

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 776 -2011, SALE OF COUNTY-OWNED REAL ESTATE PURSUANT TO SECTION 72-H OF THE GENERAL MUNICIPAL LAW - TOWN OF SOUTHOLD - (SCTM NO. 1000-015.00-05.00-024.028)**

**WHEREAS**, the COUNTY OF SUFFOLK is the fee owner of the following described parcel that is surplus to the needs of the County of Suffolk; and

**ALL**, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Southold, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 1000 Section 015.00, Block 05.00 Lot 024.028 and acquired by Tax Deed on May 18, 1990 from General L. Rains, the Deputy County Treasurer of Suffolk County, New York, and recorded on May 25, 1990 in Liber 11074 at Page 159 and described as follows, known and designated as a Leaching Area on a certain map entitled "Map of Orient-By-The-Sea, Section 3", and filed in the Office of the Clerk of the County of Suffolk on October 16, 1974 as Map No. 6160; and

**WHEREAS**, Section 72-h of the General Municipal Law permits a sale of real property between municipal corporations, or between a municipal corporation of the State of New York or the United States of America; and

**WHEREAS**, the Town of Southold has requested that the County of Suffolk convey to the town the parcel described in Exhibit "A" annexed hereto; 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 designee is hereby authorized to execute and acknowledge a Quitclaim deed to transfer the interest of Suffolk County in the above described property and on the terms and conditions provided herein to said Town of Southold for the sum of \$1.00 plus the pro rata share of the current tax adjustment due at closing; and be it further

**2<sup>nd</sup>** **RESOLVED**, that the Town of Southold will be restricted in its use of the subject parcel and will use said parcel solely and exclusively for Drainage purposes; with all right title and interest reverting to the County of Suffolk in the event that the Town of Southold, at any time, uses or attempts to use said subject parcel for other than Drainage purposes or attempts to sell, transfer or otherwise dispose of or does, in fact, sell, transfer or otherwise dispose of said subject parcel without said parcel being used thereafter for Drainage purposes; and be it further

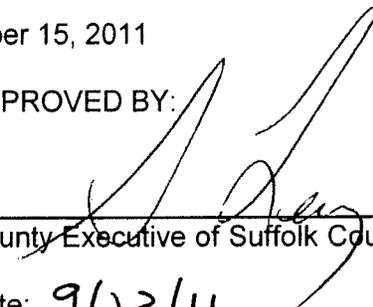
**3<sup>rd</sup>** **RESOLVED**, that said quitclaim deed tendered by Pamela J. Greene, Director of the Division of Real Property Acquisition and Management, pursuant to this resolution, shall contain a reverter clause declaring that title to the above described property shall revert to the County of Suffolk if: 1) the property is not used for the above-described public governmental purposes within three (3) years after delivery of the deed to the grantee; or 2) the grantee attempts to sell, transfer, or otherwise dispose of the property or does sell, transfer, or otherwise

dispose of said subject property without said property being used thereafter for the above described public governmental purposes; or 3) the grantee imposes a back-charge or fee against the County for the actual or projected cleanup cost of the debris on the property in violation of Resolution No. 1028-1991; or 4) the grantee violates Resolution No. 256-1998; and be it further

**4<sup>th</sup>**            **RESOLVED**, this Legislature, being the State Environmental Quality Review Act (SEQRA) Lead Agency, hereby finds and determines that adoption of this law is not an action within the meaning of the State Environmental Quality Review Act and the regulations adopted thereto. See 6 N.Y.C.R.R. Section 617.2(b) (2). The Legislature further finds and determines that even if the adoption of the local law is an action within the meaning of SEQRA, the adoption of the law is a Type II action constituting a legislative decision in connection with routine or continuing agency administration and management, not including new programs or major reordering of priority. See 6 N.Y.C.R.R. Section 617.13(d) (15) and (21). As a Type II action, the Legislature has no further responsibilities under SEQRA 6 N.Y.C.R.R. Section 617.5(a) (1).

DATED: September 15, 2011

APPROVED BY:



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County Executive of Suffolk County

Date: 9/23/11



EXHIBIT "A"  
RESOLUTION 2011-494

ADOPTED

1739

DOC ID: 6975

**THIS IS TO CERTIFY THAT THE FOLLOWING RESOLUTION NO. 2011-494 WAS ADOPTED AT THE REGULAR MEETING OF THE SOUTHOLD TOWN BOARD ON JULY 5, 2011:**

**RESOLVED** that the Town Board of the Town of Southold hereby authorizes and directs Supervisor Scott A. Russell to execute all necessary documents in connection with the Quitclaim Deed regarding the transfer of two parcels, as shown and designated on a certain map entitled "Map of Orient by the Sea, Section 3", from the County of Suffolk to the Town of Southold (Suffolk County Tax Map Nos. District 1000, Section 015.00, Block 05.00, Lot 024.028 and District 1000, Section 015.00, Block 05.00, Lot 025.002), subject to the approval of the Town Attorney; and

**BE IT FURTHER RESOLVED** that the County of Suffolk will convey both parcels to the Town of Southold for consideration in the sum of \$1.00; and

**BE IT FURTHER RESOLVED** that the Town of Southold has been, and continues to, maintain said parcels and will acquire parcel SCTM #1000-15-5-24.28 for drainage purposes and parcel SCTM #1000-15-5-25.2 for road maintenance; and

**BE IT FURTHER RESOLVED** that the recording fees, which are estimated to be approximately \$400.00 be charged to A.1010.4.500.700.

Elizabeth A. Neville  
Southold Town Clerk

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Louisa P. Evans, Justice  
**SECONDER:** Christopher Talbot, Councilman  
**AYES:** Ruland, Orlando, Talbot, Krupski Jr., Evans, Russell

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 September 15, 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.

1739

Res. No.

776

September 15, 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

Roll Call \_\_\_ Voice Vote

*Tim Laube*

Tim Laube, Clerk of the Legislature