Intro. Res. No. 1954-2009 Laid on Table 11/17/2009
Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 1138-2009, SALE OF COUNTY-OWNED REAL ESTATE PURSUANT TO LOCAL LAW NO. 13-1976 ROBERT AND PATRICIA GUIDORIZZI (SCTM NO. 0200-853.00-08.00-027.000)**

**WHEREAS**, the COUNTY OF SUFFOLK had acquired an interest in the following described parcel that is surplus to the needs of the County of Suffolk:

**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 853.00 Block 08.00 Lot 027.000 and acquired by Tax Deed on April 8, 1986 from General L. Rains, the Deputy County Treasurer of Suffolk County, New York, and recorded on April 10, 1986 in Liber 10014 at Page 160 and described as follows, Town of Brookhaven, known and designated as Lots 7421 & 7422 on a certain map entitled "Map of Mastic Park", and filed in the Office of the Clerk of the County of Suffolk on March 13, 1922 as Map No. 245 Sec. 8; and

**WHEREAS**, in accordance with Local Law No. 13-1976 of the County of Suffolk, provision has been made for the sale of real property acquired by the County through tax sale to an adjoining property owner; and

**WHEREAS**, Robert and Patricia Guidorizzi, have made an offer to Suffolk County, for the purchase of said above described parcel for the sum of $4,000.00. At closing the purchaser will be responsible for the pro rata share of the current taxes which amount will be due upon receipt of the deed; and

**WHEREAS**, the real property above described has been appraised at $4,000.00, which property is surplus to the needs of the County of Suffolk; and

**WHEREAS**, the Director of the Division of Real Property Acquisition and Management, and/or his designee, has received and deposited the sum of $4,000.00, pursuant to said purchase offer; and

**WHEREAS**, the Suffolk County Department of Planning has reviewed this parcel and recommends that said parcel be sold to adjacent owners with certain restrictive covenants so as to prevent further development of the land; now, therefore be it

1st **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); and be it further

2nd **RESOLVED**, that the deed shall include the following language: AND the premises described herein shall not be independently improved by the erection of any structure, and can be merged with grantee's adjoining parcel if applicable so as to form one single lot. There can be no further subdivision of the merged parcel unless it is consistent with local town and/or village zoning codes and standards of the Suffolk County Department of Health Services, applicable at the time application is made. This restrictive covenant shall be enforceable by the County of Suffolk by injunctive relief or by any other remedy, in equity, or at law. The failure of the County of Suffolk or any agency thereof to enforce this covenant, shall not be deemed to impose any liability whatsoever upon the County of Suffolk or any officer, employee or agent thereof. THIS covenant and restriction shall run with the land and shall be binding upon the grantee, its successor and assigns, and upon all persons claiming under them; and be it further

3rd **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management, and/or her designee, be and she hereby is authorized to execute and acknowledge a Bargain and Sale Deed, without Covenants to transfer the interest of SUFFOLK COUNTY in the above described property and on the above described terms to said Robert and Patricia Guidorizzi, 149 Moriches Avenue, Mastic, New York 11950.

DATED: DEC 1 2009

APPROVED BY:

County Executive of Suffolk County

Date: 12-15-09

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 December 1, 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

SS

Intro. Res. 1954 Res. No. 1138 December 1, 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 | Y | | | | |
| 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**

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, Clerk of the Legislature