

AMENDED COPY AS OF 12/7/2009

Intro. Res. No. 1922-2009

Laid on Table 10/13/2009

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. -2010, ADOPTING LOCAL LAW
NO. -2010, A LOCAL LAW DECLARING AS SURPLUS AND
AUTHORIZING THE EXECUTION OF A CONTRACT FOR THE
SALE OF ~255 ACRES IN YAPHANK TO LEGACY VILLAGE
REAL ESTATE GROUP, LLC FOR MIXED USE DEVELOPMENT**

WHEREAS, there was duly presented and introduced to this County Legislature at a regular meeting held on December 1, 2009, a proposed local law entitled, "**A LOCAL LAW DECLARING AS SURPLUS AND AUTHORIZING THE EXECUTION OF A CONTRACT FOR THE SALE OF ~255 ACRES IN YAPHANK TO LEGACY VILLAGE REAL ESTATE GROUP, LLC FOR MIXED USE DEVELOPMENT**"; and said local law in final form is the same as when presented and introduced; now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. -2010, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW DECLARING AS SURPLUS AND AUTHORIZING THE
EXECUTION OF A CONTRACT FOR THE SALE OF ~255 ACRES IN
YAPHANK TO LEGACY VILLAGE REAL ESTATE GROUP, LLC FOR
MIXED USE DEVELOPMENT**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF
SUFFOLK**, as follows:

Section 1. Legislative Intent.

This Legislature finds and determines that the power to develop workforce housing is within the broad delegation of "police power" to local governments contained in Article IX, section 2(c)(ii)(10) of the Constitution and implemented by section 10(1)(ii)(a)(12) of the Municipal Home Rule Law. These provisions authorize local governments, including counties, to adopt local laws relating to the government, protection, order, conduct, safety, health and well-being of persons or property in the local government.

This Legislature also finds and determines a local law to provide needed workforce housing would serve a valid public purpose and is a proper exercise of local police power. Such a local law serves the public health, safety and well-being and protects persons and property, in directly providing needed affordable housing to our residents.

This Legislature also finds and determines that the Yaphank County Center is located in the central part of Suffolk County at the approximate midpoint between Riverhead and Hauppauge. The County began purchasing property at this location in 1870. During the 1950's and the 1960's, the County began to acquire additional land in Yaphank in anticipation of future needs, and by the 1970's the County's property holdings increased to ~ 904 acres. The properties were acquired for municipal purpose and are not restricted by deed, covenants, or otherwise limited in use except for the County farm which was dedicated to the conservation of agricultural lands in 2003.

The Legislature also finds and determines that eleven County departments and contract agencies utilize space at the Yaphank Center. They include: Public Works; Police; Board of Elections; Sheriff; Probation; Fire, Rescue and Emergency Services; Cooperative Extension – County farm; Health Services; Consumer Affairs; Audit and Control; and the Vocational Education and Extension Board.

This Legislature also finds and determines that based on a review of the present and planned uses at the Yaphank County Center, acreage is utilized as follows: (i) ~215 acres of the site is currently developed for municipal use or planned for development based on approved capital projects; (ii) ~217 acres of the Yaphank County Center site is used as the County farm that is operated on behalf of the County by Cornell Cooperative Extension; and (iii) ~35 acres have been classified for special uses including a cemetery, river corridor buffer and athletic fields. Thus, the estimated vacant land that may be available for future development is ~437 acres.

Summary of Allocation of Property by Present Use

Use	Number of Acres
Municipal	~215
County Farm	~217
Special Use*	~35
Undeveloped	~437
Total	~904

This Legislature also finds and determines that the County Executive has directed in Executive Order 4-2005 that approximately ~145 acres of the ~437 acres be reserved for future County use. This would provide for a total area for municipal facility use of ~612 acres, including ~217 acres used for the County farm, leaving ~292 acres available for development. (Department of Planning study, “Site Evaluation Plan – March 31, 2005,” a study to identify existing and proposed County uses and to also identify lands that could potentially be declared surplus.)

This Legislature also finds and determines that Legislative Resolution No. 625-2005 created the Yaphank Center Development Review Committee, which Committee submitted written recommendations for future development of the Yaphank County Center, and authorized issuance of Requests for Proposals (RFP) or Expression of Interest for the development of the Yaphank County Center. Three public hearings were held by this committee. Over 2000 people attended the hearings.

This Legislature also finds and determines that the County issued a Request for Expressions of Interest (RFEI) to solicit ideas for the possible development of a portion of the County’s holdings in Yaphank. Eleven responses were received.

This Legislature also finds and determines that the Yaphank Center Development RFEI Outreach Committee (Committee) was formed by Legislative resolution in April 2006 (Resolution No. 263-2006). The purpose of the Committee was to provide assistance in the public outreach process and to also provide recommendations regarding the RFEI submissions

received by the County. The Committee met on eleven occasions to review the RFEI submissions and to solicit public input. The committee held a public open house to view and comment on the RFEI submissions on June 28, 2006. A report of recommendations was issued in September 2006.

This Legislature also finds and determines that an RFP based on the report was issued on or about January 16, 2007.

This Legislature also finds and determines that two responses to the RFP were received: from Legacy Village Real Estate Group, LLC and Avalon Bay Communities, Inc.- Damianos Realty Group, LLC. The responses submitted by Legacy Village Real Estate Group, LLC provide the best opportunity for sale and development of the ~255 acres of land.

The Legislature also finds and determines that any development of the site would have to be preceded by a site environmental review in accordance with New York State Environmental Quality Review Act (SEQRA) and County law.

This Legislature also finds and determines that provisions of affordable housing may include, as possible components: County provision of necessary land; the siting of affordable housing by County government in appropriate locations within the County; and cooperation with other municipalities in planning for affordable housing. All such components are suitable for use, and should be used, in connection with this declaration of surplus land and approval of the Agreement for sale and development.

Therefore, the purpose of this law is to declare surplus and approve execution of a contract for the sale and mixed use development of ~255 acres in Yaphank by the County to Legacy Village Real Estate Group, LLC.

Section 2. Declaration of Surplus Land.

The ~255 acres of land, which acreage shall be subject to final survey, is surplus to County needs as found in the Department of Planning study, "Site Evaluation Plan – March 31, 2005."

Section 3. Sale of Surplus Land.

Notwithstanding the provisions of New York County Law Sections 215(5) and 215(6), the sale by the County to Legacy Village Real Estate Group, LLC of the County's right, title and interest in and to ~255 acres of land (Descriptions @ Exhibit 1), is hereby authorized in exchange for the delivery, to or upon the order of the County, of (i) the payment of the purchase price as set forth in the proposed Agreement of sale, and (ii) upon such other terms and conditions as are set forth in the proposed Agreement of sale with construction conditions between Legacy Village Real Estate Group, LLC, as purchaser, and the County, as seller (the "Sale Agreement" [Exhibit 2]).

Section 4. Approval of Sale Agreement.

The form and substance of the Sale Agreement, presented to the members of the Legislature at this meeting, is hereby approved.

Section 5. Execution and Delivery of Sale Agreement.

The execution and delivery on behalf of and in the name of the County by the County Executive and/or his designee(s) of the Sale Agreement presented to the members of the Legislature at this meeting, is hereby authorized and directed, with such ministerial and non-substantive changes therein as the County Executive and/or his designee(s) may approve, and the execution and delivery of such Agreement shall be conclusive evidence of his approval of any such changes and of the authorization and direction thereof by this Legislature.

Section 6. Further Actions.

A.) The County Executive and/or his designee(s) are further authorized to execute and deliver, on behalf of the County, such agreements, instruments or authorizations as may be contemplated by, or necessary or advisable to consummate or otherwise give full effect to, the Sale Agreement and this local law, and which are deemed necessary or desirable to effectuate the transactions contemplated by the Sale Agreement and this local law, and to perform all acts and do all things required or contemplated to be performed or done by the Sale Agreement or by this local law or by any agreement, instrument or authorization approved, contemplated, necessary or authorized hereby.

B.) Any department or agency of the County, including but not limited to the Departments of Health Services and Public Works and the Suffolk County Sewer Agency is hereby authorized, empowered and directed to participate in SEQRA to the fullest extent authorized under state law.

Section 7. Applicability.

This law shall apply to all actions occurring on or after the effective date of this law.

Section 8. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 9. SEQRA Determination.

This Legislature has previously duly adopted a resolution making a SEQRA determination in connection with the actions described herein above.

Section 10. Effective Date.

This Local Law shall not take effect until at least forty-five (45) days after its adoption, nor until approved by the affirmative vote of a majority of the qualified electors of the County of Suffolk voting on a proposition for its approval if within forty-five (45) days after its adoption there is filed with the Clerk of the County Legislature a petition protesting against such Local

Law in conformity with the provisions of §24 (1) (a) of the MUNICIPAL HOME RULE LAW, and upon filing in the Office of the Secretary of State.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date: