of Section 3, Subdivision 2 of the Public Lands Law, for a grant of easement in lands under the waters of

_____ in _____
(Name of Body of Water) (Name of city or town, including name of village, if in a village)

in the County of _____ and State of New York, for the purpose hereinabove mentioned.

Dated: _____, 20 _____

Petitioner

Petitioner

(To be signed by all co-owners)

Phone # (H) _____

(W) _____

Other Contact: _____

E-Mail Address: _____

NEW YORK STATE OFFICE OF GENERAL SERVICES

AFFIDAVIT OF APPLICANT

STATE OF }
 :
COUNTY OF } **SS.:**

On the ____day of _____, in the year 20 , before me, the undersigned, a Notary Public in and for said State, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public, State of New York
Qualified in County of:
My Commission Expires

**FORM OF NOTICE OF PETITION PURSUANT TO THE PROVISIONS OF SECTION 3,
SUBDIVISION 2 OF THE PUBLIC LANDS LAW**

(Extra copies of this form may be made as needed)

**STATE OF NEW YORK
EXECUTIVE DEPARTMENT
OFFICE OF GENERAL SERVICES**

In the Matter of the Petition of _____

_____ :
for a grant of easement in lands under the waters of _____ :

(Town) (City) (Village) _____ County of _____ :

**NOTICE
OF
APPLICATION**

TO:

You are hereby notified that it is the intention of the undersigned to apply on the _____ day of _____, 20 ____, to the Commissioner of General Services, Albany, New York, for a grant of easement, pursuant to the provisions of Section 3, Subdivision 2, of the Public Lands Law in under water land of the State of New York, described as follows (insert brief description of proposed easement area including dimensions and use):

If you believe yourself to be adversely affected by reason of such grant of easement to the undersigned, you should, on or before the above date, file with the Commissioner of General Services, Albany, New York, your written objections and your reason for opposing the granting of such easement.

The adjacent upland of the undersigned is located at:

Dated: _____, 20 ____

Petitioner
Post Office Address:

-Municipality

(To be served upon Mayor,
Supervisor, Clerk or Corporation
Counsel, as required)

AFFIDAVIT OF SERVICE OF AN OWNER OF ADJOINING LANDS PURSUANT

(Extra copies of this form may be made as needed)

**NEW YORK STATE
OFFICE OF GENERAL SERVICES**

Application of: _____ :
 :
 :
 for use of land under the waters of _____ :
 in the City/Town of _____ :
 County of _____ :

**AFFIDAVIT OF SERVICE
OF
NOTICE OF APPLICATION**

(To be completed by the person
serving the Notice of Application)

STATE OF NEW YORK, COUNTY OF _____,
being duly sworn, deposes and says; deponent is over 18 years of age and resides at

_____. That on _____, 20 ____ at _____ deponent served the Notice of Application on _____ personally known to the deponent to be the owner(s) of record of the waterfront land adjoining the land of the applicant and the area applied for, as follows:

INDIVIDUAL by delivering a true copy to said owner(s) personally; deponent knew the person so served to be the owner(s) described in said record.
1.

CORPORATION a _____ corporation, by delivering thereat a true copy to
2. _____ personally, deponent knew said corporation so served to be said corporate owner(s) and knew said individual to be the _____ thereof.
(includes City, Town Village)

SUITABLE AGE PERSON by delivering thereat a true copy to _____ a person of suitable age and discretion. Said premises is owner(s) actual place of business, dwelling place, usual place of abode within the State.
3.

If the owner(s) cannot be personally served within this State after making diligent efforts to do so, then service methods 4 and 5 may be used.

AFFIXING TO DOOR, ETC. by affixing a true copy to the door of said premises, which is owner(s) actual place of business, dwelling place, usual place of abode within the State.
4.

AND

MAILING TO RESIDENCE OR BUSINESS deponent enclosed a copy of same in a postpaid envelope properly addressed to owner(s) at owner(s) last known residence, as shown on local tax rolls at _____ and deposited said envelope (certified mail) in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State OR deponent enclosed a copy of same in a postpaid envelope addressed to owner(s) at owner's actual place of business, at _____ and deposited said envelope (certified mail) in an official depository under the care and custody of the U.S. Postal Service within New York State.
5.

Applicant Signature

Sworn to before me this _____ day of _____ 20 ____.

Notary Public

Print or Type Name

PLEASE ATTACH COPY OF THE NOTICE OF APPLICATION

