

Introduced by Presiding Officer, on request of the County Executive, and Legislator Romaine

RESOLUTION NO. 1042 -2009, AUTHORIZING THE ACQUISITION OF LAND UNDER THE NEW SUFFOLK COUNTY DRINKING WATER PROTECTION PROGRAM (EFFECTIVE DECEMBER 1, 2007) – OPEN SPACE COMPONENT - FOR THE NORTH FORK KNOLLS I, LP PROPERTY – HUBBARD DUCK FARM - TOWN OF RIVERHEAD – (SCTM No. 0600-112.00-01.00-016.001)

WHEREAS, Local Law No. 24-2007, "A Charter Law Extending and Accelerating the Suffolk County ¼% Drinking Water Protection Program for Environmental Protection," Section C12-2(A)(1) authorized the use of 31.10 percent of sales and compensating tax proceeds generated each year for environmental protection, as determined by duly enacted Resolutions of the County of Suffolk; and

WHEREAS, adequate funding is provided for, pursuant to Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, from 31.10 percent of the sales and compensating tax proceeds, for the acquisition of such land; and

WHEREAS, Resolution No. 257-2002, authorized planning steps for the acquisition of said property; and

WHEREAS, the Town of Riverhead ("Town") has approved Resolution No. 738-2008 on August 19, 2008, authorizing the acquisition of the subject property in partnership with the County of Suffolk; and

WHEREAS, the Environmental Trust Review Board has reviewed the appraisals and the report of the Internal Appraisal Review Board and has approved the purchase price and authorized the Director of Real Property Acquisition and Management to negotiate the acquisition; and

WHEREAS, based upon the Environmental Trust Review Board approved value, an offer to acquire subject property was made at to and accepted by the owner of said property; and

WHEREAS, contracts to acquire said property were prepared by the Office of the County Attorney, executed by the owner of the subject property and the Director of Real Property Acquisition and Management and approve to as to legality by the Office of the County Attorney; now, therefore be it

1st RESOLVED, that the County of Suffolk hereby approves the acquisition of the subject property set forth below under the New Suffolk County Drinking Water Protection Program, effective as of December 1, 2007, Open Space component, for a total purchase price of Five Million Four Hundred Twenty Five Thousand Dollars (\$5,425,000.00±), at Seventy Thousand Dollars (\$70,000.00) per acre, for 77.50± acres, which cost is to be shared by the County of Suffolk and the Town, with the County of Suffolk's share, totaling Two Million Seven Hundred Twelve Thousand Five Hundred Dollars (\$2,712,500.00±), for a fifty percent (50%) undivided interest; and the Town's share, totaling Two Million Seven Hundred Twelve Thousand Five Hundred Dollars (\$2,712,500.00±), for a fifty percent (50%) undivided interest, subject to a

final survey; and hereby authorizes additional expenses, which shall include, but not be limited to, the cost of surveys, appraisals, environmental audits, title reports and insurance, and tax adjustments:

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>	<u>ACRES:</u>	<u>REPUTED OWNER AND ADDRESS:</u>
No. 1	District 0600	77.50±	North Fork Knolls I, LP
	Section 112.00		377 Oak Street
	Block 01.00		Garden City, NY 11530
	Lot 016.001		

and be it further

2nd **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management and/or his designee, is hereby authorized, empowered, and directed, pursuant to Section C42-3(C)(3) of the SUFFOLK COUNTY CHARTER, to acquire the parcel(s) listed herein above from the reputed owner, the funding for which shall be provided under the New Suffolk County Drinking Water Protection Program, effective as of December 1, 2007, Open Space component, Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, for Two Million Seven Hundred Twelve Thousand Five Hundred Dollars (\$2,712,500.00±), subject to a final survey, said amount representing the County's share of the total purchase price; and be it further

3rd **RESOLVED**, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$2,712,500.00±, subject to a final survey, from previously appropriated funds in Capital Project 525-8712.210 for the New Suffolk County Drinking Water Protection Program, effective as of December 1, 2007, open space component, Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, for this acquisition; and be it further

4th **RESOLVED**, that title to this acquisition shall be held by the County of Suffolk and the Town, as tenants-in-common, with the County of Suffolk owning a fifty percent (50%) undivided interest and the Town owning a fifty percent (50%) undivided interest; and be it further

5th **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management and/or his designee; the County Planning Department; and the County Department of Public Works are hereby authorized, empowered, and directed to take such actions and to pay such additional expenses as may be necessary and appropriate to consummate such acquisition, including, but not limited to, securing appraisals, title insurance and title reports, obtaining surveys, engineering reports and environmental audits, making tax adjustments and executing such other documents as are required to acquire such County interest in said lands; and be it further

6th **RESOLVED**, that the acquisition of such parcel(s) meets the following criteria as required under Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER:

- a.) freshwater/tidal wetlands and buffer lands for same;
- b.) lands within the watershed of the coastal stream, as determined by a reasonable planning or hydrological study;
- d.) land to be determined by the County Department of Planning to be necessary for maintaining the quality of surface and/or groundwater in Suffolk County;

and be it further

7th **RESOLVED**, that the reputed owner has agreed to 1.) remove all structures and debris from the property except for the cement slab in the remote northwest corner of the property boarding the railroad, as agreed by all parties; 2.) remediate any contaminated areas as required by Federal and New York Law; 3.) close all wells and septic tanks pursuant to Suffolk County Department of Health Services Standards, all, at no cost to the County before the County acquires the property; and be it further

8th **RESOLVED**, that the subject parcel(s) shall be transferred to the County Department of Parks, Recreation and Conservation for passive recreational use; and be it further

9th **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management is hereby authorized to negotiate and to enter into any necessary collateral agreements with the Town to effectuate the terms of this resolution; and be it further

10th **RESOLVED**, if desired, the County of Suffolk, through its Department of Parks, Recreation and Conservation is hereby authorized to negotiate and to enter into a municipal cooperation agreement with the Town for the management of this acquisition, consistent with this program, and the terms and conditions thereof shall be approved by the Suffolk County Attorney in consultation with the respective Commissioner of the County Department of Parks, Recreation and Conservation, who is charged with the management and operation of said property; and be it further

11th **RESOLVED**, that the above activity is an unlisted action pursuant to the provisions of Title 6 NYCRR, Part 617; and be it further

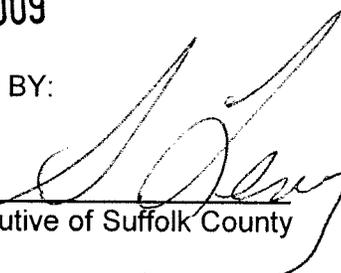
12th **RESOLVED**, that the project will not have a significant effect on the environment for the following reasons:

- 1.) the proposed action will not exceed any of the criteria of 6 NYCRR, Section 617.7, which sets forth thresholds for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form; and
- 2.) the proposed use of the subject parcel(s) is passive recreation; and
- 3.) if not acquired, the property will most likely be developed for residential purposes; incurring far greater environmental impact
- 4.) that the proposed acquisition and preservation of the site would have; and be it further

13th **RESOLVED**, that in accordance with Section 279-5(C)(4) of the SUFFOLK COUNTY CODE, the Suffolk County Council on Environmental Quality is hereby directed to prepare and circulate any appropriate notices or determinations in accordance with this resolution.

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.

A handwritten signature in black ink that reads "Tim Laube".

Clerk of the Legislature

Intro. Res. 2084 Res. No. 1042

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	16	1	1		

MOTION
<input checked="" type="checkbox"/> Approve
Table: _____
<input type="checkbox"/> Send To Committee
<input type="checkbox"/> Table Subject To Call
<input type="checkbox"/> Lay On The Table
<input type="checkbox"/> Discharge
<input type="checkbox"/> Take Out of Order
<input type="checkbox"/> Reconsider
<input type="checkbox"/> Waive Rule _____
<input type="checkbox"/> Override Veto
<input type="checkbox"/> Close
<input type="checkbox"/> Recess
APPROVED <input checked="" type="checkbox"/> FAILED _____
No Motion _____ No Second _____

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

Roll Call _____ Voice Vote

Tim Laube
Tim Laube, Clerk of the Legislature