Intro. Res. No. 1479-2009 Laid on Table 6/9/2009
Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 654 -2009, AUTHORIZING THE SALE OF COUNTY-OWNED REAL PROPERTY PURSUANT TO SECTION 72-H OF THE GENERAL MUNICIPAL LAW TO THE TOWN OF BROOKHAVEN FOR AFFORDABLE HOUSING PURPOSES

WHEREAS, the County of Suffolk is the fee owner of certain parcels which are particularly described in Exhibit "A" attached hereto; and

WHEREAS, said parcels are surplus to the needs of the County of Suffolk; and

WHEREAS, section 72-h of the General Municipal Law permits the sale of real property between Municipal Corporations; and

WHEREAS, the Town of Brookhaven, Suffolk County, New York, has requested the County of Suffolk convey the above-described parcel to it see annexed Resolution hereto marked as Exhibit "B"; and

WHEREAS, the transfer of these parcels are pursuant to and in accordance with Local Law Nos. 13-2000, 2-2002 and 17-2004 which established and modified the Affordable Housing Opportunities Program; and

WHEREAS, the Suffolk County Department of Economic Development and Workforce Housing has approved the use of these parcels for the purposes stated above; now, therefore be it

1st **RESOLVED**, the subject parcels shall be conveyed to the Town of Brookhaven, Suffolk County, New York for affordable housing use, together with the following restrictive covenants that will run with the land so conveyed and, additionally, if any one or more of the following occurs, the subject premises shall revert to the grantor as herein provided and as provided in any deed evidencing the transfer of the subject premises from the grantor to the grantee:

1. If the grantee is not restricted in its use of the subject premises solely and exclusively for affordable housing purposes; with all right, title, and interest reverting to the grantor, at the sole option of the grantor, in the event that the housing purposes, in accordance with the approved plan submitted by the grantee. Such reverter clauses contained herein shall apply to the grantee, or any transferee from the grantee undertaking the construction, reconstruction or rehabilitation of affordable housing on the subject premises;

2. If the grantee fails to construct or complete construction of affordable housing unit or units on said property within three (3) years from the date of transfer unless an extension of time is granted in writing, for good cause shown, by

3. the Suffolk County Director of Affordable Housing or any successor thereto. Such extension shall not exceed two-two year extensions unless approved by duly enacted resolution of the grantor;

3. If the income, at initial occupancy, of the occupant should exceed 80% of the HUD established median income for the Nassau-Suffolk PMSA based on family size;

4. If the subsidized purchase price of home should exceed 60% of median sales price for Suffolk County based upon the State of New York Mortgage Agency Guidelines;

5. If the rent should exceed HUD established fair market rent for Nassau-Suffolk PMSA based upon bedroom size;

6. If the affordable housing unit or units are owner-occupied, and the unit or units fail(s) to remain the principal residence of the owner for a period of five (5) consecutive years. If the affordable housing unit or units are tenant-occupied, and the unit or units fail(s) to remain affordable for ten (10) consecutive years;

7. If the grantee fails to certify to the Suffolk County Director of Affordable Housing prior to closing of the title with any affordable housing grantee

   a. the dates of completion and occupancy for any affordable housing unit or units constructed or rehabilitated on said property; and

   b. the total household income, from all sources, of the purchaser or purchasers of the property and his or her family; and

   c. the total purchase or rental price of the affordable housing unit or units sold or otherwise transferred; and

   d. the affordable housing unit or units meet local building and zoning codes;

8. If the grantee shall fail to provide the Suffolk County Director of Affordable Housing with an annual written report, no later than December 31 of each year commencing December 31, 2009, on the subject premises, including, but not limited to, the exact and precise use to which the subject premises has been put to along with the net proceeds generated by the initial purchase of the subject premises; or

9. If any subsequent grantee fails to comply with all applicable state, federal, and local regulations pertaining to price, income eligibility and marketing standards for affordable housing programs.

and be it further

2nd **RESOLVED**, the grantee will be restricted in its use of the subject parcels and will use said parcels solely and exclusively for affordable housing with all right title and interest reverting to the County of Suffolk in the event that the grantee at any time, uses or attempts to use said subject parcels for other than affordable housing or attempts to sell, transfer or otherwise dispose of or does, in fact, sell transfer or otherwise dispose of said subject parcels with said parcels being used thereafter for other than affordable housing; and be it further

3rd **RESOLVED**, that neither grantee nor any subsequent grantee shall bill or charge back to grantor any cost incurred or projected to be incurred for the cleaning up, removal and disposal of any debris, waste and /or contamination on said properties. In the event that such charge back or bill is rendered to the grantor the transfer shall be void ab initio and the realty shall revert to the grantor; and be it further

4th **RESOLVED**, that it is intended and agreed that the agreements and covenants contained in the deed evidencing transfer of subject premises shall be covenants running with the land and that they shall be, in any event , and without regard to technical classification of designation, legal or otherwise, and except only by law, binding for the benefit and in favor of, and enforceable by, the grantor, it being further understood that such agreements and covenants shall be binding only upon the grantee, if it be a municipality or any assignee of the grantee, undertaking the construction, reconstruction or rehabilitation of affordable housing, only for such period as they shall have title to or an interest in or possession of the property or part thereof; and be it further

5th **RESOLVED**, the conveyance of the parcel described to the Town of Brookhaven for the purposes described herein shall be for the sum of One Dollar, and, upon payment of such sum, all subsequent grantees of such subject premises shall comply with all applicable state, federal, and local regulations pertaining to the price, income eligibility and marketing standards for affordable housing programs; and be it further

6th **RESOLVED**, that the Director of Real Property Acquisition and Management, or his designee, be and hereby is authorized to execute and acknowledge a quitclaim deed to transfer the interest of Suffolk County in the above-described properties upon the above-described terms and conditions; and be it further

7th **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) Lead Agency hereby finds and determines that the adoption of this resolution is a Type II Action, constituting a Legislative decision in connection with routine or continuing agency administration and management, not including new programs or a major re-ordering of priorities (NYCRR Section 617.5(c)(20) and (27)). As a Type II Action, the Legislature has no further responsibilities under SEQRA (6 NYCRR Section 617.5(a)).

DATED: AUG 4 2009

APPROVED BY:

County Executive of Suffolk County

Date: AUG 17 2009

EXIHIBIT "A"

Tax Map No.	LOCATION	ACRES
0200-750.00-05.00-044.005	W/S/O Franklin Avenue, 180' N/O Elliott Street, Mastic	0.137
0200-750.00-05.00-044.006	W/S/O Franklin Avenue, 120' N/O Elliott Street, Mastic	0.137
0200-750.00-05.00-044.007	W/S/O Franklin Avenue, 60' N/O Elliott Street, Mastic	0.137
0200-750.00-05.00-044.008	N/W/C/O Elliott Street, And Franklin Avenue, Mastic	0.137
0200-979.00-06.00-024.000	E/S/O Cypress Drive, 220' N/O Neighborhood Drive, (A/K/A 157 Cypress Dr.) Mastic Beach	0.137
0200-979.00-09.00-064.000	W/S/O Cypress Drive, 360' S/O Neighborhood Drive, Mastic Beach	0.091
0200-979.00-09.00-065.000	W/S/O Cypress Drive, 220' S/O Neighborhood Drive, (A/K/A 142 Cypress Dr.) Mastic Beach	0.321

Exhibit B"

RESOLUTION NO. 563-08
MEETING OF: JUNE 17, 2008

ADOPTED
BY THE BROOKHAVEN TOWN BOARD

AUTHORIZING THE TRANSFER OF FORECLOSED PROPERTIES AS REFLECTED IN SCHEDULE "A" ATTACHED HERETO FROM THE COUNTY OF SUFFOLK TO THE TOWN OF BROOKHAVEN AND FROM THE TOWN TO VARIOUS NOT-FOR-PROFIT HOUSING AGENCIES TO PROMOTE THE AVAILABILITY OF AFFORDABLE HOUSING

WHEREAS, the Town of Brookhaven, the County of Suffolk under the 72h Program, and various not-for-profit groups have cooperated throughout the years to create affordable housing opportunities and to remove blighting conditions within the Town; and

WHEREAS, the County of Suffolk wishes to transfer to the Town of Brookhaven from its foreclosure inventory various parcels of property as reflected in Schedule "A" attached hereto for the sole purpose of developing affordable housing and to provide eligible residents within the Town with viable homeownership; and

WHEREAS, the Town of Brookhaven desires to continue to be an active partner with providing affordable housing opportunities to residents of the Town;

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Brookhaven that the Supervisor and/or Deputy Supervisor is hereby authorized to execute any agreement and/or instrument approved as to form by the Department of Law, providing for the conveyance of the parcels of property to the various not-for-profit organizations as reflected in the attached Schedule "A" in order to promote and create affordable housing opportunities which will in turn provide the residents of the Town of Brookhaven with viable homeownership; and be it further

RESOLVED, by the Town Board of the Town of Brookhaven that the Town Clerk is hereby directed to post and publish the notice of adoption of this resolution subject to a permissive referendum.

THIS IS TO CERTIFY THAT THIS IS A TRUE AND ACCURATE CERTIFIED COPY OF THE OFFICIAL DOCUMENT ON FILE IN THE TOWN CLERK'S OFFICE OF THE TOWN OF BROOKHAVEN, SUFFOLK COUNTY, NY

Pamela J. Bethel

PAMELA J. BETHEL, TOWN CLERK DATED:
DO NOT ACCEPT UNLESS THE RAISED SEAL OF THE TOWN OF BROOKHAVEN IS AFFIXED HEREON

Schedule A

Tri-Hamlet Properties

	SCTM#	ADDRESS	TOWN	NFP
1	0200-616.00-02.00-26.0020	Rowlinson Drive	Shirley	EOC of Suffolk
2	0200-750.00-05.00-044.005	Franklin Ave	Mastic	Long Island Housing Partnership
3	0200-750.00-05.00-044.006	Franklin Ave	Mastic	Long Island Housing Partnership
4	0200-750.00-05.00-044.007	Franklin Ave	Mastic	Long Island Housing Partnership
5	0200-750.00-05.00-044.008	Franklin Ave	Mastic	Long Island Housing Partnership
6	0200-979.00-05.00-064.000	Beaver Ave	Mastic Beach	Habitat for Humanity of Suffolk
7	0200-979.00-05.00-065.000	Beaver Ave	Mastic Beach	Habitat for Humanity of Suffolk
8	0200-973.30-03.00-004.000	Harrison Drive	Shirley	Habitat for Humanity of Suffolk
9	0200-824.00-09.00-033.000	Carlton Ave	Mastic	Habitat for Humanity of Suffolk
10	0200-853.00-06.00-037.000	Patchogue Ave	Mastic	Habitat for Humanity of Suffolk
11	0200-824.00-04.00-035.000	Stuyvesant Ave	Mastic	Long Island Housing Partnership
12	0200-824.00-04.00-036.000	Stuyvesant Ave	Mastic	Long Island Housing Partnership
13	0200-967.00-03.00-057.000	Ranch Drive	Shirley	Habitat for Humanity of Suffolk
14	0200-975.00-04.00-027.002	Wavecrest Ave	Mastic Beach	Habitat for Humanity of Suffolk
15	0200-975.00-04.00-027.003	6 Wavecrest Ave	Mastic Beach	Habitat for Humanity of Suffolk
16	0200-821.00-04.00-02.0010	1098 William Floyd Parkway	Shirley	Long Island Housing Partnership
17	0200-821.00-04.00-03.0020	1094 William Floyd Parkway	Shirley	Long Island Housing Partnership
18	0200-821.00-04.00-02.0020	97 Forrest Ave	Shirley	EOC of Suffolk
19	0200-854.00-02.00-055.000	Main Street	Mastic	CDCLI
~~20~~	~~0200-976.00-03.00-049.000~~	~~3 Pine Road~~	~~Mastic Beach~~	CDCLI ~~HABITABLE PARCEL~~
21	0200-976.80-04.00-003.000	184 Mastic Road	Mastic Beach	CDCLI
22	0200-979.00-09.00-064.000	Cypress Drive	Mastic Beach	Long Island Housing Partnership
26	0200-979.00-09.00-065.000	142 Cypress Drive	Mastic Beach	Long Island Housing Partnership
24	0200-979.00-06.00-024.000	157 Cypress Drive	Mastic Beach	Long Island Housing Partnership

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 August 4, 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.

Tim Laube

Clerk of the Legislature

Intro. Res. 1479 Res. No. 654 August 4, 2009

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

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

Second:
Romaine, Schneiderman, Browning, Beedenbender, Losquadro
Eddington, Montano, Alden, Lindsay, Viloria-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

X 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 X FAILED ___
No Motion ___ No Second ___

RESOLUTION DECLARED

X ADOPTED
___ NOT ADOPTED

Roll Call ___ Voice Vote X

Tim Laube
Tim Laube, Clerk of the Legislature