Intro. Res. No. 1867-2010 Laid on Table 8/17/2010
Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 891 -2010, SALE OF COUNTY-OWNED REAL ESTATE PURSUANT TO SECTION 72-H OF THE GENERAL MUNICIPAL LAW - TOWN OF BROOKHAVEN (SCTM NO. 0200-847.00-02.00-015.000)

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 Brookhaven, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0200 Section 847.00, Block 02.00 Lot 015.000 and acquired by Tax Deed on August 17, 1998 from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on September 14, 1998 in Liber 11916 at Page 755 and described as follows, known and designated as Lots 3 & 4 in Block 5 on a certain map entitled "Map of Orient Park, Section N", and filed in the Office of the Clerk of the County of Suffolk on December 18, 1909 as Map No. 340; 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 Brookhaven has requested that the County of Suffolk convey to the town the parcel described in Exhibit "A" annexed hereto; and

WHEREAS, as provided in Resolution No. 840-2004 and Resolution No. 412-2005, this Legislature has determined that retention of development rights for transfer and use to promote the development of workforce housing is a vital need of Suffolk County residents and an important public purpose of County government; and

WHEREAS, the Suffolk County Department of Planning has approved the proposed transfer and use of said parcel; now, therefore be it

1st **RESOLVED**, that Pamela J. Greene, the Director of the Division of Real Property Acquisition and Management, or her Deputy, hereby is 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 as hereinafter described to said Town of Brookhaven for the sum of $1,718.25; plus the pro rata share of taxes; and be it further

2nd **RESOLVED**, that the County of Suffolk hereby transfer the above described property subject to it being sterilized for Open Space Purposes to protect the aquifer and water supply, which property shall be kept in its natural state in perpetuity, except for property maintenance activities as may be appropriate, to effectuate the declaration of covenants and restrictions, entered into by the Town of Brookhaven, without impairing the essential nature and open character of the premises and subject to the use of the open space area for passive recreational purposes; and be it further

3rd **RESOLVED**, that pursuant to Section C12-2(A)(2)(c), this property is to be permanently sterilized by a deed restriction and must remain as Open Space and Workforce Housing Development Rights shall be severed herewith 0.1 (one tenth) Workforce Housing

Development Right 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 be it further

4th **RESOLVED**, that said quitclaim deed tendered by Pamela J. Greene, the Director of the Division of Real Property Acquisition and Management, pursuant to this resolution, shall contain appropriate language that shall permanently sterilize the above-described parcel and sever the development rights for workforce housing purposes in accordance with the County's Workforce Housing Program; and be it further

5th **RESOLVED**, that the Town of Brookhaven will be restricted in its use of the subject parcel and will use said parcel solely and exclusively for Open Space; with all right title and interest reverting to the County of Suffolk in the event that the Town of Brookhaven, at any time, uses or attempts to use said subject parcel for other than Open Space 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 Open Space; and be it further

6th **RESOLVED**, that said quitclaim deed issued by Pamela J. Greene, the 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

7th **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. Sections 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: SEP 16 2010

APPROVED BY:

County Executive of Suffolk County

Date: SEP 24 2010

Exhibit "A" 1867

RESOLUTION NO. 2009-384
MEETING: April 28, 2009

ADOPTED

BY THE BROOKHAVEN TOWN BOARD

AMENDING RESOLUTION NO. 899-08 AND AUTHORIZING THE ACQUISITION OF LAN FROM THE COUNTY OF SUFFOLK PURSUANT TO GENERAL MUNICIPAL LAV §72-H (SCTM NOS. 0200-847.00-02.00-015.000), HAWTHORNE AVENUE, BROOKHAVEN

WHEREAS, Resolution No. 899-08 authorized the transfer of foreclosed properties fro the County of Suffolk to the Town of Brookhaven for transfer to various not-for-profit housing agencies; and

WHEREAS, a parcel on Hawthorne Avenue in Brookhaven designated for Long Island Housing Partnership has been determined by the Environmental Department to have wetland concerns, i.e. Suffolk County Tax Map No. 0200-847.00-02.00-015.000; and

WHEREAS, said parcel should be removed from the Affordable Housing Program and preserved as open space; and

WHEREAS, the Town Board of the Town of Brookhaven seeks to acquire said parcel c property on Hawthorne Avenue in Brookhaven from the County of Suffolk pursuant to §72-h o the General Municipal Law of New York; and

WHEREAS, said properties are to be acquired from the County of Suffolk for open spa purposes; and

WHEREAS, the cost for such acquisition shall be $1,718.25 plus the payment of pro ra taxes;

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of

Brookhaven that Resolution No. 899-08 is hereby amended to remove Suffolk County Tax M Nos. 0200-847.00-02.00-015.000 from the Affordable Housing Program; and be it further

RESOLVED by the Town Board of the Town of Brookhaven that the acquisition of said properties located on Hawthorne Avenue in Brookhaven (SCTM No. 0200-847.00-02.00 015.000) are hereby authorized in accordance with the provisions of §72-h of the General Municipal Law, said properties to be used only for open space thereafter; and be it further

RESOLVED that by this resolution the Town Board hereby requests of the County of Suffolk that said aforementioned parcels be transferred to the Town of Brookhaven in accordance with the provisions of §72-h of the General Municipal Law; and be it further

RESOLVED that the Commissioner of Finance is hereby authorized to issue a check from Account No. HRCW 1420 3080 in the sum of $1,718.25 payable to the Suffolk County Department of Real Estate, to effectuate the transfer.

RESOLVED that all the other terms and conditions of Resolution No. 899-08 shall rem unchanged.

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 September 16, 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

Intro. Res. 1867 Res. No. 891 September 16, 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	17	1			

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