

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 495-2009, APPROVING MAPS AND AUTHORIZING THE ACQUISITION OF LANDS TOGETHER WITH FINDINGS AND DETERMINATIONS PURSUANT TO SECTION 204 OF THE EMINENT DOMAIN PROCEDURE LAW, IN CONNECTION WITH THE ACQUISITION OF PROPERTIES FOR INTERSECTION IMPROVEMENTS ON CR 67, MOTOR PARKWAY AT ADAMS AVENUE, TOWN OF SMITHTOWN, SUFFOLK COUNTY, NEW YORK (CP 3301)

WHEREAS, the Department of Public Works of the County of Suffolk has prepared maps entitled "MAPS SHOWING PROPERTIES TO BE ACQUIRED FOR INTERSECTION IMPROVEMENTS ON C.R. 67 MOTOR PARKWAY AT ADAMS AVENUE, TOWN OF SMITHTOWN, SUFFOLK COUNTY, NEW YORK"; and

WHEREAS, on July 2, 2001, the County of Suffolk as Lead Agency, issued a SEQRA determination of non-significance for the project in Adopted Resolution No. 592-2001 and SEQRA is complete; and

WHEREAS, pursuant to Adopted Resolution Numbers 1171-2002 and 127-2006, the Department of Public Works was directed to hold public hearings; and

WHEREAS, notice of said hearing was duly published in Newsday, a daily newspaper of general circulation in the locality under consideration; and in the South Shore Press and the Smithtown News, said newspapers being the current official County newspapers of the County of Suffolk; and the Smithtown Messenger, the official town newspaper situated in the locality where the public project is located; and

WHEREAS, a public hearing was duly held on December 19, 2008 for the following purposes:

- A. To inform the public.
- B. To review the public use to be served by the above-entitled project.
- C. To determine the impact upon the environment and upon residents of the locality of the project.
- D. To review possible alternative locations.
- E. To authorize the acquisition of said properties for the public purpose as set forth in the title herein; and

WHEREAS, all persons in attendance desiring to be heard on the project were given an opportunity to be heard and to present written statements; and

WHEREAS, Determinations and Findings pursuant to Section 204 of the New York State Eminent Domain Procedure Law were duly made and filed in the Office of the Clerk of the Suffolk County Legislature on January 30, 2009, pursuant to Adopted Resolution Nos. 1171-2002 and 127-2006; and

WHEREAS, a brief synopsis thereof was duly published in two successive issues in the Smithtown News and the Smithtown Messenger, said newspapers at the time of

publication being the current official County newspapers of the County of Suffolk; and the Smithtown Messenger, which, at the time of publication was the current official town newspaper situated in the locality where the public project is located, together with the publication thereof in five successive issues of Newsday, a daily newspaper of general circulation; and

WHEREAS, the maps of this project were duly filed with the Clerk of the Suffolk County Legislature on January 30, 2009, to Adopted Resolution Numbers 1171-2002 and 127-2006; now, therefore be it

1st **RESOLVED**, that the Findings and Determinations heretofore filed with the Clerk of the Suffolk County Legislature on January 30, 2009, and the recommendations contained therein be and the same are hereby adopted and approved; and be it further

2nd **RESOLVED**, that the maps entitled "MAPS SHOWING PROPERTIES TO BE ACQUIRED FOR INTERSECTION IMPROVEMENTS ON C.R. 67 MOTOR PARKWAY AT ADAMS AVENUE, TOWN OF SMITHTOWN, SUFFOLK COUNTY, NEW YORK", being the maps heretofore filed with the Clerk of the Suffolk County Legislature on January 30, 2009, pursuant to Adopted Resolution Numbers 1171-2002 and 127-2006; and be it further

3rd **RESOLVED**, that the Suffolk County Department of Public Works be and hereby is authorized to proceed pursuant to its Rules, Regulations, and Procedures, and Article 3 of the New York State Eminent Domain Procedure Law, to appraise the estates to be acquired and to make offers to the Condemnees by means of the "one offer" system as set forth in the Rules, Regulations, and Procedures of the Suffolk County Department of Public Works and Article 3 of the New York State Eminent Domain Procedure Law; and be it further

4th **RESOLVED**, that the Suffolk County Department of Public Works be and hereby is authorized to acquire the properties set forth in the aforesaid maps herein; said acquisition to be in the name of the County of Suffolk; and be it further

5th **RESOLVED**, that said acquisitions be in fee simple absolute or such lesser estate, if said lesser estate is so indicated on the maps heretofore adopted; and be it further

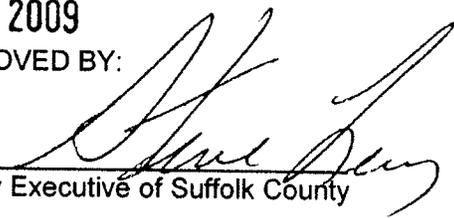
6th **RESOLVED**, that the Suffolk County Department of Public Works be and hereby is authorized and permitted to make the aforesaid acquisition of said lands from the Condemnees by negotiation, purchase, and conveyance; and in the event that the Suffolk County Department of Public Works is unable to acquire said property by negotiation, purchase and conveyance, it is hereby authorized, permitted, and directed to acquire said property pursuant to the Eminent Domain Procedure Law; and be it further

7th **RESOLVED**, that in all proceedings pursuant to Articles 4, 5, and 6 of the Eminent Domain Procedure Law, the County Attorney, his Deputies and Assistant County Attorneys be and they hereby are authorized to appear for and represent the County of Suffolk in all courts having jurisdiction thereof; and be it further

8th **RESOLVED**, that the County Attorney, his Deputies and Assistant County Attorneys be and they hereby are authorized and permitted to compromise, adjust, and settle any claims for compensation where said claims have been filed pursuant to Articles 5 and 6 of the Eminent Domain Procedure Law; such settlements, compromises and adjustment to be made in open sessions of the court having jurisdiction thereof.

DATED: JUN 9 2009

APPROVED BY:


County Executive of Suffolk County

Date: JUN 11 2009