

**RESOLUTION NO. 469 -2011, SALE OF COUNTY-OWNED
REAL ESTATE PURSUANT TO SECTION 72-H OF THE
GENERAL MUNICIPAL LAW NEW YORK STATE (SCTM NO.
0209-024.00-02.00-026.000)**

WHEREAS, the COUNTY OF SUFFOLK is the fee owner of a parcel, Suffolk County Tax Map No. 0209-024.00-02.00-026.000; and

WHEREAS, Section 72-h of the General Municipal Law permits a sale of real property between a municipal corporations; and

WHEREAS, the Village of Mastic Beach has requested that the County of Suffolk convey the subject parcel to it for municipal purposes; and

WHEREAS, the Suffolk County Department of Planning has approved the proposed transfer and use of said parcel; now, therefore be it

1st **RESOLVED**, that Pamela J. Greene, Director of the Division of Real Property Acquisition and Management, or her designee, is hereby authorized to execute and acknowledge a quitclaim deed to transfer the interest of Suffolk County in the parcel described herein and on the terms and conditions as hereinafter described to the Village of Mastic Beach for the sum of \$1.00; and be it further

2nd **RESOLVED**, that the Village of Mastic Beach is restricted in its use of the subject parcel and will use said parcel solely and exclusively for a Village Hall or a dedicated Village Park or a museum/visitors' center, with all right title and interest reverting to the County of Suffolk in the event that the Village of Mastic Beach, at any time, uses or attempts to use said subject parcel for purposes other than for a Village Hall or a dedicated Village Park or a museum/visitors' center or attempts to sell, transfer or otherwise dispose of, or does, in fact, sell, transfer or otherwise dispose of said subject parcel; and be it further

3rd **RESOLVED**, that the deed issued by Pamela J. Greene, Director of the Division of Real Property Acquisition and Management, pursuant to this resolution shall contain a reverter clause declaring that title to the above described parcel shall revert to the County of Suffolk if: 1) the parcel is not used for a Village Hall or a dedicated Village Park or a museum/visitors' center within three years after delivery of the deed to the Village of Mastic Beach; or 2) the Village of Mastic Beach attempts to sell, transfer, or otherwise dispose of the parcel, or does sell, transfer, or otherwise dispose of said subject parcel; or 3) the Village of Mastic Beach imposes a bill or charge-back against the County of Suffolk in violation of Resolution No. 1028-1991 for actual or projected cleanup costs of any debris on the property; and be it further

4th **RESOLVED**, that the Village of Mastic Beach shall not bill or charge-back to the County of Suffolk any cost incurred, or projected to be incurred, for the cleaning up, removal and disposal of any debris, waste and/or contamination on said parcel; and in the event that such bill or charge-back is rendered to the County of Suffolk the transfer shall be void ab initio and the parcel shall revert to the County of Suffolk; and be it further

5th **RESOLVED**, that it is intended and agreed that the covenants and restrictions

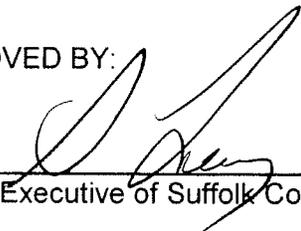
recited in this Resolution presented to the Legislature shall be contained in the deed evidencing transfer of the subject parcel, and they shall be covenants running with the land and, without regard to technical classification of designation, legal or otherwise, they shall be binding for the benefit of, in favor of, and enforceable by, the County of Suffolk, and it being further understood that such covenants and restrictions shall be binding upon the State of New York and any subsequent grantee; and be it further

6th **RESOLVED**, prior to the implementation of any construction plans for the conveyed parcel, the Village of Mastic Beach and any subsequent grantee, shall conduct and complete review pursuant to State Environmental Quality Review Act (SEQRA); and be it further

7th **RESOLVED**, that this Legislature, determines that this resolution constitutes a Type II action pursuant to Section 617.5(c) (20), 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.

DATED: June 7, 2011

APPROVED BY:



County Executive of Suffolk County

Date:

JUN 17 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 June 7, 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.

1205

Res. No.

469

June 7, 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	11	6	-	1	

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