

**RESOLUTION NO. 530 -2009, AUTHORIZING THE GRANTING  
OF AN EASEMENT TO THE SELDEN FIRE DISTRICT ACROSS  
COUNTY-OWNED PROPERTY (SCTM NO. 0200-538.00-05.00-  
001.005)**

**WHEREAS**, the County of Suffolk owns a 61.4 acre parcel of real property, in Selden, known as Suffolk County Tax Map No. 0200-538.00-05.00-001.005; and

**WHEREAS**, this parcel is adjacent to property owned by the Selden Fire District ("Fire District"); and

**WHEREAS**, an easement across a small portion of the County-owned property adjacent to the Fire District property would provide the District with access to College Road, a major road in the area; and

**WHEREAS**, providing the Fire District with access to College Road would allow it to respond more quickly to emergencies while bypassing residential neighborhoods; and

**WHEREAS**, Suffolk County seeks to aid local fire departments in providing the best services possible to County residents; now, therefore be it

**1st RESOLVED**, that the County of Suffolk hereby grants an easement to the Fire District and its successors, in accordance with the description attached as Exhibit "A", for the right, privilege and authority to construct, place, operate, replace, remove, repair and maintain an access road running from the Fire District's training center to College Road, subject to the following:

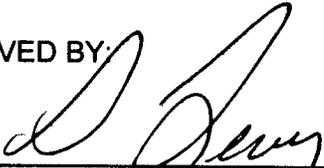
- 1) That the Fire District holds the County of Suffolk, its officers, agents, servants and employees harmless, and shall defend, and indemnify the County of Suffolk, its officers, agents, servants, and employees, as to any and all liability whatsoever, arising out of or in connection with the easement area; and
- 2) That, in acting pursuant to the easement, the Fire District shall comply with all applicable Federal, State and local laws, rules, regulations and orders; and
- 3) That the Fire District shall be responsible for all costs related to improvement and maintenance of the easement; and
- 4) That the Fire District shall submit plans and specifications to, and receive approval from, the Suffolk County Department of Public Works for any improvements to be made to the easement area, all of which shall be subject to completion of SEQRA review; and
- 5) That the Fire District shall keep the easement area and the wooded area, north of the easement to the property line, free of debris; and
- 6) That the County of Suffolk may grant other non-exclusive easements in the easement area for compatible uses, provided that such other easements do not interfere with or prohibit the full use of the easement herein granted; and be it further

**2nd**           **RESOLVED**, that the Division of Real Property Acquisition and Management, is hereby authorized, empowered and directed, pursuant to Section 14-10 of the SUFFOLK COUNTY CHARTER, to execute all legal documents necessary and appropriate to effectuate the granting of such an easement on behalf of the County of Suffolk to this effect; and be it further

**3rd**           **RESOLVED**, the Fire District is aware that the restrictive covenants described above will run with the land and shall bind the heirs and successors of the Fire District and in the event of any violation of the restrictive covenants stated above, the deed conveying said parcel shall be void ab initio and title to the realty shall revert to the County of Suffolk, New York; and be it further

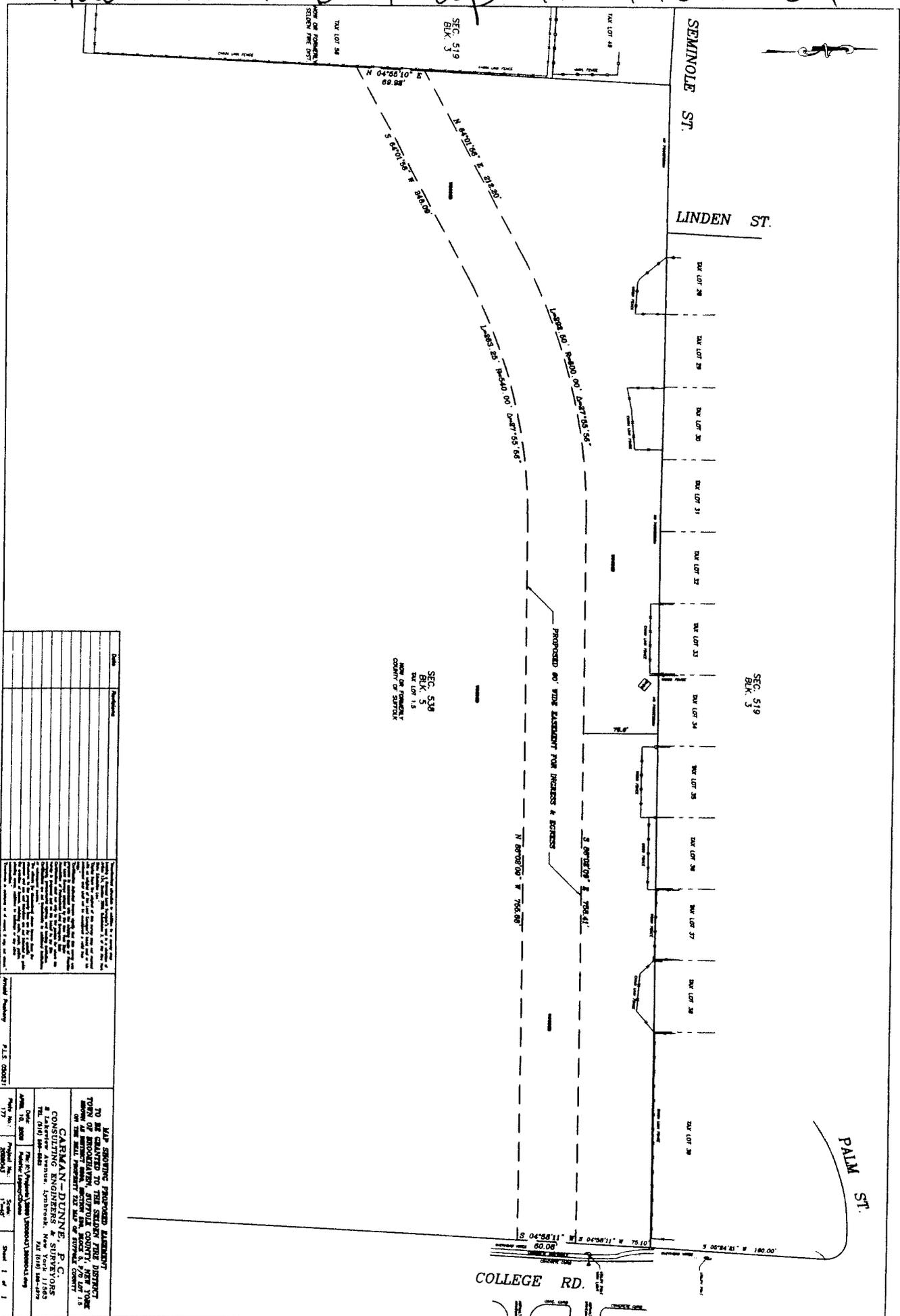
**4th**           **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20), (21) and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

DATED: June 23, 2009

APPROVED BY:   
\_\_\_\_\_  
County Executive of Suffolk County

Date: 7-6-09

# Additional Back-up IR 1409-09



SEC. 539  
BUX. 3  
TOWNSHIP OF  
COUNTY OF SOUTHERN

SEC. 519  
BUX. 3

Block	Reference	Notes	Project No.	Scale	Sheet
		<p>ALL SHOWN PROPOSED EASEMENT TO BE GRANTED TO THE SOUTHERN FIRE DISTRICT TOWNSHIP OF SOUTHERN COUNTY, NEW YORK ON THE FULL PROPERTY SET MAP OF SOUTHERN COUNTY CARMAN-DUNNE, P.C. CONSULTING ENGINEERS &amp; SURVEYORS 400 W. 115th St. Larchmont, N.Y. 10538</p> <p>Date: APRIL 16, 2009 Project No.: 2009043 Scale: 1"=40' Sheet 1 of 1</p>			

Exhibit "A"

SUFFOLK COUNTY  
County Legislature  
RIVERHEAD, NY



*This is to Certify That I*, TIM LAUBE, Clerk of the County Legislature of the County of Suffolk, have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was duly adopted by the County Legislature of said County on June 23, 2009 and that the same is a true and correct transcript of said resolution and of the whole thereof.

*In Witness Whereof*, I have hereunto set my hand and the official seal of the County Legislature of the County of Suffolk.

A handwritten signature in cursive script that reads "Tim Laube".

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Clerk of the Legislature

Intro. Res. 1409 Res. No. 530

June 23, 2009

**Motion:**  
 Romaine, Schneiderman, Browning, Beedenbender, Losquadro  
 Eddington, Montano, Alden, Lindsay, Viloría-Fisher, Barraga,  
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

**Co-Sponsors:**  
 Romaine, Schneiderman, Browning, Beedenbender, Losquadro  
 Eddington, Montano, Alden, Lindsay, Viloría-Fisher, Barraga,  
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

**Second:**  
 Romaine, Schneiderman, Browning, Beedenbender, Losquadro  
 Eddington, Montano, Alden, Lindsay, Viloría-Fisher, Barraga,  
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE					
2	Jay H. SCHNEIDERMAN					
3	Kate M. BROWNING					
4	Brian BEEDENBENDER					
6	Daniel P. LOSQUADRO					
7	Jack EDDINGTON					
9	Ricardo MONTANO					
10	Cameron ALDEN					
11	Thomas F. BARRAGA					
12	John M. KENNEDY, JR.					
13	Lynne C. NOWICK					
14	Wayne R. HORSLEY					
15	DuWayne GREGORY					
16	Steven H. STERN					
17	Lou D'AMARO					
18	Jon COOPER					
5	Vivian VILORIA-FISHER, D.P.O.					
8	William J. LINDSAY, P.O.					
Totals		18				

**MOTION**

Approve

Table: \_\_\_\_\_

Send To Committee

Table Subject To Call

Lay On The Table

Discharge

Take Out of Order

Reconsider

Waive Rule \_\_\_\_\_

Override Veto

Close

Recess

APPROVED  FAILED \_\_\_\_\_

No Motion \_\_\_\_\_ No Second \_\_\_\_\_

**RESOLUTION DECLARED**

ADOPTED

NOT ADOPTED

*Tim Laube*  
 \_\_\_\_\_  
 Tim Laube, Clerk of the Legislature

Roll Call \_\_\_\_\_ Voice Vote