

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 624 -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 042.000 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 fifty-four thousand & 00/100 dollars (\$54,000); 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 fifty-four thousand & 00/100 dollars (\$54,000), said sum representing the fair market value of the surplus and unused right-of-way fronting said tax map parcels; now, therefore be it

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 617.7(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

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

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

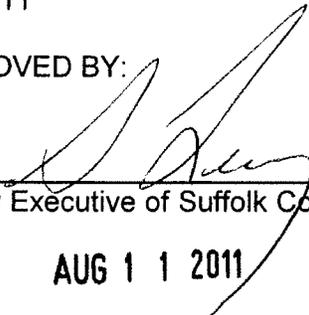
5th **RESOLVED**, the Suffolk County Department of Public Works is directed to convey said surplus and unused right-of-way described herein to Sills Road Realty, LLC, the present owner of the parcel having a Suffolk County Tax Map Identification Number of District 0200 Section 663.00 Block 03.00 Lot 001.000, or to its successors in interest, for the total sum of fifty-four thousand & 00/100 dollars (\$54,000), 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

6th **RESOLVED**, that the Suffolk County Department of Public Works will receive and deposit the sum of fifty-four thousand & 00/100 dollars (\$54,000), 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

7th **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**

1608

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 northerly line of land of the Metropolitan Transportation Authority (Long Island Railroad), said point being 124.69 feet easterly at a right angle from station 268+25± of the Survey Centerline of County Road 101 (Sills Road);

Running thence North 40°38'17" East 103.95 feet to a point, said point being distant 137.05 feet easterly measured at a right angle from station 269+23.67;

Thence North 25°27'58" East 107.36 feet, to the easterly line of Sills Road (CR 101), said point being distant 125.19 feet easterly measured at a right angle from station 270+26±;

Thence South 05°27'58" East, along the easterly line of Sills Road (CR 101), 160.61 feet to the northerly line of land of the Metropolitan Transportation Authority (Long Island Railroad), said point being 223± feet easterly measured at a right angle from station 269+06±;

Thence South 82°58'07" West, along said northerly line of land of the Metropolitan Transportation Authority (Long Island Railroad), 130.35 feet to the Point or Place of Beginning.

Containing, within said bounds, 9,003 square feet or 0.207 acres more or less.

Accepting also and reserving to any and all utilities, the right of access at all times for the update, maintenance and service of their facilities.

Exhibit A
0200-704.00-02.00-042.000

1608

RESOLUTION SUBMITTAL SHEET

Capital Project	<u>n/a</u>	Legislative Districts	<u>3 or 7</u>
Operating Fund		Federal Aid %	
Other	<u>Conveyance of Land</u>	State Aid %	

Give a complete description of why we are asking for reso; if aided, state status of aid

Authorizing the Conveyance of County-Owned Surplus Unused Right-Of-Way Fronting a Parcel of Land to Sills Road Realty, LLC (one of two parcels)

Previous resolution (list previous reso for the same work)

<u>Resolution Number</u>	<u>Purpose</u>	<u>Amount</u>
<u>n/a</u>		

<u>Amounts being requested</u>		<u>Current Unencum Bal w/Quotes</u>	
Planning	<u>n/a</u>	Planning	<u>n/a</u>
Site		Site	
Construction		Construction	
Land		Land	
F&E		F&E	

Project Status

Est. planning completion	<u>n/a</u>	Design consultant
Est. construction start		Contractor
Est. construction completion		

State required offsets, their legis. Districts, and a detailed explanation of why we do not need the funds; state if we believe the legislator from the offset district will have a major issue)

<u>Offset</u>	<u>Legis District</u>	<u>Comments</u>
<u>n/a</u>		

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.

1608

Res. No.

624

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

Tim Laube, Clerk of the Legislature

Roll Call ___ Voice Vote