§ 3. Powers and duties; leases. 1. The office of general services shall have the general care and superintendence of all state lands, the superintendence whereof is not vested in some officer or in a state department or a division, bureau or agency thereof.

2. The commissioner of general services may, subject to such rules as he may promulgate with the approval of the state director of the budget, from time to time, lease for terms not exceeding five years, and until disposed of as required by law, all such state lands which are not appropriated to any immediate use. Such leases shall contain proper covenants to guard against trespass and waste. The use to which such leased property shall be put shall be consistent with local land use regulations. The commissioner also may grant rights and easements in perpetuity or otherwise in and to all state lands, including lands under water, at a price to be determined by the commissioner, and in case of a subsequent sale of such lands, the same may be sold subject to any rights and easements previously granted. The commissioner may, with or without consideration as determined by him, release and relinquish to the owner of the fee title therein, any rights or easements in perpetuity or otherwise, as may have been previously granted to the state. Provided, however, that where the superintendence of state lands is vested in some officer or in a state department or a division, bureau or agency thereof or in a public authority created or continued under the public authorities law the commissioner may grant, release or relinquish such rights and easements upon the written request of such officer or the head of such department, division, bureau, agency or public authority or of an employee thereof designated for such purpose by such officer or head of the department, division, bureau, agency or public authority.

3. The commissioner of general services may repair, demolish or remove the whole or a portion of any structure on such state lands, provided he has filed in his office a writing specifying the structure and certifying to the necessity of such repair, demolition or removal. The expense of such work may be paid from any contingent funds available to the commissioner, or from moneys specially appropriated for such purposes. If such work be done by contract, the commissioner may dispense with advertising and bids, or either, or may cause such work to be done by direct employment of labor and purchase of material in the open market, or partly by contract and partly by such direct employment and purchase.

4. Notwithstanding any other provision of this chapter or other statute, the commissioner of general services, upon the application of any state department, or a division, bureau or agency thereof, or upon the application of any state agency, may transfer to such state department, division, bureau, or agency, or state agency, the jurisdiction over any lands, including lands under water, abandoned canal lands and salt springs reservation land, upon such terms and conditions as the commissioner may deem just and proper and upon the consent of the department, or a division, bureau or agency thereof, or any state agency, already having jurisdiction over such lands and notwithstanding any other provision of this chapter or other statute, authority to give such consent is hereby conferred upon the head of any such state department, or a division, bureau or agency thereof, or any state agency; provided, however, that if the commissioner of general services determines that any such land under the jurisdiction of any state department, or a division, bureau or agency thereof, or any state agency other than a public authority or public benefit corporation is under utilized or is not being utilized in a manner consistent with the best interests of the state, such commissioner may on his own
initiative, and without the application or consent referred to above but subject to the procedure and review provided in section two-a of this article, transfer the jurisdiction over such land to any other state department, or a division, bureau or agency thereof, or any other state agency other than a public authority or public benefit corporation. Should such land be under the jurisdiction of the office of mental health or the office of mental retardation and developmental disabilities upon which a community residential facility for the disabled as defined in section 41.34 of the mental hygiene law exists, the commissioner of general services shall, prior to transferring the jurisdiction over such land to any other state department, or a division, bureau or agency thereof, or any other state agency other than a public authority or public benefit corporation offer such land for sale at public auction pursuant to section thirty-three of this chapter; provided, however, that the provisions of section four hundred six of the eminent domain procedure law shall apply to such property.

4-a. Notwithstanding any other provision of this chapter or other statute, the commissioner of general services, upon the application of any person or corporation, may lease to the highest responsible bidder furnishing the required security after advertisement for sealed bids has been published in a newspaper or newspapers designated for such purpose, for a term not to exceed ninety-nine years, to such applicant interests in real property including but not limited to air rights, subterranean rights and others, when such are not needed for present public use.

Such lease shall contain proper covenants to assure the payment of adequate consideration for the interests leased, and to further protect the state as is deemed necessary by said commissioner.

Where the superintendence of the interest leased is vested in some officer or in a state department or a division, bureau or agency thereof, or in a public authority created or continued under the public authorities law, the commissioner may grant such rights only upon written request and concurrence of such officer or head of such department, division, bureau or public authority.

Said lease shall not be effective until approved as to form by the attorney general of the state.

The development of any leasehold granted pursuant to this subdivision shall be subject to the zoning regulations and ordinances of the municipality in which said property is located.

5. The commissioner of general services may, in accordance with the provisions of section twenty-seven of this article, acquire any real property deemed by him to be necessary for the implementation or accomplishment of any statutory purpose, function, operation or responsibility of the commissioner or the office of general services.

6. The commissioner of general services may, subject to the prior approval of the attorney general, accept unconditional grants, gifts, devises, bequests or conveyances of title to or interest in real property to the people of the state of New York as he deems proper for the purposes of the state.

7. Notwithstanding any other provision of this article, the facilities development corporation may, subject to prior notice to the commissioner of general services by filing a copy of the proposed instrument of conveyance, convey an easement in or over state-owned lands under the jurisdiction of the facilities development corporation for the use of the department of mental hygiene for the connecting of a water main, sewer line or other public services facility with a facility of any of the offices of the department of mental hygiene, to the public corporation or the public services corporation having ownership or
control of such utility facility, as provided in subdivision eight of section five of the facilities development corporation act.