Intro. Res. No. 1437-2011 Laid on Table 5/10/2011
Introduced by Presiding Officer, on request of the County Executive and Legislator Browning

**RESOLUTION NO. 595 -2011, AUTHORIZING THE ACQUISITION OF LAND UNDER THE NEW SUFFOLK COUNTY DRINKING WATER PROTECTION PROGRAM (EFFECTIVE DECEMBER 1, 2007) - OPEN SPACE COMPONENT - FOR THE MCLAUGHLIN PROPERTY - BEAVERDAM CREEK - TOWN OF BROOKHAVEN (SCTM NOS. 0200-931.00-03.00-003.000, 0200-931.00-04.00-018.000, 0200-931.00-04.00-025.000, AND 0200-931.00-05.00-039.000)**

**WHEREAS**, Local Law No. 24-2007, "A Charter Law Extending and Accelerating the Suffolk County ¼% Drinking Water Protection Program for Environmental Protection," Section C12-2(A)(1) authorized the use of 31.10 percent of sales and compensating tax proceeds generated each year for environmental protection, as determined by duly enacted Resolutions of the County of Suffolk; and

**WHEREAS**, adequate funding is provided for, pursuant to Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, from 31.10 percent of the sales and compensating tax proceeds, for the acquisition of such land; and

**WHEREAS**, Resolution No. 1002-2007, authorized planning steps for the acquisition of said property; and

**WHEREAS**, the Environmental Trust Review Board has reviewed the appraisals and the report of the Internal Appraisal Review Board and has approved the purchase price and authorized the Director of Real Property Acquisition and Management to negotiate the acquisition; and

**WHEREAS**, based upon the Environmental Trust Review Board approved value, an offer to acquire the subject property was made to and accepted by the owner of said property; and

**WHEREAS**, contracts to acquire said property were prepared by the Office of the County Attorney, executed by the owner of the subject property and the Director of Real Property Acquisition and Management and approved as to legality by the Office of the County Attorney; now, therefore be it

1st **RESOLVED**, that the County of Suffolk hereby approves the acquisition of the subject property set forth below under the New Suffolk County Drinking Water Protection Program, effective as of December 1, 2007, Open Space component, for a total purchase price of Eighteen Thousand Fifty-Six Dollars ($18,056.00±), at $.50 per square foot for Lots 18 and 25 and $.75 per square foot for Lots 3 and 39, at 27,407 square feet, subject to a final survey; and hereby authorizes additional expenses, which shall include, but not be limited to, the cost of surveys, appraisals, environmental audits, title reports and insurance, and tax adjustments:

| PARCEL: | SUFFOLK COUNTY TAX MAP NUMBER: | | ACRES: | REPUTED OWNER AND ADDRESS: |
|---|---|---|---|---|
| No. 1 | District | 0200 | 27,407 s.f. | J. Stewart McLaughlin |
| | Section | 931.00 | | 315 Lakeview Avenue West |
| | Block | 03.00 | | Brightwaters, NY 11718 |
| | Lot | 003.000 | | |
| No. 2 | District | 0200 | | |
| | Section | 931.00 | | |
| | Block | 04.00 | | |
| | Lot | 018.000 | | |
| No. 3 | District | 0200 | | |
| | Section | 931.00 | | |
| | Block | 04.00 | | |
| | Lot | 025.000 | | |
| No. 4 | District | 0200 | | |
| | Section | 931.00 | | |
| | Block | 05.00 | | |
| | Lot | 039.000 | | |

and be it further

2nd **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management and/or her designee, is hereby authorized, empowered, and directed, pursuant to Section C42-3(C)(3) of the SUFFOLK COUNTY CHARTER, to acquire the parcel(s) listed herein above from the reputed owner, the funding for which shall be provided under the New Suffolk County Drinking Water Protection Program, effective December 1, 2007, Open Space component, Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, for the County's purchase price of Eighteen Thousand Fifty-Six Dollars ($18,056.00±), subject to a final survey; and be it further

3rd **RESOLVED**, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay $18,056.00±, subject to a final survey, from previously appropriated funds in capital project 525-8712.210 for the New Suffolk County Drinking Water Protection Program, effective as of December 1, 2007, Open Space component, Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, for this acquisition; and be it further

4th **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management and/or her designee; the County Planning Department; and the County Department of Public Works are hereby authorized, empowered, and directed to take such actions and to pay such additional expenses as may be necessary and appropriate to consummate such acquisition, including, but not limited to, securing appraisals, title insurance and title reports, obtaining surveys, engineering reports and environmental audits, making tax adjustments and executing such other documents as are required to acquire such County interest in said lands; and

5th **RESOLVED**, that pursuant to Section C12-2(A)(2)(c), this property is not to be developed and Zero (0) Workforce Housing Development Rights shall be removed and placed in the Suffolk County Workforce Housing Transfer of Development Rights Program registry

pursuant to the Workforce Housing Development Rights Program as developed by the Department of Planning, consistent with Resolution No. 412-2005, as amended, and approved by the Suffolk County Executive and the Suffolk County Legislature; and be it further

**6th** **RESOLVED**, that the acquisition of such parcel(s) meets the following criteria as required under Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER:

b.) lands within the watershed of the coastal stream, as determined by a reasonable planning or hydrological study;
d.) lands determined by the County Department of Planning to be necessary for maintaining the quality of surface and/or groundwater in Suffolk County; and be it further

**7th** **RESOLVED**, that the subject parcel(s) shall be transferred to the County Department of Parks, Recreation and Conservation for passive recreational use; and be it further

**8th** **RESOLVED**, that the above activity is an unlisted action pursuant to the provisions of Title 6 NYCRR, Part 617; and be it further

**9th** **RESOLVED**, that the project will not have a significant effect on the environment for the following reasons:

1.) the proposed action will not exceed any of the criteria of 6 NYCRR, Section 617.7, which sets forth thresholds for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form; and

2.) the proposed use of the subject parcel(s) is passive recreation; and

3.) if not acquired, the property will most likely be developed for residential purposes; incurring far greater environmental impact than the proposed acquisition and preservation of the site would have;

and be it further

**10th** **RESOLVED**, that in accordance with Section 279-5(C)(4) of the SUFFOLK COUNTY CODE, the Suffolk County Council on Environmental Quality is hereby directed to prepare and circulate any appropriate notices or determinations in accordance with this resolution.

DATED: AUG 0 2 2011

APPROVED BY:

County Executive of Suffolk County

Date: AUG 1 1 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 Aug 2,2011 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. 1437 Res. No. 595 August 2, 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 | 16 | | | 2 | |

| 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 |

Tim Laube

Tim Laube, Clerk of the Legislature

Roll Call____Voice Vote X