

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

RESOLUTION NO. 501 -2010, AUTHORIZING FUNDING, ACQUISITION, CONVEYANCE, DEVELOPMENT AND OVERSIGHT OF REAL PROPERTY UNDER SUFFOLK COUNTY AFFORDABLE HOUSING OPPORTUNITIES PROGRAM (NEW VILLAGE – PATCHOGUE VILLAGE)

WHEREAS, Local Law No. 13-2000 as amended in its entirety by Local Law No. 17-2004, known as Suffolk County Administrative Code (“SCAC”) Article XXXVI, as amended, found and determined that there was a need for the County to aid municipalities in providing affordable housing and established the Suffolk County Affordable Housing Opportunities Program; and

WHEREAS, SCAC § A36-2(C) provides a statutory framework for land to be acquired and infrastructure improvements to be made for Suffolk County’s Workforce Housing Program through the use of capital bond proceeds; and

WHEREAS, the County Department of Economic Development and Workforce Housing and the Village of Patchogue have identified certain sites in the County of Suffolk, to be known as “New Village,” which would be appropriate for development as workforce housing and which are identified by the Suffolk County Tax Map Numbers as follows: 0204-009.000-05.00-014.000, 0204-009.000-05.00-015.000, 0204-009.000-05.00-016.000, 0204-009.000-05.00-017.000, 0204-009.000-05.00-024.000, 0204-009.000-05.00-025.002 0204-009.000-05.00-025.003, and 0204-009.000-05.00-026.000 (the “Subject Premises”); and

WHEREAS, the Village of Patchogue will convey to this workforce housing development, for parking purposes, the three parcels identified by Suffolk County Tax Map Numbers 0204-009.000-05.00-018.000; 0204-009.00-05.00-020.000, and 204-009.00-05.00-025.001, in exchange for properties owned by Downtown Patchogue Redevelopers, LLC (the “Developer”) which are substantially equal in area; and

WHEREAS, pursuant to Section 36-2 C of Article XXXVI of the Suffolk County Administrative Code, it is proposed that the County acquire the Subject Premises at a purchase price of Three Million Seven Hundred Fifty Thousand (\$3,750,000) Dollars; and transfer such parcels to the Developer; and

WHEREAS, the Environmental Trust Review Board reviewed the appraisals, reviewed the report of the Internal Appraisal Review Board, approved the purchase price and authorized the Director of the Division of Real Property Acquisition and Management to negotiate the acquisition on October 16, 2009; and

WHEREAS, the Village of Patchogue has expressed an interest in partnering with the County of Suffolk to provide workforce housing at this location; and

WHEREAS, Resolution No. 559-2009 authorized planning steps for acquisition of the Subject Premises for the New Village affordable housing development; and

WHEREAS, the Village, by its Resolution No. 40-2010, dated March 11, 2010, has approved a development agreement to be executed by the Village and the County (the "Development Agreement"), which incorporates a development plan (the "Development Plan"), each of which is in substantially final form, as attached hereto, detailing the proposed purchase by the County of the Subject Premises and the subsequent development of 67 affordable rental units; and

WHEREAS, pursuant to Resolution No. 40a-2010 dated March 11, 2010, the Village Board, as lead agency, issued a negative SEQRA declaration which completed the environmental review; and further the negative declaration issued by the Village Board is binding on the County, as an involved agency, pursuant to Title 6 of the New York Codes, Rules and Regulations (NYCRR) § 617.6 (b) (3) (ii) and, therefore, SEQRA is complete; and

WHEREAS, Resolutions Nos. 689-2006 and 277-2007 appropriated the proceeds of \$5,050,000.00 and \$1,500,000, respectively, in Suffolk County Serial Bonds for Workforce Housing acquisitions under the Suffolk County Workforce Housing Program subject to further Legislative approval of a resolution authorizing the planning, funding and/or acquisition of specific projects; now, therefore, be it

1st **RESOLVED**, that the Suffolk County Legislature, on behalf of the County, hereby finds and determines that New Village meets the requirements of the Suffolk County Affordable Housing Opportunities Program for its Workforce Housing Program, and the need to fill the critical shortage of affordable housing in the County and, accordingly, authorizes the development of New Village; and be it further

2nd **RESOLVED**, that the Development Agreement and the Development Plan are hereby approved in substantially the same form as attached hereto; and be it further

3rd **RESOLVED**, that the Subject Premises are hereby authorized to be acquired, conveyed, developed, supervised and managed subject to the Development Agreement and Development Plan, subject to a final survey, for a total purchase price of Three Million Seven Hundred and Fifty Thousand (\$3,750,000) Dollars; and be it further

4th **RESOLVED**, that pursuant to Suffolk County Charter §§ C35-2(V) and (Y), and SCAC § A36-2(C), the Department of Economic Development and Workforce Housing and its Commissioner, and the Division of Affordable Housing and its Director of Affordable Housing are hereby authorized, to acquire and convey the Subject Premises, as necessary, and the same are hereby further authorized, empowered and directed to take such other actions, enter into such other agreements, and execute such other documents as are required to effectuate this overall affordable housing project and transaction, and to pay such additional expenses which shall include, but not be limited to, the cost of surveys, appraisals, environmental audits, title reports and insurance as may be necessary and appropriate to accomplish the aforesaid authorizations and duties; and be it further

5th **RESOLVED**, that, subject to the terms of the Development Agreement, the County Comptroller and County Treasurer are hereby authorized to reserve and pay Three Million Seven Hundred and Fifty Thousand (\$3,750,000) Dollars for the purchase price of the Subject Premises from previously appropriated funds in Capital Project No. 525-CAP-8704.211; and be it further

6th **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management or her designee, pursuant to Suffolk County Charter § C42-2C(3)(d), is hereby authorized and empowered, and her actions are hereby ratified and adopted, to negotiate the purchase price for the initial acquisition of the Subject Premises from the Village of Patchogue to the County, in accordance with the terms of the Development Agreement, and further to provide whatever additional support is requested by the Department of Economic Development and Workforce Housing and its Division of Affordable Housing, and by the County Attorney pursuant to Suffolk County Charter §C16-2 and the Department of Public Works pursuant to Suffolk County Charter §C8-2(W) ; and be it further

7th **RESOLVED**, that the County Executive, the County Attorney, the Commissioner of the Department of Economic Development and Workforce Housing and the Director of Affordable Housing are hereby authorized, respectively, to take such further actions as may be necessary or desirable to effectuate the purposes and intent of the foregoing resolutions and to execute any and all documents necessary and/or desirable to effectuate the purpose and intent of the workforce housing development referred to in this Resolution; and be it further

8th **RESOLVED**, pursuant to Resolution No. 40a-2010 dated March 11, 2010, the Village Board, as lead agency, issued a negative SEQRA declaration which completed the environmental review; and further the negative declaration issued by the Village Board is binding on the County, as an involved agency, pursuant to Title 6 of New York Codes, Rules and Regulations (NYCRR) § 617.6 (b)(3)(ii) and, therefore, SEQRA is complete.

DATED: June 8, 2010

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: June 11, 2010