

RESOLUTION NO. 808 -2009 AUTHORIZING THE ACQUISITION OF FARMLAND DEVELOPMENT RIGHTS UNDER THE NEW SUFFOLK COUNTY DRINKING WATER PROTECTION PROGRAM (EFFECTIVE DECEMBER 1, 2007) FOR THE GREGOR (A/K/A CHEADLE) PROPERTY - TOWN OF BROOKHAVEN (SCTM NO. 0200-589.00-03.00-008.002 p/o)

WHEREAS, Local Law No. 24-2007, "A Charter Law Extending and Accelerating the Suffolk County ¼% Drinking Water Protection Program for Environmental Protection," Section C12-2(A)(1) authorized the use of 31.10 percent of sales and compensating tax proceeds generated each year for environmental protection, as determined by duly enacted Resolutions of the County of Suffolk; and

WHEREAS, adequate funding is provided for, pursuant to Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, from 31.10 percent of the sales and compensating tax proceeds, for the acquisition of such land; and

WHEREAS, Resolution No. 442-2008, authorized planning steps for the acquisition of farmland development rights of the subject property; and

WHEREAS, pursuant thereto, said acquisition is to be made in accordance with the procedures set forth in Chapter 8 of the Suffolk County Code which provides that the same shall be consummated in accordance with provisions of General Municipal Law Section 247 and the recommendation of the Suffolk County Farmland Committee; and

WHEREAS, the Environmental Trust Review Board has reviewed the appraisals and the report of the Internal Appraisal Review Board and has approved the purchase price and authorized the Director of Real Property Acquisition and Management to negotiate the acquisition of farmland development rights; and

WHEREAS, based upon the Environmental Trust Review Board approved value, an offer to acquire the rights to subject property was made to and accepted by the owner of said property; and

WHEREAS, contracts to acquire said rights were prepared by the Office of the County Attorney, executed by the owner of the subject property and the Director of Real Property Acquisition and Management and approved as to legality by the Office of the County Attorney; now, therefore be it

1st RESOLVED, that the County of Suffolk hereby approves the acquisition of the farmland development rights of the subject property set forth below under the New Suffolk County Drinking Water Protection Program, effective December 1, 2007, Farmland component, for a total purchase price of Three Hundred Sixty Eight Thousand Nine Hundred Twenty Dollars (\$368,920.00+), at Forty Six Thousand Dollars (\$46,000.00) per acre for 8.02+ acres, subject to a final survey; and hereby authorizes additional expenses, which shall include, but not be limited to, the cost of surveys, appraisals, environmental audits, title reports and insurance, and tax adjustments for inclusion in the Suffolk County Farmland Development Rights Program:

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|--------------------------------|---|---|---|
| <u>PARCEL:</u> No. 1 | SUFFOLK COUNTY <u>TAX MAP NUMBER:</u> District 0200 Section 589.00 Block 03.00 Lot 008.002 p/o | <u>ACRES:</u> 8.02 _± | <u>REPUTED OWNER AND ADDRESS:</u> Louanne Gregor a/k/a Louanne E. Cheadle 185 Dayton Avenue Manorville, NY 11949 |
|--------------------------------|---|---|---|

and be it further

2nd **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management and/or her designee, is hereby authorized, empowered, and directed, pursuant to Section C42-2(C)(3) of the SUFFOLK COUNTY CHARTER, to acquire the parcel(s) listed herein above from the reputed owner, the funding for which shall be provided under the New Suffolk County Drinking Water Protection Program, effective as of December 1, 2007, Farmland component, Section C12-2(A)(1)(f) of the SUFFOLK COUNTY CHARTER, for the County's purchase price of Three Hundred Sixty Eight Thousand Nine Hundred Twenty Dollars (\$368,920.00_±), at Forty Six Thousand Dollars (\$46,000.00) per acre for 8.02_± acres, subject to a final survey; and be it further

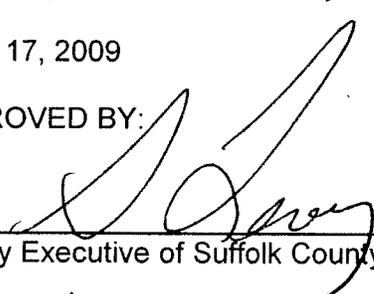
3rd **RESOLVED**, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$368,920.00_±, subject to a final survey, from previously appropriated funds in Capital Project 525-8712.210 for the New Suffolk County Drinking Water Protection Program, effective December 1, 2007, Farmland component, Section C12-2(A)(1)(f) of the SUFFOLK COUNTY CHARTER, for this acquisition; and be it further

4th **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management and/or her designee; the County Planning Department; and the County Department of Public Works are hereby authorized, empowered, and directed to take such actions and to pay such additional expenses as may be necessary and appropriate to consummate such acquisition, including, but not limited to, securing appraisals, title insurance and title reports, obtaining surveys, engineering reports and environmental audits, making tax adjustments and executing such other documents as are required to acquire such County interest in said lands; and be it further

5th **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 6 NYCRR Sections 617.5 c (20) and (27) of the New York Code of Rules and Regulations since such actions are simply legislative decisions administering and implementing the acquisition of farmland development rights as part of the Suffolk County Farmland Preservation Program which will mainly result in a beneficial impact and for which SEQRA Determination of Non-Significance has already been issued.

DATED: September 17, 2009

APPROVED BY:



County Executive of Suffolk County

Date: 9/25/09

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 September 17, 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. 1755 Res. No. 808

September 17, 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

Second:

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 | — | | |

| MOTION |
|---|
| <input checked="" type="checkbox"/> 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 |
|---|
| <input checked="" type="checkbox"/> ADOPTED |
| NOT ADOPTED |

Renée J. Ortiz

 Tim Laube, Clerk of the Legislature

Roll Call _____ Voice Vote