

**Appendix F:
OGS Correspondence**

May 17, 2007

Mr. Thomas Pohl, Esq.
NYS Office of General Services
Bureau of Lands Management
Mayor Erastus Corning 2nd Tower
The Governor Nelson A. Rockefeller
Empire State Plaza
Albany, New York 12242

Re: Lands of St. Lawrence Cement
Hudson, New York

Dear Mr. Pohl,

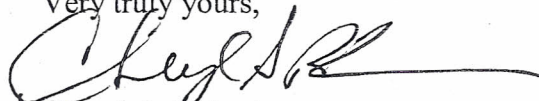
The City of Hudson is currently in the process of developing a Local Waterfront Revitalization Program (LWRP) consistent with the State's Coastal Management Program pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act.

During public comment sessions on the draft LWRP, members of the public have raised concerns about alleged title issues involving waterfront property currently owned by the St. Lawrence Cement Company. In particular, questions have been raised regarding an approximately 12 foot strip of land adjacent to the company's current docking area located on land identified as the "Lands of St. Lawrence Cement, Inc. see deed 691 at page 343" on the Survey Map prepared by Robert J. Ihlenburg dated March 28, 2001 (Map No. 89-24-01), a copy of which is in your offices. Members of the public have made the claim that this land was illegally or improperly filled in by the St. Lawrence Company or its predecessors in interest and belongs to the people of the State of New York.

I am requesting an opinion from your office as to whether section 75(7)(c) of Article 6 of the Public Lands Law provided St. Lawrence Cement Company or its predecessor in interest, with title to this strip of land by operation of law.

Thank you in advance for your attention to this matter.

Very truly yours,



Cheryl A. Roberts
Assistant Corporation Counsel
City of Hudson, New York



cc: Mayor Richard Tracy
Linda Mussmann
Robert Gagen
Robert O'Brien



STATE OF NEW YORK
EXECUTIVE DEPARTMENT
OFFICE OF GENERAL SERVICES

MAYOR ERASTUS CORNING 2ND TOWER
THE GOVERNOR NELSON A. ROCKEFELLER EMPIRE STATE PLAZA
ALBANY, NEW YORK 12242

JOHN C. EGAN
COMMISSIONER

HOWARD L. ZWICKEL
DEPUTY COMMISSIONER AND COUNSEL

ELIOT SPITZER
GOVERNOR

May 31, 2007

Cheryl A. Roberts, Esq.
Assistant Corporation Counsel
City of Hudson
313 Hamilton Street
Albany, New York 12210

Re: Lands of St. Lawrence Cement
Hudson, New York

Dear Ms. Roberts:

I am writing in reply to your letter dated May 17, 2007 regarding alleged title issues involving waterfront property currently owned by the St. Lawrence Cement Company (Company).

The subject property is a twelve foot strip along the westerly bulkhead of the Company property on the Hudson River in the City of Hudson as shown on a Map prepared by Robert J. Ihlenburg, dated March 28, 2001. You asked whether Section 75(7)(c) of Article 6 of the Public Lands Law provided the Company or its predecessor in interest with title to the twelve foot strip by operation of law.

The referenced subdivision reads as follows:

(c) The requirements of obtaining a lease, easements, permit or other interest from the commissioner pursuant to the rules set forth in paragraph (f) of this subdivision shall not apply to the person or entity who was the upland owner on June seventeenth, nineteen hundred ninety-two, of lands adjacent to filled state-owned lands, underwater or formerly underwater, in respect of those filled lands, including accompanying seawalls; provided however, that any right, title and interest of the state in and to any such state-owned lands shall in no respect be diminished or impaired by the provision of this section, nor by any exemption in the uniform regulations authorized by paragraph (f) of this subdivision.

Cheryl A. Roberts, Esq.

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May 31, 2007

Upon any transfer of such lands, or at the request of the owner of the adjacent upland, the commissioner may convey such lesser interest as may be minimally required to allow a conveyance of marketable title by that owner of the adjacent land. Consideration charged in such instances shall reflect the interest so conveyed.

The amendment was one of many changes made to Article 6, Section 75 in 1992 to augment the State's statutory authority over State owned water bodies. Companion sections and subdivisions required large dock and marina facilities to obtain a lease, easement or permit from the State and provided penalties for non compliance.

In order to balance these enhanced powers with the rights of waterfront property owners, the referenced section exempted owners adjacent to filled state owned land underwater from the requirements of obtaining a lease, easement, permit or other interest from this office. The intention of the subdivision was to avoid the State enforcement of minor bulkhead and fill situations which pre dated the changes in Article 6 (note the mention of seawalls). Therefore, to the extent that the twelve foot strip is filled, it would be exempt from the permit, lease requirements of the subdivision. The title to the filled land will remain in the State. If property owners opt to clear title to such lands, due to in pending property transfer or financing issues, the State will entertain such applications as set forth in the second paragraph of subdivision (c).

If there are any further questions in this regard, feel free to contact me.

Sincerely,



Thomas A. Pohl
Associate Attorney
(518) 474-8831