

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

RESOLUTION NO. 235 -2011, AUTHORIZING THE CONVEYANCE OF COUNTY-OWNED SURPLUS UNUSED RIGHT-OF-WAY FRONTING A PARCEL OF LAND, HAVING SUFFOLK COUNTY TAX MAP IDENTIFICATION NUMBERS OF DISTRICT 0200 SECTION 977.60 BLOCK 04.00 LOT 021.000 AND DISTRICT 0200 SECTION 977.60 BLOCK 04.00 LOT 022.000, PURSUANT TO SECTION 125 OF THE NEW YORK STATE HIGHWAY LAW

WHEREAS, the County of Suffolk is the fee owner of a certain portion of unused right-of-way situated in the Town of Brookhaven, Suffolk County, New York as more fully described in the maps and descriptions attached as Exhibit "1" and "2"; and

WHEREAS, said unused portion of right-of-way is surplus to the needs of the County of Suffolk; and

WHEREAS, Section 125 of the New York State Highway Law strictly limits the sale of surplus unused right-of-way to the property owner fronting said unused right-of-way at fair market value; and

WHEREAS, National Grid Corporate Services, LLC, the present owner of the parcels having a Suffolk County Tax Map Number of District 0200 Section 977.60 Block 04.00 Lot 003.000 has requested to purchase from the County of Suffolk, at fair market value, the surplus and unused right-of-way having a Suffolk County Tax Map Number of District 0200 Section 977.60 Block 04.00 Lot 021.000 fronting the National Grid tax map parcel; and

WHEREAS, National Grid Corporate Services, LLC, the present owner of the parcel having a Suffolk County Tax Map Number of District 0200 Section 977.60 Block 04.00 Lot 004.000 has requested to purchase from the County of Suffolk, at fair market value, the surplus and unused right-of-way having a Suffolk County Tax Map Number of District 0200 Section 977.60 Block 04.00 Lot 022.000 fronting the National Grid tax map parcel; and

WHEREAS, the County of Suffolk did commission appraisals for the requested conveyance that were performed by an independent, outside appraiser selected in accordance with established Suffolk County procedures; and

WHEREAS, upon review of said appraisals in accordance with established Suffolk County procedures, the County of Suffolk determined that the fair market value of the unused and surplus rights-of-way fronting the privately owned parcels of real property having Suffolk County Tax Map Numbers of District 0200 Section 977.60 Block 04.00 Lot 003.000 and District 0200 Section 977.60 Block 04.00 Lot 004.000 was Two Hundred Sixteen Thousand Two Hundred & 00/100 Dollars (\$216,200.00); and

WHEREAS, National Grid Corporate Services, LLC, the present owner of the parcel having Suffolk County Tax Map Numbers of District 0200 Section 977.60 Block 04.00 Lot 003.000 and District 0200 Section 977.60 Block 04.00 Lot 004.000 have agreed to pay to the County of Suffolk the sum of Two Hundred Sixteen Thousand Two Hundred & 00/100 Dollars

(\$216,200.00), said sum representing the fair market value of the surplus and unused right-of-way fronting said tax map parcels; now, therefore be it

1st **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) Lead Agency hereby finds and determines that the adoption of this law is not an action within the meaning of the State Environmental Quality Review Act and the regulations adopted thereto (NYCRR Section 617.2(b)(2)); the Legislature 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 a major re-ordering of priorities (NYCRR Section 617.13(d)(15),(21)); as a Type II Action, the Legislature has no further responsibilities under SEQRA (6 NYCRR Section 617.5(a)(1)); and be it further

2nd **RESOLVED**, said parcel is surplus to the needs of the County of Suffolk; and be it further

3rd **RESOLVED**, that this purchase is authorized pursuant to Section 125 of the New York State Highway Law; and be it further

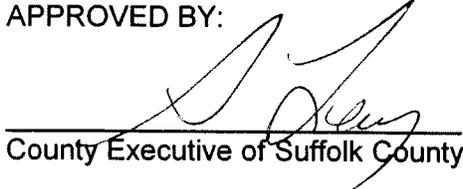
4th **RESOLVED**, the Suffolk County Department of Public Works is directed to convey said surplus and unused right-of-way described herein to National Grid Corporate Services, LLC, the present owner or its successors in interest of the parcel having Suffolk County Tax Map Numbers of District 0200 Section 977.60 Block 04.00 Lot 003.000 and District 0200 Section 977.60 Block 04.00 Lot 004.000, or to its successors in interest for the total sum of Two Hundred Sixteen Thousand Two Hundred & 00/100 Dollars (\$216,200.00), plus the pro-rata share of the current tax adjustments due at closing; and be it further

5th **RESOLVED**, that the Suffolk County Department of Public Works, will receive and deposit the sum of Two Hundred Sixteen Thousand Two Hundred & 00/100 Dollars (\$216,200.00), plus the pro-rata share of the current tax adjustments pursuant to said purchase offer; and be it further

6th **RESOLVED**, that the Commissioner of the Suffolk County Department of Public Works, or his Deputy, be and hereby is authorized to execute and acknowledge a quitclaim/bargain and sale deed to transfer the interest of Suffolk County in the above-described property and upon the above-described terms and conditions to said party or their successors in interest.

DATED: **MAR 22 2011**

APPROVED BY:



County Executive of Suffolk County

Date: **APR 05 2011**

1168

COUNTY OF SUFFOLK – DEPARTMENT OF PUBLIC WORKS

Tax Map Index Number: 0200-977.60-04.00-021.000(formerly 003.000) Parcel 1
Capital Project No.: 5534.110
County Road Number: 80
Name of Road: Montauk Highway
Area to be conveyed to: Marketspan Corporate Services, LLC, reputed owner

All that piece or parcel of land situate in the Town of Brookhaven, County of Suffolk, State of New York as shown on a conveyance map prepared by L.K. McLean Associates and described as follows:

Beginning at a point on the proposed westerly boundary of Conklin Avenue, as shown on Map No. 26R on file in the Office of the Commissioner of Public Works as part of the reconstruction of Montauk Highway, County Road No. 80, said point being 29.10 feet distant westerly, measured radially from Station "C"9+43.47 of the hereinafter described "C" survey centerline for the proposed reconstruction of Conklin Avenue;

Thence southeasterly through the right of way of said Conklin Avenue the following four (4) courses and distances:

- 1) 6.51 feet to a point, said point being 25.00 feet distant westerly, measured radially from Station C9+38.73 of said "C" centerline; thence
- 2) 67.34 feet, along the arc of a curve to the left having a radius of 425.00 feet, to a point of reverse curvature, said point being 25.00 feet distant westerly, measured radially from Station C8+75.35 of said "C" centerline; thence
- 3) 57.25 feet, along the arc of a curve to the right having a radius of 375.00 feet, to a point of tangency, said point being 25.00 feet distant westerly, measured radially from Station C8+14.28 of said "C" centerline; thence
- 4) 81± feet to a point of intersection with the existing westerly boundary of Conklin Avenue, said point being 16± feet distant westerly, measured radially from Station C7+29± of said "C" centerline;

Thence southerly along said existing westerly boundary 218± feet to a point of intersection with the division line between the lands of Marketspan Corporate Services, LLC, reputed owner on the north, and the lands of Long Island Rail Road, reputed owner on the south, said point being 18± feet distant westerly, measured at right angles from Station C5+10± of said "C" centerline;

Thence southwestery, along said division line, 4± feet to a point of intersection with the first mentioned proposed westerly boundary of Conklin Avenue, said point being 22.08 feet distant westerly, measured at right angles from Station 5+09± of said "C" centerline;

Thence northerly along said 2003 westerly boundary the following three (3) courses and distances:

- 1) 15± feet to a point of curvature, said point being 22.49 feet distant westerly, measured at right angles from Station C5+24.01 of said "C" centerline; thence
- 2) 74.27 feet, along the arc of a curve to the left having a radius of 508.37 feet, to a point of tangency, said point being 29.94 feet distant westerly measured at right angles from Station C5+97.83 of said "C" centerline; thence

1168

- 3) 333.82 feet to the point of beginning; being 8,104± square feet or 0.186 acre more or less.

The above mentioned survey centerline is a portion of the survey centerline for the proposed reconstruction of Conklin Avenue ("C" centerline) as part of the reconstruction project for Montauk Highway, County Road No. 80, as shown on a map on file in the Office of the Commissioner of Public Works.

Described By:	TLS	Date:	06/14/07
Checked By:	RRF	Date:	06/14/07

COUNTY OF SUFFOLK
DEPARTMENT OF PUBLIC WORKS
GILBERT ANDERSON, P.E., COMMISSIONER
YAPHANK, NEW YORK

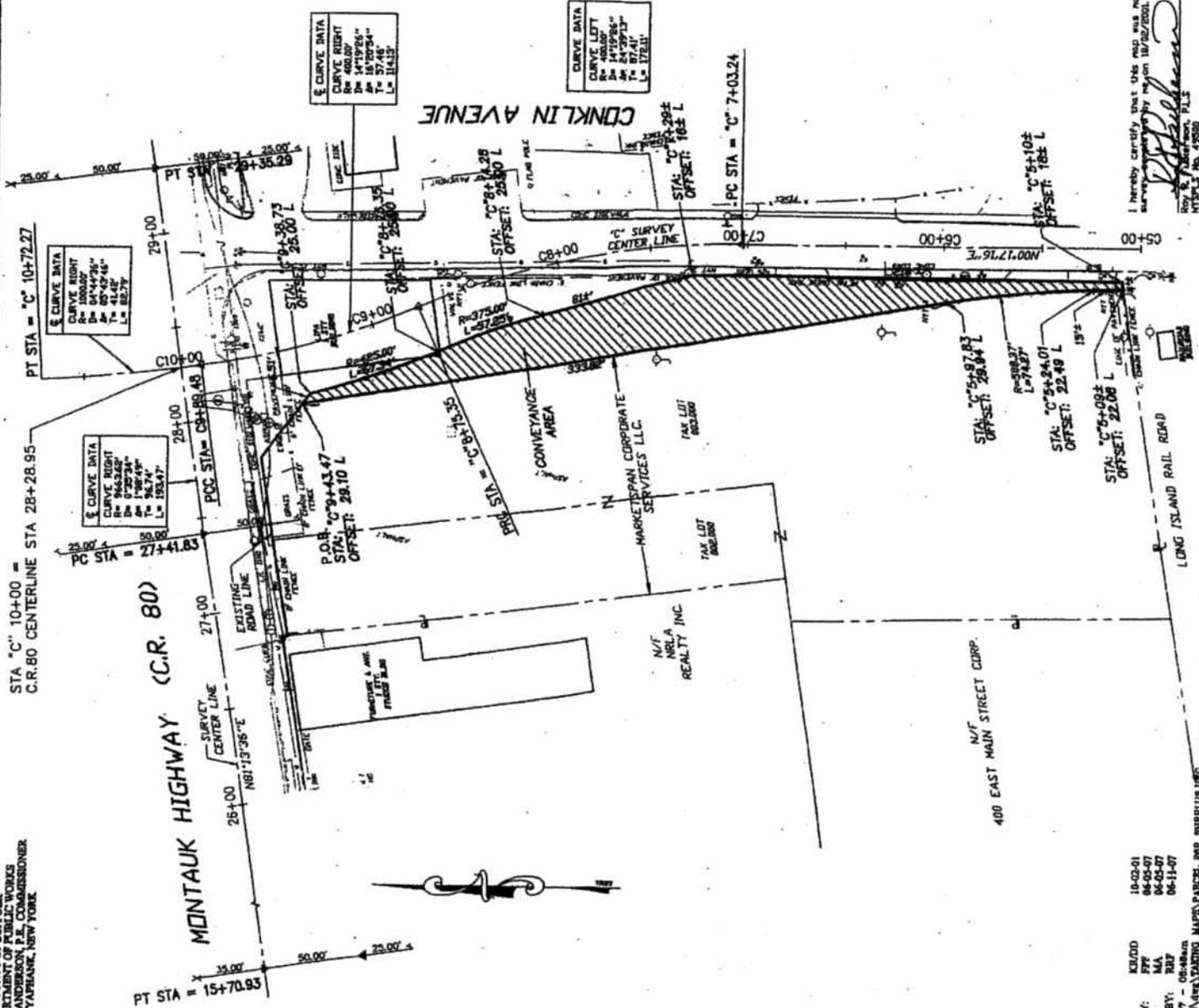
Parcel 1

MAP SHOWING
PROPERTY TO BE CONVERTED UNDER HIGHWAY LAW SEC. 125
TO

**MARKETSPAN CORPORATE
SERVICES LLC.**
(REPUTED OWNER)

TOWN OF BROOKHAVEN, SUFFOLK COUNTY,
NEW YORK
SCALE 1" = 40'

CONVEYANCE AREA = 81044 SQ. FT. OR 0.1862 ACRE



NOTE:
THE SURVEY CENTERLINES SHOWN ARE A PORTION OF THE SURVEY CENTERLINES
FOR THE PROPOSED RECONSTRUCTION OF MONTAUK HIGHWAY, COUNTY ROAD NO. 80
AND THE PROPOSED RECONSTRUCTION OF CONKLIN AVENUE "C" CENTERLINE.
AS SHOWN ON A MAP ON FILE IN THE OFFICE OF THE COMMISSIONER OF PUBLIC
WORKS.

LEGEND
▽ MAG NAIL SET
▲ MAG NAIL SET
■ CONCRETE MONUMENT
△ STAKE
X CROSS CUT
□ PROPERTY LINE
— CENTERLINE

I hereby certify that this map was made from an actual
survey made by me on 10/20/2001.
Roy E. McLean, P.E.
No. 45900

MADE BY: KJ/DD
CHECKED BY: FFF
DRAWN BY: MA
COMPALED BY: RDP
DATE: 06/07 - 06/08
P:\Suffolk\Map\1001\1001.MXD

L. X. McLEAN ASSOCIATES, P.C.
CONSULTING ENGINEERS
437 W. COUNTY ROAD, BROOKHAVEN, NEW YORK
PH: 516-881-8888 FAX: 516-881-8811



PREPARED BY:

COUNTY OF SUFFOLK – DEPARTMENT OF PUBLIC WORKS 1168

Tax Map Index Number: 0200-977.60-04.00-022.000(formerly 004.000) Parcel 2
Capital Project No.: 5534.110
County Road Number: 80
Name of Road: Montauk Highway
Area to be conveyed to: Marketspan Corporate Services, LLC, reputed owner

All that piece or parcel of land situate in the Town of Brookhaven, County of Suffolk, State of New York as shown on a conveyance map prepared by L.K. McLean Associates and described as follows:

Beginning at a point on the proposed southerly boundary of Montauk Highway, as shown on Map No. II-20 on file in the Office of the Commissioner of Public Works for the reconstruction of Montauk Highway, County Road No. 80, said point being 39.00 feet distant southerly, measured radially from Station 29+13± of the hereinafter described survey centerline for the proposed reconstruction of Montauk Highway, County Road No. 80;

Thence southwesterly 13± feet to a point of intersection with the easterly boundary of the existing Conklin Avenue, said point being 45± feet distant southerly, measured radially from Station 29+01± of said centerline;

Thence southerly, along said easterly boundary, 144± feet to a point, said point being 25.00 feet distant northeasterly, measured radially from Station C8+06± of the hereinafter described "C" survey centerline for the proposed reconstruction of Conklin Avenue;

Thence northwesterly through the right of way of Conklin Avenue the following four (4) courses and distances:

- 1) 74± feet, along the arc of a curve to the left having a radius of 425.00 feet, to a point of reverse curvature, said point being 25.00 feet distant northeasterly, measured radially from Station C8+75.35 of said "C" centerline; thence
- 2) 55.80 feet, along the arc of a curve to the right having a radius of 375.00 feet, to a point of compound curvature, said point being 25.00 feet distant northeasterly, measured radially from Station C9+34.87 of said "C" centerline; thence
- 3) 34.21 feet, along the arc of a curve to the right having a radius of 20.00 feet, to a point of compound curvature, said point being 38.92 feet distant southerly, measured radially from Station 28+77.29 of the aforementioned survey centerline for the proposed reconstruction of Montauk Highway, County Road No. 80;
- 4) Thence northeasterly, 35± feet along the arc of a curve to the right having a radius of 9,624.62 feet, to the point of beginning; being 3,532± square feet or 0.081 acre more or less.

EXHIBIT "2"

1168

The above mentioned survey centerlines are a portion of the survey centerlines for the proposed reconstruction of Montauk Highway, County Road No. 80 and the proposed reconstruction of Conklin Avenue ("C" centerline), as shown on a map on file in the Office of the Commissioner of Public Works.

Described By: TLS
Checked By: RRF

Date: 06/14/07
Date: 06/14/07

COUNTY OF SUFFOLK
DEPARTMENT OF PUBLIC WORKS
GILBERT ANDERSON, P.E., COMMISSIONER
TAFFANEL, NEW YORK

STA "C"10+00 =
C.R.80 CENTERLINE STA 28+28.95

PT STA = C10+72.27

PT STA = 29+35.29

PC STA = 32+21.70

§ CURVE DATA
CURVE RIGHT
R= 1000.00'
Δ= 141°42'36"
T= 414.82'
L= 82.79'

§ CURVE DATA
CURVE RIGHT
R= 963.262'
Δ= 138°07'49"
T= 563.74'
L= 192.45'

§ CURVE DATA
CURVE RIGHT
R= 400.00'
Δ= 141°39'56"
T= 162.9054'
L= 114.18'

§ CURVE DATA
CURVE RIGHT
R= 375.00'
Δ= 137°00'00"
T= 137.00'
L= 100.00'

§ CURVE DATA
CURVE LEFT
R= 1410.00'
Δ= 84°39'13"
T= 87.41'
L= 172.11'

MONTAUK HIGHWAY (C.R. 80)
CURVE CENTER LINE
PROPOSED HIGHWAY BOUNDARY

CONVEYANCE AREA
LAN

IRVING W. BELLER & IRVING BELLER

CONKLIN AVENUE

MADE BY: KR/DD
CHECKED BY: FFF
DRAWN BY: MA
COMPADED BY: RFP
DATE: 06-07-07
FILE NO: 06-08-07
PROJECT: 06-11-07
IN: 06-08-07 - 06-08-07
FILE: 06-08-07 - 06-08-07

I hereby certify that this map was made from an actual survey conducted by me on 07/02/2006.
Roy A. McLean, P.E.
NYSP's No. 4920

PREPARED BY:
LEAM

L. K. McLEAN ASSOCIATES, P.C.
CONSULTING ENGINEERS
457 90. COUNTRY ROAD, BROOKHAVEN, NEW YORK
PH: 516-486-1944



LEGEND
 § MAG NAIL SET
 ▲ MAG NAIL SET
 * CONCRETE MONUMENT
 ■ STAKE
 x CROSS CUT
 ○ PROPERTY LINE
 ○ CENTERLINE

NOTE:
THE SURVEY CENTERLINES SHOWN ARE A PORTION OF THE SURVEY CENTERLINES FOR THE PROPOSED RECONSTRUCTION OF MONTAUK HIGHWAY AND THE PROPOSED RECONSTRUCTION OF CONKLIN AVENUE (C.R. 80) AS SHOWN ON A MAP ON FILE IN THE OFFICE OF THE COMMISSIONER OF PUBLIC WORKS.

1168

Parcel 2
MAP SHOWING
PROPERTY TO BE CONVERTED UNDER HIGHWAY LAW SEC. 125
TO
MARKETSPAN CORPORATE
SERVICES LLC.
(REPUTED OWNER)
TOWN OF BROOKHAVEN, SUFFOLK COUNTY,
NEW YORK
SCALE: 1" = 40'
CONVEYANCE AREA = 3332± SQ. FT. OR 0.081± ACRE

RESOLUTION SUBMITTAL SHEET

1168

Capital Project	<u>n/a</u>	Legislative Districts	<u>7</u>
Operating Fund		Federal Aid %	
Other	<u>Conveyance of Land</u>	State Aid %	

Give a complete description of why we are asking for reso; if aided, state status of aid

This request was previously submitted on November 19, 2010, with no action taken.
Authorizing the Conveyance of County-Owned Surplus Unused Right-Of-Way Fronting a Parcel of Land to National Grid

Previous resolution (list previous reso for the same work)

<u>Resolution Number</u>	<u>Purpose</u>	<u>Amount</u>
<u>n/a</u>		

<u>Amounts being requested</u>		<u>Current Unencum Bal w/Quotes</u>	
Planning	<u>n/a</u>	Planning	<u>n/a</u>
Site		Site	
Construction		Construction	
Land		Land	
F&E		F&E	

Project Status

Est. planning completion	<u>n/a</u>	Design consultant
Est. construction start		Contractor
Est. construction completion		

State required offsets, their legis. Districts, and a detailed explanation of why we do not need the funds; state if we believe the legislator from the offset district will have a major issue)

<u>Offset</u>	<u>Legis District</u>	<u>Comments</u>
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n/a

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 March 22,2011 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.

1168

Res. No.

235

March 22, 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