

# STATE OF NEW YORK

8402

## IN SENATE

February 23, 2022

Introduced by Sen. GAUGHRAN -- read twice and ordered printed, and when printed to be committed 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:

1 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:

2 § 335-a. Easements of necessity. The owner of any lot, plot, block,  
3 site or other parcel of real estate being a subdivision or part of a  
4 subdivision of any larger parcel or parcels of real property shown upon  
5 a map of said parcel or parcels of real property and of its subdivision  
6 or subdivisions, filed in the office of the county clerk or of the  
7 register of deeds of the county where the property is situated, prior to  
8 the sale or conveyance of such lot, plot, block, site or other parcel,  
9 or subdivision thereof by the seller thereof, upon which map any road or  
10 street is indicated or shown as giving access to or egress from any  
11 public road or street to such lot, plot, block, site or other parcel of  
12 real estate thereon indicated or to any part thereof, sold or granted  
13 after such filing, and the owner of any lot, plot, block, site or other  
14 parcel of real estate, the conveyance whereof shall specifically give  
15 the right of access to or egress from the same by any private road or  
16 street over lands belonging to the maker of such conveyance and which  
17 road or street is described in such conveyance, may, when necessary to  
18 the enjoyment of the lot, plot, block or site or other parcel of real  
19 estate so sold or conveyed and when the same is not bounded by a public  
20 road, lay, beneath the roads or streets indicated and shown upon such  
21 map or described in such conveyance as giving access to or egress from  
22 any public road to such property so sold or conveyed as aforesaid, wires  
23 [~~and~~], conduits, and water lines for the purpose of supplying the said  
24 property with electric light [~~and~~], telephone, and water service. Such  
25 wires [~~or~~], conduits, or lines shall be laid only on condition that the  
26 private roads or streets on which the owner has the right of access to  
27

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

LBD14565-01-2

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

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

9 § 2. This act shall take effect immediately.