

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

**RESOLUTION NO. 515 -2011, SALE OF COUNTY-OWNED REAL ESTATE PURSUANT TO SECTION 72-H OF THE GENERAL MUNICIPAL LAW TO NEW YORK STATE (± 6.6 ACRES OF LAND LOCATED IN SELDEN, NEW YORK [p/o SCTM NO. 0200-538.00-05.00-001.005] MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ANNEXED HERETO)**

**WHEREAS**, the County of Suffolk is the fee owner of ± 6.6 acres of land located in Selden, New York more particularly described in Exhibit "A" annexed hereto which is part of a 61.3 acre parcel of land owned by the County and known as SCTM No. 0200-538.00-05.00-001.005; and

**WHEREAS**, Section 72-h of the General Municipal Law permits a sale of real property between the County and the State of New York; and

**WHEREAS**, the State of New York has requested that the County convey the subject parcel to it for use by the State University of New York in connection with the powers conferred on it by the Education Law of the State of New York; 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 her designee is hereby authorized to execute and acknowledge a Bargain and Sale deed to transfer the County's interest in ± 6.6 acres of land located in Selden, New York, as depicted by Exhibit "A" annexed hereto which is part of a 61.3 acre parcel of land owned by the County and known as SCTM No. 0200-538.00-05.00-001.005, on the terms and conditions as hereinafter described, to the State of New York, for the sum of \$660,000.00; and be it further

**2<sup>nd</sup>** **RESOLVED**, subject to the 4th RESOLVED clause of this Resolution that the parcel shall be used by the State University of New York in accordance with the powers conferred on the University pursuant to the New York State Education Law; and be it further

**3<sup>rd</sup>** **RESOLVED**, that the transfer described in the 1st RESOLVED clause of this resolution is subject to the following conditions: a.) a final survey completed at the expense of the State of New York or any subsequent grantee; b.) submission of a land division application by the County to the Town of Brookhaven (Town) and final approval of the application by the Town; c.) issuance or approval, as the case may be, of any permit or application required by the Suffolk County Department of Health arising out of, or in connection with, the parcel and its use by the State of New York or any subsequent grantee; and d.) completion of a review pursuant to State Environmental Quality Review Act (SEQRA) prior to the implementation of any construction plans within the conveyed parcel; and be it further

**4<sup>th</sup>** **RESOLVED**, if, within ten years of acquisition of the parcel pursuant to the provisions of this resolution, the State of New York decides to convey the parcel to a third party, it shall not do so without first offering the County of Suffolk an opportunity to purchase the parcel at the fair market value of such property at the time of such offer; and be it further

**5<sup>th</sup>** **RESOLVED**, the County Executive and/or his designee(s) are further authorized to execute and deliver, on behalf of the County, such agreements, instruments or authorizations as may be contemplated by, or necessary or advisable to consummate or otherwise give full effect to this Resolution and which are deemed necessary or desirable to effectuate the transactions contemplated herein, and to perform all acts and do all things required or contemplated to be performed or done by this Resolution or by any agreement, instrument or authorization approved, contemplated, necessary or authorized hereby; and be it further

**6<sup>th</sup>** **RESOLVED**, that the State of New York and any subsequent grantee shall bear responsibility for any and all costs resulting from the use of the parcel by the State of New York or subsequent grantee, respectively; and be it further

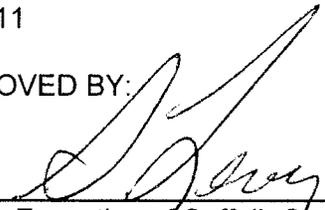
**7<sup>th</sup>** **RESOLVED**, that it is intended and agreed that the covenants and restrictions recited in this Resolution presented to the Legislature shall be contained in the deed evidencing transfer of the subject parcel(s), and they shall be covenants running with the land and, without regard 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

**8<sup>th</sup>** **RESOLVED**, that this Legislature, determines that the sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law constitutes an Unlisted Action pursuant to the provisions of Title 6 NYCRR Part 617 and Chapter 279 of the Suffolk County Code and will not have a significant adverse impact on the environment for the following reasons:

1. The proposed action will not exceed any of the criteria in Title 6 NYCRR Part 617.7, which sets forth thresholds for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form;
2. A review pursuant to the State Environmental Quality Review Act (SEQRA) will be completed by the grantee prior to the development and implementation of any construction plans within the conveyed parcel

DATED: June 21, 2011

APPROVED BY:

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

Date: **JUL 05 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 21, 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.

1441

Res. No.

515

June 21, 2011

**Motion:**

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

**Co-Sponsors:**

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

**Second:**

Romaine, Schneiderman, Browning, Muratore, Anker  
Eddington, Montano, Cilmi, Lindsay, Viloría-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                        | 17  | -  | 1   |    |   |

| MOTION  |
|---|
| <input checked="" type="checkbox"/> Approve               |
| <input type="checkbox"/> Table: _____                     |
| <input type="checkbox"/> Send To Committee                |
| <input type="checkbox"/> Table Subject To Call            |
| <input type="checkbox"/> Lay On The Table                 |
| <input type="checkbox"/> Discharge                        |
| <input type="checkbox"/> Take Out of Order                |
| <input type="checkbox"/> Reconsider                       |
| <input type="checkbox"/> Waive Rule _____                 |
| <input type="checkbox"/> Override Veto                    |
| <input type="checkbox"/> Close                            |
| <input type="checkbox"/> Recess                           |
| APPROVED <input checked="" type="checkbox"/> FAILED _____ |
| No Motion _____ No Second _____                           |

| RESOLUTION DECLARED                         |
|---|
| <input checked="" type="checkbox"/> ADOPTED |
| <input type="checkbox"/> NOT ADOPTED        |

*Tim Laube*

Tim Laube, Clerk of the Legislature

Roll Call \_\_\_\_\_ Voice Vote