

**RESOLUTION NO. 277 2010, SALE OF COUNTY-OWNED
REAL ESTATE PURSUANT TO SECTION 72-h OF THE
GENERAL MUNICIPAL LAW TOWN OF BABYLON (SCTM NO.
0100-012.00-01.00-021.000 et al)**

WHEREAS, the COUNTY OF SUFFOLK is the fee owner of the following described parcels that are surplus to the needs of the County of Suffolk; and (see attached Exhibit "A"); and

WHEREAS, Section 72-h of the General Municipal Law permits a sale of real property between municipal corporations, or between a municipal corporation of the State of New York or the United States of America; and

WHEREAS, the Town of Babylon has requested that the County of Suffolk convey these parcels to it (see annexed resolution - Exhibit "B"); and

WHEREAS, the Suffolk County Department of Planning has approved the proposed transfer and use of these parcels; now, therefore be it

1st **RESOLVED**, that Pamela J. Greene, Director of the Division of Real Property Acquisition and Management, or her Deputy, hereby is authorized to execute and acknowledge a Quitclaim deed to transfer the interest of Suffolk County in the properties as described in Exhibit "A" annexed hereto and on the terms and conditions as hereinafter described to said Town of Babylon for the sum of One Dollar; and be it further

2nd **RESOLVED**, that the Town of Babylon will be restricted in its use of the subject parcels and will use said parcels solely and exclusively for drainage/highway purposes; with all right title and interest reverting to the County of Suffolk in the event that the Town of Babylon, at any time, uses or attempts to use said subject parcels for other than drainage/highway purposes or attempts to sell, transfer or otherwise dispose of or does, in fact, sell, transfer or otherwise dispose of said subject parcels without said parcels being used thereafter for drainage/highway purposes; and be it further

3rd **RESOLVED**, that said quitclaim deed issued by Pamela J. Greene, Director of 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

4th **RESOLVED**, this Legislature, being the State Environmental Quality Review Act (SEQRA) Lead Agency, hereby finds and determines that adoption of this law is not an action within the meaning of the State Environmental Quality Review Act and the regulations adopted

thereto. See 6 N.Y.C.R.R. Section 617.2(b) (2). The Legislature further 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 major reordering of priority. See 6 N.Y.C.R.R. Section 617.13(d) (15) and (21). As a Type II action, the Legislature has no further responsibilities under SEQRA 6 N.Y.C.R.R. Section 617.5(a) (1).

DATED: March 23, 2010

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 29, 2010