STRICKEN AS OF 4/12/2011

Intro. Res. No. 2018-2010 Laid on Table 10/12/2010

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. -2011, ADOPTING LOCAL LAW NO. -2011, A LOCAL LAW TO PROMOTE THE PRESERVATION AND INTEGRITY OF THE PINE BARRENS CORE AREA BY PROHIBITING THE REDEMPTION OR CONVEYANCE OF VACANT OR UNIMPROVED PINE BARRENS CORE PARCELS ACQUIRED BY SUFFOLK COUNTY BY TAX DEED

WHEREAS, there was duly presented and introduced to this County Legislature at a regular meeting held on October 12, 2010, a proposed local law entitled "**A LOCAL LAW TO PROMOTE THE PRESERVATION AND INTEGRITY OF THE PINE BARRENS CORE AREA BY PROHIBITING THE REDEMPTION OR CONVEYANCE OF VACANT OR UNIMPROVED PINE BARRENS CORE PARCELS ACQUIRED BY SUFFOLK COUNTY BY TAX DEED**;" and said local law in final form is the same as when presented and introduced; now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. -2011, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW TO PROMOTE THE PRESERVATION AND INTEGRITY OF THE PINE BARRENS CORE AREA BY PROHIBITING THE REDEMPTION OR CONVEYANCE OF VACANT OR UNIMPROVED PINE BARRENS CORE PARCELS ACQUIRED BY SUFFOLK COUNTY BY TAX DEED

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds that this Legislature has previously recognized and reaffirmed on several occasions that former owners of properties acquired by the County by tax deed should be entitled to an opportunity to reacquire those properties.

The Legislature further finds and determines that under Section 49 of the Suffolk County Tax Act, the local law providing for a further redemption period, and the Suffolk County Administrative Code, the County of Suffolk permits and affords the owner, and in certain instances any person interested in, or having a lien upon, any real estate sold for taxes and assessments, several opportunities to recover said real estate within certain time periods.

This Legislature further finds that Section A42-3 of the Suffolk County Administrative Code affords one of the means to redeem subsequent to the taking of a tax deed.

The Legislature further finds that pursuant to Section A42-3 (I) of the Suffolk County Administrative Code, the redemption of properties acquired by the County by tax deed pursuant to the Suffolk County Tax Act may be precluded if the governing village, town, or county within

which said real property is located is determined by this Legislature to have a governmental need for the premises and such village, town or county has enacted a resolution specifically stating the nature of that governmental need.

The Legislature further finds that Chapter 27 of the Suffolk County Administrative Local Laws permits Suffolk County to convey properties acquired by Suffolk County by tax deed pursuant to the Suffolk County Tax Act.

The Legislature further finds that pursuant to New York State Environmental Conservation Law Section 57-0117-5, land in the Pine Barrens Core Preservation Area which comes into the public domain shall be deemed to be dedicated to the Long Island Pine Barrens Preserve.

The Legislature further finds that pursuant to New York State Environmental Conservation Law Section 57-0117-7, no publicly owned real property dedicated to the Long Island Pine Barrens Preserve shall be alienated except by law enacted by two successive regular sessions of the New York State Legislature.

The Legislature further finds that the integrity of the Long Island Pine Barrens Preserve can best be maintained by government ownership and maintenance of vacant or unimproved Pine Barrens Core properties.

The Legislature further finds that Suffolk County Government has a superior governmental interest and need for vacant or unimproved Pine Barrens Core properties.

Therefore, the purpose of this law is to amend the provisions of Suffolk County Administrative Code Article XLII that permit redemption and the provisions of Chapter 27 of the Suffolk County Administrative Local Laws that permit conveyances to require that vacant or unimproved properties acquired by the County of Suffolk by tax deed that are located in the Pine Barrens Core be deemed to have come into the public domain and shall further be deemed to be dedicated to the Long Island Pine Barrens Preserve, and the redemption or conveyance of said vacant or unimproved Pine Barrens Core properties be prohibited.

Section 2. Amendments.

I. Article XLII of the SUFFOLK COUNTY ADMINISTRATIVE CODE is hereby amended as follows:

Article XLII, Department of Environment and Energy

* * * *

§ A42-3. Procedure for redemption of property under Suffolk County Tax Act.

The following rules and regulations for the sale of property acquired by Suffolk County pursuant to Section 46 of the Suffolk County Tax Act shall apply:

* * * *

K. Notwithstanding any provisions of this Article to the contrary, the redemption of vacant or unimproved properties that are located in the Pine Barrens Core that were acquired

by the County of Suffolk by tax deed pursuant to the Suffolk County Tax Act is prohibited and the interest acquired by the County of Suffolk in vacant or unimproved Pine Barrens Core properties may not be released. Vacant or unimproved properties acquired by the County of Suffolk by tax deed that are located in the Pine Barrens Core shall be deemed to have come into the public domain, and shall further be deemed to be dedicated to the Long Island Pine Barrens Preserve pursuant to NYS Environmental Conservation Law Section 57-0117-5.

L. The foregoing regulations may be amended only by local law.

II. Chapter 27 of the SUFFOLK COUNTY ADMINISTRATIVE LOCAL LAWS is hereby amended as follows:

Chapter 27, CONVEYANCE OF REAL PROPERTY

* * * *

§ 27-3. Guidelines for conveyance procedure.

* * * *

L. Notwithstanding any provisions of this Article to the contrary, no resolution authorizing the conveyance of vacant or unimproved properties that are located in the Pine Barrens Core that were acquired by the County of Suffolk by tax deed pursuant to the Suffolk County Tax Act shall be approved by the Legislature. The conveyance of vacant or unimproved properties that are located in the Pine Barrens Core that were acquired by the County of Suffolk by tax deed pursuant to the Suffolk County Tax Act is prohibited and the interest acquired by the County of Suffolk in vacant or unimproved Pine Barrens Core properties may not be released or conveyed. Vacant or unimproved properties acquired by the County of Suffolk by tax deed that are located in the Pine Barrens Core shall be deemed to have come into the public domain, and shall further be deemed to be dedicated to the Long Island Pine Barrens Preserve pursuant to NYS Environmental Conservation Law Section 57-0117-5.

[§ 27-4. Exemptions.

If the Legislature fails to approve a resolution authorizing a conveyance for a vacant parcel located within the Suffolk County Pine Barrens Zone, as more particularly described in "Exhibit A" attached hereto, then such parcel shall not be disposed of by the County but shall be retained by the County for open space or watershed protection purposes.**]**

§ 27-[5] 4. * * * *

Section 3. Applicability.

This law shall apply to all actions occurring on or after the effective date of this law.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder

thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 6. Effective Date.

This law shall take effect immediately upon filing in the Office of the Secretary of State.

__ Underlining denotes addition of new language.
[ ] Brackets denote deletion of existing language.

DATED:

APPROVED BY:

_____
County Executive of Suffolk County

Date: