

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 838 -2011, AUTHORIZING SETTLEMENT WITH DEBRA A. CUBBEDGE (A/K/A DEBRA A. PATE, A/K/A DEBRA A. BETTIS) WITH REGARD TO SUFFOLK COUNTY TAX MAP NO. 0400-147.00-04.00-022.000

WHEREAS, Debra A. Cubbedge (a/k/a Debra A. Pate, a/k/a Debra A. Bettis) is the owner in fee simple of the real property located at 126 Lennox Road, Huntington Station, New York, further identified as Suffolk County Tax Map No. 0400-147.00-04.00-022.000, having acquired said property by deed dated April 14, 1983 and recorded in the Office of the Suffolk County Clerk on April 26, 1983 in Liber 9348 at page 461; and

WHEREAS, the adjoining lot identified as Suffolk County Tax Map No. 0400-147.00-04.00-053.000 (hereinafter "Subject Parcel") was created in or about 1991 by the remapping of the filed maps of Americana Industrial Park No. 5031 and Huntington Manor Section E, Map 548; and

WHEREAS, Subject Parcel appeared on the tax rolls for the first time in the 1991/1992 tax period and was assessed to "unknown owner"; and

WHEREAS, Debra A. Cubbedge (a/k/a Debra A. Pate, a/k/a Debra A. Bettis) was not notified of any taxes being due on the Subject Parcel; and

WHEREAS, The County of Suffolk took title to the Subject Parcel for failure to pay taxes for the 1991/1992 tax year, by tax deed issued by the County Treasurer on May 18, 1994 and recorded in the Office of the Suffolk County Clerk on May 24, 1994 in Liber 11677 at page 999; and

WHEREAS, Debra A. Cubbedge (a/k/a Debra A. Pate, a/k/a Debra A. Bettis) commenced a law suit against the County of Suffolk in the Supreme Court of the State of New York, County of Suffolk bearing Index No. 10-45262, claiming that prior and subsequent to the creation of the Subject Parcel she openly and notoriously utilized the Subject Parcel by maintaining a driveway thereon, cultivating gardens thereon, installing fences thereon, expanding a cesspool thereon and generally landscaping and maintaining said Subject Parcel; and

WHEREAS, Debra A. Cubbedge (a/k/a Debra A. Pate, a/k/a Debra A. Bettis) has alleged ownership of the Subject Parcel based on a claim of adverse possession in that subsequent to the County of Suffolk taking title to the Subject Parcel, she openly and notoriously utilized and maintained the Subject Parcel as stated above; and

WHEREAS, the County Attorney and Debra A. Cubbedge (a/k/a Debra A. Pate, a/k/a Debra A. Bettis) have reached a settlement, whereby Debra A. Cubbege (a/k/a Debra A. Pate, a/k/a Debra A. Bettis) would pay to the County of Suffolk by certified check or money order the sum of FOUR THOUSAND SIX HUNDRED SEVEN and 05/100 DOLLARS (\$4,607.05) representing all unpaid taxes which have accrued on the Subject Parcel from 1991/1992 through and including the 2010/2011 tax year and issue a properly executed General Release in favor of the County of Suffolk. In return the County of Suffolk will prepare and issue to Debra A. Cubbege (a/k/a Debra A. Pate, a/k/a Debra A. Bettis), a quitclaim deed for the Subject Parcel

and she will be solely responsible to pay all recording fees incurred as the result of this conveyance; and

WHEREAS, it is in the best interest of both parties to resolve this dispute in an amicable and fair manner rather than incurring unnecessary costs and expenses in the continued litigation of this matter; now, therefore be it

1st **RESOLVED**, that the Suffolk County Legislature hereby consents to the settlement of the action bearing Index No. 10-45262 under the terms negotiated by the County Attorney; and be it further

2nd **RESOLVED**, that the County Executive and/or his designee is authorized and empowered to execute the stipulation of settlement in similar form as attached hereto; and be it further

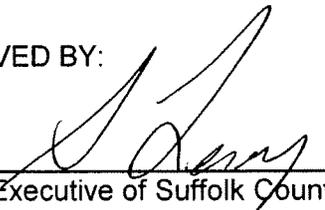
3rd **RESOLVED**, that the Subject Parcel is no longer necessary for public use; and be it further

4th **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management, and/or her designee, be and she hereby is authorized to execute and acknowledge a Quitclaim Deed to Debra A. Cubbedge (a/k/a Debra A. Pate, a/k/a Debra A. Bettis) residing at 126 Lennox Road, Huntington Station, New York to transfer the interest of Suffolk County in the Subject Parcel on the above described terms; and be it further

5th **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes an Unlisted action pursuant to 6 NYCRR Section 617.4(b)(4) and Chapter 279 of the Suffolk County Code involving the sale of less than 100 acres, which will not be further developed, and that there is no significant adverse environmental impact; and be it further

6th **RESOLVED**, the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with the law.

DATED: **OCT 11 2011**

APPROVED BY:


County Executive of Suffolk County

Date **OCT 19 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

Clerk of the Legislature

Intro. Res.

1820

Res. No.

838

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	17	-		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

Tim Laube, Clerk of the Legislature