

RESOLUTION NO. 151 -2010, AUTHORIZING THE CONVEYANCE OF COUNTY-OWNED SURPLUS UNUSED RIGHT OF WAY FRONTING A PARCEL OF LAND HAVING A SUFFOLK COUNTY TAX MAP IDENTIFICATION NUMBER OF DISTRICT 0200 SECTION 593.00 BLOCK 01.00 LOT 013.001 AND DISTRICT 0200 SECTION 593.00 BLOCK 01.00 LOT 014.001 PURSUANT TO SECTION 125 OF THE NEW YORK STATE HIGHWAY LAW

WHEREAS, the County of Suffolk is the fee owner of a certain portion of unused right of way situated in the Town of Brookhaven, Suffolk County, New York as more fully described in the map and description attached as Exhibit "1"; and

WHEREAS, said unused portion of right of way is surplus to the needs of the County of Suffolk; and

WHEREAS, Section 125 of the New York State Highway Law strictly limits the sale of surplus unused right of way to the property owner fronting said unused right of way at fair market value; and

WHEREAS, BCB PROPERTIES, LLC, the present owner of the parcel having a Suffolk County Tax Map Identification Numbers of District 0200 Section 593.00 Block 01.00 Lot 013.001 and District 0200 Section 593.00 Block 01.00 Lot 014.001 has requested to purchase from the County of Suffolk, at fair market value, the surplus and unused right of way fronting said tax map parcel; and

WHEREAS, the County of Suffolk did commission appraisals for the requested conveyance that were performed by an independent, outside appraiser selected in accordance with established Suffolk County procedures; and

WHEREAS, upon review of said appraisals in accordance with established Suffolk County procedures, the County of Suffolk determined that the fair market value of the unused and surplus right of way fronting the privately owned parcel of real property having a Suffolk County Tax Map Identification Numbers of District 0200 Section 593.00 Block 01.00 Lot 013.001 and District 0200 Section 593.00 Block 01.00 Lot 014.001 was Twenty Seven Thousand Five Hundred & 00/100 (\$27,500.00) Dollars; and

WHEREAS, BCB PROPERTIES, LLC, the present owner of the parcel having a Suffolk County Tax Map Identification Numbers of District 0200 Section 593.00 Block 01.00 Lot 013.001 and District 0200 Section 593.00 Block 01.00 Lot 014.001 has agreed to pay to the County of Suffolk the sum of Twenty Seven Thousand Five Hundred & 00/100 (\$27,500.00) Dollars, said sum representing the fair market value of the surplus and unused right of way fronting said tax map parcel; now, therefore be it

1st RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) Lead Agency hereby finds and determines that the adoption of this law is not an action within the meaning of the State Environmental Quality Review Act and the regulations adopted thereto (NYCRR Section 617.2(b)(2)). The Legislature 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 a major re-ordering of priorities (NYCRR Section 617.13(d)(15),(21)). As a Type II Action, the Legislature has no further responsibilities under SEQRA (6 NYCRR Section 617.5(a)(1)); and be it further

2nd **RESOLVED**, said parcel is surplus to the needs of the County of Suffolk; and be it further

3rd **RESOLVED**, that this purchase is authorized pursuant to Section 125 of the New York State Highway Law; and be it further

4th **RESOLVED**, the Suffolk County Department of Public Works is directed to convey said the surplus and unused right of way described herein shall be conveyed to BCB PROPERTIES, LLC, the present owner or its successors in interest of the parcel having a Suffolk County Tax Map Identification Numbers of District 0200 Section 593.00 Block 01.00 Lot 013.001 and District 0200 Section 593.00 Block 01.00 Lot 014.001 for the total sum of Twenty Seven Thousand Five Hundred & 00/100 (\$27,500.00) Dollars plus the pro-rata share of the current tax adjustments due at closing along with all recording fees and transfer taxes; and be it further

5th **RESOLVED**, that the Suffolk County Department of Public Works, will receive and deposit the sum of Twenty Seven Thousand Five Hundred & 00/100 (\$27,500.00) Dollars, plus the pro-rata share of the current tax adjustments pursuant to said purchase offer; and be it further

6th **RESOLVED**, that the Commissioner of the Suffolk County Department of Public Works, or his Deputy, be and hereby is authorized to execute and acknowledge a quitclaim deed to transfer the interest of Suffolk County in the above-described property and upon the above-described terms and conditions to said party or their successors in interest.

DATED: March 2, 2010

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 12, 2010

All that certain plot, piece or parcel of land, situate, lying and being in the Town of Brookhaven, County of Suffolk and State of New York, as shown on a survey prepared by Sidney B. Bowne & Son, LLP dated April 2009 (latest revision September 23, 2009) said parcel being more particularly bounded and described as follows:

BEGINNING at the point on the easterly boundary line of County Road 51 (East Moriches – Riverhead Road) at the division line between the lands of County of Suffolk on the south and the westerly boundary line of Eastport Manor Road as shown on Suffolk County Tax Map on the north, said point being 33.00 feet easterly measured at a right angle from station 80+07± of the Survey Centerline Line of County Road 51 North Bound; thence South 18°04'10" East, along the westerly boundary line of Eastport Manor Road 101.44 feet to a point, said point being distant 125.00 feet easterly measured at a right angle from station 79+65±; thence North 74°52'30" West 108.36 feet to a point on the easterly boundary line of County Road 51, said point being distant 33.00 feet easterly measured at a right angle from station 79+07.00; thence North 47°01'00" East, along the easterly boundary of County Road 51, 99.98 feet to a point, said point being 33.00 feet easterly measured at a right angle from station 80+07±, said point also being the Point or Place of Beginning.

Containing within said bounds 4,599 square feet or 0.105 acres more or less.

EXHIBIT "I"

