

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

**RESOLUTION NO. 221 -2010, AUTHORIZING THE ACQUISITION OF LAND UNDER THE NEW SUFFOLK COUNTY DRINKING WATER PROTECTION PROGRAM (EFFECTIVE DECEMBER 1, 2007) – OPEN SPACE COMPONENT - FOR THE PENNEY ESTATE PROPERTY – REEVES BAY - TOWN OF SOUTHAMPTON - (SCTM NO. 0900-147.00-01.00-006.005)**

**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. 676-2008, authorized planning steps for the acquisition of said property; and

**WHEREAS**, the Town of Southampton (“Town”) has approved Resolution No. 972-2009 on September 8, 2009, 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 the subject property was made 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 approved 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 Four Hundred Seventy Thousand Dollars (\$470,000.00), which cost is to be shared by the County of Suffolk and the Town of Southampton, with the County of Suffolk’s share, totaling Two Hundred Thirty Five Thousand Dollars (\$235,000.00), for a fifty percent (50%) undivided interest; and the Town of Southampton’s share, totaling Two Hundred Thirty Five Thousand Dollars (\$235,000.00), 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 0900 Section 147.00 Block 01.00 Lot 006.005	7.94±	The Estate of Norman T. Penney c/o Charles Penney, Executor 33 Bay Avenue Riverhead, NY 11901

and be it further

**2<sup>nd</sup>** **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management and/or her 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 Hundred Thirty Five Thousand Dollars (\$235,000.00), subject to a final survey, said amount representing the County's share of the total purchase price; and be it further

**3<sup>rd</sup>** **RESOLVED**, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$235,000.00, 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

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

**5<sup>th</sup>** **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management and/or her 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

**6<sup>th</sup>** **RESOLVED**, that pursuant to Section C12-2(A)(2)(c) the County's portion of this property is not to be developed and One (1) Workforce Housing Development Rights shall be removed and placed in the Suffolk County Workforce Housing Transfer of Development Rights Program registry pursuant to the Workforce Housing Development Rights Program as developed by the Department of Planning, consistent with Resolution No. 412-2005, as amended, and approved by the Suffolk County Executive and the Suffolk County Legislature; and, pursuant to Chapter 140 of the Southampton Town Community Preservation Fund, the Town of Southampton reserves the right to dedicate and transfer its fifty percent (50%) of the development rights of the premises acquired herein to hold and bank for workforce housing and other permissible uses in accordance with Chapters 140 and 244 of the Southampton Town Code: and be it further

**7<sup>th</sup>** **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; and be it further

**8<sup>th</sup>** **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

**9<sup>th</sup>** **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

**10<sup>th</sup>** **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

**11<sup>th</sup>** **RESOLVED**, that the above activity is an unlisted action (if greater than 100 acres; Type I action) pursuant to the provisions of Title 6 NYCRR, Part 617; and be it further

**12<sup>th</sup>** **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 that the proposed acquisition and preservation of the site would have; and be it further

**13<sup>th</sup>** **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: March 23, 2010

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: March 29, 2010