

**RESOLUTION NO. 35 -2010, AUTHORIZING
RECONVEYANCE OF PARCEL TO HOLBROOK FIRE
DISTRICT PURSUANT TO SECTION 72-H OF THE GENERAL
MUNICIPAL LAW (SCTM NO. 0500-108.00-02.00-018.000)**

WHEREAS, Resolution No. 1024-2003 authorized the conveyance of a parcel from the County of Suffolk to the Holbrook Fire District; and

WHEREAS, the purpose of the conveyance was to allow the Fire District to provide a community meeting hall on the property; and

WHEREAS, the Fire District is still in the process of securing funding to pay for the construction of a community meeting hall; and

WHEREAS, Resolution No. 1024-2003 contained a clause whereby the subject parcel would revert to the County of Suffolk if the Fire District did not use the property for its intended purpose within three (3) years; and

WHEREAS, the Suffolk County Department of Law and the Division of Real Property Acquisition and Management exercised the County's right of reverter; and

WHEREAS, the Fire District has incurred considerable costs for architectural fees, demolition, installation of fencing and maintenance; and

WHEREAS, the Holbrook Fire District is still committed to building a community meeting hall on the subject parcel and the Holbrook community would benefit from such action; now, therefore be it

1st RESOLVED, that the Division of Real Property Acquisition and Management is hereby authorized, empowered and directed to reclaim title to property described and designated as Suffolk County Tax Map No. District 0500, Section 108.00, Block 02.00, Lot 018.000, in accordance with the terms of the reverter clause contained in the County's deed to the Holbrook Fire District; and be it further

2nd RESOLVED, that after retaking title, the Division of Real Property Acquisition and Management is authorized, empowered and directed pursuant to Section 72-h of the NEW YORK GENERAL MUNICIPAL LAW, to reconvey the County's interest in the parcel described in the 1ST RESOLVED clause of this resolution by quitclaim deed to the Holbrook Fire District in consideration of the sum of Ten dollars (\$10.00); and be it further

3rd RESOLVED, that the Holbrook Fire District will be restricted in its use of the subject parcel and will use said parcel solely and exclusively for the construction of a community meeting hall, with all right title and interest reverting to the County of Suffolk in the event that the Holbrook Fire District, at any time, uses or attempts to use said subject parcel for other than a community meeting hall or attempts to sell, transfer or otherwise dispose of or does, in fact, sell, transfer or otherwise dispose of said subject parcel without said parcel being used thereafter as a community meeting hall; and be it further

4th **RESOLVED**, that said quitclaim deed tendered by 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

5th **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution 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: February 2, 2010

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: February 4, 2010