

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 667 -2012, SALE OF COUNTY-OWNED  
REAL ESTATE PURSUANT TO SECTION 72-H OF THE  
GENERAL MUNICIPAL LAW - TOWN OF BROOKHAVEN  
(SCTM NO. 0200-921.00-03.00-047.000)**

**WHEREAS**, the COUNTY OF SUFFOLK is the fee owner of the following described parcel that is surplus to the needs of the County of Suffolk and (see attached Exhibit "A"); and

**ALL**, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Brookhaven, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0200 Section 921.00 Block 03.00 Lot 047.000 and acquired by Tax Deed on October 15, 2008 from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on October 20, 2008 in Liber 12569 at Page 171 and described as follows, known and designated as Lots 70 to 72 inclusive in Block 217 on a certain map entitled "Property of the Phenomenal Real Estate Enterprise Co. Inc.", and filed in the Office of the Clerk of the County of Suffolk on July 30, 1915 as Map No. 582; and

**WHEREAS**, Section 72-h of the General Municipal Law permits a sale of real property between municipal corporations, or between a municipal corporation of the State of New York or the United States of America; and

**WHEREAS**, the Town of Brookhaven has requested that the County of Suffolk convey to the town the parcel described in Exhibit "A" annexed hereto; and

**WHEREAS**, as provided in Resolution No. 840-2004 and Resolution No. 412-2005, this Legislature has determined that retention of development rights for transfer and use to promote the development of workforce housing is a vital need of Suffolk County residents and an important public purpose of County government; and

**WHEREAS**, the Suffolk County Department of Economic Development and Planning has approved the proposed transfer and use of said parcel; now, therefore be it

**1<sup>st</sup>** **RESOLVED**, that Director of Real Estate, 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 and on the terms and conditions as hereinafter described to said Town of Brookhaven for the sum of \$993.66; plus the pro rata share of taxes; and be it further

**2<sup>nd</sup>** **RESOLVED**, that the County of Suffolk hereby transfer the above described property subject to it being sterilized for Open Space Purposes to protect the aquifer and water supply, which property shall be kept in its natural state in perpetuity, except for property maintenance activities as may be appropriate, to effectuate the declaration of covenants and restrictions, entered into by the Town of Brookhaven, without impairing the essential nature and open character of the premises and subject to the use of the open space area for passive recreational purposes; and be it further

**3<sup>rd</sup>** **RESOLVED**, that pursuant to Section C12-2(A)(2)(c), this property is to be permanently sterilized by a deed restriction and must remain as Open Space and Workforce Housing Development Rights shall be severed herewith (0) zero Workforce Housing Development Right and placed in the Suffolk County Workforce Housing Transfer of Development Rights Program Registry pursuant to the Workforce Housing Development Rights Program as developed by the Department of Economic Development and Planning, consistent with Resolution No. 412-2005, as amended and approved by the Suffolk County Executive and the Suffolk County Legislature; and be it further

**4<sup>th</sup>** **RESOLVED**, that said quitclaim deed tendered by Director of Real Estate, or her designee, be and hereby is authorized to execute and acknowledge, pursuant to this resolution, shall contain appropriate language that shall permanently sterilize the above-described parcel and sever the development rights for workforce housing purposes in accordance with the County's Workforce Housing Program; and be it further

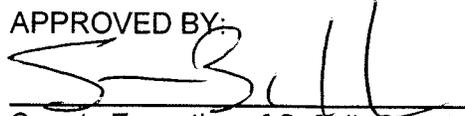
**5<sup>th</sup>** **RESOLVED**, that the Town of Brookhaven will be restricted in its use of the subject parcel and will use said parcel solely and exclusively for Open Space purposes; with all right title and interest reverting to the County of Suffolk in the event that the Town of Brookhaven, at any time, uses or attempts to use said subject parcel for other than Open Space or attempts to sell, transfer or otherwise dispose of or does, in fact, sell, transfer or otherwise dispose of said subject parcel without said parcel being used thereafter for Open Space purposes; and be it further

**6<sup>th</sup>** **RESOLVED**, that said quitclaim deed issued by Director of Real Estate, or her designee, be and hereby is authorized to execute and acknowledge pursuant to this resolution, shall contain a reverter clause declaring that title to the above described property shall revert to the County of Suffolk if: 1) the property is not used for the above-described public governmental purposes within three (3) years after delivery of the deed to the grantee; or 2) the grantee attempts to sell, transfer, or otherwise dispose of the property or does sell, transfer, or otherwise dispose of said subject property without said property being used thereafter for the above described public governmental purposes; or 3) the grantee imposes a back-charge or fee against the County for the actual or projected cleanup cost of the debris on the property in violation of Resolution No. 1028-1991; or 4) the grantee violates Resolution No. 256-1998; and be it further

**7<sup>th</sup>** **RESOLVED**, this Legislature, being the State Environmental Quality Review Act (SEQRA) Lead Agency, hereby finds and determines that adoption of this law is not an action within the meaning of the State Environmental Quality Review Act and the regulations adopted thereto. See 6 N.Y.C.R.R. Section 617.2(b) (2). The Legislature further finds and determines that even if the adoption of the local law is an action within the meaning of SEQRA, the adoption of the law is a Type II action constituting a legislative decision in connection with routine or continuing agency administration and management, not including new programs or major reordering of priority. See 6 N.Y.C.R.R. Sections 617.13(d) (15) and (21). As a Type II action, the Legislature has no further responsibilities under SEQRA 6 N.Y.C.R.R. Section 617.5(a) (1)

DATED: August 7, 2012

APPROVED BY:

A handwritten signature in black ink, appearing to read "S. Bill", written over a horizontal line.

County Executive of Suffolk County

Date: 8.16.2012

Exhibit "A"

1653

**ADOPTED**  
BY THE BROOKHAVEN TOWN BOARD

RESOLUTION NO. 2011-995-A1  
MEETING: January 19, 2012

AMENDING RESOLUTION NO. 2011-995  
ENTITLED "AUTHORIZATION TO ACQUIRE A  
VACANT PARCEL OF SUFFOLK COUNTY  
OWNED LAND FOR OPEN SPACE  
PURSUANT TO SECTION 72-H OF THE  
GENERAL MUNICIPAL LAW - MADISON  
AVENUE, HOLTSVILLE (SCTM No. 0200-  
921.00-03.00-047.000)

WHEREAS, Resolution No. 2011-995 authorized the acquisition of a parcel of real property for open space purposes located on Madison Avenue, Holtsville, further identified as SCTM No. 0200-921.00-03.00-047.000 from the County of Suffolk to the Town of Brookhaven for a total consideration not to exceed \$875.27 plus pro-rata taxes at the time of closing; and

WHEREAS, said resolution is hereby amended to correct the total cost for such acquisition not to exceed \$993.66 plus pro-rata taxes at the time of closing;

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Brookhaven that Resolution No. 2011-995 is hereby amended to reflect the cost of the acquisition for open space purposes for property located on Madison Avenue, Holtsville, further identified as SCTM No. 0200-921.00-03.00-047.000, from the County of Suffolk to the Town of Brookhaven not to exceed \$993.66 plus pro-rata taxes at the time of closing; and  
be it further

RESOLVED that all the other terms and conditions of Resolution No. 2011-995 shall remain unchanged.

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 August 7, 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*

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Clerk of the Legislature

Intro. Res.

1653

Res. No.

667

August 7, 2012

**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		16	—		2	—

**MOTION**

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  FAILED \_\_\_  
 No Motion \_\_\_ No Second \_\_\_

**RESOLUTION DECLARED**

ADOPTED  
 \_\_\_ NOT ADOPTED

*Tim Laube*

Roll Call \_\_\_ Voice Vote

Tim Laube, Clerk of the Legislature