

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 619 -2011, REQUESTING THE CONVEYANCE OF A CERTAIN UNOPENED RIGHT-OF-WAY COMMONLY KNOWN AND REFERRED TO AS NICOLLS ROAD, TOWN OF BABYLON, SUFFOLK COUNTY, NEW YORK, FOR PUBLIC HIGHWAY IMPROVEMENT PURPOSES AND REQUESTING APPROVAL FROM THE TOWN OF BABYLON FOR CONVEYANCE OF SAME PURSUANT TO NEW YORK STATE GENERAL MUNICIPAL LAW §72-H

WHEREAS, a certain unopened right-of-way commonly known and referred to as Nicolls Road, Town of Babylon, Suffolk County, New York, is situated within the geographical boundaries of the Town of Babylon, Suffolk County, New York; and

WHEREAS, the County of Suffolk, New York is interested in acquiring said parcel of real property (hereinafter referred to as the "Subject Premises") for the purpose of using said portion for municipal highway purposes; and

WHEREAS, the said unopened right of way commonly known and referred to as Nicolls Road, Town of Babylon, Suffolk County, New York, is situated within the geographical boundaries of the Town of Babylon, Suffolk County, New York is more fully described in Exhibit "A" and Map No. 23, attached hereto; now, therefore be it

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

2nd **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(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 for public highway improvement purposes, an eventual Type II action under SEQRA;

and be it further

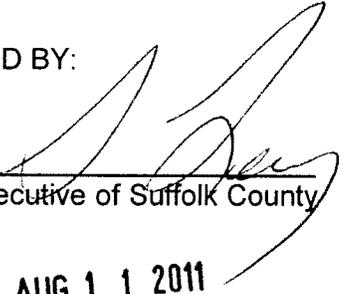
3rd **RESOLVED**, that the County of Suffolk does hereby request the acquisition of that certain unopened right-of-way commonly known and referred to as Nicolls Road, Town of Babylon, Suffolk County, New York, more particularly described in Exhibit "A" and Map No. 23, attached hereto and requests that the Town of Babylon, Suffolk County, New York and the State of New York, Office of General Services, approve conveyance of same pursuant to New York State General Municipal Law §72-h, for a consideration not to exceed One Hundred & 00/100 (\$100.00) Dollars; and be it further

4th **RESOLVED**, that the Commissioner of the Suffolk County Department of Public Works, or his duly appointed designee, be and hereby is authorized to execute and

acknowledge all documents necessary to convey the Subject Premises described herein into the County of Suffolk.

DATED: August 2, 2011

APPROVED BY:



County Executive of Suffolk County

Date:

AUG 1 1 2011

EXHIBIT A

COUNTY OF SUFFOLK – DEPARTMENT OF PUBLIC WORKS

Tax Map Index Number: 0100-010.00 (Nicolls Road)

Capital Project No.: 5510, NY PIN 0756.56

County Road Number:

Map Number: 23

Name of Road: Nicolls Road

Parcel: Portion of Nicolls Road

To Be Conveyed to: Pinelawn Cemetery, Inc. by Suffolk County Dept. of Public Works

All that piece or parcel of land situate in the Town of Babylon, County of Suffolk, State of New York to be conveyed to Pinelawn Cemetery, Inc., as shown on Map 23 and described as follows:

Beginning at the intersection of the southerly line of Nicolls Road with the easterly line of Little East Neck Road, thence northerly along said easterly line, North 36 degrees, 03 minutes, 41 seconds West, 51.28 feet to the present northerly line of Nicolls Road;

Thence easterly along the northerly line of Nicolls Road the following eight courses and distances:

- 1) North 66 degrees, 45 minutes, 24 seconds East, 698.30 feet;
- 2) North 62 degrees, 28 minutes, 29 seconds East, 331.49 feet;
- 3) North 66 degrees, 42 minutes, 59 seconds East, 554.46 feet;
- 4) North 75 degrees, 19 minutes, 19 seconds East, 218.74 feet;
- 5) North 79 degrees, 49 minutes, 49 seconds East, 150.57 feet;
- 6) North 72 degrees, 56 minutes, 09 seconds East, 83.18 feet;
- 7) North 54 degrees, 59 minutes, 14 seconds East, 129.73 feet;
- 8) North 71 degrees, 38 minutes, 29 seconds East, 329.11 feet;

Thence southerly through Nicolls Road, South 18 degrees, 21 minutes, 31 seconds East, 50.00 feet to the southerly line of Nicolls Road;

Thence westerly along said road the following eight courses;

- 1) South 71 degrees, 38 minutes, 29 seconds West, 321.79 feet;
- 2) South 54 degrees, 59 minutes, 14 minutes West, 130.31 feet;
- 3) South 72 degrees, 56 minutes, 09 seconds West, 94.09 feet;
- 4) South 79 degrees, 49 minutes, 49 seconds West, 151.57 feet;
- 5) South 75 degrees, 19 minutes, 19 seconds West, 213.07 feet;
- 6) South 66 degrees, 42 minutes, 59 seconds West, 548.91 feet;
- 7) South 62 degrees, 28 minutes, 29 seconds West, 331.48 feet;
- 8) South 66 degrees, 45 minutes, 24 seconds West, 688.73 feet to the easterly line of Little East Neck Road, and the point of beginning.

Being 124,389± square feet or 2.868± acres.

Described By: MF
Checked By: JRM
Revised By: MF
Checked By: JSS

Date: 3/11
Date: 3/11
Date: 05/27/11
Date: 05/27/11

1/607-11

COUNTY OF SUFFOLK



STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PUBLIC WORKS

GILBERT ANDERSON, P.E.
COMMISSIONER

JAMES K. PETERMAN, P.E.
CHIEF DEPUTY COMMISSIONER

LOUIS CALDERONE
DEPUTY COMMISSIONER

MEMORANDUM

TO: Ken Crannell, Deputy County Executive

FROM: James K. Peterman, P.E., Chief Deputy Commissioner

DATE: May 27, 2011

RE: **Requesting the Conveyance of a Parcel of Real Property, Having a Suffolk County Tax Map Identification Number of District 0100 Section 010.00 (Nicolls Road) for Public Highway Purposes and Requesting Approval from the Town of Babylon for Conveyance of Same, Pursuant to Section 72-H of the New York State General Municipal Law**

Attached is a draft resolution and duplicate copy requesting the conveyance of a parcel of real property situated in the Town of Babylon, Suffolk County, New York, pursuant to New York State General Municipal Law §72-H.

The purpose of this conveyance from the Town of Babylon to the County of Suffolk is for public highway purposes, in conjunction with the County's CR 3, Pinelawn Road improvement project. Consideration for this conveyance is in the amount of \$100.00 (charged to CP 5510.211) and will allow the Federal Aid reimbursement aspect of this project to remain open.

An e-mail version of this resolution was sent to CE RESO REVIEW saved under the title "Reso-DPW-GML 72h Conveyance from Babylon.(Nicolls Rd) doc".

JKP/WH/cms
attach.

cc: Chris Kent, Chief Deputy County Executive
Brendan Chamberlain, County Executive Assistant
Nick Paglia, Assistant Executive Analyst
William Hillman, P.E., Chief Engineer
Laura Conway, CPA, Chief Accountant
Kathy LaGuardia, Capital Accounting
Robert Murphy, Public Works Capital Project Manager
Theresa D'Angelo, Principal Clerk

SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

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.

1607

Res. No.

619

August 2, 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	18				

MOTION
<input checked="" type="checkbox"/> Approve
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