Intro. Res. No. 1391-2011 Laid on Table 4/26/2011
Introduced by Presiding Officer, on request of the County Executive and Legislator Gregory

RESOLUTION NO. 385 -2011, AUTHORIZING THE SALE OF COUNTY-OWNED REAL PROPERTY PURSUANT TO SECTION 72-H OF THE GENERAL MUNICIPAL LAW TO THE TOWN OF BABYLON FOR AFFORDABLE HOUSING PURPOSES (SCTM NOS. 0100-170.00-02.00-130.000 AND 0100-170.00-02.00-131.000)

WHEREAS, the County of Suffolk is the fee owner of the following described parcels:

0100-170.00-02.00-130.000

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Babylon, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0100, Section 170.00, Block 02.00, Lot 130.000, and acquired by tax deed on March 31, 2008, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on April 4, 2008, in Liber 12546, CP 601, known and designated as Lots 36 to 40 inclusive on a certain map entitled "Map of Lincoln Estates", and filed in the Office of the Clerk of the County of Suffolk on January 11, 1926 as Map No. 186;

0100-170.00-02.00-131.000

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Babylon, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0100, Section 170.00, Block 02.00, Lot 131.000, and acquired by tax deed on July 10, 2003, from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on July 11, 2003, in Liber 12260, CP 584, known and designated as the East half of Lot 35 on a certain map entitled "Map of Lincoln Estates", and filed in the Office of the Clerk of the County of Suffolk on January 11, 1926 as Map No. 186;

WHEREAS, said parcels are surplus to the needs of the County of Suffolk; and

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

WHEREAS, the Town of Babylon, Suffolk County, New York, has requested the County of Suffolk convey the above-described parcels to it (see annexed Resolution hereto marked as Exhibit "A"); and

WHEREAS, the transfer of these parcels are pursuant to and in accordance with Local Law Nos. 13-2000, 2-2002 and 17-2004 which established and modified the Affordable Housing Opportunities Program; and

WHEREAS, the Suffolk County Department of Economic Development and Workforce Housing has approved the use of these parcels for the purposes stated above; now, therefore be it

1st **RESOLVED,** the subject parcels shall be conveyed to the Town of Babylon, Suffolk County, New York for affordable housing use, together with the following restrictive covenants that will run with the land so conveyed and, additionally, if any one or more of the following occurs, the subject premises shall revert to the grantor as herein provided and as provided in any deed evidencing the transfer of the subject premises from the grantor to the grantee:

1. If the grantee is not restricted in its use of the subject premises solely and exclusively for affordable housing purposes; with all right, title, and interest reverting to the grantor, at the sole option of the grantor, in the event that the grantee, at any time uses or attempts to use said subject premises for other than affordable housing purposes, in accordance with the approved plan submitted by the grantee. Such reverter clauses contained herein shall apply to the grantee, or any transferee from the grantee undertaking the construction, reconstruction or rehabilitation of affordable housing on the subject premises;

2. If the grantee fails to construct or complete construction of affordable housing unit or units on said property within three (3) years from the date of transfer unless an extension of time is granted in writing, for good cause shown, by the Suffolk County Director of Affordable Housing or any successor thereto. Such extension shall not exceed two two year extensions unless approved by duly enacted resolution of the grantor;

3. If the income, at initial occupancy, of the occupant should exceed 80% of the HUD established median income for the Nassau-Suffolk PMSA based on family size;

4. If the subsidized purchase price of home should exceed 60% of median sales price for Suffolk County based upon the State of New York Mortgage Agency Guidelines;

5. If the rent should exceed HUD established fair market rent for Nassau-Suffolk PMSA based upon bedroom size;

6. If the affordable housing unit or units are owner-occupied, and the unit or units fail(s) to remain the principal residence of the owner for a period of five (5) consecutive years. If the affordable housing unit or units are tenant-occupied, and the unit or units fail(s) to remain affordable for ten (10) consecutive years;

7. If the grantee fails to certify to the Suffolk County Director of Affordable Housing prior to closing of the title with any affordable housing grantee:

   a. the dates of completion and occupancy for any affordable housing unit or units constructed or rehabilitated on said property; and

   b. the total household income, from all sources, of the purchaser or purchasers of the property and his or her family; and

   c. the total purchase or rental price of the affordable housing unit or units sold or otherwise transferred; and

   d. the affordable housing unit or units meet local building and zoning codes;

8. If the grantee shall fail to provide the Suffolk County Director of Affordable Housing with an annual written report, no later than December 31 of each year commencing

December 31, 2011, on the subject premises, including, but not limited to, the exact and precise use to which the subject premises has been put to along with the net proceeds generated by the initial purchase of the subject premises; or

9. If any subsequent grantee fails to comply with all applicable state, federal, and local regulations pertaining to price, income eligibility and marketing standards for affordable housing programs.

and be it further

2nd **RESOLVED**, the grantee will be restricted in its use of the subject parcels and will use said parcels solely and exclusively for affordable housing with all right title and interest reverting to the County of Suffolk in the event that the grantee at any time, uses or attempts to use said subject parcels for other than affordable housing or attempts to sell, transfer or otherwise dispose of or does, in fact, sell transfer or otherwise dispose of said subject parcels with said parcels being used thereafter for other than affordable housing; and be it further

3rd **RESOLVED**, that neither grantee nor any subsequent grantee shall bill or charge back to grantor any cost incurred or projected to be incurred for the cleaning up, removal and disposal of any debris, waste and /or contamination on said properties. In the event that such charge back or bill is rendered to the grantor the transfer shall be void ab initio and the realty shall revert to the grantor; and be it further

4th **RESOLVED**, that it is intended and agreed that the agreements and covenants contained in the deed evidencing transfer of subject premises shall be covenants running with the land and that they shall be, in any event , and without regard to technical classification of designation, legal or otherwise, and except only by law, binding for the benefit and in favor of, and enforceable by, the grantor, it being further understood that such agreements and covenants shall be binding only upon the grantee, if it be a municipality or any assignee of the grantee, undertaking the construction, reconstruction or rehabilitation of affordable housing, only for such period as they shall have title to or an interest in or possession of the properties or part thereof; and be it further

5th **RESOLVED**, the conveyance of the parcels described to the Town of Babylon for the purposes described herein shall be for the sum of One Dollar, and, upon payment of such sum, all subsequent grantees of such subject premises shall comply with all applicable state, federal, and local regulations pertaining to the price, income eligibility and marketing standards for affordable housing programs; and be it further

6th **RESOLVED**, that the Director of Real Property Acquisition and Management, or her designee, be and hereby is authorized to execute and acknowledge a quitclaim deed to transfer the interest of Suffolk County in the above-described properties upon the above-described terms and conditions; and be it further

7th **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) Lead Agency hereby finds and determines that the adoption of this resolution 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 617.5(c) (20) and (27)). As a Type II Action, the Legislature has no further responsibilities under SEQRA (6 NYCRR Section 617.5(a).

DATED: May 10, 2011

APPROVED BY:

County Executive of Suffolk County

Date:

MAY 2 0 2011

Exhibit "A"

1391

RESOLUTION NO. 76 FEBRUARY 3, 2010
REQUESTING THE CONVEYANCE OF PARCEL'S FROM SUFFOLK COUNTY TO THE TOWN OF BABYLON COMMUNITY DEVELOPMENT PROGRAM AFFORDABLE HOUSING PROGRAM

The following resolution was offered by Councilwoman McVeety and seconded by Councilman Martinez:

WHEREAS, the County of Suffolk is the owner of two parcels of land identified as 400 Albany Avenue and 98 Coolidge Avenue, Amityville, New York, SCTM #'s LIHP 0100-170.00-02.00-130.000 and EOC 0100-169.00-01.00-051.000:

WHEREAS, the County of Suffolk is willing to declare these parcels to be surplus County properties which could be transferred to the Town of Babylon for the purpose of transferring the parcels to Nassau/Suffolk Partnership Housing Development Fund and the Economic Opportunity Commission to be incorporated into their Affordable Housing Programs;

NOW THEREFORE, be it

RESOLVED, that the Town of Babylon requests the County of Suffolk to execute and deliver quitclaim deeds to the Town of Babylon for said property, more particularly described and designated above, pursuant to Section 72-H of the New York General Municipal Law, for the purpose of transferring the interest of Suffolk County in the above described properties to the Town of Babylon for conveyance to Economic Opportunity Commission Affordable Rental Housing Program and the Nassau/Suffolk Partnership Housing Development Funds; and be it further

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RESOLVED, that said quitclaim deed issued by the Director of the County Division of Real Estate, or his deputy, pursuant to this resolution, shall contain a reverter clause to the effect that title to the said above described parcel shall revert to the County of Suffolk in the event that the property is not used for the above described public governmental purpose.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

State of New York
Town of Babylon } ss:
County of Suffolk

I, Carol Quirk, Town Clerk, DO HEREBY CERTIFY that I have received the attached calendars.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Town of Babylon

This 8 day of February 20 10

Carol Quirk

Carol Quirk, Town Clerk

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RESOLUTION NO. 145 FEBRUARY 23, 2011
REQUESTING THE CONVEYANCE OF PARCELS FROM SUFFOLK COUNTY TO THE TOWN OF BABYLON COMMUNITY DEVELOPMENT PROGRAM AFFORDABLE HOUSING PROGRAM

The following resolution was offered by Councilman Martinez and seconded by Councilman Henry:

WHEREAS, the County of Suffolk is the owner of two parcels of land identified as Harrison Ave, Amityville and 32 Poplar Road, North Amityville, New York, Suffolk County Tax Map's # 0100-170.00-2.00-131.00 and #0100-124.00-5.00-3.000, respectively; and

WHEREAS, the County of Suffolk is willing to declare these parcels to be surplus County properties which could be transferred to the Town of Babylon for the purpose of transferring the parcels to Nassau/Suffolk Partnership Housing Development Fund, to be married with parcel SCTM #0100-170-02.00-130.00 and the North Amityville Rehabilitation Association, Inc., to be incorporated into their Affordable Housing Programs;

NOW THEREFORE, be it

RESOLVED, that the Town of Babylon requests the County of Suffolk to execute and deliver quitclaim deeds to the Town of Babylon for said properties, more particularly described and designated above, pursuant to Section 72-H of the New York General Municipal Law, for the purpose of transferring the interest of Suffolk County in the above described properties to the Town of Babylon for conveyance to Nassau/Suffolk Partnership Housing Development Fund and the North Amityville Rehabilitation Association, Inc. Housing Programs; and be it further

RESOLVED, that said quitclaim deed issued by the Director of the County Division of Real Estate, or his deputy, pursuant to this resolution, shall contain a reverter clause to the effect that title to the said above described parcels shall revert to

the County of Suffolk in the event that the property is not used for the above described public governmental purpose.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

Page Break

State of New York
Town of Babylon
County of Suffolk } ss:

I, Carol Quirk, Town Clerk, DO HEREBY CERTIFY that I have compared the preceding with the original thereof and that the same is a true and correct copy.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Town of Babylon

This 23 day of February 2011

Carol Quirk

Carol Quirk, Town Clerk

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 May 10, 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. 1391 Res. No. 385 May 10, 2011

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

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

Second:
Romaine, Schneiderman, Browning, Muratore, Anker
Eddington, Montano, Cilmi, Lindsay, Viloria-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	18				

MOTION

X 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 X FAILED ___
No Motion ___ No Second ___

RESOLUTION DECLARED

X ADOPTED
___ NOT ADOPTED

Roll Call ___ Voice Vote X

Tim Laube
Tim Laube, Clerk of the Legislature