

Introduced by Presiding Officer, on request of the County Executive and Legislator Vilorio-Fisher

**RESOLUTION NO. 938 -2011, ADOPTING LOCAL LAW NO. 57 -2011, A LOCAL LAW DECLARING AS SURPLUS AND AUTHORIZING THE EXECUTION OF A CONTRACT FOR THE SALE OF A 50' X 116' PARCEL IN BROOKHAVEN (SCTM NO. 0200-418.00-04.00-004.000) TO STONY BROOK MEDICAL PARK CONDOMINIUM**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a regular meeting held on September 15, 2011, a proposed local law entitled, **"A LOCAL LAW DECLARING AS SURPLUS AND AUTHORIZING THE EXECUTION OF A CONTRACT FOR THE SALE OF A 50' X 116' PARCEL IN BROOKHAVEN (SCTM NO. 0200-418.00-04.00-004.000) TO STONY BROOK MEDICAL PARK CONDOMINIUM,"** and said local law in final form is the same as when presented and introduced; now, therefore be it

**RESOLVED**, that said local law be enacted in form as follows:

**LOCAL LAW NO. 57 -2011, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW DECLARING AS SURPLUS AND AUTHORIZING THE EXECUTION OF A CONTRACT FOR THE SALE OF A 50' X 116' PARCEL IN BROOKHAVEN (SCTM NO. 0200-418.00-04.00-004.000) TO STONY BROOK MEDICAL PARK CONDOMINIUM**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK**, as follows:

**Section 1. Legislative Intent.**

This Legislature finds and determines that pursuant to New York County Law, this County Legislature has control over the real property owned by the County, and if the legislature shall determine that certain County property is no longer necessary for County purposes, it may dispose of such property.

This Legislature further finds that generally, such sale of property shall be made after public advertisement and to the highest bidder, but that in certain instances such property may be sold at a private sale for fair and adequate consideration so long as the sale is authorized by a local law subject to permissive referendum.

This Legislature further finds that the County Sewer District No. 10 is the owner of a 50' X116' parcel of land adjacent to property owned by Suffolk County Sewer District No. 10 and the Stony Brook Medical Park Condominium and that the property is surplus to the needs of the County and County Sewer District No. 10 but can be useful to the Medical Park and the Medical Park is desirous of obtaining the parcel from the County and has made an offer to purchase the property from the County.

Therefore, the purpose of this law is to declare surplus and approve execution of a contract for the sale of the parcel by the County to Stony Brook Medical Park Condominium.

**Section 2. Declaration of Surplus Land.**

The 50' X 116' parcel of land known as SCTM 0200-418.00-04.00-004.000 is surplus to County needs as found by the Department of Public Works.

**Section 3. Sale of Surplus Land.**

Under the authority of Sections 215 and 2(b) of the New York County Law, the sale by the County to Stony Brook Medical Park Condominium of the County's right, title and interest in and to the 50' X 116' parcel designated as SCTM No. 0200-418.00-04.00-004.000, and the execution and delivery of a deed by the County Executive or his designee is hereby authorized in exchange for the delivery, to or upon the order of the County of the payment of the purchase price of \$14,500.00 and upon such other terms and conditions as may be deemed necessary by the Division of Real Property Acquisition and Management and the Department of Law.

**Section 4. Further Actions.**

The County Executive and/or his designee is authorized to execute and deliver, on behalf of the County, such agreements, and instruments as may be contemplated by, or necessary to consummate or otherwise give full effect to this local law, and which are deemed necessary or desirable to effectuate the transaction contemplated by this local law, and to perform all acts and do all things required or contemplated to be performed or done by this local law or by any agreement or instrument approved, contemplated, necessary or authorized hereby.

**Section 5. Applicability.**

This law shall apply to all actions occurring on or after the effective date of this law.

**Section 6. Severability**

If any clause, sentence, paragraph, subdivision, section or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**Section 7. SEQRA Determination.**

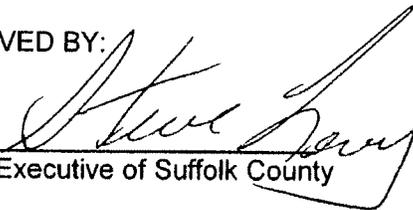
This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality

**Section 8. Effective Date.**

This Local Law shall not take effect until at least forty-five (45) days after its adoption, nor until approved by the affirmative vote of a majority of the qualified electors of the County of Suffolk voting on a proposition for its approval if within forty-five (45) days after its adoption there is filed with the Clerk of the County Legislature a petition protesting against such Local Law in conformity with the provisions of §24 (1) (a) of the MUNICIPAL HOME RULE LAW, and upon filing in the Office of the Secretary of State.

DATED: November 22, 2011

APPROVED BY:

  
County Executive of Suffolk County

Date:

**DEC 13 2011**

After a public hearing duly held on December 7, 2011  
Filed with the Secretary of State on December 29, 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 November 22, 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.

1816

Res. No.

938

November 22, 2011

**Motion:**

Romaine, Schneiderman, Browning, Muratore, Anker  
Eddington, Montano, Cilmi, Lindsay, Viloria-Fisher, Barraga,  
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

**Co-Sponsors:**

Romaine, Schneiderman, Browning, Muratore, Anker  
Eddington, Montano, Cilmi, Lindsay, Viloria-Fisher, Barraga,  
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

**Second:**

Romaine, Schneiderman, Browning, Muratore, Anker  
Eddington, Montano, Cilmi, Lindsay, Viloria-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	17	1	1	1	1

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