

**RESOLUTION NO. 158 -2012, AUTHORIZING THE
CONVEYANCE OF COUNTY-OWNED REAL PROPERTY
HAVING A SUFFOLK COUNTY TAX MAP IDENTIFICATION
NUMBER OF DISTRICT 0903 SECTION 002.00 BLOCK 0300
LOT 023.001 FOR MUNICIPAL PURPOSES PURSUANT TO
SECTION 72-H OF THE GENERAL MUNICIPAL LAW**

WHEREAS, the County of Suffolk is the fee owner of the parcel having a Suffolk County Tax Map Identification Number of District 0903 Section 002.00 Block 0300 Lot 023.001 which is more fully described in Schedule "A" Attached hereto; and

WHEREAS, said parcel is 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, or between a Municipal Corporation and the State of New York or the United States of America; and

WHEREAS, the Incorporated Village of Sag Harbor, Suffolk County, New York, has requested that the County of Suffolk convey the above-described parcel to it (see annexed Resolution hereto marked as Exhibit "A"); and

WHEREAS, the Board of Trustees of the Incorporated Village of Sag Harbor, Suffolk County, New York, is interested in acquiring said parcel of real property for municipal purposes for a consideration not to exceed Ten & 00/100 Dollars (\$10.00) plus pro-rata taxes at the time of the closing; and

WHEREAS, the Board of Trustees of the Incorporated Village of Sag Harbor, Suffolk County, New York, is aware that the subject premises shall be conveyed subject to the following restrictive covenants that will run with the land so conveyed:

- 1.) That the Grantee or any subsequent grantee shall not bill or charge back to the Grantor any cost incurred or projected to be incurred for the cleanup, removal, and disposal of all debris, waste, and/or contamination in or on the subject premises;
- 2.) That the Grantee shall not sell, convey, transfer, or otherwise dispose of the subject premises; and

WHEREAS, the Board of Trustees of the Incorporated Village of Sag Harbor, Suffolk County, is aware that the restrictive covenants described above will run with the land and shall bind the heirs, successors, and assigns of the Incorporated Village of Sag Harbor, and in the event of any violation of the restrictive covenants stated above, the Deed conveying said parcel shall be void ab initio and title to the realty shall revert to the County of Suffolk; and

WHEREAS, the Suffolk County Department of Public Works has determined that it would be in the best interest in the County of Suffolk to convey said parcel(s) to the Incorporated Village of Sag Harbor for the total sum of One & 00/100 Dollar (\$1.00) (to be waived) plus the pro-rata share of the current tax adjustments due at closing; and

WHEREAS, the Suffolk County Department of Public Works has approved the use of this parcel for the purposes stated above; and

WHEREAS, the Suffolk County Department of Public Works, will receive and deposit the sum of One & 00/100 Dollar (\$1.00) (to be waived), plus the pro-rata share of the current tax adjustments pursuant to said purchase offer; now, therefore be it

1st **RESOLVED**, that the above activity is an unlisted action pursuant to the provisions of Title 6 NYCRR part 617; and be it further

2nd **RESOLVED**, that the action will not have a significant adverse impact on the environment for the following reasons:

- 1.) The proposed action will not exceed any of the criteria of Title 6 NYCRR Part 617.7(c) which sets forth thresholds for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form; and
- 2.) The proposed action simply transfers ownership of land;

and be it further

3rd **RESOLVED**, said parcel is surplus to the needs of the County of Suffolk; and be it further

4th **RESOLVED**, that this purchase is authorized pursuant to Section 72-h of the General Municipal Law permitting a sale of real property between Municipal Corporations, or between a Municipal Corporation and the State of New York or the United States of America; and be it further

5th **RESOLVED**, the subject premises shall be conveyed to the Incorporated Village of Sag Harbor, Suffolk County, New York subject to the following restrictive covenants that will run with the land so conveyed:

- 1.) That the Grantee or any subsequent grantee shall not bill or charge back to the Grantor any cost incurred or projected to be incurred for the cleanup, removal, and disposal of all debris, waste, and/or contamination in or on the subject premises;
- 2.) That the Grantee or any subsequent grantee shall maintain the subject premises as a public beach open to all residents of the County of Suffolk;
- 3.) That the Grantee shall not sell, convey, transfer, or otherwise dispose of the subject premises;

and be it further

6th **RESOLVED**, that the restrictive covenants described immediately above will run with the land and shall bind the heirs, successors, and assigns of the Incorporated Village of Sag Harbor, and in the event of any violation of the restrictive covenants stated above, the Deed conveying said parcel shall be void ab initio and title to the realty shall revert to the County of Suffolk; and be it further

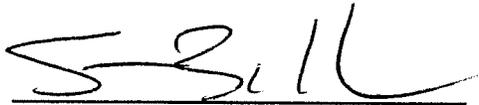
7th **RESOLVED**, that the Suffolk County Department of Public Works is directed to convey said parcel(s) to the Incorporated Village of Sag Harbor for the total sum of One & 00/100 Dollar (\$1.00) (to be waived) plus the pro-rata share of the current tax adjustments due at closing; and be it further

8th **RESOLVED**, that the Suffolk County Department of Public Works, will receive and deposit the sum of One & 00/100 Dollar (\$1.00) (to be waived), plus the pro-rata share of the current tax adjustments pursuant to said purchase offer; and be it further

9th **RESOLVED**, that the Commissioner of the Suffolk County Department of Public Works, or his Deputy, be and hereby is authorized to execute and acknowledge a quitclaim deed to transfer the interest of Suffolk County in the above-described property and upon the above-described terms and conditions to said Municipality.

DATED: **MAR 13 2012**

APPROVED BY:



County Executive of Suffolk County

Date: 3-27-2012

SCHEDULE "A"

All that certain lot, piece, or parcel of land, along with the buildings thereon, situate, lying and being in the Incorporated Village of Sag Harbor, Town of Southampton, Suffolk County, New York as shown on the Suffolk County Tax Map and designated as District 0903 Section 002.00 Block 0300 Lot 023.001 and more particularly described as follows:

Said parcel being bounded on the west by lands of the Incorporated Village of Sag Harbor (SCTM 0903-00200-0300-023002); on the North by Sag Harbor Bay; on the North-East by lands of the State of New York; on the East by Suffolk County Road 81, Wharf Street (SCTM 0903-00200-0300-026000); and on the South by New York State Route 114.

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 March 13, 2012 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

Motion:

Romaine, Schneiderman, Browning, Muratore, Anker
 Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

Co-Sponsors:

Romaine, Schneiderman, Browning, Muratore, Anker
 Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

Second:

Romaine, Schneiderman, Browning, Muratore, Anker
 Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE	/				
2	Jay H. SCHNEIDERMAN	/				
3	Kate M. BROWNING	/				
4	Thomas MURATORE	/				
5	Kara HAHN	/				
6	Sarah S. ANKER	/				
7	Rob CALARCO	/				
9	Ricardo MONTANO		/			
10	Thomas CILMI	/				
11	Thomas F. BARRAGA	/				
12	John M. KENNEDY, JR.	/				
13	Lynne C. NOWICK	/				
15	DuWayne GREGORY	/				
16	Steven H. STERN	/				
17	Lou D'AMARO	/				
18	William SPENCER	/				
14	Wayne R. HORSLEY, D.P.O.	/				
8	William J. LINDSAY, P.O.	/				
	Totals	17	1			

MOTION	
<input checked="" type="checkbox"/>	Approve
Table:	_____
<input type="checkbox"/>	Send To Committee
<input type="checkbox"/>	Table Subject To Call
<input type="checkbox"/>	Lay On The Table
<input type="checkbox"/>	Discharge
<input type="checkbox"/>	Take Out of Order
<input type="checkbox"/>	Reconsider
<input type="checkbox"/>	Waive Rule _____
<input type="checkbox"/>	Override Veto
<input type="checkbox"/>	Close
<input type="checkbox"/>	Recess
APPROVED <input checked="" type="checkbox"/>	FAILED _____
No Motion _____	No Second _____

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

Tim Laube

Tim Laube, Clerk of the Legislature

Roll Call _____ Voice Vote