Intro. Res. No. 1880-2009 Laid on Table 10/13/2009
Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 985-2009, SALE OF COUNTY-OWNED REAL ESTATE PURSUANT TO SECTION 72-H OF THE GENERAL MUNICIPAL LAW INCORPORATED VILLAGE OF NORTHAVEN (SCTM NOS. 0901-002.00-04.00-109.00 AND 111.000)

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

(SCTM NO. 0901-002.00-04.00-109.000)

ALL, that certain plot, piece or parcels of land, with any buildings and improvements thereon erected, situate, lying and being in the Incorporated Village of North Haven, Town of Southampton, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0901 Section 002.00, Block 04.00 Lot 109.000 and acquired by Tax Deed on July 26, 1999 from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on August 9, 1999 in Liber 11981 at Page 309 and described as follows, Incorporated Village of North Haven, Town of Southampton, known and designated as Lot 125 on a certain map entitled "Map of North Haven Hills", and filed in the Office of the Clerk of the County of Suffolk on May 14, 1980 as Map No. 6901; and

(SCTM NO. 0901-002.00-04.00-111.000)

ALL, that certain plot, piece or parcels of land, with any buildings and improvements thereon erected, situate, lying and being in the Incorporated Village of North Haven, Town of Southampton, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0901 Section 002.00, Block 04.00 Lot 111.000 and acquired by Tax Deed on July 26, 1999 from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on August 9, 1999 in Liber 11981 at Page 309 and described as follows, Incorporated Village of North Haven, Town of Southampton, known and designated as Lot 126 on a certain map entitled "Map of North Haven Hills", and filed in the Office of the Clerk of the County of Suffolk on May 14, 1980 as Map No. 6901; 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 Incorporated Village of North Haven, has requested that the County of Suffolk convey to the town the parcels described in Exhibit A annexed hereto; and

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

1st **RESOLVED**, that Pamela J. Greene, 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 Incorporated Village of North Haven, for the sum of One Dollar; and be it further

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

3rd **RESOLVED**, that said quitclaim deed tendered by Pamela J. Greene, 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 properties shall revert to the County of Suffolk if: 1) the properties are 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 properties or does sell, transfer, or otherwise dispose of said subject properties without said properties 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 properties 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: NOV 17 2009

APPROVED BY:

County Executive of Suffolk County

Date:

DEC 02 2009

Exhibit "A"

Village of North Haven

335 Ferry Road
Sag Harbor, New York 11963

Phone: 631-725-1378

Fax: 631-725-1120

WHEREAS, the County of Suffolk, Division of Real Property Acquisition and Management, has by letter dated September 1, 2009,offered the following parcels to the Village of North Haven, SCTM#s: 901-2-4-109 and 2-4-111, and

WHEREAS, the parcels have been identified as Lots 125 and 126 in the North Haven Hills Subdivision for use as drainage recharge areas, and

WHEREAS, no building permits are to be issued on the aforementioned parcels as outlined in Article IV of the Covenants and Restrictions of the North Haven Hills Subdivision, and

WHEREAS, the Board of Trustees of the Village of North Haven is desirous of this offering, now therefore

BE IT RESOLVED, that the Board of Trustees of the Village of North Haven by this resolution wishes to pursue the acquisition of the aforementioned parcels and the clerk of the Board is authorized to send a copy of this resolution to R.J. Bhatt, Land Management Specialist, Division of Real Property Acquisition and Management County of Suffolk.

The Vote was as follows:

Nolan	-	Aye
Smyth	-	Aye
Sander	-	Aye
Morrissey	-	Aye
Butts	-	Absent

DATED: September 8, 2009

Georgia L. Welch

Georgia L. Welch, Village Clerk

11880-09

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 November 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.

Tim Laube

Clerk of the Legislature

Intro. Res. 1880 Res. No. 985 November 17, 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	16	—	1	1	

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