

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 2nd Tower, 26th 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
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