

**RESOLUTION NO. 813 -2011, AUTHORIZING THE ACQUISITION OF LAND UNDER THE NEW SUFFOLK COUNTY DRINKING WATER PROTECTION PROGRAM (EFFECTIVE DECEMBER 1, 2007) - OPEN SPACE COMPONENT - FOR THE LINKS AT EAST QUOGUE, LLC PROPERTY - EAST QUOGUE COUNTY WATERSHED ADDITION TOWN OF SOUTHAMPTON (SCTM NOS. 0900-250.00-04.00-002.000 p/o, 0900-250.00-04.00-003.000 p/o, 0900-250.00-04.00-004.000 p/o, 0900-250.00-04.00-005.000 p/o, 0900-250.00-04.00-015.000, 0900-289.00-01.00-001.000, 0900-314.00-02.00-020.004, 0900-314.00-02.00-048.000, 0900-315.00-01.00-005.000 AND 0900-315.00-01.00-015.000)**

**WHEREAS**, Local Law No. 24-2007, "A Charter Law Extending and Accelerating the Suffolk County ¼% Drinking Water Protection Program for Environmental Protection," Section C12-2(A)(1) authorized the use of 31.10 percent of sales and compensating tax proceeds generated each year for environmental protection, as determined by duly enacted Resolutions of the County of Suffolk; and

**WHEREAS**, adequate funding is provided for, pursuant to Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, from 31.10 percent of the sales and compensating tax proceeds, for the acquisition of such land; and

**WHEREAS**, Resolution Nos. 811-2009 and 218-2010, authorized planning steps for the acquisition of said property; and

**WHEREAS**, the Town of Southampton ("Town") has approved Resolution No. 2010-988 on October 12, 2010 and Resolution No. 2011-216 on February 8, 2011 authorizing the acquisition of the subject property in partnership with the County of Suffolk; and

**WHEREAS**, the Environmental Trust Review Board has reviewed the appraisals and the report of the Internal Appraisal Review Board and has approved the purchase price and authorized the Director of Real Property Acquisition and Management to negotiate the acquisition; and

**WHEREAS**, based upon the Environmental Trust Review Board approved value, an offer to acquire the subject property was made to and accepted by the owner of said property; and

**WHEREAS**, contracts to acquire said property were prepared by the office of the County Attorney, executed by the owner of the subject property, the Town, and the Director of Real Property Acquisition and Management and approved as to legality by the Office of the County Attorney; now, therefore be it

**1st RESOLVED**, that the County of Suffolk hereby approves the acquisition of the subject property set forth below under the New Suffolk County Drinking Water Protection Program, effective as of December 1, 2007, Open Space component, for a total purchase price of Nine Million Seven Hundred Ninety Seven Thousand Two Hundred Dollars (\$9,797,200.00±),

at Seventy Thousand Dollars (\$70,000.00±) per acre for 139.96± acres, subject to a final survey. Said cost is to be shared by the County of Suffolk and the Town, with the County of Suffolk's share, totaling Four Million Eight Hundred Ninety Eight Thousand Six Hundred Dollars (\$4,898,600.00±), for fifty percent (50%) undivided interest; and the Town's share, totaling Four Million Eight Hundred Ninety Eight Thousand Six Hundred Dollars (\$4,898,600.00±), for a fifty percent (50%) undivided interest, subject to a final survey; and hereby authorizes additional expenses, which shall include, but not be limited to, the cost of surveys, appraisals, environmental audits, title reports and insurance, and tax adjustments:

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>	<u>ACRES:</u>	<u>REPUTED OWNER AND ADDRESS:</u>
No. 1	District 0900 Section 250.00 Block 04.00 Lot 002.000 p/o	139.96±	Links at East Quogue, LLC 1600 Calebs Path Ext.-Suite 101 Hauppauge, NY 11788
No. 2	District 0900 Section 250.00 Block 04.00 Lot 003.000 p/o		
No. 3	District 0900 Section 250.00 Block 04.00 Lot 004.000 p/o		
No. 4	District 0900 Section 250.00 Block 04.00 Lot 005.000 p/o		
No. 5	District 0900 Section 250.00 Block 04.00 Lot 015.000		
No. 6	District 0900 Section 289.00 Block 01.00 Lot 001.000		
No. 7	District 0900 Section 314.00 Block 02.00 Lot 020.004		
No. 8	District 0900 Section 314.00 Block 02.00 Lot 048.000		

No. 9	District	0900
	Section	315.00
	Block	01.00
	Lot	005.000

No. 10	District	0900
	Section	315.00
	Block	01.00
	Lot	015.000

and be it further

**2<sup>nd</sup>** **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management and/or her designee, is hereby authorized, empowered, and directed, pursuant to Section C42-3(C)(3) of the SUFFOLK COUNTY CHARTER, to acquire the parcel(s) listed herein above from the reputed owner, the funding for which shall be provided under the New Suffolk County Drinking Water Protection Program, effective as of December 1, 2007, Open Space component, Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, for Four Million Eight Hundred Ninety Eight Thousand Six Hundred Dollars (\$4,898,600.00+), subject to a final survey, said amount representing the County's share of the total purchase price; and be it further

**3<sup>rd</sup>** **RESOLVED**, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$4,898,600.00+, subject to a final survey, from previously appropriated funds in Capital Project 525-8712.210 for the New Suffolk County Drinking Water Protection Program, effective as of December 1, 2007, Open Space component, Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, for this acquisition; and be it further

**4<sup>th</sup>** **RESOLVED**, that the title to this acquisition shall be held by the County of Suffolk and the Town, as tenants-in-common, each owning an undivided fifty percent (50%) interest; and be it further

**5<sup>th</sup>** **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management and/or her designee; the County Planning Department; and the County Department of Public Works are hereby authorized, empowered, and directed to take such actions and to pay such additional expenses as may be necessary and appropriate to consummate such acquisition, including, but not limited to, securing appraisals, title insurance and title reports, obtaining surveys, engineering reports and environmental audits, making tax adjustments and executing such other documents as are required to acquire such County interest in said lands; and be it further

**6<sup>th</sup>** **RESOLVED**, that pursuant to Section C12-2(A)(2)(c) this property is not to be developed and Eight (8) Workforce Housing Development Rights, representing the County's fifty percent (50%) interest in the total number of development rights allocated to the property, shall be removed and placed in the Suffolk County Workforce Housing Transfer of Development Rights Program registry pursuant to the Workforce Housing Development Rights Program as developed by the Department of Planning, consistent with Resolution No. 412-2005, as amended, and approved by the Suffolk County Executive and the Suffolk County Legislature; and be it further

**7<sup>th</sup>** **RESOLVED**, that the acquisition of such parcel(s) meets the following criteria as required under Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER:

- c.) any tract of land located fully or partially within a statutorily designated Special Groundwater Protection Area; and, be it further

**8<sup>th</sup>** **RESOLVED**, that the subject parcel(s) shall be transferred to the County Department of Parks, Recreation and Conservation for passive recreational use; and, be it further

**9<sup>th</sup>** **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management is hereby authorized to negotiate and to enter into any necessary collateral agreements with the Town to effectuate the terms of this resolution; and, be it further

**10<sup>th</sup>** **RESOLVED**, if desired, the County of Suffolk, through its Department of Parks, Recreation and Conservation is hereby authorized to negotiate and to enter into a municipal cooperation agreement with the Town for the management of this acquisition, consistent with this program, and the terms and conditions thereof shall be approved by the Suffolk County Attorney in consultation with the respective Commissioner of the County Department of Parks, Recreation and Conservation, who is charged with the management and operation of said property; and, be it further

**11<sup>th</sup>** **RESOLVED**, that after coordinated review, Suffolk County, as lead agency, has determined that the above activity is a Type I action pursuant to the provisions of Title 6 NYCRR, Part 617; and, be it further

**12<sup>th</sup>** **RESOLVED**, that the project will not have a significant effect on the environment for the following reasons:

- 1.) the proposed action will not exceed any of the criteria of 6 NYCRR, Section 617.7, which sets forth thresholds for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form; and
- 2.) the proposed use of the subject parcel(s) is passive recreation; and
- 3.) if not acquired, the property will most likely be developed for residential purposes; incurring far greater environmental impact that the proposed acquisition and preservation of the site would have; and be it further
- 4.) the underground storage tank (UST) in the vicinity of fill and vent pipes on the south side of the main residence on parcel 0900-250.00-04.00-015.000 as well as any other USTs on site will be properly abandoned pursuant to all applicable State and local regulations prior to acquisition;
- 5.) the septic system leach pool outside the northeast corner of the main residence on parcel 0900-250.00-04.00-015.000 as well as any other sanitary waste disposal systems on

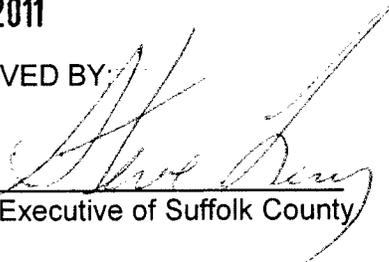
site will be properly abandoned pursuant to all applicable State and local regulations prior to acquisition;

- 6.) if a well is identified in the future and it is not required for the planned use of the site, it will be properly decommissioned by a qualified contractor pursuant to all applicable NYSDEC and Suffolk County Department of Health Services standards;
- 7.) all structures and debris identified on site will be removed and properly disposed of prior to acquisition; and be it further

**13<sup>th</sup>** **RESOLVED**, that in accordance with Section 279-5(C)(4) of the SUFFOLK COUNTY CODE, the Suffolk County Council on Environmental Quality is hereby directed to prepare and circulate any appropriate notices or determinations in accordance with this resolution.

DATED: **OCT 1 1 2011**

APPROVED BY:

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

Date: **OCT 1 3 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*  
October 11, 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.

1789

Res. No.

813

October 11, 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		13	4	-	1	-

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*

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