Intro. Res. No. 1905-2010 Laid on Table 9/16/2010
Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 959 -2010, SALE OF COUNTY-OWNED REAL ESTATE PURSUANT TO SECTION 72-H OF THE GENERAL MUNICIPAL LAW - TOWN OF ISLIP (SCTM NO. 0500-319.00-01.00-062.000 AND 063.000)

WHEREAS, the COUNTY OF SUFFOLK is the fee owner of the following described parcels that are 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 Islip, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0500 Section 319.00, Block 01.00 Lot 062.000 and acquired by Tax Deed on September 16, 1994 from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on September 28, 1994 in Liber 11696 at Page 75 and described as follows, known and designated as Part of Lot 251 on a certain map entitled "Map of the Whitman Park", and filed in the Office of the Clerk of the County of Suffolk on September 22, 1910 as Map No. 394; and

ALL, that certain plot, piece or parcel of land, with any buildings and improvements theron erected, situate, lying and being in the Town of Islip, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0500, Section 319.00, Block 01.00, Lot 063.000, and acquired by Tax Deed on November 18, 2003 from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on December 9, 2003 in Liber 12288 at Page 737 and described as follows, being and intended to be that parcel of land carried on the tax rolls of the Town of Islip under Suffolk County Tax Map No. District 0500, Section 319.00, Block 01.00, Lot 063.000; 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 Islip has requested that the County of Suffolk convey these parcels to it (see annexed resolution - Exhibit "A"); 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 these parcels; 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 properties and on the terms and conditions as hereinafter described to said Town of Islip for the sum of $14,419.29; plus the pro rata share of taxes; and be it further

2nd **RESOLVED**, that the County of Suffolk hereby transfers the above described properties, 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 Islip, 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 One (1) 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 Islip will be restricted in its use of the subject parcels and will use said parcels solely and exclusively for Establishing a Buffer Area; with all right title and interest reverting to the County of Suffolk in the event that the Town of Islip, at any time, uses or attempts to use said subject parcels for other than Establishing a Buffer Area or attempts to sell, transfer or otherwise dispose of or does, in fact, sell, transfer or otherwise dispose of said subject parcels without said parcels being used thereafter for Establishing a Buffer Area; 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: OCT 12 2010

APPROVED BY:

County Executive of Suffolk County

Date: 10/27/10

Exhibit "A"

1905

Resolution 8
October 21, 2008

WHEREAS, the Suffolk County Division of Real Property Acquisition has advised the Town of Islip that two unimproved parcels of land are available for transfer to the Town of Islip for public benefit purposes under Section 72-h of General Municipal Law; and

WHEREAS, the parcels are known as TM # 0500-319.00-01.00-062.000 and TM # 0500-319.00-01.00-063.000; and

WHEREAS, the parcels are located along the Sunrise Highway Service Road in the hamlet of Islip; and

WHEREAS, the Commissioner of the Department of Planning and Development recommends acquisition of these parcels by the Town of Islip, for the purpose of preservation as a buffer area for the benefit of neighboring residents; and

WHEREAS, Suffolk County has offered to transfer these parcels to the Town of Islip in consideration of a payment of $ 3,258.66 for TM # 0500-319.00-01.00-062.000 and $ 11,160.63 for TM #500-319.00-01.00-063.000, which reflects the back-taxes currently owed on the respective parcels;

NOW, therefore, on a motion by Councilman Bodkin seconded by Councilman Parrington be it

RESOLVED, that the Town Board of the Town of Islip does hereby authorize the Commissioner of the Department of Planning and Development to process the payment to Suffolk County from account no. 4 H 1620.3-0512; and be it further

RESOLVED, that the Supervisor is hereby authorized to accept the deeds for TM # 0500-319.00-01.00-062.000 and TM # 0500-319.00-01.00-063.000 from Suffolk County for the purposes of establishing a buffer area along Sunrise Highway.

Upon a vote being taken, the result was: Unanimously carried 5-0

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 October 12, 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. 1905 Res. No. 959 October 12, 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