

Introduced by Presiding Officer, on request of the County Executive and Legislator Browning

**RESOLUTION NO. 1101 -2010, AUTHORIZING THE ACQUISITION OF LAND UNDER THE NEW SUFFOLK COUNTY DRINKING WATER PROTECTION PROGRAM (EFFECTIVE DECEMBER 1, 2007) - OPEN SPACE COMPONENT - FOR THE MARIST BROTHERS OF SCHOOLS, INC. PROPERTY - BEAVERDAM CREEK COUNTY WETLANDS ADDITION - TOWN OF BROOKHAVEN (SCTM NO. 0200-976.10-03.00-027.001 p/o)**

**WHEREAS**, Local Law No. 24-2007, "A Charter Law Extending and Accelerating the Suffolk County ¼% Drinking Water Protection Program for Environmental Protection," Section C12-2(A)(1) authorized the use of 31.10 percent of sales and compensating tax proceeds generated each year for environmental protection, as determined by duly enacted Resolutions of the County of Suffolk; and

**WHEREAS**, adequate funding is provided for, pursuant to Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, from 31.10 percent of the sales and compensating tax proceeds, for the acquisition of such land; and

**WHEREAS**, Resolution No. 1021-2008, authorized planning steps for the acquisition of said property; and

**WHEREAS**, the Town of Brookhaven ("Town") has approved Resolution No. 931-2008, as amended by Resolution No. 190-2010 on March 2, 2010, authorizing the acquisition of the subject property in partnership with the County of Suffolk; and

**WHEREAS**, the Environmental Trust Review Board has reviewed the appraisals and the report of the Internal Appraisal Review Board and has approved the purchase price and authorized the Director of Real Property Acquisition and Management to negotiate the acquisition; and

**WHEREAS**, based upon the Environmental Trust Review Board approved value, an offer to acquire the subject property was made to and accepted by the owner of said property; and

**WHEREAS**, contracts to acquire said property were prepared by the Office of the County Attorney, executed by the owner of the subject property, the Town, and the Director of Real Property Acquisition and Management and approved as to legality by the Office of the County Attorney; now, therefore be it

**1<sup>st</sup> RESOLVED**, that the County of Suffolk hereby approves the acquisition of the subject property set forth below under the New Suffolk County Drinking Water Protection Program, effective as of December 1, 2007, Open Space component, for a total purchase price of Six Hundred Fifty Three Thousand Seven Hundred Eighty Dollars (\$653,780±), at Ninety Five Thousand Dollars per acre (\$95,000), for 7.6± acres, from which Sixty Eight Thousand Two Hundred Twenty Dollars (\$68,220) for demolition costs has been deducted, which total cost is to be shared by the County of Suffolk and the Town, with the County of Suffolk's share, totaling Four Hundred Fifty Seven Thousand Six Hundred Forty Six Dollars (\$457,646.00±), for a

seventy percent (70%) undivided interest; and the Town's share, totaling One Hundred Ninety Six Thousand One Hundred Thirty Four Dollars (\$196,134.00+), for a thirty percent (30%) undivided interest, subject to a final survey; and hereby authorizes additional expenses, which shall include, but not be limited to, the cost of surveys, appraisals, environmental audits, title reports and insurance, and tax adjustments:

	SUFFOLK COUNTY			REPUTED OWNER
<u>PARCEL:</u>	<u>TAX MAP NUMBER:</u>		<u>ACRES:</u>	<u>AND ADDRESS:</u>
No. 1	District	0200	7.6+	Marist Brothers of Schools, Inc.
	Section	976.10		4300 Murdock Avenue
	Block	03.00		Bronx, NY 10466
	Lot	027.001 p/o		

and be it further

**2<sup>nd</sup>** **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management and/or her designee, is hereby authorized, empowered, and directed, pursuant to Section C42-3(C)(3) of the SUFFOLK COUNTY CHARTER, to acquire the parcel(s) listed herein above from the reputed owner, the funding for which shall be provided under the New Suffolk County Drinking Water Protection Program, effective as of December 1, 2007, Open Space component, Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, for Four Hundred Fifty Seven Thousand Six Hundred Forty Six Dollars (\$457,646.00+), subject to a final survey, said amount representing the County's share of the total purchase price; and be it further

**3<sup>rd</sup>** **RESOLVED**, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$457,646.00+, subject to a final survey, from previously appropriated funds in capital project 525-8712.210 for the New Suffolk County Drinking Water Protection Program, effective as of December 1, 2007, Open Space component, Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, for this acquisition; and be it further

**4<sup>th</sup>** **RESOLVED**, that the title to this acquisition shall be held by the County of Suffolk and the Town of Brookhaven, as tenants-in-common, with the County of Suffolk having an undivided seventy percent (70%) interest, and the Town of Brookhaven have an undivided thirty percent (30%) interest; and be it further

**5<sup>th</sup>** **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management and/or her designee; the County Planning Department; and the County Department of Public Works are hereby authorized, empowered, and directed to take such actions and to pay such additional expenses as may be necessary and appropriate to consummate such acquisition, including, but not limited to, securing appraisals, title insurance and title reports, obtaining surveys, engineering reports and environmental audits, making tax adjustments and executing such other documents as are required to acquire such County interest in said lands; and be it further

**6<sup>th</sup>** **RESOLVED**, that pursuant to Section C12-2(A)(2)(c) this property is not to be developed and Two (2) Workforce Housing Development Rights, representing the County's seventy percent (70%) interest in the total number of development rights allocated to the property, shall be removed 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

**7<sup>th</sup>** **RESOLVED**, that the acquisition of such parcel(s) meets the following criteria as required under Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER:

- b.) lands within the watershed of the coastal stream, as determined by a reasonable planning or hydrological study;

and be it further

**8<sup>th</sup>** **RESOLVED**, that the subject parcel(s) shall be transferred to the County Department of Parks, Recreation and Conservation for passive recreational use; and be it further

**9<sup>th</sup>** **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management is hereby authorized to negotiate and to enter into any necessary collateral agreements with the Town to effectuate the terms of this resolution; and be it further

**10<sup>th</sup>** **RESOLVED**, if desired, the County of Suffolk, through its Department of Parks, Recreation and Conservation is hereby authorized to negotiate and to enter into a municipal cooperation agreement with the Town for the management of this acquisition, consistent with this program, and the terms and conditions thereof shall be approved by the Suffolk County Attorney in consultation with the respective Commissioner of the County Department of Parks, Recreation and Conservation, who is charged with the management and operation of said property; and be it further

**11<sup>th</sup>** **RESOLVED**, that the above activity is an unlisted action (if greater than 100 acres; Type I action) pursuant to the provisions of Title 6 NYCRR, Part 617; and be it further

**12<sup>th</sup>** **RESOLVED**, that the project will not have a significant effect on the environment for the following reasons:

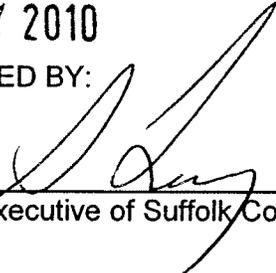
- 1.) the proposed action will not exceed any of the criteria of 6 NYCRR, Section 617.7, which sets forth thresholds for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form; and
- 2.) the proposed use of the subject parcel(s) is passive recreation; and
- 3.) if not acquired, the property will most likely be developed for residential purposes; incurring far greater environmental impact that the proposed acquisition and preservation of the site would have; and be it further

**13<sup>th</sup>** **RESOLVED**, that in accordance with Section 279-5(C)(4) of the SUFFOLK COUNTY CODE, the Suffolk County Council on Environmental Quality is hereby directed to prepare and circulate any appropriate notices or determinations in accordance with this resolution.

DATED:

**DEC 07 2010**

APPROVED BY:

A handwritten signature in black ink, appearing to be 'D. Long', written over a horizontal line.

County Executive of Suffolk County

Date:

**DEC 17 2010**

Intro. Res. 2081

Res. No. 1101

Dec. 7, 2010

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

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

**Second:**  
 Romaine, Schneiderman, Browning, Muratore, Losquadro  
 Eddington, Montano, Cilmi, Lindsay, Viloría-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		15	1	2		

**MOTION**

Approve  
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 Table: \_\_\_\_\_  
 \_\_\_\_\_  
 Send To Committee  
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 Table Subject To Call  
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 Lay On The Table  
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 Discharge  
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 Take Out of Order  
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 Reconsider  
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 Waive Rule \_\_\_\_\_  
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 Override Veto  
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 Close  
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 Recess  
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APPROVED  FAILED \_\_\_\_\_  
 No Motion \_\_\_\_\_ No Second \_\_\_\_\_

**RESOLUTION DECLARED**

ADOPTED  
 \_\_\_\_\_  
 NOT ADOPTED

*Tim Laube*

Tim Laube, Clerk of the Legislature

Roll Call \_\_\_\_\_ Voice Vote