Intro. Res. No. 1816-2010 Laid on Table 8/3/2010
Introduced by Presiding Officer, on request of the County Executive and Legislators Horsley, Gregory

RESOLUTION NO. 848 -2010, SALE OF COUNTY-OWNED REAL ESTATE PURSUANT TO SECTION 72-H OF THE GENERAL MUNICIPAL LAW -TOWN OF BABYLON (SCTM NO. 0100-040.00-02.00-012.000)

WHEREAS, the COUNTY OF SUFFOLK is the fee owner of the following described parcel that is surplus to the needs of the County of Suffolk; and

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Babylon, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0100, Section 040.00, Block 02.00, Lot 012.000 and acquired by Tax Deed on February 19, 1988 from Jean H. Tuthill, the County Treasurer of Suffolk County, New York, and recorded on February 19, 1988 in Liber 10544 at Page 94; 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 to the town the parcel described in Exhibit "A" annexed hereto; and

1st **RESOLVED**, that Pamela J. Greene, Director of the Division of Real Property Acquisition and Management, or designee is hereby authorized to execute and acknowledge a Quitclaim deed to transfer the interest of Suffolk County in the above described property and on the terms and conditions provided herein to said Town of Babylon for the sum of One Dollar plus the pro rata share of the current tax adjustment due at closing; and be it further

2nd **RESOLVED**, that the Town of Babylon will be restricted in its use of the subject parcel and will use said parcel solely and exclusively for Downtown Revitalization as part of Wyandanch Rising 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 parcel for other than Downtown Revitalization as part of Wyandanch Rising purposes or attempts to sell, transfer or otherwise dispose of or does, in fact, sell, transfer or otherwise dispose of said subject parcel without said parcel being used thereafter for Downtown Revitalization as part of Wyandanch Rising purposes; and be it further

3rd **RESOLVED**, that said quitclaim deed tendered 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: August 17, 2010

APPROVED BY:

County Executive of Suffolk County

Date: 8/26/10

Exhibit "A"

1816

RESOLUTION NO. 444 JULY 14, 2010
REQUESTING THE CONVEYANCE OF PARCELS TO THE TOWN OF BABYLON FOR DOWNTOWN REVITALIZATION AS PART OF WYANDANCH RISING (SECTION 72-h, GENERAL MUNICIPAL LAW)

The following resolution was offered by Councilman Martinez and seconded by Councilman Henry:

WHEREAS, the County of Suffolk is the owner of a parcel of land identified as 305 Acorn Street, Wyandanch, New York 11798, SCTM #0100-040.00-02.00-012.000; and

WHEREAS, the Town of Babylon requests that the County of Suffolk convey this parcel for Downtown Revitalization as part of Wyandanch Rising;

NOW THEREFORE, be it

RESOLVED, that the Town Board of the Town of Babylon requests the County of Suffolk to execute and deliver a quitclaim deed to the Town of Babylon for said property, more particularly described and designated as SCTM #0100-040.00-02.00-012.000, pursuant to Section 72-h of the New York General Municipal Law, for the purpose of Downtown Revitalization as part of Wyandanch Rising; and be it further

RESOLVED, that said quitclaim deed issued by the County of Suffolk, pursuant to this resolution, shall contain a reverter clause to the effect that title to the said above described parcel shall revert to the County of Suffolk in the event that the property is not used for the above-described purpose or in the event that the Town of Babylon attempts to sell, transfer, or otherwise dispose of or does, in fact, sell, transfer, or otherwise dispose of said subject property without said property being used thereafter for the above described public governmental purpose subsequent to delivery of said deed to the Town of Babylon.

VOTES: 4 YEAS: 4 NAYS: 0

The resolution was thereupon declared duly adopted.

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 17, 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.

Tim Laube

Clerk of the Legislature

Prem

Intro. Res. 1816 Res. No. 848 August 17, 2010

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

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

Second:
Romaine, Schneiderman, Browning, Muratore, Losquadro
Eddington, Montano, Cilmi, Lindsay, Viloria-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
X 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 X FAILED ____
No Motion ___ No Second ___

RESOLUTION DECLARED
X ADOPTED
____ NOT ADOPTED

Roll Call ____ Voice Vote X

Tim Laube

Tim Laube, Clerk of the Legislature