

Introduced by Presiding Officer, on request of the County Executive and Legislators Romaine, Schneiderman

**RESOLUTION NO. 815 -2011, AUTHORIZING THE ACQUISITION OF LAND UNDER THE NEW SUFFOLK COUNTY DRINKING WATER PROTECTION PROGRAM (EFFECTIVE DECEMBER 1, 2007) - ACTIVE RECREATION COMPONENT- FOR THE NORTH FORK PRESERVE, INC. PROPERTY - TOWN OF RIVERHEAD (SCTM NO. 0600-021.00-01.00-001.002)**

**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 No. 686-2011, authorized planning steps for the acquisition of said property; and

**WHEREAS**, the Town of Riverhead ("Town") has approved Resolution No. 938-2010 on December 21, 2010 and Resolution No. 710-2011 on September 20, 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 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

**1<sup>st</sup> 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, Active Recreation component, for a total purchase price of Nine Million Five Hundred Nine Thousand Three Hundred Two Dollars (\$9,509,302.00<sub>±</sub>), at Fifty-Five Thousand Dollars (\$55,000.00) per acre, for 172.8964<sub>±</sub> acres, which cost is to be shared by the County of Suffolk and the Town, with the County of Suffolk's share, totaling Nine Million Thirty-Three Thousand Eight Hundred Thirty-Six Dollars and 90/100 Cents (\$9,033,836.90<sub>±</sub>), for a Ninety-Five percent (95%) undivided interest; and the Town's

share, totaling Four Hundred Seventy-Five Thousand Four Hundred Sixty-Five Dollars and 10/100 Cents (\$475,465.10+), for a Five percent (5%) undivided interest, as tenants-in-common, 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</u>  |         | <u>ACRES:</u>    | <u>REPUTED OWNER</u>      |
|----------------|------------------------|---------|------------------|---------------------------|
| <u>No. 1</u>   | <u>TAX MAP NUMBER:</u> |         | <u>172.8964+</u> | <u>AND ADDRESS:</u>       |
|                | District               | 0600    |                  | North Fork Preserve, Inc. |
|                | Section                | 021.00  |                  | a New York Corporation    |
|                | Block                  | 01.00   |                  | 349 Pennys Road           |
|                | Lot                    | 001.002 |                  | Riverhead, NY 11901       |

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, Active Recreation component, Section C12-2(A)(1)(i) of the SUFFOLK COUNTY CHARTER, for Nine Million Thirty-Three Thousand Eight Hundred Thirty-Six Dollars and 90/100 Cents (\$9,033,836.90+), 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 \$9,033,836.90+, 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, Active Recreation component, Section C12-2(A)(1)(i) 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, with the County owning a ninety-five percent (95%) undivided interest, and the Town owning a five percent (5%) undivided 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 the acquisition of such parcel(s) is for the following purpose as set forth under Section C12-2(A)(1)(i) of the SUFFOLK COUNTY CHARTER:

- i.) active recreational park

**7<sup>th</sup>** **RESOLVED**, that the subject parcel(s) shall be transferred to the County Department of Parks, Recreation and Conservation for active recreational park

use as per the concept plan approved by the Suffolk County Parks Trustees, August 2011, and the Suffolk County Council on Environmental Quality, September 2011; and be it further

**8<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

**9<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

**10<sup>th</sup>** **RESOLVED**, that the above activity is a Type I action pursuant to the provisions of Title 6 NYCRR, Part 617; and be it further

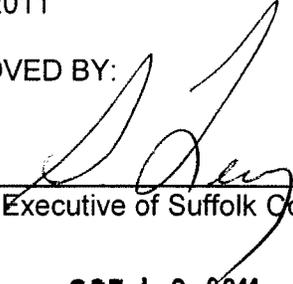
**11<sup>th</sup>** **RESOLVED**, that the project will not have a significant effect on the environment for the following reasons:

- 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 active recreational park as per the concept plan approved by the Suffolk County Parks Trustees, August 2011, and the Suffolk County Council on Environmental Quality, September 2011; 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
- 4.) the proposed action will adaptively reuse the existing structures on site; and
- 5.) all future improvements to the park property will be the subject of a Park Master Plan which will have to undergo a full environmental review before adoption; and, be it further

**12<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: October 11, 2011

APPROVED BY:

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

Date:

**OCT 12 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.

1817

Res. No.

815

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 |                               | 14  | 3  | -   | 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*

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