STATE OF NEW YORK

9736

IN ASSEMBLY

March 28, 2022

Introduced by M. of A. THIELE -- read once and referred to the Committee on Judiciary

AN ACT to amend the real property law, in relation to adding water lines to the list of utilities that may be installed by the owners of certain lots, plots, blocks, sites, or other parcels of real estate

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 335-a of the real property law, as added by chapter 785 of the laws of 1923, is amended to read as follows:

§ 335-a. Easements of necessity. The owner of any lot, plot, block, site or other parcel of real estate being a subdivision or part of a subdivision of any larger parcel or parcels of real property shown upon a map of said parcel or parcels of real property and of its subdivision or subdivisions, filed in the office of the county clerk or of the register of deeds of the county where the property is situated, prior to the sale or conveyance of such lot, plot, block, site or other parcel, or subdivision thereof by the seller thereof, upon which map any road or street is indicated or shown as giving access to or egress from any public road or street to such lot, plot, block, site or other parcel of real estate thereon indicated or to any part thereof, sold or granted after such filing, and the owner of any lot, plot, block, site or other parcel of real estate, the conveyance whereof shall specifically give the right of access to or egress from the same by any private road or street over lands belonging to the maker of such conveyance and which road or street is described in such conveyance, may, when necessary to the enjoyment of the lot, plot, block or site or other parcel of real estate so sold or conveyed and when the same is not bounded by a public road, lay, beneath the roads or streets indicated and shown upon such map or described in such conveyance as giving access to or egress from any public road to such property so sold or conveyed as aforesaid, wires [~~and~~], conduits**, and water lines** for the purpose of supplying the said property with electric light [~~and~~], telephone**, and water** service. Such wires [~~or~~], conduits**, or lines** shall be laid only on condition that the private roads or streets on which the owner has the right of access to

EXPLANATION--Matter in ***italics*** (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD14565-01-2

or egress from such property shall be restored as nearly as possible to their original condition and that the person or persons entitled to the fee of such private roads or streets or having an easement over the same shall be compensated for actual damage occasioned by the laying of such wires [~~or~~], conduits, or lines.

Nothing [~~herein contained~~] in this section shall be deemed to affect in any manner lands acquired by the city of New York for the purpose of construction or development of its water supply system.

§ 2. This act shall take effect immediately.