

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 614 -2011, AUTHORIZING THE CONVEYANCE OF COUNTY-OWNED SURPLUS UNUSED RIGHT-OF-WAY FRONTING A PARCEL OF LAND, HAVING A SUFFOLK COUNTY TAX MAP IDENTIFICATION NUMBER OF DISTRICT 0200 SECTION 663.00 BLOCK 03.00 LOT 001.000, PURSUANT TO SECTION 125 OF THE NEW YORK STATE HIGHWAY LAW**

**WHEREAS**, the County of Suffolk is the fee owner of a certain portion of unused right-of-way situated in the Town of Brookhaven, Suffolk County, New York as more fully described in the maps and descriptions attached as Exhibit "A"; and

**WHEREAS**, said unused portion of right-of-way is surplus to the needs of the County of Suffolk and a new Suffolk County Tax Map Identification Number of District 0200 Section 704.00 Block 02.00 Lot 043.000 has been assigned to said surplus parcel; and

**WHEREAS**, Section 125 of the New York State Highway Law strictly limits the sale of surplus unused right-of-way to the property owner fronting said unused right-of-way at fair market value; and

**WHEREAS**, Sills Road Realty, LLC, the present owner of the parcel having a Suffolk County Tax Map Identification Number of District 0200 Section 663.00 Block 03.00 Lot 001.000 has requested to purchase from the County of Suffolk, at fair market value, the surplus and unused right-of-way fronting said tax map parcel; and

**WHEREAS**, the County of Suffolk did commission appraisals for the requested conveyance that were performed by an independent, outside appraiser selected in accordance with established Suffolk County procedures; and

**WHEREAS**, upon review of said appraisals in accordance with established Suffolk County procedures, the County of Suffolk determined that the fair market value of the unused and surplus right-of-way fronting the privately owned parcel of real property having Suffolk County Tax Map Identification Number of District 0200 Section 663.00 Block 03.00 Lot 001.000 was One Hundred Thirty-Six Thousand & 00/100 Dollars (\$136,000); and

**WHEREAS**, Sills Road Realty, LLC, the present owner of the parcel having a Suffolk County Tax Map Identification Number of District 0200 Section 663.00 Block 03.00 Lot 001.000 has agreed to pay to the County of Suffolk the sum of One Hundred Thirty-Six Thousand & 00/100 Dollars (\$136,000), said sum representing the fair market value of the surplus and unused right-of-way fronting said tax map parcels; now, therefore be it

**1<sup>st</sup>** **RESOLVED**, that the above activity is an unlisted action pursuant to the provisions of Title 6 NYCRR Part 617; and be it further

**2<sup>nd</sup>** **RESOLVED**, that the action 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 of Title 6 NYCRR Part 617.7(c), which sets forth thresholds for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form; and
2. The proposed action simply transfers ownership of the land;

and be it further

**3<sup>rd</sup>** **RESOLVED**, said parcel is surplus to the needs of the County of Suffolk; and be it further

**4<sup>th</sup>** **RESOLVED**, that this purchase is authorized pursuant to Section 125 of the New York State Highway Law; and be it further

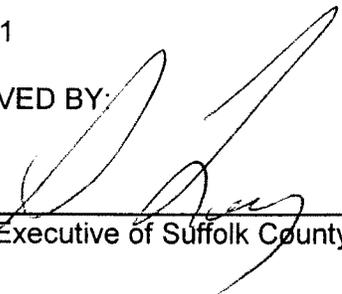
**5<sup>th</sup>** **RESOLVED**, the Suffolk County Department of Public Works is directed to convey said surplus and unused right-of-way described herein to Sills Road Realty, LLC, the present owner of the parcel having a Suffolk County Tax Map Identification Number of District 0200 Section 663.00 Block 03.00 Lot 001.000, or to its successors in interest, for the total sum of One Hundred Thirty-Six Thousand & 00/100 Dollars (\$136,000), plus the pro-rata share of the current tax adjustments due at closing along with all recording fees and transfer taxes; and be it further

**6<sup>th</sup>** **RESOLVED**, that the Suffolk County Department of Public Works, will receive and deposit the sum of One Hundred Thirty-Six Thousand & 00/100 Dollars (\$136,000), plus the pro-rata share of the current tax adjustments pursuant to said purchase offer into general fund account 001-DPW-1490-2660 Sale of Real property; and be it further

**7<sup>th</sup>** **RESOLVED**, that the Commissioner of the Suffolk County Department of Public Works, or his Deputy, be and hereby is authorized to execute and acknowledge a quitclaim deed to transfer the interest of Suffolk County in the above-described property and upon the above-described terms and conditions to said party or their successors in interest.

DATED: August 2, 2011

APPROVED BY:

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

Date:

**AUG 1 1 2011**

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All that certain plot piece or parcel of land, situate, lying and being at Yaphank, County of Suffolk and State of New York, as shown on a survey prepared by Sidney B. Bowne & Sons, LLP dated October 2009 said parcel being more particularly bounded and described as follows:

BEGINNING at a point on the easterly boundary line of County Road 101 (Sills Road) at the northeast corner of Tax Lot 1.1 of district 200, section 704, block 2, as shown on the Suffolk County Tax Map, said point being 75.00 feet easterly measured at a right angle from station 276+12± of the Survey Centerline of County Road 101 (Sills Road);

Running thence North 23°04'16" East 447.31 feet to a point, said point being 75.00 feet easterly measured at a right angle from station 280+60±;

Thence South 05°33'18" East, along the easterly line of Sills Road ( CR 101), 146.24 feet to the northerly line of Old Town Road, said point being distant 145± feet easterly measured at a right angle from station 279+31±;

Thence South 89°52'37" East, along the northerly line of Old Town Road, 20.57 feet to a point, said point being 164.00 feet easterly measured at a right angle from station 279+39±;

Thence, South 23°04'08" West 74.79 feet to a point, said point being 164.00 feet easterly measured at a right angle from station 278+64±;

Thence South 77°21'27" West 39.66 feet to a point on the easterly line of Sills Road (CR 101), said point being 125.00 feet easterly measured at a right angle from station 278+57±;

Thence South 23°04'16" West, along the easterly line of Sills Road (CR 101) 336.66 feet to the easterly line of the aforementioned tax lot 1.1, said point being 125.00 feet easterly measured at a right angle from station 275+21±;

Thence North 05°32'19" West, along the easterly line of said tax lot 1.1, a distance of 104.42 feet to the Point of Place of Beginning.

Containing, within said bounds, 25,556 square feet or 0.587 acres more or less.

Exhibit A  
0200-704.00-02.00-043.000

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*

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Clerk of the Legislature

Intro. Res.

1530

Res. No.

614

August 2, 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*

Roll Call \_\_\_ Voice Vote