

Intro. Res. No. 1906-2010
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 9/16/2010

**RESOLUTION NO. 960 -2010, SALE OF COUNTY-OWNED
REAL ESTATE PURSUANT TO SECTION 72-H OF THE
GENERAL MUNICIPAL LAW - TOWN OF ISLIP
(SCTM NO. 0500-297.00-01.00-129.000)**

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 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 297.00 Block 01.00 Lot 129.000 and acquired by Tax Deed on June 15, 1999 from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on June 23, 1999 in Liber 11970 at Page 897 and described as follows, known and designated as Lots 768 to 770 inclusive except property in Road on a certain map entitled "Amended Map of Fairview Park, Section C", and filed in the Office of the Clerk of the County of Suffolk on December 3, 1935 as Map No. 1198; 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 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 Islip for the sum of \$21,642.46; plus the pro rata share of taxes; and be it further

2nd **RESOLVED**, that the County of Suffolk hereby transfers 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 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 Two-Tenths (0.2) 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

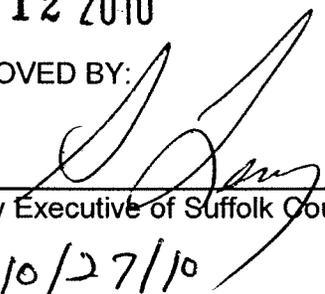
5th **RESOLVED**, that the Town of Islip will be restricted in its use of the subject parcel and will use said parcel solely and exclusively for Buffer Area purpose; with all right title and interest reverting to the County of Suffolk in the event that the Town of Islip, at any time, uses or attempts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

1906

February 3, 2009
Resolution 9

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

WHEREAS, the parcel known as TM # 0500-297.00-01.00-129.000; and

WHEREAS, the parcel is located along the Sunrise Highway Service Road in the hamlet of East Islip; and

WHEREAS, the Commissioner of the Department of Planning and Development recommends acquisition of this parcel 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 the parcel to the Town of Islip in consideration of a payment of \$ 21,642.46 for TM # 0500-297.00-01.00-129.000, which reflects the back-taxes currently owed on the respective parcel;

NOW, therefore, on a motion by Councilmna Bodkin
seconded by Councilman Flotteron 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 # 0500-297.00-01.00-129.000 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

A motion for a roll call was made all in favor

Councilman Parrington	Aye
Councilman Bodkin	Aye
Supervisor Nolan	Aye
Councilman Flotteron	Aye
Councilman Edwards	Aye

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,

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

Clerk of the Legislature

Intro. Res. 1906 Res. No. 960

October 12, 2010

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

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

Second:
 Romaine, Schneiderman, Browning, Muratore, Losquadro
 Eddington, Montano, Cilmi, Lindsay, Vilorio-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	
<input checked="" type="checkbox"/>	Approve
<input type="checkbox"/>	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 _____
No Motion _____	No Second _____

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

Tim Laube

Roll Call _____ Voice Vote