

Intro. Res. No. 1817-2009
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 9/17/2009

**RESOLUTION NO. 910 -2009, SALE OF COUNTY-OWNED
REAL ESTATE PURSUANT TO SECTION 72-H OF THE
GENERAL MUNICIPAL LAW - TOWN OF BROOKHAVEN -
(SCTM NO. 0200-182.00-04.00-036.000)**

WHEREAS, the COUNTY OF SUFFOLK acquired an interest in 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 Brookhaven, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0200, Section 182.00, Block 04.00, Lot 036.000 and being declared surplus property, and designated as Parcel No. 1220, described as follows:

Beginning at a point on the southerly highway boundary of the Hauppauge-Port Jefferson, S.H. 9376, at its intersection with the easterly highway boundary of the Port Jefferson-Coram, S.H. 912, said point being also the northwesterly corner of Lot No. 8 in Block No. 12 of a certain map entitled "Map of Port Jefferson Villas" and filed in the Office of the Clerk of Suffolk County on January 7, 1928, as Map No. 49, and being located 266± feet distant southeasterly measured at right angles from Station 355+86± of the centerline established for the Hauppauge-Port Jefferson, S.H. 9376; thence through the property of the People of the State of New York, 108± feet to a point on the existing boundary of the Hauppauge-Port Jefferson, S.H. 9376, said point being also the southwest corner of Lot No. 23 of Block 12 of the aforementioned map; thence easterly along said highway boundary 48± feet to an angle point; thence southeasterly 113± feet to the point of beginning, being 2460± Square Feet or 0.056 Acre more or less.

Being a portion of the land acquired in fee by virtue of map No. 106-1, acquired for the Nesconset-Port Jefferson, Station Road, County Road 80, by virtue of a resolution and order adopted by the Board of Supervisors in accordance with Chapter 587 of Laws of 1929, and transferred to the State of New York, Department of Public Works, now Transportation, on October 6, 1966, pursuant to Section 341 of the Highway Law, as amended by Chapter 514, Laws of 1966, by virtue of Official Order No. 1210.

The above mentioned centerline is as established for the construction of the Hauppauge-Port Jefferson, S.H. 9376, and a portion is described as follows:

Beginning at Station 355+35.07; thence N. 51°-03'-05" E. a distance of 1888.66 feet to Station 374+23.73. All bearings are referred to True North.

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 Brookhaven has requested that the County of Suffolk convey to the Town the parcel described in Exhibit A annexed hereto; and

WHEREAS, this parcel is contiguous to state land that houses the Port Jefferson Station-Terryville Chamber of Commerce Railroad Car Tourist Information Center and would complement the Railroad Site; and

WHEREAS, this parcel, originally acquired by the County of Suffolk in 1950 for road construction (.10 acre), was transferred to the former County Department of Real Estate in 1986; 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 Brookhaven for the sum of \$9,192.13 plus the pro rata share of the current tax adjustment due at closing; and be it further

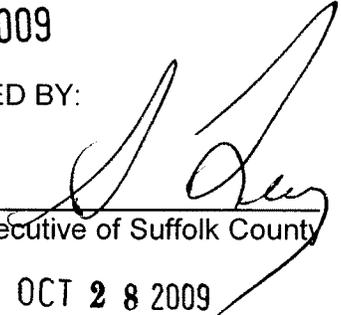
2nd **RESOLVED**, that the Town of Brookhaven will be restricted in its use of the subject parcel and will use said parcel solely and exclusively for Active Park Purposes; with all right title and interest reverting to the County of Suffolk in the event that the Town of Brookhaven, at any time, uses or attempts to use said subject parcel for other than Active Park 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 Active Park Purposes; and be it further

3rd **RESOLVED**, that said quitclaim deed tendered by the 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: **OCT 13 2009**

APPROVED BY:



County Executive of Suffolk County

Date: **OCT 28 2009**

Exhibit "A"

187

ADOPTED
BY THE BROOKHAVEN TOWN BOARD

RESOLUTION NO. 217-09
MEETING: February 26, 2009

ACQUISITION OF LAND FROM THE COUNTY OF SUFFOLK PURSUANT TO GENERAL MUNICIPAL LAW §72-H (SCTM No. 0200-182.00-04.00-036.000) SOUTHEAST CORNER ROUTES 112 AND 347 IN PORT JEFFERSON STATION

WHEREAS, the Town Board of the Town of Brookhaven seeks to acquire a parcel of property at the southeast corner of Routes 112 and 347 from the County of Suffolk pursuant to §72-h of the General Municipal Law of New York; and

WHEREAS, said property is to be acquired from the County of Suffolk to be used in the future for park space for the residents of Port Jefferson Station-Terryville; and

WHEREAS, the cost for such acquisition shall be \$9,192.13 and the payment of back taxes;

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Brookhaven that the acquisition of certain property located at the southeast corner of Routes 112 and 347 in Port Jefferson Station (SCTM No. 0200-182.00-04.00-036.000) is hereby authorized in accordance with the provisions of §72-h of the General Municipal Law, said property to be used only for park space for the residents of Port Jefferson Station-Terryville thereafter; and be it further

187

RESOLVED that by this resolution the Town Board hereby requests of the County of Suffolk that said aforementioned parcel be transferred to the Town of Brookhaven in accordance with the provisions of §72-h of the General Municipal Law; and be it further

RESOLVED that the Commissioner of Finance is hereby authorized to issue a check from Account No. H 1420-3080 2007 in the sum of \$9,192.13 payable to the Suffolk County Department of Real Estate, to effectuate the transfer.

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 October 13, 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. 1817 Res. No. 910

October 13, 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	1		

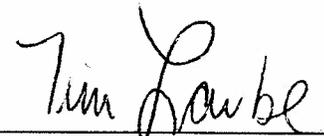
MOTION

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, Clerk of the Legislature

Roll Call _____ Voice Vote