

**RESOLUTION NO. 298 -2011, DECLARING AS SURPLUS
AND AUTHORIZING SALE AND/OR LEASE OF REAL
PROPERTY IN YAPHANK PURSUANT TO COUNTY LAW
SECTION 215**

WHEREAS, the County of Suffolk owns nearly 900 acres of real property in Yaphank; and

WHEREAS, numerous County departments and agencies operate at the Yaphank County Center and Cornell Cooperative Extension operates the County's farm in Yaphank; and

WHEREAS, the Suffolk County Department of Planning conducted a study of the County's holdings in Yaphank and determined that approximately 293 acres could potentially be declared surplus and made available for private development; and

WHEREAS, the Suffolk County Executive first proposed his "Legacy Village" development in 2005; and

WHEREAS, the County Executive's Legacy Village proposal now set forth in Introductory Resolution No.1883-2010, envisions over 1,000 units of housing, a hotel, multiple restaurants, retail outlets, thousands of square feet of office space, a 550 seat arena and more at the Yaphank site; and

WHEREAS, one of the critical rationales for Legacy Village cited by the County Executive has been the need to create affordable housing; and

WHEREAS, under the County Executive's proposal, the County of Suffolk would receive a net cash amount of approximately \$15 million and amenities benefitting the public with a value of \$42 million; and

WHEREAS, circumstances in our County, state and nation have changed dramatically since the County Executive first brought forth his Legacy Village proposal; and

WHEREAS, the world and national economy crashed in 2008 and the effects of the worst recession in nearly 80 years are still being felt today; and

WHEREAS, local governments have been devastated by the weak economy and Suffolk County has not been spared of its effects; and

WHEREAS, decreasing revenues and rising pension and health costs create the potential for large budget deficits in the next few years; and

WHEREAS, the housing market has been altered dramatically as demand and prices have dropped sharply; and

WHEREAS, Suffolk County's policies should not and cannot remain stagnant in the face of changing circumstances; and

WHEREAS, in the face of current and future budget deficits, realizing \$15 million from the sale of 255 acres of prime real estate is no longer in the public interest; and

WHEREAS, Suffolk County needs a different approach that recognizes fiscal reality and maximizes benefits for Suffolk County Taxpayers; and

WHEREAS, pursuant to New York County Law § 215, the Suffolk County Legislature is the steward of all County real property; now, therefore be it

1st RESOLVED, that the proposed sale of 255 acres of County real property in Yaphank to the Legacy Village Real Estate Group, LLC, as set forth in the proposed Agreement of Sale between the County and Legacy Village Real Estate Group, LLC, (attached as Exhibit 2 to Introductory Resolution No. 1883-2010) is hereby rejected; and be it further

2nd RESOLVED, that no County department, office, agency or official shall take any action to advance the Legacy Village project or any variation thereof; however, the preparation of the Generic Environmental Impact Statement (GEIS) initiated by Res. 45-2010 may proceed; and be it further

3rd RESOLVED, that approximately 247 acres of County-owned real property in Yaphank, more fully described in the attached Exhibit "A", are hereby declared surplus to the County's needs; and be it further

4th RESOLVED, that it shall be the policy of the County of Suffolk to sell and/or lease the County's surplus property in Yaphank so as to maximize the County's monetary return; and be it further

5th RESOLVED, that the Department of Energy and Environment, Division of Real Property Acquisition and Management, is hereby authorized, empowered and directed to determine how the property described in the attached Exhibit "A" should be offered for sale or lease in order to maximize the monetary return to the County and is authorized to offer the real property for sale and/or lease at the earliest time practicable; and be it further

6th RESOLVED, that the Division of Real Property Acquisition and Management is authorized to take the actions necessary to create lots from the property described in Exhibit "A"; and be it further

7th RESOLVED, all contracts of sale and lease agreements entered into by the County of Suffolk in accordance with this resolution shall be subject to legislative approval, and appropriate SEQRA and CEQ review; and be it further

8th RESOLVED, that this Legislature hereby determines that the enactment of this resolution herein constitutes a Type I action pursuant to the provisions of Title 6 NYCRR, Part 617.4(b)(4) and Chapter 279 of the Suffolk County Code, which action will not have significant adverse impacts on the environment for the following reasons:

- 1) The proposed action, as demonstrated in the Environmental Assessment Form, will not exceed any of the criteria in Title 6 NYCRR, Part 617.7 setting forth thresholds for determining significant effect on the environment;

- 2) The proposed action involves the surplus and sale and/or lease of the property with no proposed development associated with it;
- 3) The proposed action rejects Suffolk County Introductory Resolution 1883-2010, terminating the Legacy Village proposal; and
- 4) Any further development of the subject property will be subject to further SEQRA review.

DATED: April 26, 2011

EFFECTIVE PURSUANT TO SECTION 2-15(F) OF THE SUFFOLK COUNTY CHARTER,
RETURNED BY THE COUNTY EXECUTIVE UNSIGNED MAY 12, 2011

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 April 26, 2011 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. 2236-10

Res. No. 298

April 26, 2011

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

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

Second:
 Romaine, Schneiderman, Browning, Muratore, Anker
 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	Sarah S. ANKER		/			
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	14	4			

MOTION

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 FAILED ___

No Motion ___ No Second ___

RESOLUTION DECLARED

ADOPTED

___ NOT ADOPTED

Tim Laube

Roll Call Voice Vote ___

Tim Laube, Clerk of the Legislature

2236-10

COUNTY OF SUFFOLK - DEPARTMENT OF PUBLIC WORKS

Tax Map Nos. 0200-742.00-01.00-003.003
0200-742.00-01.00-003.004
0200-742.00-01.00-003.006

Map # 2- Parcel B

All that piece or parcel of land situate in the Hamlet of Yaphank, Town of Brookhaven, County of Suffolk, State of New York as shown on Map No. 2 and as described as follows:

Beginning at a point on the division line between the lands of the County of Suffolk, on the east, and the lands now or formerly of Harvey A. Auerbach on the west; said point also being on the division line between the lands of the County of Suffolk on the south, and the lands of the Metropolitan Transportation Authority and the Long Island Railroad on the north;

Thence from said Point of beginning N 82°56'16" E along said division line between the land of Suffolk County on the south and the lands of the Metropolitan Transportation Authority and the Long Island Railroad on the north a distance of 1995.02 feet to a point.

Thence, through the lands of the County of Suffolk the following eight (8) courses and distances:

1. S 05°31'21" E, a distance of 463.10 feet to a point;
2. N 82°28'41" E, a distance of 1087.46 feet to a point;
3. S 04°34'53" E, a distance of 751.92 feet to a point;
4. S 29°31'27" E, a distance of 182.36 feet to a point;
5. N 89°54'23" E, a distance of 42.42 feet to a point;
6. S 03°56'07" E, a distance of 444.56 feet to a point
7. S 09°48'13" E, a distance of 103.01 feet to a point
8. S 84°38'50" W, a distance of 3179.20 feet to a point on the division line between the lands of Suffolk County on the east and the lands now or formerly of Harvey A. Auerbach on the west;

Thence, N 05°33'52" W along said division line a distance of 1831.67 feet to the Point of Beginning, being 5,338,527.85± square feet or 122.56± acres more or less.

Excepting also and reserving to any and all utilities the right of access at all times for the update, maintenance and service of their facilities.

described by: FPF date: 11/16/2009
checked by: KS date: 11/16/2009

Exhibit "A"

COUNTY OF SUFFOLK - DEPARTMENT OF PUBLIC WORKS

Tax Map Nos. 0200-742.00-01.00-003.001

Map No. J- Parcel C

All that piece or parcel of land situate in the Hamlet of Yaphank, Town of Brookhaven, County of Suffolk, State of New York as shown on Map No. J and as described as follows:

Commencing at a point on the division line between the lands of the County of Suffolk on the east and the lands now or formerly of Harvey A. Auerbach, reputed owner on the west; said point also being on the division line between the lands of the County of Suffolk on the south, and the lands of the Metropolitan Transportation Authority and the Long Island Railroad, reputed owners on the north; thence S 05°33'52" E along the previously mentioned division line between the lands now or formerly of Harvey A. Auerbach, reputed owner on the west, and the County of Suffolk on the east, a distance of 1831.67 feet to the Point of Beginning;

thence through the lands of the County of Suffolk the following three (3) courses and distances:

1. N 84°38'50" E, a distance of 1403.17 feet to a point
2. S 07°28'51" E, a distance of 909.60 feet to a point;
3. S 84°26'08" W, and continuing along the lands of Starlight Properties, Inc. a distance of 1433.58 feet to a point on the division line between the lands of Suffolk County on the east and the lands now or formerly of Harvey A. Auerbach on the west and the lands now or formerly of Starlight Properties, Inc. on the south.

Thence N 5°33'52" W, along said division line between the land of Suffolk County on the east and the land now or formerly of Starlight Properties, Inc. on the west, a distance of 214.27 feet to the Point of Beginning; being 1,293,057.72± square feet or 29.684± acres, more or less.

Excepting also and reserving to any and all utilities the right of access at all times for the update, maintenance and service of their facilities.

described by: FPF date: 11/16/2009

checked by: KS date: 11/16/2009

COUNTY OF SUFFOLK – DEPARTMENT OF PUBLIC WORKS

Tax Map 0200-815.00-01.00-006.002

0200-815.00-01.00-006.003

0200-815.00-01.00-006.004

Map # 4- Parcel D

All that piece or parcel of land situate in the Hamlet of Yaphank, Town of Brookhaven, County of Suffolk, State of New York as shown on Map No. 4 and as described as follows:

Beginning at a point on the northerly boundary of County Road 16 / Horseblock Road at the Intersection of said Boundary with the division line between the lands of Suffolk County on the east and the easterly boundary of Old Town Road, Thence, northerly along said division line the following nine (9) courses and distances;

- 1) N 05°32'32" W, a distance of 311.99 feet to a point;
- 2) S 87°51'33" W, a distance of 65.32 feet to a point;
- 3) Along a curve to the left having a radius of 433.00 feet, an arc distance of 120.74 feet to a point;
- 4) Along a curve to the right having a radius of 367.00 feet, an arc distance of 283.48 feet to a point;
- 5) N 04°51'42" E, a distance of 303.25 feet to a point.
- 6) N 05°25'00" W, a distance of 198.14 feet to a point;
- 7) N 17°45'00" W, a distance of 381.89 feet to a point;
- 8) N 06°30'00" E, a distance of 439.25 feet to a point;
- 9) N 07°20'00" W, a distance of 28.95 feet to a point;

Thence, S 84°26'08" W along the northerly boundary of Old Town Road and continuing along the northerly boundary of the lands now or formerly of Equitable Yaphank, LLC., a distance of 806.43 feet to a point on the division line between the lands of Suffolk County on the east and the lands now or formerly of Starlight Properties, Inc. on the west and the lands now or formerly of Equitable Yaphank, LLC. on the south.

Thence, N 05°35'40" W along said division line a distance of 3150.00 feet to a point.

Thence, through the lands of Suffolk County the following four (4) courses and distances:

- 1) N 84°26'08" E, a distance of 711.32 feet to a point;
- 2) S 05°35'40" E, a distance of 2839.89 feet to a point;
- 3) N 84°27'54" E, a distance of 906.80 feet to a point;
- 4) S 05°32'27" E, a distance of 2605.87 feet to a point on the northerly boundary of Horseblock Road CR 16;

Thence, along said boundary the six (6) courses;

- 1) N 79°17'52" W, a distance of 184.56 feet to a point;
- 2) N 75°00'46" W, a distance of 104.98 feet to a point;
- 3) N 05°32'27" W, a distance of 18.15 feet to a point;
- 4) N 75°01'07" W, a distance of 80.49 feet to a point;
- 5) N 73°24'26" W, a distance of 214.08 feet to a point;
- 6) N 75°00'46" W, a distance of 163.86 feet to the **Point of Beginning**, being 4,292,165.51± square feet
Or 98.535± acres, more or less.

Excepting also and reserving to any and all utilities the right of access at all times for the update, maintenance and service of their facilities.