

RESOLUTION NO. 839 -2011, AUTHORIZING TECHNICAL CORRECTIONS TO RESOLUTION NO. 482-2011 AND RATIFYING A CERTAIN QUITCLAIM DEED DULY EXECUTED THERETO BY THE DIRECTOR OF THE DIVISION OF REAL PROPERTY ACQUISITION AND MANAGEMENT

WHEREAS, the County of Suffolk enacted Resolution No. 482-2011, which authorized a transfer of County-owned real property to the Town of Smithtown pursuant to Section 72-h of the NEW YORK GENERAL MUNICIPAL LAW; and

WHEREAS, the description of the transferred parcel set forth in the resolution's Exhibit "A" contained a technical error in that it did not provide a permanent easement guaranteeing ingress and egress to the adjoining owner; and

WHEREAS, Pamela J. Greene, Director of the Division of Real Property Acquisition and Management executed a quitclaim deed to the Town of Smithtown dated June 30, 2011, said deed containing the correct description of the subject premises as well as the permanent easement guaranteeing ingress and egress over said parcel to the adjoining owner, said deed having been recorded in the Office of the Suffolk County Clerk on July 1, 2011 at Deed Liber D00012664, Cp. 410; and

WHEREAS, this Legislature wishes to make a technical correction to Resolution No. 482-2011 to reflect the permanent easement; and

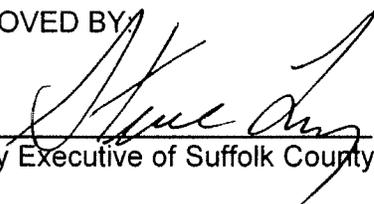
WHEREAS, this Legislature further desires to ratify the actions of the Director of Real Property Acquisition and Management in executing the quitclaim deed dated June 30, 2011, said deed containing the correct description of the subject premises as well as the permanent easement guaranteeing ingress and egress over said parcel to the adjoining owner (Exhibit "1"); now, therefore be it

1st RESOLVED, Resolution No. 482-2011 is amended by replacing the Exhibit "A" contained in said Resolution with the Exhibit "A" attached hereto; and be it further

2nd RESOLVED, that the actions of the Director of Real Property Acquisition and Management in executing that certain quitclaim deed dated June 30, 2011, said deed containing the correction description of the subject premises as well as the permanent easement guaranteeing ingress and egress over said parcel to the adjoining owner are hereby ratified and approved.

DATED: **OCT 11 2011**

APPROVED BY:


County Executive of Suffolk County

Date: **OCT 19 2011**

Exhibit "A"

County of Suffolk – Department of Public Works

Tax Map Index Number: 0800-168.00-02.00-032.001

County Road Number: County Road 16

Name of Road: Smithtown Boulevard

To Be Conveyed by the County of Suffolk to the Town of Smithtown

All that piece or parcel of land situate in the Town of Smithtown, County of Suffolk, State of New York, as shown on a map and described as follows:

Beginning at a point on the Northeasterly terminus of the line connecting the northerly boundary of the existing Smithtown Boulevard, County Road 16 and the Easterly boundary of the existing Gibbs Pond Road, said point being 62± feet easterly measured at right angles from Station 25+84 of the hereinafter described survey centerline for proposed reconstruction of the intersection of CR 16 Smithtown Boulevard at CR 93 Lakeland-Rosevale Avenue, thence along the last mentioned Easterly boundary the following four (4) courses and distances:

1. North 24°13'02" West a distance of 30.91 feet to a point 44± feet easterly measured at right angles from Station 26+09± of said centerline, and
2. North 04°25'00" East a distance of 121.83 feet to a point 41± feet easterly measured radially from Station 27+21± of said centerline, and
3. North 01°04'37" East a distance of 42.67 feet to a point 45± feet easterly measured radially from Station 27+59± of said centerline, and
4. North 54°38'31" East a distance of 25.00 feet to a point on the Southerly boundary of Hill Avenue at its intersection with the division line between the land of Suffolk County on the west and the land of Roberto Santiago Jr., reputed owner, on the east, said point being 67± feet easterly measured radially from Station 27+69± of said centerline.

Thence, along the last mentioned division line South 35°21'29" East a distance of 116.96 feet to a point on the division line between the land of Suffolk County on the West and the land of Gibbs Pond Road Associates, LLC, reputed owner, on the east, said point being 130± feet easterly measured radially from Station 26+90 of said centerline;

Thence, along the last mentioned division line the following two (2) courses and distances

1. South $14^{\circ}50'29''$ East a distance of 111.20 feet to a point $173\pm$ feet distant easterly measured at right angles from Station $26+13\pm$ of said centerline, and
2. South $53^{\circ}43'41''$ East a distance of 76.78 feet to a point on the northerly boundary of the existing Smithtown Boulevard, County Road 16, said point being $243\pm$ feet easterly measured at right angles from Station $25+81$ of said centerline;

Thence, along said northerly boundary the following two (2) courses and distances;

1. North $77^{\circ}17'04''$ West a distance of 136.15 feet to a point $107\pm$ feet distant easterly measured at right angles from Station $25+82$ of said centerline, and
2. North $75^{\circ}01'20''$ West a distance of 44.67 feet to the Point of Beginning, being $19,880 \pm$ s.f. or 0.456 acres more or less.

The above mentioned survey centerline is a portion of the survey centerline for the proposed reconstruction of the intersection of CR 16 Smithtown Boulevard at CR 93 Lakeland-Rosevale Avenue, as shown on a map on file in the office of the Commissioner of Public Works.

Excepting also and reserving to any and all utilities the right of access at all times for the update, maintenance and service of their facilities.

Subject to the following permanent easement for ingress and egress for the benefit of the owner of the real property presently having a Suffolk County Tax Map Identification Number of District 0800 Section 168.00 Block 02.00 Lot 024.000, as well as their successors-in-interest, said permanent easement to run with the land:

Commencing at a point on the southerly boundary of Hill Avenue at its intersection with the division line between the Land of Suffolk County on the west and the land of Roberto Santiago, Jr., reputed owner on the east;

Thence along said division line South $35^{\circ}21'29''$ East a distance of 114.50 feet to the **Point or Place of Beginning** at its intersection with the division line between the land of Suffolk County on the west and the land of Gibbs Pond Associates, LLC, reputed owner on the south;

Thence southerly along the division line between the Land of Suffolk County on the west and the land of Gibbs Pond Associates, LLC, reputed owner on the east the following two (2) courses and distances:

1. South 35°21'29" East a distance of 2.46 feet to a point, and
2. South 14°50'29" East a distance of 27.65 feet to a point;

Thence North 85°35'00" West, through the land of Suffolk County, a distance of 100.68 feet to a point on the existing easterly boundary of Gibbs Pond Road;

Thence North 04°25'00" East along said boundary a distance of 28.00 feet to a point;

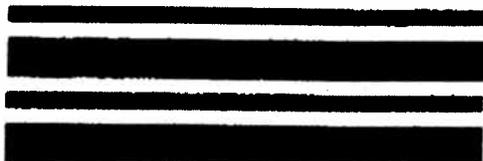
Thence South 85°35'00" East, through the land of Suffolk County, a distance of 89.98 feet to the point of beginning being 2,681± s.f. or 0.062 acres more or less.

described by: FPF

date:5/31/2011

checked by: MH

date:6/02/2011



**SUFFOLK COUNTY CLERK
RECORDS OFFICE
RECORDING PAGE**

Type of Instrument: DEED
 Number of Pages: 6
 Receipt Number : 11-0073938
TRANSFER TAX NUMBER: 10-24466

Recorded: 07/01/2011
 At: 10:14:35 AM
 LIBER: D00012664
 PAGE: 410

District:	Section:	Block:	Lot:
0800	168.00	02.00	032.001

EXAMINED AND CHARGED AS FOLLOWS

Deed Amount: \$0.00

Received the Following Fees For Above Instrument

		Exempt			Exempt
Page/Filing	\$0.00	YES	Handling	\$0.00	YES
COE	\$0.00	YES	NYS SRCHG	\$0.00	YES
EA-CTY	\$0.00	YES	EA-STATE	\$0.00	YES
TP-584	\$0.00	YES	Notation	\$0.00	YES
Cert.Copies	\$0.00	YES	RPT	\$0.00	YES
Transfer tax	\$0.00	YES			
			Fees Paid	\$0.00	

TRANSFER TAX NUMBER: 10-24466

**THIS PAGE IS A PART OF THE INSTRUMENT
THIS IS NOT A BILL**

JUDITH A. PASCALE
 County Clerk, Suffolk County

Number of pages 6

RECORDED
2011 Jul 01 10:14:35 AM
JUDITH A. PASCALE
CLERK OF
SUFFOLK COUNTY
L D00012664
P 410
DT# 10-24466

This document will be public record. Please remove all Social Security Numbers prior to recording.

Deed / Mortgage Instrument	Deed / Mortgage Tax Stamp	Recording / Filing Stamps
----------------------------	---------------------------	---------------------------

3 FEES		Mortgage Amt.
Page / Filing Fee <u>30</u>		1. Basic Tax _____
Handling <u>20.00</u>		2. Additional Tax _____
TP-584 <u>5</u>		Sub Total _____
Notation _____		Spec./Assit. _____
EA-52 17 (County) <u>5</u>	Sub Total _____	or _____
EA-5217 (State) _____		Spec./Add. _____
R.P.T.S.A. <u>30</u>		TOT. MTG. TAX _____
Comm. of Ed. <u>5.00</u>		Dual Town _____ Dual County _____
Affidavit _____		Held for Appointment _____
Certified Copy <u>13</u> <u>925</u>		Transfer Tax <u>Exempt</u>
NYS Surcharge <u>15.00</u>	Sub Total _____	Mansion Tax _____
Other _____		The property covered by this mortgage is or will be improved by a one or two family dwelling only.
	Grand Total <u>Exempt</u>	YES _____ or NO _____
		If NO, see appropriate tax clause on page # _____ of this instrument.
		<u>6-30-11</u> <u>1.00</u>



4 Dist. (**11014232** 0900 16800 0200 032001 01

5 Community Preservation Fund

Real Property Tax Service Agency Verification



Consideration Amount \$ 1100

CPF Tax Due \$ 0

6 Satisfactions/Discharges/Releases List Property Owners Mailing Address
RECORD & RETURN TO:
 TOWN OF SMITHTOWN
 99 WEST MAIN STREET
 SMITHTOWN, NY 11787
 Attn: Town Attorney

Improved _____
 Vacant Land _____
 TD _____
 TD _____
 TD _____

Mail to: Judith A. Pascale, Suffolk County Clerk
 310 Center Drive, Riverhead, NY 11901
 www.suffolkcountyny.gov/clerk

7 Title Company Information

Co. Name _____

Title # _____

8 Suffolk County Recording & Endorsement Page

This page forms part of the attached QUITCLAIM DEED made by: _____ (SPECIFY TYPE OF INSTRUMENT)

COUNTY OF SUFFOLK

The premises herein is situated in SUFFOLK COUNTY, NEW YORK

TO TOWN OF SMITHTOWN

In the TOWN of SMITHTOWN
In the VILLAGE _____
or HAMLET of LAKE RONKONKOMA

BOXES 6 THRU 8 MUST BE TYPED OR PRINTED IN BLACK INK ONLY PRIOR TO RECORDING OR FILING.

(over)

IMPORTANT NOTICE

If the document you've just recorded is your SATISFACTION OF MORTGAGE, please be aware of the following:

If a portion of your monthly mortgage payment included your property taxes, *you will now need to contact your local Town Tax Receiver so that you may be billed directly for all future property tax statements.

Local property taxes are payable twice a year: on or before January 10th and on or before May 31st. Failure to make payments in a timely fashion could result in a penalty.

Please contact your local Town Tax Receiver with any questions regarding property tax payment.

Babylon Town Receiver of Taxes
200 East Sunrise Highway
North Lindenhurst, N.Y. 11757
(631) 957-3004

Brookhaven Town Receiver of Taxes
One Independence Hill
Farmingville, N.Y. 11738
(631) 451-9009

East Hampton Town Receiver of Taxes
300 Pantigo Place
East Hampton, N.Y. 11937
(631) 324-2770

Huntington Town Receiver of Taxes
100 Main Street
Huntington, N.Y. 11743
(631) 351-3217

Islip Town Receiver of Taxes
40 Nassau Avenue
Islip, N.Y. 11751
(631) 224-5580

Riverhead Town Receiver of Taxes
200 Howell Avenue
Riverhead, N.Y. 11901
(631) 727-3200

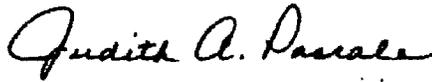
Shelter Island Town Receiver of Taxes
Shelter Island Town Hall
Shelter Island, N.Y. 11964
(631) 749-3338

Smithtown Town Receiver of Taxes
99 West Main Street
Smithtown, N.Y. 11787
(631) 360-7610

Southampton Town Receiver of Taxes
116 Hampton Road
Southampton, N.Y. 11968
(631) 283-6514

Southold Town Receiver of Taxes
53095 Main Street
Southold, N.Y. 11971
(631) 765-1803

Sincerely,



Judith A. Pascale
Suffolk County Clerk

dw
2/99

**SUFFOLK COUNTY
QUITCLAIM DEED**

THIS INDENTURE, made the 30th day of June, 2011.

BETWEEN the COUNTY OF SUFFOLK, a municipal corporation of the State of New York, having its principal office at the Suffolk County Center, Center Drive, Riverhead, New York 11901; party of the first part, and

TOWN OF SMITHTOWN, a municipal corporation of the State of New York, having its principal offices at 99 West Main Street, Smithtown, New York 11787, party of the second part,

WITNESSETH; that the party of the first part, pursuant to Resolution Number 482-2011 adopted by the Suffolk County Legislature on June 7, 2011 and, thereafter, approved by the County Executive on June 9, 2011, in consideration of One (\$1.00) Dollar paid by the party of the second part, does hereby remise, release, and quitclaim unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL, that certain plot, piece or parcel of land with any buildings and improvements thereon erected, situate, lying and being in the Town of Smithtown, County of Suffolk and State of New York, more particularly bounded and described as follows: (see description annexed hereto as Exhibit "A" and made a part hereof):

PROVIDED, however, that the party of the second part or any subsequent transferee will be restricted in its use of the subject premises and will use said premises solely and exclusively for a 9/11 First Responder Memorial Park; with all right title and interest reverting to the party of the first part in the event:

- 1) If the property is not used for the above-described purpose within three (3) years after delivery of the deed to the party of the second part; or
- 2) If the party of the second part or any subsequent transferee, uses or attempts to use said property for purposes other than for a 9/11 First Responder Memorial Park, or any subsequent transferee attempts to sell, transfer or otherwise dispose of, or does in fact, sell, transfer or otherwise dispose of said subject parcel;

These covenants and restrictions shall run with the land and shall bind the heirs or successors and assigns of the party of the second part,

TOGETHER with all right, title and interest, if any, of the party of the first part of, in and to any streets and roads abutting the above-described premises to the center lines thereof;

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises;

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

SUBJECT to the condition that neither Grantee nor any Municipality shall bill or charge back to Grantor any cost incurred or projected to be incurred for the cleaning up of any debris on said property. In the event that such charge back or bill is rendered to the Grantor this Deed shall be void ab initio and the realty shall revert to the Grantor.

SUBJECT to any state of facts which an accurate survey might show.

AND the party of the first part, in compliance with Section 13 of the Lien Law, hereby covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

THE WORD "PARTY" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

DISTRICT
0800

SECTION
168.00

BLOCK
02.00

LOT
032.001

6/30/11 Adj B

1/20/11 A. B.

1/20/11 W. B.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

COUNTY OF SUFFOLK, NEW YORK

In Presence Of:

By: *Pamela J. Greene*
PAMELA J. GREENE, Division Director
Division of Real Property Acquisition
and Management
Department of Environment and Energy

STATE OF NEW YORK)
)ss.:
COUNTY OF SUFFOLK)

On the 30th day of June in the year 2011 before me, the undersigned, personally appeared Pamela J. Greene, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

QUITCLAIM DEED

COUNTY OF SUFFOLK

TO

TOWN OF SMITHTOWN

Diane S. Bishop
Notary Public: State of New York

DIANE S. BISHOP
Notary Public, State of New York
No. 01815087388
Qualified in Suffolk County
Commission Expires 11/3/2013

RECORD AND RETURN TO:
TOWN OF SMITHTOWN
99 WEST MAIN STREET
SMITHTOWN, NY 11787
ATTN: TOWN ATTORNEY

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.

1829

Res. No.

839

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

Tim Laube, Clerk of the Legislature

Roll Call _____ Voice Vote