

RESOLUTION NO. 915 -2011, AUTHORIZING THE SALE OF COUNTY-OWNED REAL PROPERTY PURSUANT TO SECTION 72-H OF THE GENERAL MUNICIPAL LAW TO THE TOWN OF SOUTHAMPTON FOR AFFORDABLE HOUSING PURPOSES (SCTM NO. 0900-139.00-02.00-033.001 AND 033.002)

WHEREAS, the County of Suffolk is the fee owner of the following described parcel:

0900-139.00-02.00-033.001 & 0900-139.00-02.00-033.002

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Southampton, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0900, Section 139.00, Block 02.00, Lot 033.001 and 033.002, and acquired by tax deed on September 26, 2008, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on September 30, 2008, in Liber 12566, CP 800, being and intended to be that parcel of land carried on the tax rolls of the Town of Southampton under Suffolk County Tax Map No. District 0900, Section 139.00, Block 02.00, Lot 033.001 and 033.002; and

WHEREAS, said parcels are surplus to the needs of the County of Suffolk; and

WHEREAS, Section 72-h of the General Municipal Law permits the sale of real property between Municipal Corporations; and

WHEREAS, the Town of Southampton, Suffolk County, New York, has requested the County of Suffolk convey the above-described parcels to it (see annexed Resolution hereto marked as Exhibit "A"); and

WHEREAS, the transfer of this parcels are pursuant to and in accordance with Local Law Nos. 13-2000, 2-2002 and 17-2004 which established and modified the Affordable Housing Opportunities Program; and

WHEREAS, the Suffolk County Department of Economic Development and Workforce Housing has approved the use of parcels for the purposes stated above; now, therefore be it

1st RESOLVED, the subject parcels shall be conveyed to the Town of Southampton, Suffolk County, New York for affordable housing use, together with the following restrictive covenants that will run with the land so conveyed and, additionally, if any one or more of the following occurs, the subject premises shall revert to the grantor as herein provided and as provided in any deed evidencing the transfer of the subject premises from the grantor to the grantee:

1. If the grantee is not restricted in its use of the subject premises solely and exclusively for affordable housing purposes; with all right, title, and interest reverting to the grantor, at the sole option of the grantor, in the event that the grantee, at any time uses or attempts to use said subject premises for other than affordable housing purposes, in

accordance with the approved plan submitted by the grantee. Such reverter clauses contained herein shall apply to the grantee, or any transferee from the grantee undertaking the construction, reconstruction or rehabilitation of affordable housing on the subject premises;

2. If the grantee fails to construct or complete construction of affordable housing unit or units on said property within three (3) years from the date of transfer unless an extension of time is granted in writing, for good cause shown, by the Suffolk County Director of Affordable Housing or any successor thereto. Such extension shall not exceed two two year extensions unless approved by duly enacted resolution of the grantor;

3. If the income, at initial occupancy, of the occupant should exceed 80% of the HUD established median income for the Nassau-Suffolk PMSA based on family size;

4. If the subsidized purchase price of home should exceed 60% of median sales price for Suffolk County based upon the State of New York Mortgage Agency Guidelines;

5. If the rent should exceed HUD established fair market rent for Nassau-Suffolk PMSA based upon bedroom size;

6. If the affordable housing unit or units are owner-occupied, and the unit or units fail(s) to remain the principal residence of the owner for a period of five (5) consecutive years. If the affordable housing unit or units are tenant-occupied, and the unit or units fail(s) to remain affordable for ten (10) consecutive years;

7. If the grantee fails to certify to the Suffolk County Director of Affordable Housing prior to closing of the title with any affordable housing grantee

- a. the dates of completion and occupancy for any affordable housing unit or units constructed or rehabilitated on said property; and
- b. the total household income, from all sources, of the purchaser or purchasers of the property and his or her family; and
- c. the total purchase or rental price of the affordable housing unit or units sold or otherwise transferred; and
- d. the affordable housing unit or units meet local building and zoning codes;

8. If the grantee shall fail to provide the Suffolk County Director of Affordable Housing with an annual written report, no later than December 31 of each year commencing December 31, 2011, on the subject premises, including, but not limited to, the exact and precise use to which the subject premises has been put to along with the net proceeds generated by the initial purchase of the subject premises; or

9. If any subsequent grantee fails to comply with all applicable state, federal, and local regulations pertaining to price, income eligibility and marketing standards for affordable housing programs.
and be it further

2nd **RESOLVED**, the grantee will be restricted in its use of the subject parcels and will use said parcels solely and exclusively for affordable housing with all right title and interest

reverting to the County of Suffolk in the event that the grantee at any time, uses or attempts to use said subject parcels for other than affordable housing or attempts to sell, transfer or otherwise dispose of or does, in fact, sell transfer or otherwise dispose of said subject parcels with said parcels being used thereafter for other than affordable housing; and be it further

3rd **RESOLVED**, that neither grantee nor any subsequent grantee shall bill or charge back to grantor any cost incurred or projected to be incurred for the cleaning up, removal and disposal of any debris, waste and /or contamination on said property. In the event that such charge back or bill is rendered to the grantor the transfer shall be void ab initio and the realty shall revert to the grantor; and be it further

4th **RESOLVED**, that it is intended and agreed that the agreements and covenants contained in the deed evidencing transfer of subject premises shall be covenants running with the land and that they shall be, in any event, and without regard to technical classification of designation, legal or otherwise, and except only by law, binding for the benefit and in favor of, and enforceable by, the grantor, it being further understood that such agreements and covenants shall be binding only upon the grantee, if it be a municipality or any assignee of the grantee, undertaking the construction, reconstruction or rehabilitation of affordable housing, only for such period as they shall have title to or an interest in or possession of the property or part thereof; and be it further

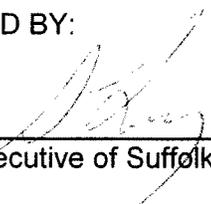
5th **RESOLVED**, the conveyance of the parcels described to the Town of Southampton for the purposes described herein shall be for the sum of One Dollar, and, upon payment of such sum, all subsequent grantees of such subject premises shall comply with all applicable state, federal, and local regulations pertaining to the price, income eligibility and marketing standards for affordable housing programs; and be it further

6th **RESOLVED**, that the Director of Real Property Acquisition and Management, or her designee, be and hereby is authorized to execute and acknowledge a quitclaim deed to transfer the interest of Suffolk County in the above-described property upon the above-described terms and conditions; and be it further

7th **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) Lead Agency hereby finds and determines that the adoption of this resolution is a Type II Action, constituting a Legislative decision in connection with routine or continuing agency administration and management, not including new programs or a major re-ordering of priorities (NYCRR Section 617.5(c) (20) and (27)). As a Type II Action, the Legislature has no further responsibilities under SEQRA (6 NYCRR Section 617.5(a)).

DATED: November 22, 2011

APPROVED BY:



County Executive of Suffolk County

Date:

NOV 30 2011



Southampton Town Board
116 Hampton Road
Southampton, NY 11968

1850

Meeting: 03/08/11 01:00 PM
Department: Town Council
Category: Real Estate & Easements
Prepared By: Kristen Tuffy
Initiator: Bridget Fleming
Sponsors: Councilwoman Bridget Fleming
DOC ID: 13002

ADOPTED

RESOLUTION 2011-349

**Authorize the Acquisition of Properties from Suffolk County
72H Land Transfer Program and Transfer to the Town of
Southampton Housing Authority**

WHEREAS, The Town of Southampton desires to acquire the following properties from Suffolk County under the County's 72H Land Transfer Program:

- SCTM# 0900-139.00-02.00-033-002 (address - Vail Avenue, Riverside)
- 0900-139.00-02.00-033.001 (address - Vail Avenue, Riverside); and

WHEREAS, such properties will be acquired by the Town of Southampton via a transfer from Suffolk County 72H Land Transfer Program in order to increase affordable housing opportunities within the Town of Southampton; and

WHEREAS, the Town of Southampton desires to authorize the direct assignment of the above 72H properties to the Town of Southampton Housing Authority; and

WHEREAS, the Housing Authority has a commitment to the revitalization of the Riverside community; and

WHEREAS, the direct assignment will eliminate the process of re-deeding the properties from the Town to the Housing Authority which saves on recording costs and staff expenses; and

WHEREAS, the Town of Southampton Housing Authority has provided the Town Board with written confirmation stating their commitment to assure public outreach to obtain support for affordable housing uses which are acceptable to the Riverside community; now therefore be it

RESOLVED, that the Town Board of the Town of Southampton hereby authorizes the acquisition of said properties from the County of Suffolk and the transfer to the Town of Southampton Housing Authority to be used solely and exclusively for affordable housing purposes with the support of the Riverside community; and be it further

RESOLVED, that the Town Clerk shall forward a copy of this resolution to the Southampton Town Housing Authority and the County of Suffolk.

State of New York)
 County of Suffolk)
 Office of the Clerk of the) ss:
 Town of Southampton, NY)

This is to certify that I, Sundy A. Schermeyer, Town Clerk of the Town of Southampton, in the said County of Suffolk, State of New York, have compared the foregoing copy of the Resolution with the original Resolution now on file in this office, and which was passed by the Town Board of the Town of Southampton in said County of Suffolk, on the 8th day of March, 2011 and that the same is a correct and true transcript of such original resolution and the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town this 9th day of March, 2011.

Sundy A. Schermeyer
Sundy A. Schermeyer, Town Clerk of the Town of Southampton

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

Clerk of the Legislature

Intro. Res.

1850

Res. No.

915

November 22, 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	18					

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 type="checkbox"/> FAILED <input type="checkbox"/>
No Motion <input type="checkbox"/> No Second <input type="checkbox"/>

RESOLUTION DECLARED
<input checked="" type="checkbox"/> ADOPTED
___ NOT ADOPTED

Tim Laube

Tim Laube, Clerk of the Legislature

Roll Call Voice Vote