

RESOLUTION NO. 34 -2011, REQUESTING THE CONVEYANCE OF A PORTION OF A PARCEL OF REAL PROPERTY, HAVING A SUFFOLK COUNTY TAX MAP IDENTIFICATION NUMBER OF DISTRICT 0100 SECTION 045.00 BLOCK 01.00 LOT 008.000, FOR PUBLIC HIGHWAY PURPOSES AND REQUESTING APPROVAL FROM THE DEER PARK FIRE DISTRICT, SUFFOLK COUNTY, NEW YORK AND FROM THE STATE OF NEW YORK, OFFICE OF GENERAL SERVICES, FOR CONVEYANCE OF SAME, PURSUANT TO NEW YORK STATE PUBLIC LANDS LAW §34

WHEREAS, a certain parcel of real property presently owned by Deer Park Fire District No. 13, Town of Babylon, County of Suffolk, New York, and having a Suffolk County Tax Map Identification Number of District 0100 Section 045.00 Block 01.00 Lot 008.000, is situated within the geographical boundaries of the Deer Park Fire District No. 13, Town of Babylon, Suffolk County, New York; and

WHEREAS, the County of Suffolk, New York is interested in acquiring a portion of said parcel of real property (hereinafter referred to as the "Subject Premises") for the purpose of using said portion for public highway purposes to improve CR 4, Commack Road (a copy of the proposed acquisition map and description being attached hereto as Exhibit "A"); and

WHEREAS, Deer Park Fire District No. 13 acquired the Subject Premises by Letters Patent from the State of New York dated November 25, 1992, which was recorded in the Office of the Suffolk County Clerk on March 24, 1994 at Deed Liber 11669 CP. 921 (a copy of the Letters Patent being attached hereto as Exhibit "B"); and

WHEREAS, said Letters Patent specifically contains a covenant and reverter provision restricting the use of the Subject Premises for fire district purposes only; and

WHEREAS, the New York State Offices of General Services has indicated that it is willing to authorize the conveyance of the Subject Premises to the County of Suffolk for public highway purposes provided that the following procedure is followed:

- a. First: A resolution is approved by the Suffolk County Legislature requesting the within conveyance for public highway purposes One Dollar (to be waived);
- b. Second: The Board of Fire Commissioners of the Deer Park Fire District authorizes said conveyance by the passage of a resolution;
- c. Third: An authorized party on behalf of The Board of Fire Commissioners of the Deer Park Fire District must execute a quitclaim deed, along with all attendant documents thereto, conveying the Subject Premises to the State of New York; and
- d. Fourth: The New York State Offices of General Services will convey the Subject Premises to the County of Suffolk by Letters Patent for the sum of One Dollar (to be waived); said Letters

Patent containing a covenant restricting the use of the Subject Premises for highway purposes only and subject to reverter in and to the State of New York;

now, therefore be it

1st **RESOLVED**, that the above activity is an unlisted action pursuant to the provisions of Title 6 NYCRR Part 617; and be it further

2nd **RESOLVED**, that the action will not have a significant adverse impact on the environment for the following reasons:

1. The proposed action will not exceed any of the criteria of Title 6 NYCRR Part 617.7(c), which sets forth thresholds for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form; and
2. The proposed action simply transfers ownership of the land for public highway improvement purposes, an eventual Type II action under SEQRA;

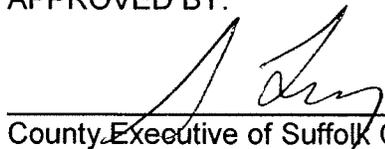
and be it further

3rd **RESOLVED**, that the County of Suffolk does hereby request the acquisition of that portion of the parcel having a Suffolk County Tax Map Identification Number of District 0100 Section 045.00 Block 01.00 Lot 008.000, more particularly described in Exhibit "A", attached hereto and requests that Deer Park Fire District No. 13, Town of Babylon, Suffolk County, New York and the State of New York, Office of General Services, approve conveyance of same pursuant to New York State Public Lands Law §34, for a consideration not to exceed One and 00/100 (\$1.00) Dollar (to be waived); and be it further

4th **RESOLVED**, that the Commissioner of the Suffolk County Department of Public Works, or his duly appointed designee, be and hereby is authorized to execute and acknowledge all documents necessary to convey the Subject Premises described herein into the County of Suffolk.

DATED: **FEB 1 2011**

APPROVED BY:



County Executive of Suffolk County

Date: **FEB 17 2011**



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Sidney B. Bowne & Son, LLP
235 East Jericho Turnpike
PO Box 109
Mineola, NY 11501
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Fax: 516-747-1396
www.bownegroup.com

DESCRIPTION OF REAL PROPERTY TO BE ACQUIRED BY THE COUNTY OF SUFFOLK FOR WIDENING COMMACK ROAD (COUNTY ROUTE No. 4)

DESIGNATED AS
SUFFOLK COUNTY LAND TAX MAP
DISTRICT 100, SECTION 45, BLOCK 1, PART OF LOT 8

All that certain plot, piece or parcel of land, situate, lying and being in the Town of Babylon, County of Suffolk and State of New York, said parcel being part of property described in deed liber 11669 page 921 and being more particularly bounded and described as follows:

BEGINNING at a point formed by the intersection of the easterly line of Commack Road (C.R. #4) with the northerly line of Nicholl's Road, said point being the point of beginning of property described in deed liber 11669 page 921. Said point of beginning has a New York State Plane Coordinate of North 220,118.43 East 1,175,239.34 referenced to the North American Datum of 1983.

Running thence North 00°14'46" West, along the easterly line of Commack Road, 570.00 feet;

Thence North 80°52'27" East 10.61 feet;

Thence South 00°41'43" East 543.37 feet, to the point of curvature of a tangent circular arc;

Thence southerly and easterly along the arc of a tangent circular curve to the left having a radius of 20.00 feet and arc distance of 35.74 feet, to a cusp on the northerly line of Nicoll's Road;

Thence South 76°54'24" West, tangent to the previous circular curve, along the northerly line of Nicoll's Road, 40.20 feet, to the POINT of BEGINNING

Containing within said bounds 7,381 Square Feet (0.169 Acres)

All bearings refer to the meridian of the North American Datum of 1983 New York State Plane Coordinate System which is rotated 0°31'54" clockwise from the meridian referred to in deed liber 11669 page 921

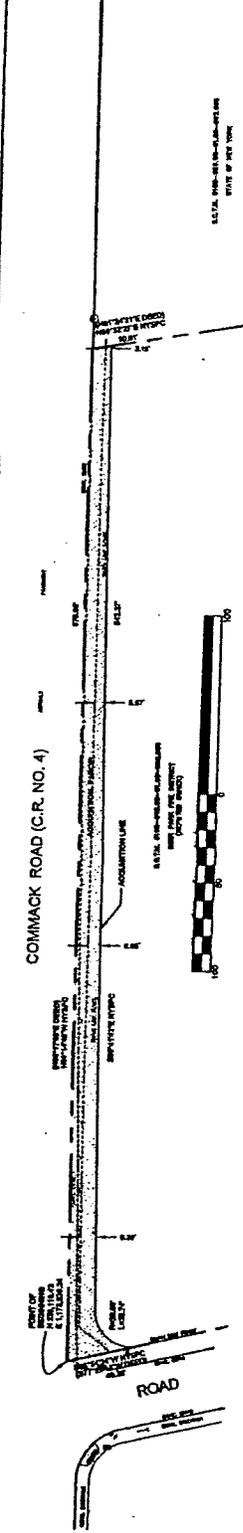
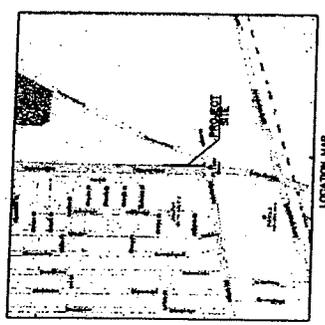
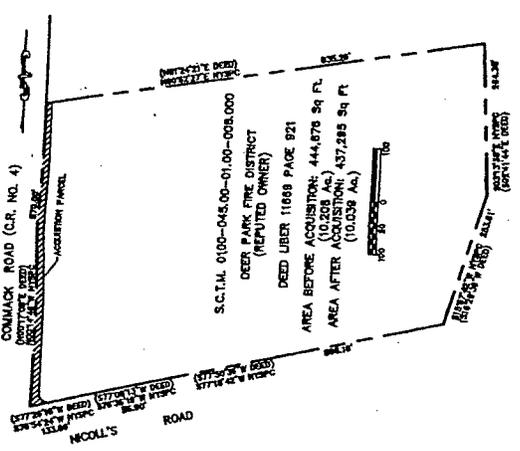
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EXHIBIT "A"

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**MAP SHOWING
PROPERTY TO BE ACQUIRED FROM
DEER PARK FIRE DISTRICT**

FOR THE CONSTRUCTION OF
C.R. NO. 4
TOWN OF BARTON, SUFFOLK COUNTY, N.Y.
TAKING AREA
7.381 SQUARE ACRES
A.C. 80-10189 ACRES
SCALE: 1"=30'



SYMBOL LEGEND

- 1 WHITE PILE
- 2 SET WIRE
- 3 INTERMITTENT
- 4 WATER WAVE
- 5 CURB DRIVE
- 6 ONE WALK
- 7 TELEPHONE WIRELINE
- 8 CURB WALK
- 9 BRICK WALK
- 10 TRAIL SIDEWALK
- 11 TRAIL SIDEWALK
- 12 UNDERPASS WALK
- 13 CROSS WALK

NOTES:
1. THIS MAP WAS MADE ON THE BASIS OF A FIELD SURVEY AND THE LOCATION OF ALL UTILITIES AND ACQUISITION LINES IS SUBJECT TO FIELD SURVEY AND RECORD.

COUNTY OF SUFFOLK
DEPARTMENT OF PUBLIC WORKS
ENGINEER-IN-CHIEF
YAPHANK, NEW YORK

1. BUREAU COUNTY, NEW YORK, WAS MADE FROM AN
ACTUAL SURVEY MADE AND COMPLETED JUNE 24, 1916

STATE OF NEW YORK
N.Y.E. 1.3. (7-27)

DESIGNED BY
ENGINEER-IN-CHIEF
CONSTRUCTION DIVISION
STATE OF NEW YORK
ALBANY, N.Y. 12242
(518) 748-2300

THIS MAP WAS MADE
UNDER THE SUPERVISION OF
THE ENGINEER-IN-CHIEF

MADE BY: J.W.
DRAWN BY: J.W.
CHECKED BY: J.W.

DATE	DESCRIPTION

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**The People of the State of New York, by the Grace of God,
Free and Independent,**

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

know ye, That pursuant to Chapter 310 of the Laws of 1990 and Findings of the Commissioner of General Services in the Executive Department of the State of New York dated November 16, 1992, and in consideration of the mutual covenants and agreements as set forth in an agreement dated April 1, 1992 between The People of the State of New York, acting by the Commissioner of the Department of Environmental Conservation and Deer Park *25th FLOOR CORNING TOWER, EMPIRE STATE PLAZA, ALBANY NY, Fire District, a New York municipal corporation having its principal office DEER PARK AVENUE and place of business at P.O. Box 293, Deer Park, New York 11729, we have granted and conveyed and by these presents do hereby grant and convey unto said DEER PARK FIRE DISTRICT, its successors and assigns forever, subject to the conditions hereinafter expressed, all the right, title and interest of The People of the State of New York in and to the following premises:

All that certain tract, piece or parcel of land, situate, lying, and being at Edgewood, Town of Babylon, County of Suffolk, State of New York, being more particularly bounded and described as follows:

Beginning at a point formed by the intersection of the easterly line of Comack Road (C.R. #4) with the northerly line of Nichols Road; running thence from said point of beginning, along the easterly line of Comack Road (C.R. #4), N. 00 degrees, 17 minutes, 08 seconds east 570.00 feet to a point; running thence through land of the State of New York the following three (3) courses and distances:

1. North 81 degrees, 24 minutes, 21 seconds east 835.26 feet;
2. South 02 degrees, 41 minutes, 44 seconds east 284.38 feet;
3. South 16 degrees, 29 minutes, 16 seconds west 253.61 feet to a point on the prolongation of the northerly line of Nichols Road; running thence along the prolongation of the northerly line of Nichols Road, and the northerly line of Nichols Road, through and along land of the New York State Department of Environmental Conservation the following three (3) courses and distances:

1. South 77 degrees, 50 minutes, 36 seconds west 598.16 feet;
2. South 77 degrees, 04 minutes, 13 seconds west 56.90 feet;
3. South 77 degrees, 26 minutes, 18 seconds west 133.06 feet to the point of place of beginning. Containing 10.21 acres.

This grant is made and accepted subject to the following conditions:

1. Said premises shall be used for fire district purposes only, and in the event that said premises shall not be used for such purposes, the title hereby conveyed shall revert to The People of the State of New York and the

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Attorney General may institute an action in the Supreme Court for a judgment declaring a reversion of such title in the State.

2. Deer Park Fire District shall complete and maintain the fence enclosing the perimeter of the lands conveyed herein.

Subject to any covenants, restrictions or easements affecting the above described premises.

Excepting and Reserving to ourselves all gold and silver mines and all uranium or other fissionable materials in the premises.

Together with all and singular, the rights, hereditaments and appurtenances to the same belonging or in any wise appertaining.

TO HAVE AND TO HOLD unto the said DEER PARK FIRE DISTRICT, its successors and assigns, subject to the conditions herein expressed.

Witness my hand and seal of office this 10th day of June 1964.

By _____
Attorney General

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IN WITNESS WHEREOF our Commissioner of General Services has executed these letters patent in our name this 16th day of November, 1992

THE PEOPLE OF THE STATE OF NEW YORK

By Robert B. Adams

COMMISSIONER OF GENERAL SERVICES

STATE OF NEW YORK

DEPARTMENT OF STATE ss.:

I hereby certify that the Great Seal of the State of New York was hereto affixed on the 25th day of

November, 1992
Nathan A. Hamm
Nathan A. Hamm, Special Deputy Secretary of State

Approved as to form this 2nd day of December, 1992

Approved this DEC 18 1992 day of 19

[Signature]
State Comptroller
By X.194,868

ROBERT ABRAMS
Attorney General

By Henry J. DeSoto
Assistant Attorney General
Sub. No. 92-67

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ESB:RSC:JL

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116691921

The People of the State of New York
TO

DEER PARK FIRE DISTRICT

LETTERS PATENT

STATE OF NEW YORK
Department of State
December 23, 1992
Recorded in Book of Patents

No. 95 of page 358

Secretary of State
By Jan Durfee
Janice Durfee
Miscellaneous Records

STATE OF NEW YORK
OFFICE OF GENERAL SERVICES
ALBANY, NY 12242

William F. Glass, Jr. Esq.
112 Maple Place
Port Jefferson, N.Y. 11777

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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 February 1, 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.

2259-10

Res. No.

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February 1, 2011

Motion:

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

Co-Sponsors:

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

Second:

Romaine, Schneiderman, Browning, Muratore,
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						
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	17				

MOTION	
<input checked="" type="checkbox"/> 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 <input checked="" type="checkbox"/> FAILED _____	
No Motion _____ No Second _____	

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

Tim Laube

Tim Laube, Clerk of the Legislature

Roll Call _____ Voice Vote