

RESOLUTION NO. 679 -2010, APPROVING A
VOLUNTARY LAND RECONFIGURATION BETWEEN THE
COUNTY OF SUFFOLK AND LUCIA CENZOPRANO (LIFE
TENANT) AND ANTHONY CENZOPRANO, JR.
(REMAINDERMAN)

WHEREAS, the Suffolk County Department of Public Works, in conjunction with Capital Program Number 8240, has demonstrated a need for the acquisition of property for the purpose of stormwater runoff and drainage improvements on CR 80, Montauk Highway, Town of Southampton, Suffolk County, New York; and

WHEREAS, the Department of Public Works is undertaking improvements on C.R. 80, Montauk Highway, Hamlet of Hampton Bays, Town of Southampton, Suffolk County, New York for the purposes of improving safety and stormwater runoff; and

WHEREAS, the County of Suffolk presently owns a permanent drainage easement on the south side of C.R. 80, Montauk Highway, Town of Southampton, Suffolk County, New York, said permanent easement traversing part of the real property owned by Lucia Cenzoprano (Life Tenant) and Anthony Cenzoprano, Jr. (Remainderman), having a Suffolk County Tax Map Number of District 0900 Section 231.00 Block 01.00 Lot 037.000, said drainage easement hereinafter described as Parcel "A"; and

WHEREAS, Parcel "A" described above is currently being used by the Suffolk County Department of Public Works for stormwater runoff drainage purposes, however, said parcel does not comply with modern stormwater runoff drainage standards; and

WHEREAS, Lucia Cenzoprano and Anthony Cenzoprano, Jr. are presently in the process of expanding and/or constructing new buildings on their real property situated on the south side of C.R. 80, Montauk Highway, Town of Southampton, Suffolk County, New York, and said construction and/or expansion will not be approved by the Town of Southampton unless and until the permanent drainage easement identified as Parcel "A", owned by the County of Suffolk is either moved or extinguished; and

WHEREAS, Lucia Cenzoprano and Anthony Cenzoprano, Jr. have proposed that the permanent drainage easement currently owned by Suffolk County (Parcel "A") by virtue of New York State Highway Law § 341 Subdivision 49 be terminated in exchange for a permanent drainage easement situated on the extreme east end of the real property having a Suffolk County Tax Map Number of District 0900 Section 231.00 Block 01.00 Lot 037.000, said drainage easement hereinafter described as Parcel "B"; and

WHEREAS, the creation of the new permanent drainage easement (Parcel "B") would result in a surplus in the County of Suffolk of its currently owned permanent drainage easement (Parcel "A") on that real property; and

WHEREAS, the County Department of Public Works has reviewed the property offered for exchange (Parcel "B") and has found that said property offered to the County of Suffolk will fulfill a necessary highway traffic safety and stormwater runoff drainage purpose and

the exchange property offered by the County of Suffolk (Parcel "A") is not environmentally sensitive; and

WHEREAS, the County of Suffolk did commission appraisals for the exchanges which were performed by an independent, outside appraiser selected in accordance with established Suffolk County Procedures; and

WHEREAS, the Department of Public Works has deemed that the permanent drainage easement to be surrendered, Parcel "A", to be surplus to its needs in the event a permanent easement (Parcel "B") is conveyed to the County and stormwater drainage facilities are constructed thereon; and

WHEREAS, the Department of Public Works has appropriated funding for construction of this project through duly enacted Resolution No. 310-2005 and Resolution No. 330-2006; and

WHEREAS, due to the exchange of the County owned drainage easement identified as Parcel "A" for the new drainage easement identified as Parcel "B", the property owned by Lucia Cenzoprano and Anthony Cenzoprano, Jr. will have a greater market value, to wit: Twenty Six Thousand Three Hundred & 00/100 Dollars (\$26,300.00); and

WHEREAS, Lucia Cenzoprano and Anthony Cenzoprano, Jr. have made a claim to the County for financial damages resulting from flooding caused by the County's current drainage system in the area of Parcel "A" that exceeds the sum of Twenty Six Thousand Three Hundred & 00/100 Dollars (\$26,300.00); now, therefore be it

1st **RESOLVED**, that this Legislature, being the lead agency under the State Environmental Quality Review Act (SEQRA) Env. Con. Law Art. 8, hereby finds and determines that this resolution constitutes a Type II action pursuant to Volume 6 of the New York Code of Rules and Regulations (NYCRR) Section 617.5(c) (20) and (27) in that the Resolution concerns routine or continuing agency administration, not including new programs or major reordering of priorities that may affect the environment and adoption of a local legislative decision in connection with the same; as a Type II action, the Legislature has no further responsibilities under SEQRA; and be it further

2nd **RESOLVED**, that a copy of this Resolution shall be filed with the Suffolk County Department of Public Works, the initiating unit of said project, and with the Council on Environmental Quality (C.E.Q.); and be it further

3rd **RESOLVED**, that the existing permanent drainage easement on the south side of C.R. 80, Montauk Highway, Town of Southampton, Suffolk County, New York, identified as Parcel "A" which traverses certain real property owned by Lucia Cenzoprano (Life Tenant) and Anthony Cenzoprano, Jr. (Remainderman), said real property having a Suffolk County Tax Map Number of District 0900 Section 231.00 Block 01.00 Lot 037.000, is hereby declared surplus for the purpose of the exchange of properties described herein; and be it further

4th **RESOLVED**, that the termination of the current permanent drainage easement owned by Suffolk County identified as Parcel "A" in exchange for the new permanent drainage easement identified as Parcel "B" as stated and outlined in this Resolution are hereby authorized and approved; and be it further

5th **RESOLVED**, that the Suffolk County Department of Public Works is hereby authorized, empowered, and directed to take such actions as may be necessary and appropriate to consummate such exchange, including but not limited to obtaining surveys, obtaining engineering reports, securing title searches and insurance, conducting environmental surveys, and executing such other documents as are required to acquire such interest in said lands, subject to the following terms and conditions.

- a. the exchange shall be equitable and at no cost to the County of Suffolk;
- b. compliance by the owners of the privately owned lands with Suffolk County Code Chapter 342 (Land Acquisition Disclosure) and all County Laws relating to land exchanges, including, but not limited to New York County Law Section 215;

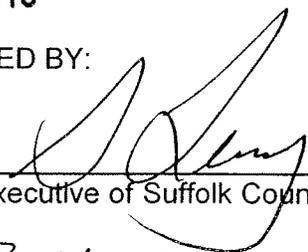
and be it further

6th **RESOLVED**, that the Suffolk County Department of Public Works is hereby authorized, empowered, and directed to pay for any and all expenses incurred for the excavation and removal of the existing drainage equipment from Parcel "A", the repair and restoration of said property, and the excavation, construction and installation of drainage equipment on Parcel "B" from previously appropriated funds as set forth in Resolution No. 310-2005 and Resolution No. 330-2006; and be it further

7th **RESOLVED**, that in the event that one or more Suffolk County Tax Map Identification Numbers contained in this Resolution has been deleted or removed, or has been changed by either subsequent technical modification of the Suffolk County Tax Map System, or prior technical modification that was unknown to the Suffolk County Department of Public Works at the time at which said Exhibit was prepared, the Tax Map Designation shall be deemed to include such successor Tax Map Identification Number as represents the parcel to be acquired and certified in writing by the Commissioner of the Department of Public Works, and further, the Tax Map Designation shall be deemed to include those blocks and lots located in the same section listed therein, which blocks and lots may not be listed therein.

Dated: **JUN 22 2010**

APPROVED BY:



County Executive of Suffolk County

Date: 7-1-10.

QUOGUE-SOUTHAMPTON S.H. NO. 1274

Map No. 63
Parcel No. 86

Permanent Easement
Area = 0.016+/- Acre
710+/- Sq. Ft.

PETER GOUDSWAARDT
(Reputed Owner)

Map and description of property in and to which an easement as hereinafter defined, is deemed necessary by the Superintendent of Public Works to be acquired in the name of the People of the State of New York, by appropriation, for purposes connected with the State Highway System of the State of New York, pursuant to Section 30 of the Highway Law.

A. PERMANENT EASEMENT FOR DRAINAGE PIPE LINE

A permanent easement to be exercised in, on and over the property above-delineated and hereinafter described for the purpose of constructing, reconstructing, and maintaining thereon a drainage pipe line and appurtenances in and to all that piece or parcel of property hereinafter designed as Parcel No. 86, situate in the Town of Southampton, County of Suffolk, State of New York as shown on the accompanying map and described as follows:

Parcel No. 86.

Beginning at a point on the southerly boundary of the existing Quogue-Southampton highway said point being 29+/- feet distant southerly, measured at right angles, from Station 386+11+/- of the existing center line of the Quogue-Southampton, State Highway No. 1274

(1) Thence southerly 71+/- feet to a point on the bulkhead between the property of Peter Goudswaardt, (reputed owner) on the north and Shinnecock Bay, on the south, the last mentioned point being 100+/- feet distant southerly, measured at right angles, from Station 386+10+/- of said center line;

(2) Thence westerly along said bulkhead 10 feet;

(3) Thence northerly parallel to and 10 feet westerly from course No. (1) 71+/- feet to a point on the southerly boundary of said existing highway, the last mentioned point being 29+/- feet distant southerly, measured at right angles from Station 386+01+/- of said center line;

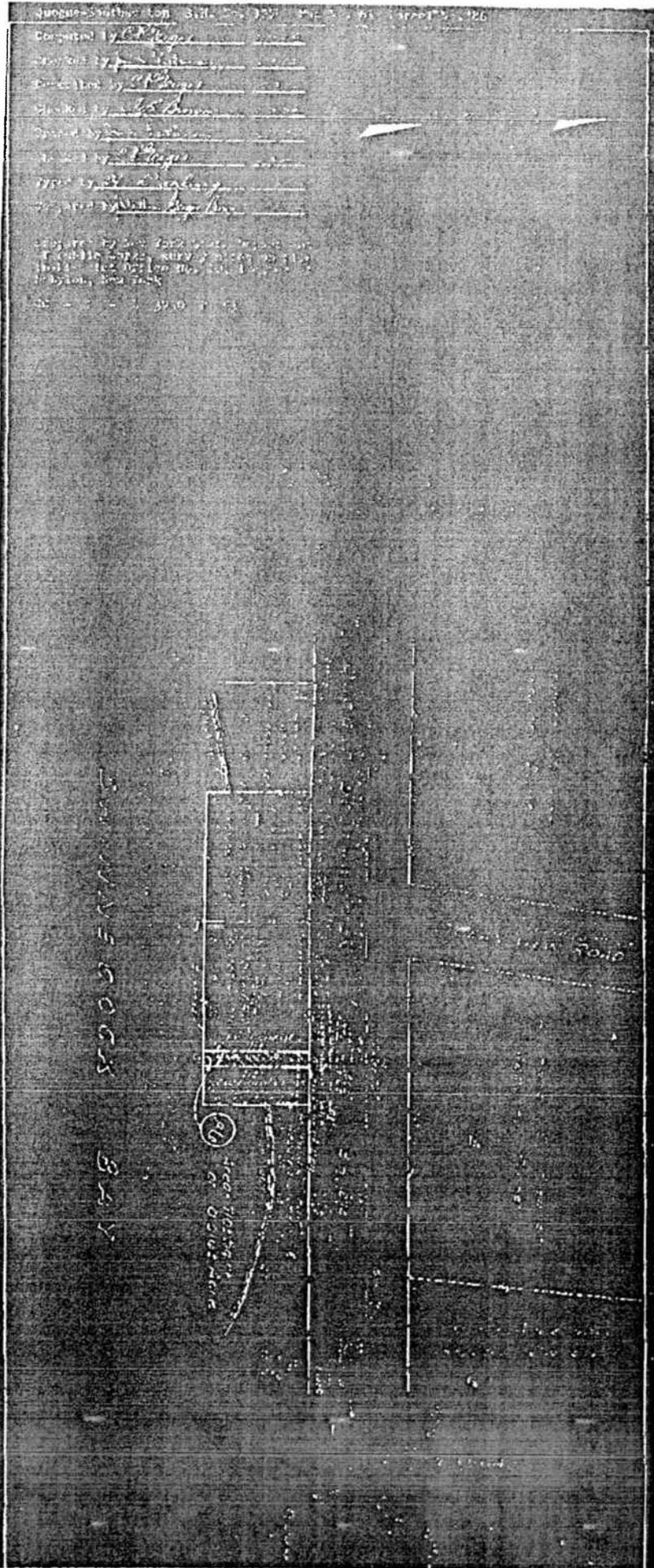
Thence easterly along the last mentioned boundary of said existing highway 10 feet to the point of beginning; being 710 square feet or 0.016 acre more or less and known and designated as an easterly part or portion of lot number 21 of block number 117 as shown on a certain map entitled "Amended Map "A" of the Westerly Part of Shinnecock Hills" and filed in the Office of the Clerk of Suffolk County as Map No. 213 on October 22, 1925.

The above-mentioned center line, as shown on the accompanying map, is a portion of the existing center line being described as follows:

Beginning at Station 379+12.19; thence S87° 28' 55" E. 1191.96 feet to Station 391+04.15

All bearings referred to True North.

PARCEL "A":
EASEMENT TO BE
TERMINATED BY
SUFFOLK COUNTY
(RECORDED LEGAL DESCRIPTION)

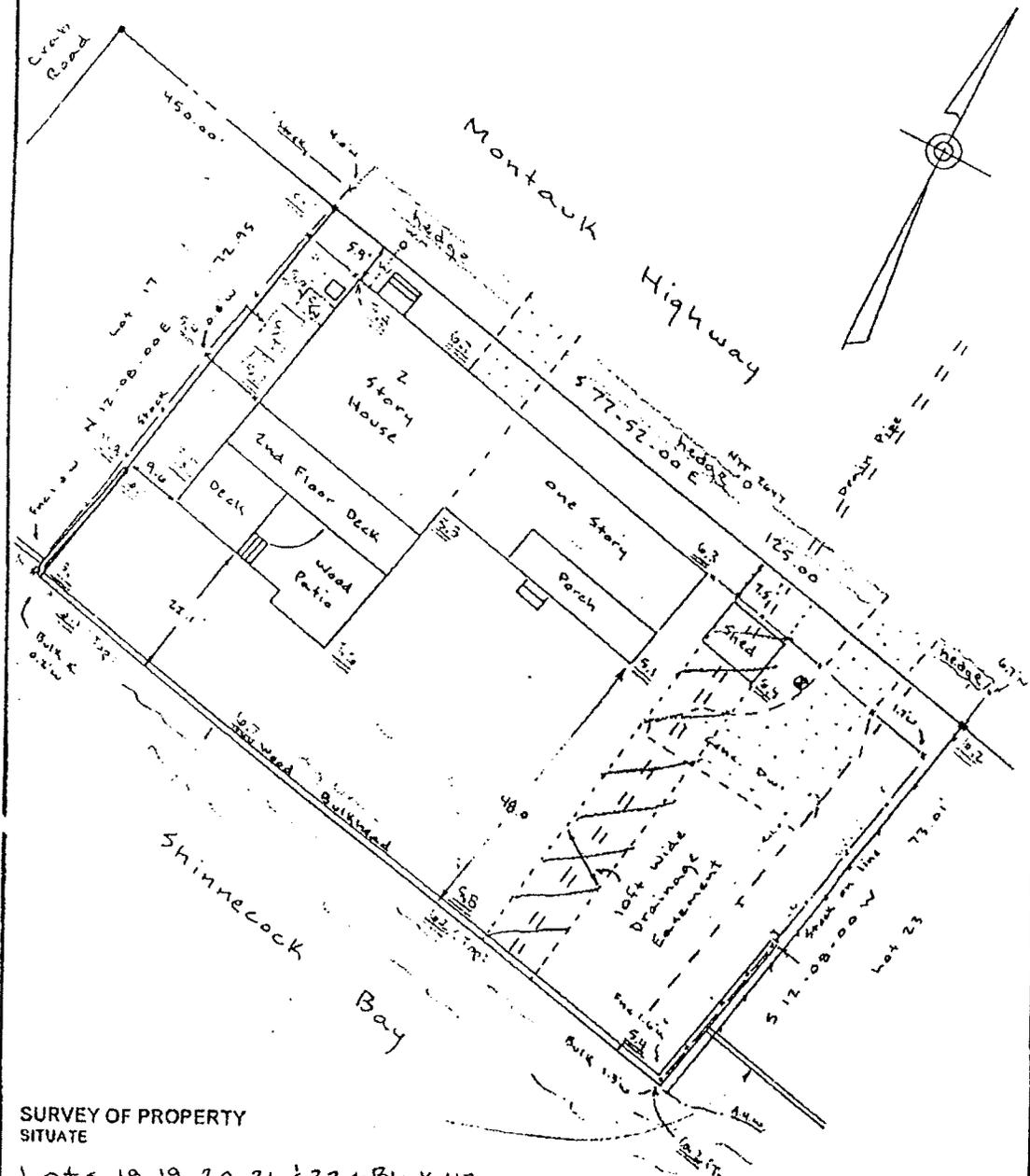


PARCEL "A":
 EASEMENT TO BE
 TERMINATED BY
 SUFFOLK COUNTY
 (RECORDED MAP)

Tax Map No. 900-231-01-37
Area = 9122 s.f.
Zone R-40

Refer to Document recorded in
Suffolk County Clerk's Office
Filed Map 213 (Oct. 22, 1925)

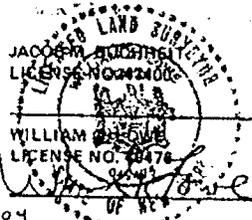
PARCEL "A"
EASEMENT TO BE
TERMINATED BY
SUFFOLK COUNTY



SURVEY OF PROPERTY SITUATE
Lots 18, 19, 20, 21, & 22 ~ Block 117
Amended Map "A" ~ Westerly part
Shinnecock Hills

TOWN OF SOUTHAMPTON
SUFFOLK COUNTY, NEW YORK

CERTIFIED TO:
Lucia Cenzoprano



UNAUTHORIZED ALTERATION OR ADDITION TO THIS SURVEY IS A VIOLATION OF SECTION 1306 OF THE NEW YORK STATE EDUCATION LAW.
SOME OF THE SURVEY WAS NOT BEARING THE LAND SURVEYORS' SEALS OR THE ISSUED SEALS SHALL NOT BE CONSIDERED TO BE A VALID TRUE COPY.
SURRENDERED NOTARIAL CERTIFICATE AND ONLY TO THE EXTENT FOR WHICH THE SURVEY IS IMPAIRED AND ON THE SEALS TO THE TITLE COMPANY, COUNTY SURVEYOR, AGENCY AND TO THE ASSISTANCE OF THE SURVEYING INSTITUTION. SURRENDERED AND NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUCCESSORS OF THE SURVEY.
A.C.M. EASEMENTS AND UNDERGROUND UTILITIES WHETHER ASSUMED OR UNASSUMED UNLESS OTHERWISE NOTED AND NOT SHOWN ON THIS SURVEY.

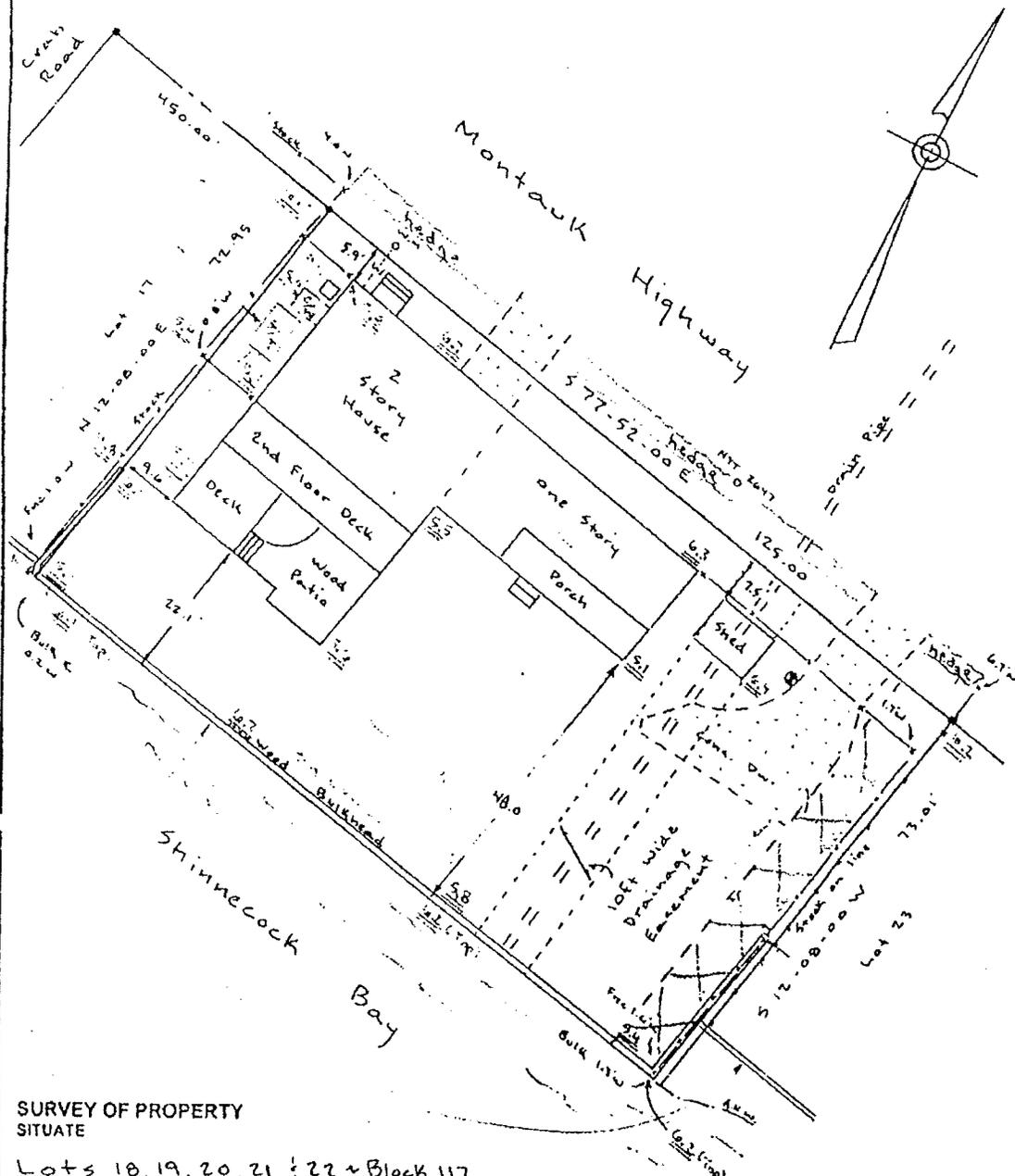
DOLLIVER LAND SURVEYING, PC
LAND SURVEYORS AND PLANNERS
HAMPTON BAYS, NEW YORK

PREPARED 5-20-04 SURVEYED Sept. 17, 2004
SCALE 1" = 20' ■ DENOTES MONUMENTS ▲ DENOTES STAKES

Tax Map No. 900 231-01-37
Area = 9.22 s.f.
Zone R-40

Refer to Documents recorded in
Suffolk County Clerk's Office
Filed Map 213 (Oct. 22, 1925)

PARCEL "B":
EASEMENT TO BE
CONVEYED TO
SUFFOLK COUNTY
(SURVEY OF PREMISES)

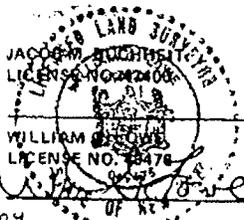


SURVEY OF PROPERTY
SITUATE

Lots 18, 19, 20, 21 & 22 + Block 117
Amended Map "A" - Westerly part
Shinnecock Hills

TOWN OF SOUTHAMPTON
SUFFOLK COUNTY, NEW YORK

CERTIFIED TO:
Lucia Cenzoprano



UNAUTHORIZED ALTERATION OR ADDITION TO
THIS SURVEY IS A VIOLATION OF SECTION
1305 OF THE NEW YORK STATE EDUCATION
LAW.

COPIES OF THE SURVEY MAP NOT BEARING
THIS AND SURVEYOR'S LICENSE SEAL OR IM-
PROPER SEAL SHALL NOT BE CONSIDERED TO
BE A VALID INSTRUMENT.

ALL DISTANCES INDICATED ARE IN FEET, BUT
ONLY TO THE NEAREST WHOLE NUMBER. THE
SURVEYOR HAS NOT BEEN REQUIRED TO RE-
LEASE THE PROPERTY TO THE STATE AND
LENDING INSTITUTIONS. THE SURVEYOR
TAKES NO RESPONSIBILITY FOR THE ASSUMES OF THE LENDING INSTITU-
TION. SURVEYOR'S ARE NOT RESPONSIBLE
FOR ADDITIONAL INSTRUMENTS OR SUBSEQUENT
OWNERS.

P.O.M. EASEMENTS AND WHOSE BOUNDARY UTIL-
ITIES ARE NOT ABANDONED OR WERE ABANDONED
BY THE STATE SHALL NOT BE SHOWN ON THIS
SURVEY.

DOLLIVER LAND SURVEYING, PC
LAND SURVEYORS AND PLANNERS
HAMPTON BAYS, NEW YORK

PREPARED 9-20-04 SURVEYED Sept. 17, 2004

SCALE 1" = 20' ■ DENOTES MONUMENTS ▲ DENOTES STAKES

PARCEL "B":
EASEMENT TO BE
CONVEYED TO
SUFFOLK COUNTY
(LEGAL DESCRIPTION)

Description of Real Property
For Permanent Drainage Easement
known as
Parcel "B", a portion of Lot 37, Block 1, Section 231, District 900
of the Suffolk County Real Property Tax Map

TO BE ACQUIRED FROM : LUCIA CENZOPRANO (LIFE TENANT) AND ANTHONY
CENZOPRANO, JR. (REMAINDERMAN)

All that certain plot piece or parcel of land situate, lying and being in Shinnecock Hills, Town of Southampton, County of Suffolk, State of New York, also known as Part of Lot 22 Block 117 of "Amended Map A Westerly Part of Shinnecock Hills filed in the office of the Clerk of Suffolk County October 22, 1925 as Map No. 213, to be acquired for a permanent easement for a drainage pipe, and shown on Map No. 1 on file in the Office of the Commissioner and more particularly bounded and described as follows:

Beginning at a Point on the southerly boundary of Montauk Highway CR. 80 at its intersection with the division line between the lands now or formerly of Lucia Cenzoprano on the west and the lands now or formerly of J & P Jayawal on the east;

Thence South 01°11'40" West, along said division line a distance of 73.06 feet to a point on Shinnecock Bay;

Thence North 88°45'21" West along the division line between the land now or formerly of Lucia Cenzoprano on the north and Shinnecock Bay on the south a distance of 10.00 feet to a point;

Thence North 01°11'40" East through Lot 22 and the land now or formerly of Lucia Cenzoprano a distance of 73.05 feet to a point on the aforementioned southerly boundary of Montauk Highway CR 80;

Thence South 88°48'20" East along said boundary a distance of 10.00 feet to the point or place of beginning being 731± square feet or 0.177± acre more or less.

SUFFOLK COUNTY
County Legislature
RIVERHEAD, NY



This is to Certify That I, TIM LAUBE, Clerk of the County Legislature of the County of Suffolk, have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was duly adopted by the County Legislature of said County on June 22, 2010 and that the same is a true and correct transcript of said resolution and of the whole thereof.

In Witness Whereof, I have hereunto set my hand and the official seal of the County Legislature of the County of Suffolk.

A handwritten signature in cursive script that reads "Tim Laube".

Clerk of the Legislature

Intro. Res. 1658 Res. No. 679

June 22, 2010

Motion:

Romaine, Schneiderman, Browning, Muratore, Losquadro
 Eddington, Montano, Cilmi, Lindsay, Viloría-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Co-Sponsors:

Romaine, Schneiderman, Browning, Muratore, Losquadro
 Eddington, Montano, Cilmi, Lindsay, Viloría-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:

Romaine, Schneiderman, Browning, Muratore, Losquadro
 Eddington, Montano, Cilmi, Lindsay, Viloría-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE					
2	Jay H. SCHNEIDERMAN					
3	Kate M. BROWNING					
4	Thomas MURATORE					
6	Daniel P. LOSQUADRO					
7	Jack EDDINGTON					
9	Ricardo MONTANO					
10	Thomas CILMI					
11	Thomas F. BARRAGA					
12	John M. KENNEDY, JR.					
13	Lynne C. NOWICK					
14	Wayne R. HORSLEY					
15	DuWayne GREGORY					
16	Steven H. STERN					
17	Lou D'AMARO					
18	Jon COOPER					
5	Vivian VILORIA-FISHER, D.P.O.					
8	William J. LINDSAY, P.O.					
	Totals	17				

MOTION
<input checked="" type="checkbox"/> Approve
Table: _____
<input type="checkbox"/> Send To Committee
<input type="checkbox"/> Table Subject To Call
<input type="checkbox"/> Lay On The Table
<input type="checkbox"/> Discharge
<input type="checkbox"/> Take Out of Order
<input type="checkbox"/> Reconsider
<input type="checkbox"/> Waive Rule
<input type="checkbox"/> Override Veto
<input type="checkbox"/> Close
<input type="checkbox"/> Recess
APPROVED <input checked="" type="checkbox"/> FAILED <input type="checkbox"/>
No Motion <input type="checkbox"/> No Second <input type="checkbox"/>

RESOLUTION DECLARED
<input checked="" type="checkbox"/> ADOPTED
<input type="checkbox"/> NOT ADOPTED



 Tim Laube, Clerk of the Legislature

Roll Call Voice Vote