

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 945 -2011, AMENDING RESOLUTION NO. 600-2001 AND AUTHORIZING THE ISSUANCE OF A CERTIFICATE OF ABANDONMENT OF THE INTEREST OF THE COUNTY OF SUFFOLK IN PROPERTY DESIGNATED AS TOWN OF BROOKHAVEN, SUFFOLK COUNTY TAX MAP NO. 0200-983.30-02.00-002.000, PURSUANT TO SECTION 40-D OF THE SUFFOLK COUNTY TAX ACT

WHEREAS, the County of Suffolk ("County") acquired title to a parcel of real property in the Town of Brookhaven known and designated as SCTM No. 0200-983.30-02.00-002.000 ("subject parcel") by tax deed dated June 15, 1995 and recorded July 6, 1995 in the Suffolk County Clerk's Office for unpaid 1992-1993 taxes; and

WHEREAS, at the time of the taking of the tax deed up until the present time, the subject parcel was improved with a garage that is physically attached to a residence occupying the adjacent tax parcel, both of which were owned by the same individual(s); and

WHEREAS, it has been determined that the notices sent by the County relating to the taking of the tax deed were not sent by the County to the prior owner; and

WHEREAS, pursuant to Resolution No. 600-2001, the parcel, along with many other parcels, was transferred from the jurisdiction of the Planning Department, Division of Real Estate, to the jurisdiction of the Department of Parks, Recreation and Conservation ("Parks") based upon its location in the Mastic Shirley Conservation Area; and

WHEREAS, the parcel should be transferred out of Parks' jurisdiction as the initial transfer to Parks was done by mistake in that there was no intent to transfer an improved parcel, the parcel has never, in fact, been used as parkland and because the Department of Environment and Energy has recommended that this parcel be transferred to its jurisdiction; and

WHEREAS, in exchange for the County's agreement to abandon the deed to the subject parcel voluntarily and without the need for ongoing and protracted litigation, the prior owner will reimburse the County for taxes owed and will provide the County with a conservation easement over the subject parcel; now, therefore be it

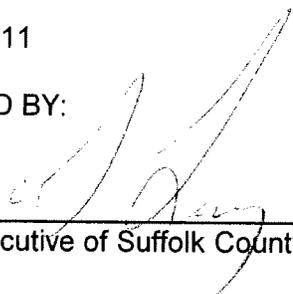
1st **RESOLVED**, that Resolution No. 600-2001 is amended to remove parcel known as and by SCTM No. 0200-983.30-02.00-002.000 from Exhibit "A" to Resolution No. 600-2001, and jurisdiction over the subject property is transferred to the Department of Environment and Energy, Division of Real Property Acquisition and Management; and be it further

2nd **RESOLVED**, pursuant to Sections 40-c and 40-d of the Suffolk County Tax Act, after receiving payment in full for all back taxes due the County, as calculated by the Suffolk County Treasurer, exclusive of interest and penalties, and after receiving a conservation easement over the subject parcel upon such terms as acceptable by the Department of Law, the Director of the Division of Real Property Acquisition and Management, or his or her designee, is authorized, empowered and directed to file a certificate of abandonment of claim of title, which Suffolk County holds pursuant to said tax deed; and be it further

3rd **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution 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, and 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 this resolution.

DATED: November 22, 2011

APPROVED BY:



County Executive of Suffolk County

Date:

NOV 30 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

Clerk of the Legislature

Intro. Res.

1905

Res. No.

945

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	17	—	—	—	—

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