

Introduced by Presiding Officer, on request of the County Executive and Legislators Losquadro, Romaine

**RESOLUTION NO. 718 -2010, AUTHORIZING THE ACQUISITION OF FARMLAND DEVELOPMENT RIGHTS UNDER THE NEW SUFFOLK COUNTY DRINKING WATER PROTECTION PROGRAM (EFFECTIVE DECEMBER 1, 2007) FOR THE ROTTKAMP PROPERTY - ROTTKAMP FARM - TOWN OF RIVERHEAD (SCTM NO. 0600-061.00-02.00-008.001)**

**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. 647-2009, authorized planning steps for the acquisition of farmland development rights of the subject property; and

**WHEREAS**, pursuant thereto, said acquisition is to be made in accordance with the procedures set forth in Chapter 8 of the Suffolk County Code which provides that the same shall be consummated in accordance with provisions of General Municipal Law Section 247 and the recommendation of the Suffolk County Farmland Committee; 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 of farmland development rights; and

**WHEREAS**, based upon the Environmental Trust Review Board approved value, an offer to acquire the rights to subject property was made to and accepted by the owner of said property; and

**WHEREAS**, contracts to acquire said rights 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

**1<sup>st</sup> RESOLVED**, that the County of Suffolk hereby approves the acquisition of the farmland development rights of the subject property set forth below under the New Suffolk County Drinking Water Protection Program, effective December 1, 2007, Farmland component, for a total purchase price of Seven Hundred Thirty Four Thousand Five Hundred Dollars (\$734,500.00+), at Sixty Five Thousand Dollars (\$65,000.00) per acre for 11.3± acres, 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 for inclusion in the Suffolk County Farmland Development Rights Program:

|                       |                               |                      |                            |
|-----------------------|-------------------------------|----------------------|----------------------------|
|                       | <b>SUFFOLK COUNTY</b>         |                      | <b>REPUTED OWNER</b>       |
| <b><u>PARCEL:</u></b> | <b><u>TAX MAP NUMBER:</u></b> | <b><u>ACRES:</u></b> | <b><u>AND ADDRESS:</u></b> |
| No. 1                 | District 0600                 | 11.3±                | Jeffrey Rottkamp           |
|                       | Section 061.00                |                      | 2331 Sound Avenue          |
|                       | Block 02.00                   |                      | Calverton, NY 11901        |
|                       | Lot 008.001                   |                      |                            |

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 C42-2(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, Farmland component, Section C12-2(A)(1)(f) of the SUFFOLK COUNTY CHARTER, for the County's purchase price of Seven Hundred Thirty Four Thousand Five Hundred Dollars (\$734,500.00±) , at Sixty Five Thousand Dollars (\$65,000.00) per acre for 11.3± acres, subject to a final survey; and, be it further

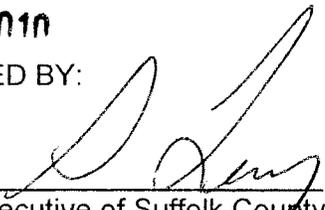
**3<sup>rd</sup>** **RESOLVED**, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$734,500.00±, subject to a final survey, from previously appropriated funds in capital project 525-8712.210 for the New Suffolk County Drinking Water Protection Program, effective December 1, 2007, Farmland component, Section C12-2(A)(1)(f) of the SUFFOLK COUNTY CHARTER, for this acquisition; and, be it further

**4<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

**5<sup>th</sup>** **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II Action pursuant to 6 NYCRR Sections 617.5 c (20) and (27) of the New York Code of Rules and Regulations since such actions are simply legislative decisions administering and implementing the acquisition of farmland development rights as part of the Suffolk County Farmland Preservation Program which will mainly result in a beneficial impact and for which SEQRA Determination of Non-Significance has already been issued.

DATED: **AUG 03 2010**

APPROVED BY:

  
 \_\_\_\_\_  
 County Executive of Suffolk County

Date: **AUG 06 2010**

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 August 3, 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".

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Clerk of the Legislature

Intro. Res. 1698 Res. No. 718

August 3, 2010

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

**Co-Sponsors:**  
 Romaine, Schneiderman, Browning, Muratore, Losquadro  
 Eddington, Montano, Cilmi, Lindsay, Vioria-Fisher, Barraga,  
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

**Second:**  
 Romaine, Schneiderman, Browning, Muratore, Losquadro  
 Eddington, Montano, Cilmi, Lindsay, Vioria-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                        | 18  |    |     |    |   |

**MOTION**

Approve

Table: \_\_\_\_\_

Send To Committee

Table Subject To Call

Lay On The Table

Discharge

Take Out of Order

Reconsider

Waive Rule \_\_\_\_\_

Override Veto

Close

Recess

APPROVED  FAILED \_\_\_\_\_

No Motion \_\_\_\_\_ No Second \_\_\_\_\_

**RESOLUTION DECLARED**

ADOPTED

NOT ADOPTED

*Tim Laube*  
 Tim Laube, Clerk of the Legislature

Roll Call \_\_\_\_\_ Voice Vote