

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 1134 -2009, SALE OF COUNTY-OWNED
REAL ESTATE PURSUANT TO SECTION 72-H OF THE
GENERAL MUNICIPAL LAW - TOWN OF BROOKHAVEN
(SCTM NO. 0200-276.00-05.00-038.003 et al)**

WHEREAS, the COUNTY OF SUFFOLK is the fee owner of the following described parcels that are surplus to the needs of the County of Suffolk; and (see attached Exhibit "A"); 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 Town of Brookhaven has requested that the County of Suffolk convey these parcels to it (see annexed resolution - Exhibit "B"); and

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

1st **RESOLVED**, that Pamela J. Greene, Director of the Division of Real Property Acquisition and Management, or her Deputy, hereby is authorized to execute and acknowledge a Quitclaim Deed to transfer the interest of Suffolk County in the properties as described in Exhibit "A" annexed hereto and on the terms and conditions as hereinafter described to said Town of Brookhaven for the sum of \$8,284.92; and be it further

2nd **RESOLVED**, that the Town of Brookhaven will be restricted in its use of the subject parcels and will use said parcels solely and exclusively for highway 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 parcels for other than highway 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 highway purposes; and be it further

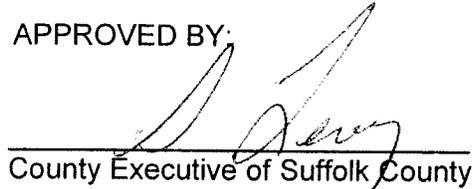
3rd **RESOLVED**, that said quitclaim deed issued by Pamela J. Greene, Director of the Division of Real Property Acquisition and Management, pursuant to this resolution, shall contain a reverter clause declaring that title to the above described property shall revert to the County of Suffolk if: 1) the 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: **DEC 1 2009**

APPROVED BY:



County Executive of Suffolk County

Date: *12-15-09*

EXHIBIT "A"

Tax Map No.	Location	Acre
0200-276.00-05.00-038.003	S/E/C/O Laurel Avenue & Pond Path, East Setauket	0.083
0200-534.00-05.00-040.000	W/S/O Pleasant Avenue & 48' N/O Wolf Hollow Road., Centereach	0.10
0200-564.00-06.00-006.003	N/S/O Garden Street, 410' E/O Park Avenue, Lake Ronkonkoma	0.039
0200-717.00-01.00-016.000	N/E/C/O 7 th Street & Bay Avenue, East Moriches	0.15
0200-717.00-01.00-017.000	S/E/C/O 7 th Street & Bay Avenue, East Moriches	0.15
0200-764.00-02.00-046.000	Northern End of Smith Road, W/S/O Patchogue-Holbrook Road (C.R. 19) Holbrook	0.30
0200-764.00-02.00-047.000	Northern End of Coates Avenue, N. & Main Street, W/S/O Patchogue-Holbrook Rd, (C.R. 19) Holbrook	0.68
0200-865.00-06.00-031.000	E/S/O Twelfth Avenue, 600' S/O Fairview Ave., Holtsville	0.137
0200-867.00-04.00-022.014	E/S/O Newburgh Avenue, 208' S/O Olympic Avenue, Medford	0.19
0200-867.00-04.00-022.015	E/S/O Newburgh Avenue, 125' S/O Olympic Avenue, Medford	0.19

ADOPTED
BY THE BROOKHAVEN TOWN BOARD

Exhibit "B"

RESOLUTION NO. 2009-685
MEETING OF August 4, 2009

AUTHORIZATION TO ACQUIRE VACANT PARCELS OF SUFFOLK COUNTY OWNED LAND FOR HIGHWAY PURPOSES PURSUANT TO SECTION 72-H OF THE GENERAL MUNICIPAL LAW – HENRY STREET, EAST SETAUKET (SCTM #0200-276.00-05.00-038.003), PLEASANT AVENUE, CENTEREACH (SCTM #0200-534.00-05.00-040.000); GARDEN STREET, RONKONKOMA (SCTM #0200-564.00-06.00-006.003); SEVENTH STREET, CENTER MORICHES (SCTM #0200-717.00-01.00-016.000 & 017.000); HORSESHOE DRIVE, HOLBROOK (SCTM #0200-764.00-02.00-046.000 & 047.000); TWELFTH AVENUE, HOLTSVILLE (SCTM #0200-865.00-08.00-031.000) AND NEWBURGH AVENUE, MEDFORD (SCTM #0200-867.00-04.00-022.014 & 022.015)

WHEREAS, Section 72-h of the General Municipal Law of the State of New York permits the sale of real property between municipal governments in the State of New York; and

WHEREAS, there is a vacant parcel of Suffolk County owned land located on Henry Street, East Setauket, further identified as SCTM No. 0200-276.000-05.00-038.003 as shown on the attached map; and

WHEREAS, there is a vacant parcel of Suffolk County owned land located on Pleasant Avenue, Centereach, further identified as SCTM No. 0200-534.00-05.00-040.000 as shown on the attached map; and

WHEREAS, there is a vacant parcel of Suffolk County owned land located on Garden Street, Ronkonkoma, further identified as SCTM No. 0200-564.00-06.00-006.003 as shown on the attached map; and

WHEREAS, there is a vacant parcel of Suffolk County owned land located on Seventh Street, Center Moriches, further identified as SCTM No. 0200-717.00-01.00-016.000 and 017.000 as shown on the attached map; and

WHEREAS, there is a vacant parcel of Suffolk County owned land located on Horseshoe Drive, Holbrook, further identified as SCTM No. 0200-764.00-02.00-046.000 and 047.000 as shown on the attached map; and

WHEREAS, there is a vacant parcel of Suffolk County owned land located on Twelfth Avenue, Holtsville, further identified as SCTM No. 0200-865.00-06.00-031.000 as shown on the attached map; and

WHEREAS, there is a vacant parcel of Suffolk County owned land located on Newburgh Avenue, Medford, further identified as SCTM No. 0200-867.00-04.00-022.014 as shown on the attached map; and

WHEREAS, the Superintendent of Highways of the Town of Brookhaven is interested in acquiring said parcels of real property for highway purposes for a total consideration not to exceed \$8,284.92 plus pro-rata taxes at the time of closing; and

WHEREAS, the Town Board of the Town of Brookhaven is aware that the subject premises shall be conveyed subject to the following restrictive covenants that will run with the land so conveyed: 1) That the Grantee or any subsequent Grantee shall not bill or charge back to the Grantor any cost incurred or projected to be incurred for the cleanup, removal, and disposal of all debris, waste, and/or contamination in or on the subject premises; 2) That the Grantee shall not sell, convey, transfer or otherwise dispose of the subject premises; and

WHEREAS, the Town Board of the Town of Brookhaven is aware that the restrictive covenants described above will run with the land and shall bind the heirs, successors, and assigns of the Town of Brookhaven and in the event of any violation of the restrictive covenants stated above, the Deed conveying said parcels shall be void ab initio and title to the realty shall revert to the County of Suffolk; and

~~WHEREAS, the acquisition of said parcels pursuant to General Municipal Law~~
Section 72-H, as an intergovernmental transfer, is a Type II action pursuant to NYCRR
617.5(c)(19) and, therefore, no further SEQRA review is required,

~~NOW, THEREFORE, BE IT RESOLVED,~~ that the Town Board of the Town of
Brookhaven hereby authorizes, consents and approves the acquisition of the parcels further
identified as SCTM No. 0200-276.00-05.00-038.003, 0200-534.00-05.00-040.000, 0200-564.00-
06.00-006.003, 0200-717.00-01.00-016.000 & 017.000, 0200-764.00-02.00-046.000 & 047.000,
0200-865.00-06.00-031.000, 0200-867.00-04.00-022.014 & 022.015 and requests that the
Suffolk County Legislature approve the conveyance of same pursuant to General Municipal Law
Section 72-H for a consideration not to exceed \$8,284.92 plus pro-rata taxes at the time of
closing subject to the restrictive covenants and reverter provisions as stated above.

Intro. Res. 1945 Res. No. 1134

December 1, 2009

Motion:

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

Co-Sponsors:

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

Second:

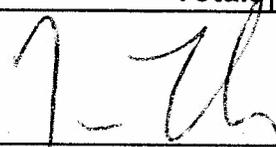
Romaine, Schneiderman, Browning, Beedenbender, Losquadro
 Eddington, Montano, Alden, Lindsay, Viloría-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

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	
<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 <input checked="" type="checkbox"/>	FAILED ___
No Motion ___	No Second ___

RESOLUTION DECLARED	
<input checked="" type="checkbox"/>	ADOPTED
___	NOT ADOPTED

Roll Call ___ Voice Vote



 Tim Laube, Clerk of the Legislature