STATE OF NEW YORK
EXECUTIVE DEPARTMENT
OFFICE OF GENERAL SERVICE

FORM OF APPLICATION PURSUANT TO THE PROVISIONS OF SECTION 3,
SUBDIVISION 2 OF THE PUBLIC LANDS LAW FOR A CABLE/PIPELINE EASEMENT

In the Matter of the Application of _______________________

APPLICATION

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

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

TO:  THE COMMISSIONER OF GENERAL SERVICES

The application of _________________________, residing (having its principal office, if a
corporation) at ______________________________________________________________

respectfully alleges:

1. That he (she, they, it) is (are) owner(s) in fee or has consent of the owner in fee of real property
located at ______________________________________________________________

and adjacent to ____________________________________________________________, which real

(name of body of water)

property is described in a deed or consent document to the Applicant(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):

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

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3. That the full names and 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 design plans of the proposed cable/pipeline approved by all involved agencies.

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

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 applicant 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____

Applicant

Applicant

(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  }              :  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
In the Matter of the Application of __________________________

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

(Town) (City) (Village) _____________ County of _________________:

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 ____.  

__________________________________  
Applicant

Post Office Address:
Application of: 

for use of land under the waters of: 

in the City/Town of: 

County of: 

(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: 

served the Notice of Application on: 

individually 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.

Corporation a: 

personally, deponent knew said corporation so served to be said corporate owner(s) and knew said individual to be the: 

Suitable Age 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.

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.

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.

Sworn to before me this: 

Applicant Signature: 

day of: 20. 

Notary Public: 

Print or Type Name: 

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(3-2 Application [11/23/2021])
AFFIDAVIT OF SERVICE OF AN OWNER OF ADJOINING LANDS
NEW YORK STATE OFFICE OF GENERAL SERVICES

_______________________________________
AFFIDAVIT OF SERVICE
OF
NOTICE OF APPLICATION

Application of:

for use of land under the waters of: (To be completed by the person
in the City/Town of: serving the Notice of Application)
County of:

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
1. [ ] 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.

CORPORATION
2. [ ] a _______________________________ corporation, by delivering thereat a true copy to
(includes City, Town person of said corporation so served to
Village) be said corporate owner(s) and knew said individual to be the

SUITABLE AGE
3. [ ] by delivering thereat a true copy to _______________________ a person of suitable
PERSON age and discretion. Said premises is owner(s) actual place of business, dwelling place,

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
4. [ ] 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.

AND
MAILING TO
5. [ ] RESIDENCE OR OWNER(S) 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
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
envelope (certified mail) in an official depository under the care and custody of the U.S.
Postal Service within New York State.

Sworn to before me this _____________________

Applicant Signature

day of _____________________ 20 ____.

______________________________
Notary Public

Print or Type Name

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AFFIDAVIT OF SERVICE OF AN OWNER OF ADJOINING LANDS
NEW YORK STATE OFFICE OF GENERAL SERVICES

Application of:

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

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:

1. ⟨□⟩ 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.

2. ⟨□⟩ CORPORATION a ____________________________ corporation, by delivering thereat a true copy to ___________________________ personally, deponent knew said corporation so served to be said corporate owner(s) and knew said individual to be the ____________________________ thereof.

3. ⟨□⟩ 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.

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.

4. ⟨□⟩ 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.

5. ⟨□⟩ MAILING TO RESIDENCE OR BUSINESS by 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.

Sworn to before me this ____________________________ day of ____________________________ 20 ______.

__________________________________________
Applicant Signature

__________________________________________
Notary Public

Print or Type Name

(3-2 Application [11/23/2021])
NEW YORK STATE OFFICE OF GENERAL SERVICES

INSTRUCTIONS
APPLICATION FOR USE OF LAND UNDERWATER SECTION 3,
SUBDIVISION 2 OF THE PUBLIC LANDS LAW
(Easement for cables/pipelines)

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 7 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. The 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, Application, 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, Design plans of the proposed cable/pipeline must be approved by all involved agencies.** A final as-built Survey Map and metes and bounds description will be required after construction. **Page II of these instructions has a checklist of material necessary to complete the application process. SEE MAPPING REQUIREMENTS for final as-built survey map.**

- 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. **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.**

- Page 5 is the Affidavit of Service providing proof that you served the local municipality. **(One affidavit for each service made). It must be notarized.**

- Page 6 and 7 are the Affidavit of Service providing proof that you served the adjacent shorefront owner(s). **They must be notarized.**

- You must complete “Part 1 of the Environmental Assessment Form (EAF)” which can be found at the web address [https://www.dec.ny.gov/permits/6191.html](https://www.dec.ny.gov/permits/6191.html) using the “EAF Mapper Application” which can be found at the web address [http://www.dec.ny.gov/eafmapper/](http://www.dec.ny.gov/eafmapper/). If the project is an Unlisted Action, submit a completed Part 1 of a Short Environmental Assessment Form. If the project is a Type I Action, submit a completed Part 1 of a Full Environmental Assessment Form.

Applications should be sent to:

NYS OFFICE OF GENERAL SERVICES
DIVISION OF STATE ASSET & LAND MANAGEMENT
CORNING TOWER, 40th FLOOR
EMPIRE STATE PLAZA
ALBANY, NEW YORK     12242
Process is outlined as follows:
1. Coordinate with OGS on State ownership boundaries
2. Receive approval of plans and permits from other agencies
3. Submit application to OGS with final approved plans and permits
4. OGS issues Permit for Construction with payment of permit fee (1/2 of the estimated fee) and insurance
5. After construction, an as-built survey and legal description is completed and approved by OGS
6. Submit remaining fee based on as-built to OGS
7. Easement is finalized and recorded

The following documents shall be submitted with your application for use of underwater lands.

- Design plans of the proposed cable/pipeline must be approved by all involved agencies.
- A certified copy of the deed of applicant’s upland property or consent of the upland owner along with certified copy of the upland owner’s deed.
- A copy of adjoining shorefront deed(s). (properties on either side of the applicants)
- Copy of the applicable tax map.
- A copy of any permit or letter issued by a local or governmental regulatory agency including but not limited to the U.S. Department of the Army Corps of Engineers, the New York State Department of State, The New York State Department of Environmental conservation. **ALL INVOLVED AGENCIES PERMITS ARE REQUIRED BEFORE OGS CAN ISSUE A CONSTRUCTION PERMIT.**
- A completed environmental assessment form.
- 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 Office of Parks, Recreation and Historic Preservation, the Power Authority of the State of New York and county or local agencies.

After an initial review, the applicant will be advised of the fees required and whether further information is necessary.
Mapping Requirements for Grant of Easement in Lands Underwater for Cables/Pipelines, Section 3(2), P.L.L.,

1. Prepared by a New York State licensed Land Surveyor.

2. May be referenced to the New York State Plane Coordinate System. Pursuant to Chapter 605 of the Laws of 1995, any map, showing coordinates based on one of the New York State Plane Coordinate Systems, (NYSPCS) shall identify the name and coordinates of the horizontal control stations used to establish such coordinates; the date of the adjustment of those coordinates; the agency establishing those coordinates; the ellipsoid reduction factor, and the grid scale factor used in computing the coordinates. The Professional Land Surveyor or Professional Engineer responsible for such work shall certify on the map that the survey connections to the control stations meet or exceed the minimum accuracy standards and specifications.

3. Size should be 24X36 inches.

4. Application Map title block (SEE TITLE BLOCK BELOW), map scale, date of preparation.

5. Location map in upper left corner, with a scale of 1”=2000’, showing general course of shoreline.

6. Scale should be 1” = 50’ or-as approved.

7. Owners’ names, deed references, tax map identification number and all docks, bulkheads or other improvements within the limits of the lands of such owners.

8. The mean low water or mean high water (as directed), original mean high or mean low (as directed).

9. Boundaries of all previous grants within the limits of such map.

10. Bearings and distances of the boundaries of the lands applied for and the depth of soundings of the lands applied for.

11. An as-built plan and profile showing the completed structure.

12. A metes and bounds or centerline description, as appropriate, of the lands applied 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.

13. The vertical datum, if any, shall be noted on the map. The identification and elevation of any benchmarks used in the survey shall be given.

14. The shoreline shall be shown to at least 100 feet beyond the limits of the project area. Where the original shoreline has been changed, the last known location of the original shoreline must be shown. All harbor lines, US Corps of Engineers pierhead and bulkhead lines, state or federal channel lines, or other marine-regulatory boundary lines, identified wetlands, flood control lines and previously issued submerged-land grants affecting the subject area shall be shown. Maps used in connection with the survey of the subject property shall be referenced on the map.

15. If practical, the map should be orientated so that north points towards the top of the map. The north arrow shall be shown and labeled. The scale of the map shall be indicated.
16. The parcel applied for shall be monumented and/or tied to monuments marking the boundaries of the upland property of the applicant. The survey shall contain sufficient monuments for the re-establishment of the application parcel.

17. After the preliminary map is approved by OGS, a final mylar copy of the map bearing the original signature and inked seal of the land surveyor will be requested for filing. At that time the map will be assigned an OGS Map Number which shall be shown in the lower right-hand corner of the map, inside of the border.

Title block shall read

State of New York  
Office of General Services  
Submerged Land Application Map  
in the Application of  

(Applicant)  

for an easement of lands under the waters of (water body)  

Situate in the Town of (town name), County of (county name), State of New York

Required Certifications

Reviewed by:

_________________________________, date: ____________

Richard Scott, L.S., No. 050644  
Public Lands Surveyor Examiner  
New York State Office of General Services

I hereby certify that this map was made from an actual survey by me or under my direction, during (date), and that this map was completed on (date).

__________________________________  
(Surveyor’s Name, License Number)