

# NEW YORK STATE OFFICE OF GENERAL SERVICES

## INSTRUCTIONS

### APPLICATION FOR A GRANT OF LAND UNDERWATER

An application for a grant of land underwater, pursuant to Article 6 Section 75, Subdivision 7(a) 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 11 and is intended to provide information on the existing or proposed structure, use of proposed grant, and notice of the project to the adjacent shorefront owners and the municipality. **Applicant should fill out both pages of the *Notice of Intention* first, and return the same to the address set forth at the top of Page 1, *Notice of Intention*. Whereupon the Commissioner of General services will determine whether or not to proceed further.**

- ◆ Page 1 and 2, *Notice of Intention*, serves as a preliminary, or advance, notice to the Commissioner of General Services detailing the lands sought to be conveyed. It lists the applicant's name and address and, outlines the location of the project, description of the purpose of the conveyance, along with deed ownership of said property, of adjacent owners' properties, preliminary or existing mapping, and other pertinent information.
- ◆ Page 3, *Notice of Application*, states the date on which application to the Commissioner of General Services will be made [postdated twenty-eight (28) days in the future]. It further contains the description of the underwater land(s) applied for (as detailed on the official map), the boundaries of said land(s), a listing of all adjacent owners, and provides direction that all objections be filed with the Division of Land Utilization (Bureau of Land Management) on or before said application date. **This form should not be prepared until a determination has been made by the Commissioner of General Services.**
- ◆ Page 4, *Affidavit of Publication*, shows publication of the *Notice of Application* took place at least once per week for four (4) successive weeks in a newspaper published in the county or counties in which the land applied for is situated. First publication must be at least 28 days prior to the date of application. It must be notarized.
- ◆ Page 5, *Affidavit of Posting Notices on Courthouse*, shows that the *Notice of Application* was posted at the courthouse of the county or counties in which the land applied for is situated. Said posting must be on or before the date of first publication and must be at least 28 days prior to the date of application. It must be notarized.
- ◆ Page 6, *Affidavit of Service on an Owner(s) of Adjoining Land(s)*, shows that the *Notice of Application* was served personally on each of owners of waterfront land adjoining the upland of the applicant. However, if, after diligent effort, such could not be accomplished, service can be made by affixing the *Notice of Application* to the door of either said adjoining owners' home or place of business and mailing the notice via certified mail, return receipt requested, to the adjoining owners' home or place of business. Said service must be made at least 20 days prior to the date of application. It must be notarized.

- ◆ Page 7, *Affidavit of Applicant*, is a verification of applicant's or corporate officer's identity. It must be notarized.
- ◆ Page 8, *Affidavit of Service on Mayor, Supervisor, or Clerk*, shows that the Notice of Application was served upon the local municipality. Said service must be made at least 20 days prior to the date of application. It must be notarized.
- ◆ Page 9, *Affidavit of Service on the Corporation Counsel of the City of New York*, shows that the Notice of Application was served upon the City of New York's Corporate Counsel. *(This affidavit applies only when the land applied for is situated within the City of New York).* Said service must be made at least 20 days prior to the date of application. It must be notarized.
- ◆ Page 10 is the State Environmental Quality Review Short Environmental Assessment Form.
- ◆ Also attached is Subpart 270-4 of the New York Codes, Rules, and Regulations (NYCRR) which further outlines the procedures and steps in an Application for a Grant in Fee Simple of Land Underwater.

**PLEASE REMEMBER:**

**YOU SHOULD 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.**

**NOTICE OF INTENTION**

State of New York  
Executive Department  
Office of General Services  
Mayor Erastus Corning 2<sup>nd</sup> Tower, 39<sup>th</sup> Floor  
The Governor Nelson A. Rockefeller  
Empire State Plaza  
Albany, New York 12242

SIR:

You are hereby notified that it is the intention of the undersigned:

\_\_\_\_\_, doing business as  
Name

\_\_\_\_\_, at the  
Name of Business

following mailing address \_\_\_\_\_  
Street/City/State/Zip

\_\_\_\_\_, to apply pursuant to Section 75 (7) of the Public Lands Law for a grant of  
certain land now or formerly under the water of

\_\_\_\_\_,  
Name of Body of Water

Located in the \_\_\_\_\_,  
Town/City/Village

County of \_\_\_\_\_, and designated on a Tax Map as:

Section \_\_\_\_\_, Block \_\_\_\_\_, Lot \_\_\_\_\_ for the purpose of

\_\_\_\_\_  
\_\_\_\_\_

The undersigned intends to make the following improvements upon said land: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

The undersigned hereby makes notice that the Application Map(s) will be prepared to the  
standards of the Office of General Services by \_\_\_\_\_, being a  
licensed and currently registered Land Surveyor in the State of New York.

Address: \_\_\_\_\_

Phone No. \_\_\_\_\_

The undersigned herewith makes deposit of a certified check for Five Hundred Dollars (\$500.00) payable to the order of the Commissioner of General Services to insure payment for reviewing and processing the Application including survey map(s) and description(s).

There are enclosed certified copies of the deeds of said land of the undersigned, as well as certified copies of the deeds of the lands adjoining same.

DATED \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Applicant's Business Name

Address:

\_\_\_\_\_  
\_\_\_\_\_

Phone No. \_\_\_\_\_

\_\_\_\_\_  
Attorney for Applicant

\_\_\_\_\_  
Name of Firm

Address:

\_\_\_\_\_  
\_\_\_\_\_

Phone No. \_\_\_\_\_

NOTE: A full-size copy of a tax map showing location of land applied for, must be furnished, along with any surveys of the property. If any Governmental Jurisdictional permits or approvals have been applied for or obtained, attach copies.

**NOTICE OF APPLICATION**

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

**NOTICE OF APPLICATION TO THE COMMISSIONER OF GENERAL SERVICES  
FOR A GRANT OF LAND UNDER WATER**

TAKE NOTICE, That, pursuant to Section 75, Subdivision 7 of the Public Lands Law, the undersigned will on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, make an application to the Commissioner of General Services for a grant of the land under water hereinafter described. Any person deeming himself liable to injury by said grant, should before said date file with said Commissioner of General Services, Corning Tower, Empire State Plaza, Albany, New York, 12242, a remonstrance stating his reason for opposing said grant.

The land under water above mentioned is bounded and described as follows, to wit:

(INSERT COPY OF APPROVED DESCRIPTION  
AND ATTACH A COPY OF THE APPLICATION MAP – REDUCED IF NECESSARY)

The land of the undersigned applicant, adjacent to the lands applied for, is bounded on the:

North by \_\_\_\_\_ East by \_\_\_\_\_  
South by \_\_\_\_\_ West by \_\_\_\_\_

It is the intention of the undersigned to appropriate said land under water by improving the same as follows:

\_\_\_\_\_  
\_\_\_\_\_

Dated \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
(Applicant)

(Post Office Address)  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(Attorney for Applicant)

(Office and Post Office Address)  
\_\_\_\_\_  
\_\_\_\_\_

**AFFIDAVIT OF PUBLICATION**  
(Public Lands Law Section 77)

STATE OF                    }  
                                  :  
COUNTY OF                }

**SS.:**

\_\_\_\_\_  
of the \_\_\_\_\_  
in the County of \_\_\_\_\_

being duly sworn, says:

1. That (s)he is the \_\_\_\_\_ of  
\_\_\_\_\_ newspaper printed  
and published in the \_\_\_\_\_ County of  
\_\_\_\_\_ in the State of New York.

{ Attach copy of the  
original newspaper  
publication of the Notice  
of Application }

2. That notice, of which the annexed is a printed copy,  
has been published in said newspaper once a week  
for four weeks, successively, commencing on the  
\_\_\_\_\_ day of \_\_\_\_\_  
20\_\_\_ and continuing on the following days:

\_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_  
\_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_  
\_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_  
\_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_

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

**AFFIDAVIT OF POSTING NOTICES ON COURTHOUSE**

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

\_\_\_\_\_ of \_\_\_\_\_  
in the County of \_\_\_\_\_ being duly sworn, says:  
That on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_ (s)he securely posted in the courthouse of the County  
of \_\_\_\_\_ in the State of New York, a notice, of which the annexed is printed copy.

\_\_\_\_\_  
Name

**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

**PLEASE ATTACH COPY OF THE NOTICE OF APPLICATION**

**AFFIDAVIT OF SERVICE ON AN OWNER(S) OF ADJOINING LAND(S)**

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

**STATE OF** \_\_\_\_\_ }

: **SS.:**

**COUNTY OF** \_\_\_\_\_ }

\_\_\_\_\_ of \_\_\_\_\_

in the County of \_\_\_\_\_ being duly sworn, says:

That on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_ at \_\_\_\_\_ (s)he personally served upon \_\_\_\_\_ a printed copy of the annexed notice, by registered mail or by leaving the same with \_\_\_\_\_.

*(Use either one of the following forms, which may be applicable; strike out the others.)*

- a) That the said \_\_\_\_\_ was personally known to deponent to be an owner of land on the waterfront adjoining the land of the applicant adjacent to the land applied for and described in the annexed notice.
- b) (or) That the said \_\_\_\_\_ was known to deponent to be shown on the records of the office of the clerk or register of the County of \_\_\_\_\_ to be an owner of land on the water front and who deponent believes is the present owner of said land, adjoining the land of the applicant adjacent to the land applied for the described in the annexed notice.
- c) (or) that the said \_\_\_\_\_ was known to deponent to be shown on the last preceding assessment roll of the town or ward wherein said land is situated to be an owner of land on the waterfront and who deponent believes is the present owner of said land, adjoining the land of the applicant adjacent to the land applied for and described in the annexed notice.
- d) (or) That the said \_\_\_\_\_ was known to deponent to be the occupant of land on the water front adjoining the land of the applicant adjacent to the land applied for and described in the annexed notice. Deponent further says that he was unable to serve said notice personally upon the owner of said land adjoining that of applicant within this State after making diligent effort so to do for the following reasons:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Name

**STATE OF** \_\_\_\_\_ }

: **SS.:**

**COUNTY OF** \_\_\_\_\_ }

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

**PLEASE ATTACH COPY OF THE NOTICE OF APPLICATION**



**AFFIDAVIT OF APPLICANT**

**STATE OF**                    }  
                                      :  
**COUNTY OF**                }

**SS.:**

\_\_\_\_\_ of the \_\_\_\_\_ in the County of \_\_\_\_\_ and State of \_\_\_\_\_, being duly sworn, says:

1. That (s)he is the person named in the annexed printed notice, as the applicant for a grant of land under water therein particularly described.
2. That (s)he has read the same and knows it to be true.
3. That the said land is situated in the \_\_\_\_\_ in the County of \_\_\_\_\_ in the State of New York, and is \_\_\_\_\_ within the corporate limits of a city or incorporated village, viz: \_\_\_\_\_.
4. That (s)he is owner in fee of the adjacent land described in said annexed printed notice, and that said land is occupied by \_\_\_\_\_.
5. The applicant \_\_\_\_\_ intends \_\_\_\_\_ in good faith to improve all and every part of the land applied for as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Name

**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

**PLEASE ATTACH COPY OF THE NOTICE OF APPLICATION**

**AFFIDAVIT OF SERVICES ON MAYOR, SUPERVISOR, OR CLERK**

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

\_\_\_\_\_ of the \_\_\_\_\_ in the County of \_\_\_\_\_ and State of \_\_\_\_\_, being duly sworn, says:

That on the \_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_, (s)he personally served upon \_\_\_\_\_ who was to him personally known to be the \_\_\_\_\_ of \_\_\_\_\_ in the County of \_\_\_\_\_ in the State of New York, a notice of which the annexed is a printed copy, by delivering to and leaving the same or by sending the same by registered mail. (Circle one).

\_\_\_\_\_  
Name

**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

**PLEASE ATTACH COPY OF THE NOTICE OF APPLICATION**

**AFFIDAVIT OF SERVICE ON THE CORPORATION COUNSEL OF THE  
CITY OF NEW YORK**

*(Where applicable)*

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

\_\_\_\_\_ of the \_\_\_\_\_ in the County of \_\_\_\_\_ and State of \_\_\_\_\_, being duly sworn, says:

That on the \_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_, (s)he personally served upon \_\_\_\_\_ who was to him personally known to be the Corporation Counsel of the City of new York a copy of the Notice of Application herein together with a copy of the map(s) to be filed with said application.

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

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

**PLEASE ATTACH COPY OF THE NOTICE OF APPLICATION**

State Environmental Quality Review  
Office of General Services  
Short Environmental Assessment Form  
For Unlisted Actions Only

Part I-PROJECT INFORMATION

1. APPLICANT/SPONSOR:  (phone number):	2. PROJECT NUMBER (OGS provide):
3. PROJECT LOCATION: MUNICIPALITY: COUNTY:	
4. PRECISE LOCATION (Streets, Routes, Intersection or provide map):	
5. THIS PROJECT IS (New, Expansion, Modification Alteration)	
6. DESCRIBE PROJECT (refer to OGS underwater lands application project description):	
7. AMOUNT OF LAND AFFECTED (footprint lands includes areas for berthed or moored craft):	
8. DOES THIS PROJECT COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS?	
9. BRIEFLY DESCRIBE ZONING RESTRICTIONS:	
10. WHAT IS THE PRESENT LAND & WATER USE IN THE VICINITY OF THE PROJECT?	
11. DOES THE PROJECT REQUIRE APPROVAL OR FUNDING FROM ANY OTHER GOVERNMENTAL AGENCY?	
12. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL?	
13. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT APPROVAL REQUIRE MODIFICATION?	

PREPARED BY: (Print name)	DATE:
SIGNATURE: _____	TITLE:

OVER  
1