

RESOLUTION NO. 1249 -2009, APPROVING CERTAIN MAPS AND AUTHORIZING THE ACQUISITION OF CERTAIN LANDS TOGETHER WITH CERTAIN PORTIONS OF THE FINDINGS AND DETERMINATIONS PURSUANT TO SECTION 204 OF THE EMINENT DOMAIN PROCEDURE LAW, IN CONNECTION WITH THE ACQUISITION OF PROPERTIES FOR THE RECONSTRUCTION OF C.R. 3, PINELAWN ROAD/ WELLWOOD AVENUE AT COLONIAL SPRINGS ROAD, TOWNS OF BABYLON AND HUNTINGTON, SUFFOLK COUNTY, NEW YORK AND AUTHORIZING PLANNING STEPS FOR THE VOLUNTARY ACQUISITION OF LAND IN CONNECTION WITH THE ACQUISITION OF PROPERTIES FOR THE RECONSTRUCTION OF C.R. 3, PINELAWN ROAD/ WELLWOOD AVENUE AT COLONIAL SPRINGS ROAD, TOWNS OF BABYLON AND HUNTINGTON, SUFFOLK COUNTY, NEW YORK (CP 5510)

WHEREAS, the Department of Public Works of the County of Suffolk has prepared maps entitled "MAPS SHOWING PROPERTIES TO BE ACQUIRED FOR THE RECONSTRUCTION OF C.R. 3, PINELAWN ROAD / WELLWOOD AVENUE AT COLONIAL SPRINGS ROAD, TOWN OF BABYLON, SUFFOLK COUNTY, NEW YORK"; and

WHEREAS, on December 15, 2008, the County of Suffolk as Lead Agency, issued a SEQRA determination of non-significance for the project in Adopted Resolution No. 981-2008 and SEQRA is complete; and

WHEREAS, pursuant to Adopted Resolution Nos. 328-2009 and 529-2009, the Department of Public Works was directed to hold public hearings; and

WHEREAS, notice of said hearing was duly published in Newsday, a daily newspaper of general circulation in the locality under consideration; and in the Smithtown News and the Smithtown Messenger, said newspapers being the current official County newspapers of the County of Suffolk; and the Babylon Beacon and the Long Islander, the official town newspaper situated in the locality where the public project is located; and

WHEREAS, a public hearing was duly held on June 30, 2009 for the following purposes:

- A. To inform the public
- B. To review the public use to be served by the above-entitled project.
- C. To determine the impact upon the environment and upon residents of the locality of the project.
- D. To review possible alternative locations.
- E. To authorize the acquisition of said properties for the public purpose as set forth in the title herein; and

WHEREAS, all persons in attendance desiring to be heard on the project were given an opportunity to be heard and to present written statements; and

WHEREAS, Determinations and Findings pursuant to Section 204 of the New York State Eminent Domain Procedure Law were duly made and filed in the Office of the Clerk of the Suffolk County Legislature on September 4, 2009, pursuant to Adopted Resolution Nos. 328-2009 and 529-2009; and

WHEREAS, a brief synopsis thereof was duly published in two successive issues in the Smithtown Messenger, said newspaper at the time of publication being the current official County newspaper of the County of Suffolk; and the Babylon Beacon and the Long Islander, which, at the time of publication was the current official town newspaper situated in the locality where the public project is located, together with the publication thereof in two successive issues of Newsday, a daily newspaper of general circulation; and

WHEREAS, the maps of this project were duly filed with the Clerk of the Suffolk County Legislature on September 4, 2009, pursuant to Adopted Resolution Nos. 328-2009 and 529-2009; now, therefore be it

1st **RESOLVED** that the Findings and Determinations heretofore filed with the Clerk of the Suffolk County Legislature on September 4, 2009, and the recommendations contained therein be and the same are hereby adopted and approved except for that portion of the Findings and Determinations recommending that all acquisitions shall be contingent upon acquiring Proposed Acquisition Map Nos. 13, 14, 15, 16, 17, and 18, said portion of the Findings and Determinations being specifically rejected; and be it further

2nd **RESOLVED**, that the maps entitled "MAPS SHOWING PROPERTIES TO BE ACQUIRED FOR THE RECONSTRUCTION OF C.R. 3, PINELAWN ROAD / WELLWOOD AVENUE AT COLONIAL SPRINGS ROAD, TOWN OF BABYLON, SUFFOLK COUNTY, NEW YORK"; being the maps heretofore filed with the Clerk of the Suffolk County Legislature on September 4, 2009, pursuant to Adopted Resolution Nos. 328-2009 and 529-2009; be and the same are hereby approved and adopted except for Proposed Acquisition Map Nos. 13, 14, 15, 16, 17, and 18 which cannot be acquired under the provisions of the New York State Eminent Domain Procedure Law; and be it further

3rd **RESOLVED**, that the Suffolk County Department of Public Works be and hereby is authorized to proceed pursuant to its Rules, Regulations, and Procedures, and Article 3 of the New York State Eminent Domain Procedure Law, to appraise the estates to be acquired and to make offers to the Condemnees by means of the "one offer" system as set forth in the Rules, Regulations, and Procedures of the Suffolk County Department of Public Works and Article 3 of the New York State Eminent Domain Procedure Law for all of the Proposed Acquisition Maps except for Proposed Acquisition Map Nos. 13, 14, 15, 16, 17, and 18; and be it further

4th **RESOLVED**, that the Suffolk County Department of Public Works be and hereby is authorized to acquire the properties set forth in the aforesaid maps herein except for Proposed Acquisition Map Nos. 13, 14, 15, 16, 17, and 18; said acquisition to be in the name of the County of Suffolk; and be it further

5th **RESOLVED**, that said acquisitions be in fee simple absolute or such lesser estate, if said lesser estate is so indicated on the maps heretofore adopted; and be it further

6th **RESOLVED**, that the Suffolk County Department of Public Works be and hereby is authorized and permitted to make the aforesaid acquisition of said lands except for Proposed Acquisition Map Nos. 13, 14, 15, 16, 17, and 18 from the Condemnees by negotiation, purchase, and conveyance; and in the event that the Suffolk County Department of Public Works is unable to acquire said property by negotiation, purchase and conveyance, it is hereby authorized, permitted, and directed to acquire said property pursuant to the Eminent Domain Procedure Law except for Proposed Acquisition Map Nos. 13, 14, 15, 16, 17, and 18; and be it further

7th **RESOLVED**, that in all proceedings pursuant to Articles 4, 5, and 6 of the Eminent Domain Procedure Law, the County Attorney, his Deputies and Assistant County Attorneys be and they hereby are authorized to appear for and represent the County of Suffolk in all courts having jurisdiction thereof; and be it further

8th **RESOLVED**, that the County Attorney, his Deputies and Assistant County Attorneys be and they hereby are authorized and permitted to compromise, adjust, and settle any claims for compensation except for Proposed Acquisition Map Nos. 13, 14, 15, 16, 17, and 18 where said claims have been filed pursuant to Articles 5 and 6 of the Eminent Domain Procedure Law; such settlements, compromises and adjustment to be made in open sessions of the court having jurisdiction thereof; and be it further

9th **RESOLVED**, that the Commissioner of the Suffolk County Department of Public Works is hereby authorized, empowered, and directed to have Proposed Acquisition Map Nos. 13, 14, 15, 16, 17, and 18 surveyed, appraised, environmentally audited, and searched for title; and be it further

10th **RESOLVED**, that the cost of such surveys, title searches, audits, maps and/or appraisals, if any, shall be paid from the funds appropriated under Capital Project Number 5510; and be it further

11th **RESOLVED**, that the Commissioner of the Suffolk County Department of Public Works, or his Deputy, is hereby further authorized, empowered, and directed to utilize such valid appraisals for Proposed Acquisition Map Nos. 13, 14, 15, 16, 17, and 18 as may be made available to the County of Suffolk by any pertinent municipality, either voluntarily or upon request by the County of Suffolk; and be it further

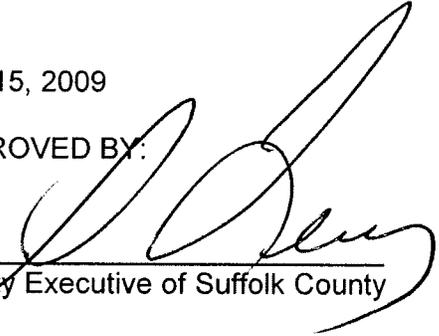
12th **RESOLVED**, that the County of Suffolk may reimburse any municipality, whose appraisal is utilized for the purpose of acquiring Proposed Acquisition Map Nos. 13, 14, 15, 16, 17, and 18, for the cost of obtaining such appraisal in the event that the County elects to utilize such appraisals for the acquisition of Proposed Acquisition Map Nos. 13, 14, 15, 16, 17, and 18; and be it further

13th **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that the portion of this resolution applying to the voluntary acquisition of Proposed Acquisition Map Nos. 13, 14, 15, 16, 17, and 18 constitutes a Type II action pursuant to Section 617.5(c)(20), (21) and (27) 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, management, and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate

SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

DATED: December 15, 2009

APPROVED BY:



County Executive of Suffolk County

Date: DEC 17 2009

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 15, 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 that reads "Tim Laube".

Clerk of the Legislature

Intro. Res. 2143 Res. No. 1249

December 15, 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	1	1	1	

MOTION

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 FAILED _____
 No Motion _____ No Second _____

RESOLUTION DECLARED

ADOPTED
 NOT ADOPTED

Tim Laube

 Tim Laube, Clerk of the Legislature

Roll Call _____ Voice Vote