

NOTICE OF INTENTION

State of New York
Executive Department
Office of General Services
Corning Tower, 40th Floor
Empire State Plaza
Albany, New York 12242

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 ensure 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: Certified copies of the applicant's deed and certified copies of the adjoining landowners' deeds must be included with this Notice of Intent.

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 }
 :
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 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 }
 :
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

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 and corresponding NY Codes, Rules and Regulations (9 CRR-NY G II 270-4) shall be made to the Commissioner of General Services. The application consists of the approved Application Map which the description thereon is included on the Notice of Application that is published in the newspaper, posted in the courthouse, noticing the neighbors, noticing the municipality

Outline

a) Notice of intention.

Preliminary notice advising the commissioner of the lands sought to be conveyed.

(b) Preparation of maps.

If lands can be conveyed, appropriate map and description are prepared according to regulatory specifications.

(c) Notice of application.

Upon approval of map and description, applicant proceeds with publication, posting of notice of application and service of notice on adjoining owners and municipality, as required.

(d) Submission of application.

Applicant submits necessary affidavits and papers together with final application for formal approval and preparation of the instrument of conveyance.

- **a)** 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. A certified check in the amount of **\$500 made payable to the New York State Commissioner of General Services** shall accompany any notices of intention. Such check will be used to defray the cost of reviewing the survey map(s), title and description(s). A refund may be made in the event the application is withdrawn. **Certified copies of the applicant's deed and certified copies of the adjoining landowners' deeds must also be included.**
- **b)** If lands can be conveyed, the application map with legal description is finalized in accordance with the mapping requirements attached hereto.
- Page 3, *Notice of Application*, shall state the date on which an application will be made **[postdated twenty-eight (28) days in the future]** to such commissioner. **This form should not be prepared until approval of the application map.** It shall contain a description of the land underwater applied for as set forth on the official map(s) of how the applicant intends to use the lands applied for and specifying the exceptional circumstances necessitating a grant in fee.
- 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**. In cities having a population of one million or more inhabitants, an affidavit of personal service or by registered or certified mail of the notice of application upon all owners of waterfront land within 300 feet from the side boundaries of the upland of the applicant including the latest complete tax assessment roll to identify such owners. 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.
- 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> using the "EAF Mapper Application" which can be found at this web address <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.

**Mapping Requirements for Fee Grant of Lands Underwater 75(7) P.L.L.,
pursuant to New York Codes, Rules and Regulations (9 CRR-NY 270-4.3)**

1. Prepared by a New York State licensed Land Surveyor.
2. If 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 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. Description of the lands applied for in the upper right corner, if possible
12. 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.
13. 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.
14. 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.

15. 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.
16. 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

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

(Applicant)

for an grant 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

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)