

**RESOLUTION NO. 508 -2009, SALE OF COUNTY-OWNED
REAL ESTATE PURSUANT TO SECTION 72-h OF THE GENERAL
MUNICIPAL LAW - TOWN OF SMITHTOWN (SCTM NO. 0800-
054.00-05.00-035.000)**

WHEREAS, the COUNTY OF SUFFOLK is the fee owner of the following described parcel that is surplus to the needs of the County of Suffolk; and

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Smithtown, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0800 Section 054.00, Block 05.00 Lot 035.000 and acquired by Tax Deed on June 29, 2005 from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on July 15, 2005 in Liber 12397 at Page 975 and described as follows, Town of Smithtown, known and designated as part of Lot 1513 on a certain map entitled "Map of St. James Park, Section 3A", and filed in the Office of the Clerk of the County of Suffolk on November 15, 1899 as Map No. 610; and

WHEREAS, Section 72-h of the General Municipal Law permits a sale of real property between municipal corporations, or between a municipal corporation of the State of New York or the United States of America; and

WHEREAS, the Town of Smithtown has requested that the County of Suffolk convey to the town the parcel described in Exhibit "A" annexed hereto; and

WHEREAS, the Suffolk County Department of Planning has approved the proposed transfer and use of said parcel; now, therefore be it

1st **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management, or designee is hereby authorized to execute and acknowledge a Quitclaim deed to transfer the interest of Suffolk County in the above described property and on the terms and conditions provided herein to said Town of Smithtown for the sum of \$2,602.00 plus the pro rata share of the current tax adjustment due at closing; and be it further

2nd **RESOLVED**, that the Town of Smithtown will be restricted in its use of the subject parcel and will use said parcel solely and exclusively for recharge basin purposes; with all right title and interest reverting to the County of Suffolk in the event that the Town of Smithtown, at any time, uses or attempts to use said subject parcel for other than recharge basin purposes or attempts to sell, transfer or otherwise dispose of or does, in fact, sell, transfer or otherwise dispose of said subject parcel without said parcel being used thereafter for recharge basin purposes; and be it further

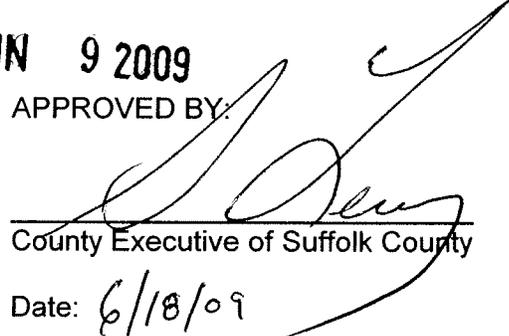
3rd **RESOLVED**, that said quitclaim deed tendered by Pamela J. Greene, Assistant Director of the Division of Real Property Acquisition and Management pursuant to this resolution, shall contain a reverter clause declaring that title to the above described property shall revert to the County of Suffolk if: 1) the property is not used for the above-described public governmental purposes within three (3) years after delivery of the deed to the grantee; or 2) the grantee attempts to sell, transfer, or otherwise dispose of the property or does sell, transfer, or otherwise dispose of said subject property without said property being used thereafter for the above described public

governmental purposes; or 3) the grantee imposes a back-charge or fee against the County for the actual or projected cleanup cost of the debris on the property in violation of Resolution No. 1028-1991; or 4) the grantee violates Resolution No. 256-1998; and be it further

4th **RESOLVED**, this Legislature, being the State Environmental Quality Review Act (SEQRA) Lead Agency, hereby finds and determines that adoption of this law is not an action within the meaning of the State Environmental Quality Review Act and the regulations adopted thereto. See 6 N.Y.C.R.R. Section 617.2(b)(2). The Legislature further finds and determines that even if the adoption of the local law is an action within the meaning of SEQRA, the adoption of the law is a Type II action constituting a legislative decision in connection with routine or continuing agency administration and management, not including new programs or major reordering of priority. See 6 N.Y.C.R.R. Section 617.13(d)(15) and (21). As a Type II action, the Legislature has no further responsibilities under SEQRA 6 N.Y.C.R.R. Section 617.5(a)(1).

DATED: **JUN 9 2009**

APPROVED BY:



County Executive of Suffolk County

Date: **6/18/09**

RE: *Smithtown Town Board Resolution #070*
Re: Accept parcel designated as SCTM #800-54-3-35

DATED: *February 3, 2009*

STATE OF NEW YORK)

TOWN OF SMITHTOWN) SS:
COUNTY OF SUFFOLK)

I, VINCENT PULEO, TOWN CLERK, of the Town of Smithtown, County of Suffolk, State of New York, do hereby certify that the foregoing is a true copy of an original on file in the Town Clerk's Office, and further certify that the said has been compared by me with an original thereof, and that the foregoing is a correct transcript therefrom, and of that whole of said original.

IN WITNESS WHEREOF, I have hereunto set my hand and cause the seal of said Town to be hereunto affixed at Smithtown, in said County and State this **5th** day of **February, 2009**.

V. Puleo

Vincent Puleo - Town Clerk
Town of Smithtown



1425

The following resolution was offered by the town Board en masse:

(#070)

BE IT RESOLVED, that the Town Board be and hereby accepts a parcel designated as Suffolk County Tax Map No. 0800-54-3-35 from Suffolk County at a fee of \$2,602.00. Said parcel is located on the west side of Jefferson Avenue, 308 feet south of Woodlawn Avenue, St. James, Town of Smithtown, Suffolk County, New York. Parcel is 18,850 square feet, undeveloped parcel of land zoned R-21 (residential, 21,780 sq. ft., single family) and is located adjacent to an existing Town of Smithtown recharge basin.

Dated: February 3, 2009

ROLL CALL FOR ADOPTION

Councilman	Creighton	yes
Councilwoman	Biancaniello	yes
Councilman	Wehrheim	yes
Councilman	McCarthy	yes
Supervisor	Vecchio	yes

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 9, 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".

Clerk of the Legislature

Intro. Res. 1425 Res. No. 508

June 9, 2009

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

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

Records:
 Romaine, Schneiderman, Browning, Beedenbender, Losquadro,
 Eddington, Montano, Alden, Lindsay, Vilorio-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	17	1	1		

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