

Introduced by Presiding Officer, on request of the County Executive and Legislators Horsley, Gregory

**RESOLUTION NO. 406 -2011, SALE OF COUNTY-OWNED REAL ESTATE PURSUANT TO SECTION 72-H OF THE GENERAL MUNICIPAL LAW , TOWN OF BABYLON (SCTM NO. 0100-057.00-02.00-049.000)**

**WHEREAS**, the COUNTY OF SUFFOLK is the fee owner of the following described parcel that is surplus to the needs of the County of Suffolk; and

**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 057.00, Block 02.00 Lot 049.000 and acquired by Tax Deed on July 10, 2003 from Diane M. Stuke, the Deputy County Treasurer of Suffolk County, New York, and recorded on July 11, 2003 in Liber 12260 at Page 584 and described as follows, known and designated as Lots 5 and 6 in Block 14 on a certain map entitled "Map of Colonial Springs", and filed in the Office of the Clerk of the County of Suffolk on March 18, 1917 as Map No. 223; and

**WHEREAS**, Section 72-h of the General Municipal Law permits a sale of real property between municipal corporations, or between a municipal corporation of the State of New York or the United States of America; and

**WHEREAS**, the Town of Babylon has requested that the County of Suffolk convey to the town the parcel described in Exhibit "A" annexed hereto; and

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

**1<sup>st</sup>** **RESOLVED**, that Pamela J. Greene, Director of the Division of Real Property Acquisition and Management, or designee is hereby authorized to execute and acknowledge a Quitclaim deed to transfer the interest of Suffolk County in the above described property and on the terms and conditions provided herein to said Town of Babylon for the sum of \$ 2,712.45 plus the pro rata share of the current tax adjustment due at closing; and be it further

**2<sup>nd</sup>** **RESOLVED**, that the Town of Babylon will be restricted in its use of the subject parcel and will use said parcel solely and exclusively for redevelopment purposes; with all right title and interest reverting to the County of Suffolk in the event that the Town of Babylon, at any time, uses or attempts to use said subject parcel for other than redevelopment purposes or attempts to sell, transfer or otherwise dispose of or does, in fact, sell, transfer or otherwise dispose of said subject parcel without said parcel being used thereafter for redevelopment purposes; and be it further

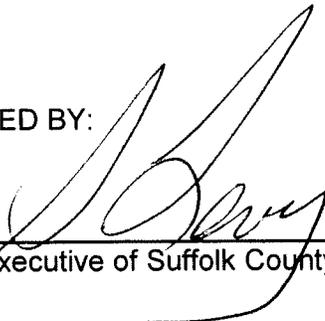
**3<sup>rd</sup>** **RESOLVED**, that said quitclaim deed tendered by Pamela J. Greene, Director of the Division of Real Property Acquisition and Management, pursuant to this resolution, shall contain a reverter clause declaring that title to the above described property shall revert to the County of Suffolk if: 1) the property is not used for the above-described public governmental purposes within three (3) years after delivery of the deed to the grantee; or 2) the grantee

attempts to sell, transfer, or otherwise dispose of the property or does sell, transfer, or otherwise dispose of said subject property without said property being used thereafter for the above described public governmental purposes; or 3) the grantee imposes a back-charge or fee against the County for the actual or projected cleanup cost of the debris on the property in violation of Resolution No. 1028-1991; or 4) the grantee violates Resolution No. 256-1998; and be it further

**4<sup>th</sup>** **RESOLVED**, this Legislature, being the State Environmental Quality Review Act (SEQRA) Lead Agency, hereby finds and determines that adoption of this law is not an action within the meaning of the State Environmental Quality Review Act and the regulations adopted thereto. See 6 N.Y.C.R.R. Section 617.2(b) (2). The Legislature further 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 major reordering of priority. See 6 N.Y.C.R.R. Section 617.13(d) (15) and (21). As a Type II action, the Legislature has no further responsibilities under SEQRA 6 N.Y.C.R.R. Section 617.5(a) (1)

DATED: May 10, 2011

APPROVED BY:

  
\_\_\_\_\_  
County Executive of Suffolk County

Date:

**MAY 20 2011**

Exhibit "A"

1393

**RESOLUTION NO. 51 JANUARY 4, 2011  
REQUESTING THE CONVEYANCE OF A PARCEL FROM  
SUFFOLK COUNTY TO THE TOWN OF BABYLON FOR THE  
PURPOSE OF REDEVELOPMENT  
(SECTION 72-h, GENERAL MUNICIPAL LAW)**

The following resolution was offered by Councilwoman Gordon  
and seconded by Councilwoman McVeety:

WHEREAS, the County of Suffolk is the owner of a parcel of land identified as 30 Elm Street, Wyandanch, New York, SCTM # 0100-057.00-02.00-049.000; and

WHEREAS, the County of Suffolk is willing to declare this parcel to be surplus County property which could be transferred to the Town of Babylon for the purpose of redevelopment;

NOW, THEREFORE, be it

RESOLVED, that the Town of Babylon requests that the County of Suffolk execute and deliver a quitclaim deed to the Town of Babylon for said property, more particularly described and designated as 30 Elm Street, Wyandanch, New York, SCTM# 0100-057.00-02.00-049.000 pursuant to Section 72-h of the New York General Municipal Law, for the purpose of transferring the interest in the above described property from the County of Suffolk to the Town of Babylon to redevelop; 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 parcel shall revert to the County of Suffolk in the event that the properties are not used for the above-described public governmental purpose.

VOTES: 5      YEAS: 5      NAYS: 0

The resolution was thereupon declared duly adopted.

**Exhibit A**

**Equipment in the Continuous Air Monitoring Trailer  
Located at the Sagamore Middle School, 57 Division Street, Holtsville, NY**

<b>WASP Tag</b>	<b>Control Tag</b>	<b>Acquired</b>	<b>Cost</b>	<b>Current Value</b>	<b>Description</b>	<b>Serial No</b>
3662	134530	1995	\$38,000	\$0	Air Monitoring Trailer	
3663		1998	\$17,000	\$0	TEOM Control Unit	140AB219269802
3664		1998	-	\$0	TEOM Control Unit	
3665		1998	-	\$0	ACCU SYSTEM	ACCUB303919712
3672		1995	-	\$0	TEOM PARTICAL MASS MONITOR	092573-7402
3673		1995	-	\$0	TRANSLATOR	
3683		1995	\$9,000	\$0	BAROMETRIC PRESSURE SENSOR	
3684		1995	-	\$0	RAIN-SNOW GAUGE	
3685		1998	-	\$0	SOLAR RADIATION SENSOR	PY23865
3687		1995	-	\$0	TEOM INLET	
3688		1995	-	\$0	TEMP/HUMIDITY SENSOR	
					SONIC WIND SENSOR	B3116

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*

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Clerk of the Legislature

Intro. Res.

1393

Res. No.

406

May 10, 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	18				

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