

RESOLUTION NO. 1059 -2009, AUTHORIZING THE GRANTING OF A RECIPROCAL PERMANENT EASEMENT WITH THE SUFFOLK COUNTY WATER AUTHORITY ON DRINKING WATER PROTECTION LANDS OF THE COUNTY OF SUFFOLK - COUNTY PARKLAND ALONG SPEONK RIVERHEAD ROAD IN THE TOWN OF SOUTHAMPTON (SCTM NO. 0900-213.00-01.00-057.002 p/o)

WHEREAS, the County of Suffolk is the owner of lands in the Town of Southampton, situated on the east side of Speonk Riverhead Road and south of Moriches Riverhead Road (C.R. 51), with a Suffolk County Tax Map designation of 0900-213.00-01.00-057.002 and 0900-213.00-01.00-061.004, 007.000, and 021.000 and acquired pursuant to the Suffolk County Drinking Water Protection Program, Article XII of the SUFFOLK COUNTY CHARTER; and

WHEREAS, the deeds and associated covenants and restrictions for the property (attached hereto as Exhibit "A"), permit the parcel to be used for production, transmission and distribution of drinking water subject to further review and approval of the Suffolk County Legislature; and

WHEREAS, the Suffolk County Water Authority is the owner of lands immediately to the east of the property owned by the County of Suffolk designated as Suffolk County Tax Map Number 0900-213.00-01.00-057.002 and immediately to the west of the property owned by the County of Suffolk designated as Suffolk County Tax Map Number 0900-213.00-01.00-061.004, and such property owned by the Suffolk County Water Authority has a Suffolk County Tax Map designation of 0900-213.00-01.00-047.000, 049.000, 051.000, 052.000, 053.000, 055.000, 065.001, and 066.001; and

WHEREAS, there exists on both the property owned by the County of Suffolk and the property owned by the Suffolk Water Authority, a paved roadway that both the County of Suffolk and the Suffolk County Water Authority use for ingress and egress to its respective properties, and the continued use of such existing paved roadway obviates the need for the creation of a new roadway on both properties and minimizes any additional clearing of the subject properties; and

WHEREAS, the County of Suffolk and the Suffolk County Water Authority wish to grant to each other a perpetual easement for the continued use of the paved roadway for ingress and egress by each party on the other's property at no additional consideration (the "Easement Area") (Exhibit "B"); and

WHEREAS, the Suffolk County Water Authority additionally intends to install on its own property a public water supply facility and a ground water storage tank in order to provide a large storage water facility that will increase the water supply to the Flanders low-pressure zone, and the Suffolk County Water Authority is seeking the additional right to install such water facilities within the Easement Area as will support this system and complete this project; and

WHEREAS, prior to the implementation of any construction plans within the Easement Area, that the Suffolk County Water Authority shall prepare and submit said plans to the Department of Parks, Recreation and Conservation and the Suffolk County Parks Trustees for review and approval; now, therefore be it

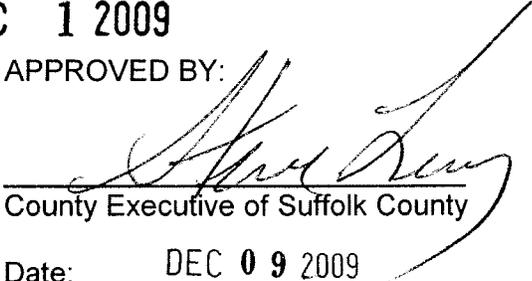
1st **RESOLVED**, that the County Legislature hereby authorizes, empowers, and directs the County Executive, or his designee, to enter into a perpetual reciprocal easement, in a form substantially similar to the draft attached hereto as Exhibit "C", be entered into pursuant to Article XII of the SUFFOLK COUNTY CHARTER, for the continued use for ingress and egress by the County of Suffolk and the Suffolk County Water Authority of Easement Area, and for the Suffolk County Water Authority to install facilities within the Easement Area on County property for production, transmission and distribution of drinking water, and that such perpetual reciprocal easement be subject to the approval of the Department of Parks, Recreation and Conservation, the Suffolk County Parks Trustees, and the Department of Law; and be it further

2nd **RESOLVED**, prior to the implementation of any construction plans within the Easement Area made in connection with this project, that the Suffolk County Water Authority shall conduct and complete review pursuant to State Environmental Quality Review Act (SEQRA); and be it further

3rd **RESOLVED**, that this Legislature, determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(27) and (28) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration.

DATED: **DEC 1 2009**

APPROVED BY:


County Executive of Suffolk County

Date: **DEC 09 2009**

1993

SCHEDULE A

1993

ALL that certain plot, piece or parcel of land situate, lying and being at Speonk & Riverhead, Town of Southampton, County of Suffolk and State of New York, bounded and described as follows:

BEGINNING at a point on the easterly side of Speonk Riverhead Road, said point being situate North 01 degrees 53 minutes 07 seconds West as measured along the easterly side of Speonk Riverhead Road 4,248.75 feet from the Middle Line "Toppings Purchase" Last Division:

RUNNING thence North 01 degree 53 minutes 07 seconds West along the easterly side of Speonk Riverhead Road 111.57 feet to a point;

RUNNING thence North 61 degrees 47 minutes 34 seconds East through land now or formerly County of Suffolk 860.19 feet to Section 3, "Map of Wildwood Lake Park";

RUNNING thence South 01 degree 53 minutes 12 seconds East 111.57 feet to a point;

RUNNING thence South 61 degrees 47 minutes 34 seconds West through land now or formerly County of Suffolk 860.19 feet to the easterly side of Speonk Riverhead Road and the point or place of BEGINNING.

SAID parcel comprising in area of 1.97 acres more or less.

1993

SCHEDULE B

1993

ALL that certain plot, piece or parcel of land situate, lying and being at Speonk & Riverhead, Town of Southampton, County of Suffolk and State of New York, bounded and described as follows:

COMMENCING at a point on the easterly side of Speonk Riverhead Road, said point being situate North 01 degrees 53 minutes 07 seconds West as measured along the easterly side of Speonk Riverhead Road 4,248.75 feet from the Middle Line "Toppings Purchase" Last Division:

RUNNING thence North 01 degree 53 minutes 07 seconds West along the easterly side of Speonk Riverhead Road 111.57 feet to a point;

RUNNING thence North 61 degrees 47 minutes 34 seconds East through land now or formerly County of Suffolk 860.19 feet to Section 3, "Map of Wildwood Lake Park" and the place or point of beginning.

RUNNING thence through Section 3, "Map of Wildwood Lake Park" the following two (2) courses and distances:

1. North 61 degrees 47 minutes 34 seconds East 411.78 feet,
2. South 83 degrees 44 minutes 52 seconds East 51.43 feet to land of Unknown Owner;

RUNNING thence South 01 degree 53 minutes 12 seconds East along land of Unknown Owner 101.02 feet to a point;

RUNNING thence through Section 3, "Map of Wildwood Lake Park" the following two (2) courses and distances:

1. North 83 degrees 44 minutes 52 seconds West 34.72 feet;
2. South 61 degrees 47 minutes 34 seconds West 430.23 feet to a point;

RUNNING thence North 01 degree 53 minutes 12 seconds West 111.57 feet to the place or point of beginning.

SAID parcel comprising in area of 1.07 acres more or less.

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.

A handwritten signature in cursive script, reading "Tim Laube".

Clerk of the Legislature

Intro. Res. 1993 Res. No. 1059

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	17	—	—	—	—

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 _____

Tim Laube

Tim Laube, Clerk of the Legislature

Roll Call _____ Voice Vote