

**RESOLUTION NO. 1048 -2012, SALE OF COUNTY-OWNED REAL ESTATE PURSUANT TO SECTION 72-h OF THE GENERAL MUNICIPAL LAW - TOWN OF BROOKHAVEN (SCTM NOS. 0200-749.00-07.00-020.000, 0200-749.00-07.00-041.000, 0200-749.00-07.00-042.000, 0200-786.00-04.00-032.000, 0200-787.00-01.00-036.000)**

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

**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 these parcels to it (see annexed resolution - Exhibit "B"); 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 Economic Development and Planning has approved the proposed transfer and use of these parcels; now, therefore be it

**1<sup>st</sup>** **RESOLVED**, that the Director of Real Estate, and/or her designee, hereby is authorized to execute and acknowledge a Quitclaim deed to transfer the interest of Suffolk County in the properties as described in Exhibit "A" annexed hereto and on the terms and conditions as hereinafter described to said Town of Brookhaven for the sum of \$20,142.85; plus the pro rata share of taxes; and be it further

**2<sup>nd</sup>** **RESOLVED**, that the County of Suffolk hereby transfer the property described in Schedule "A", 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 1 (one) 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 the Director of Real Estate, and/or her designee, 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

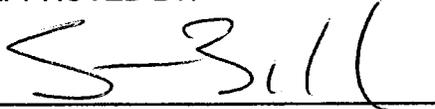
**5<sup>th</sup>** **RESOLVED**, that the Town of Brookhaven will be restricted in its use of the subject parcels and will use said parcels solely and exclusively for open space; with all right title and interest reverting to the County of Suffolk in the event that the Town of Brookhaven, at any time, uses or attempts to use said subject parcels 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 parcels without said parcels being used thereafter for open space; and be it further

**6<sup>th</sup>** **RESOLVED**, that said quitclaim deed issued by the Director of Real Estate, and/or her designee, 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: November 20, 2012

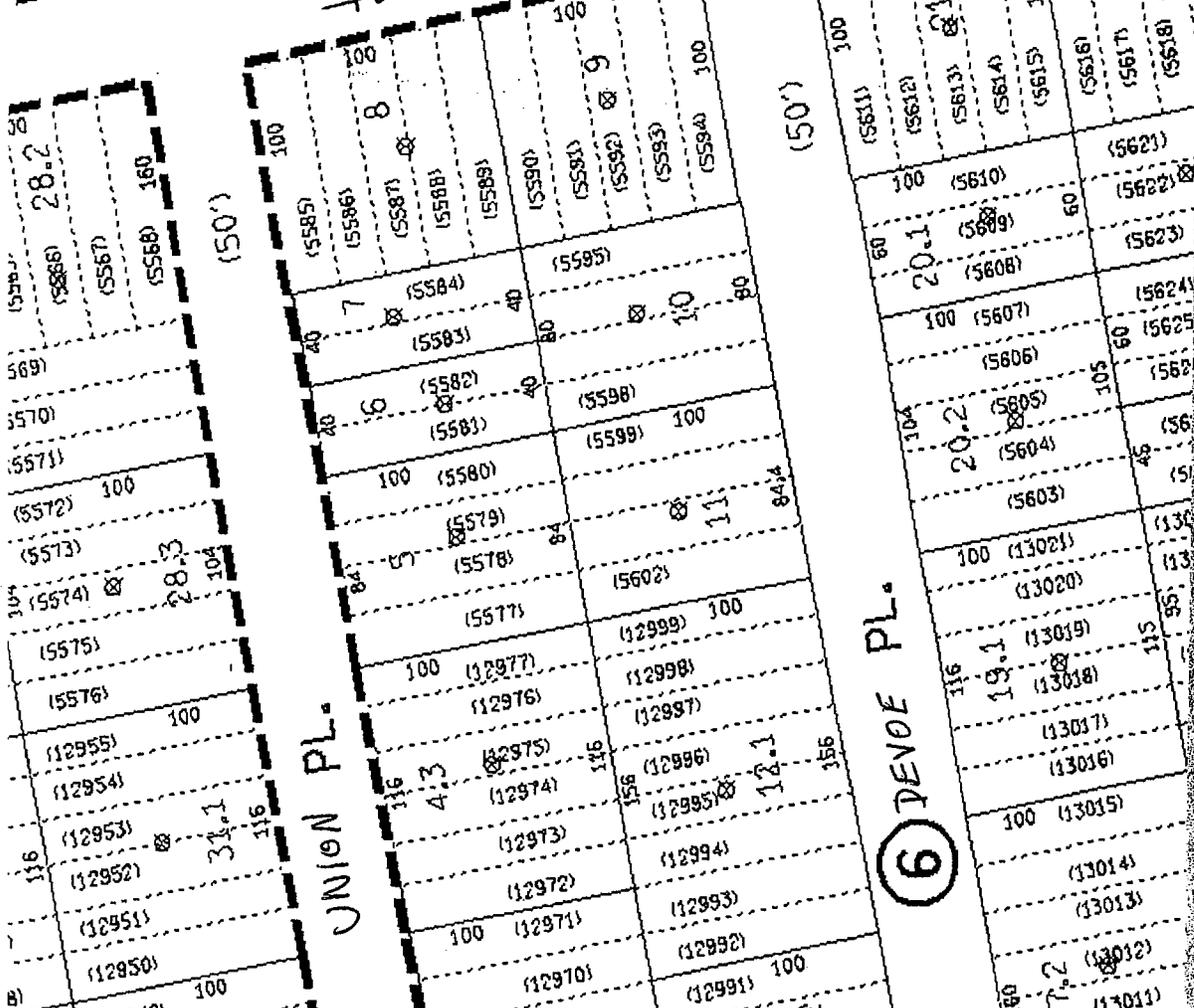
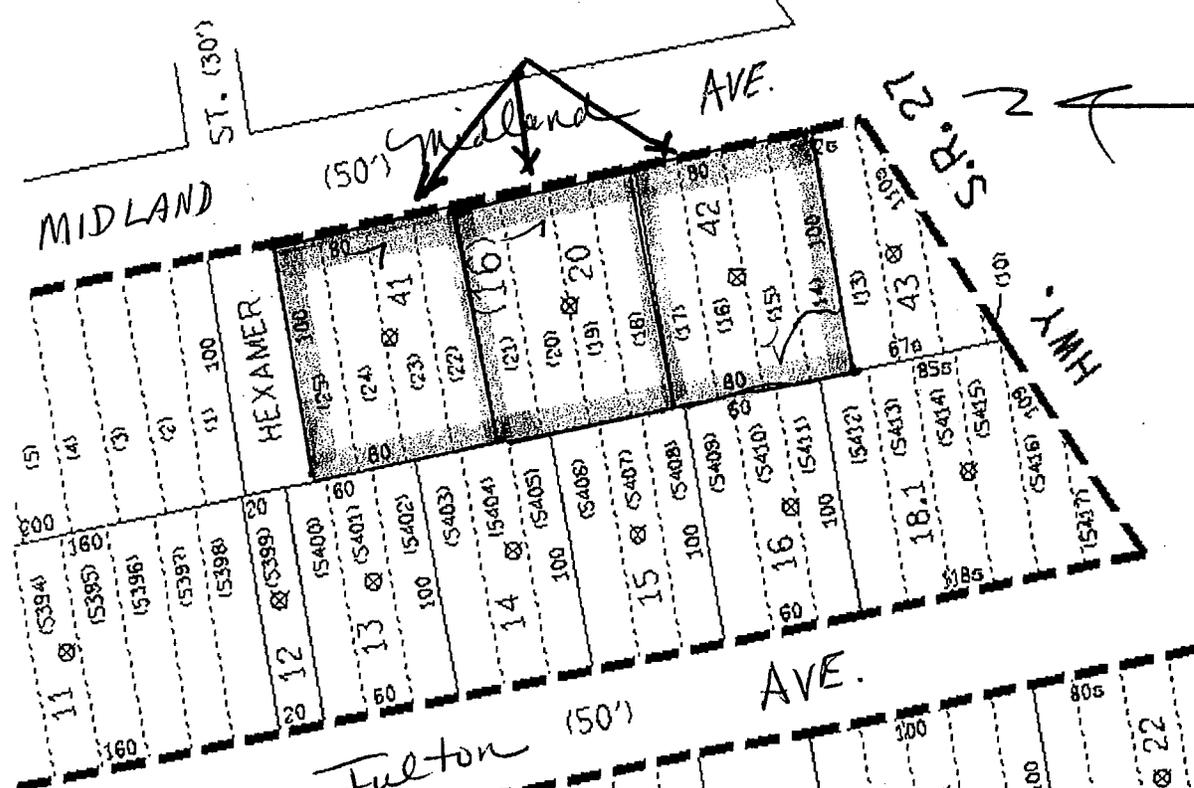
APPROVED BY:

  
County Executive of Suffolk County

Date: 12-3-12

EXHIBIT "A"

<u>TAX MAP NO.</u>	<u>LOCATION</u>	<u>ACRES</u>
0200-749.00-07.00-020.000	W/S/O Midland Ave., 102' N/O Sunrise Hwy (S.R. 27), Mastic	0.18
0200-749.00-07.00-041.000	S/W/C/O Midland Ave., & Hexamer St., Mastic	0.18
0200-749.00-07.00-042.000	W/S/O Midland Ave., 22' N/O Sunrise Hwy (S.R. 27), Mastic	0.18
0200-786.00-04.00-032.000	W/S/O Oakland Ave., 86' S/O Hart Pl., Mastic	0.24
0200-787.00-01.00-036.000	S/W/C/O Ellison St., & Midland Ave., Mastic	0.18



TM# 0200-7A900-0700-020.000, 041.000 & 042.000

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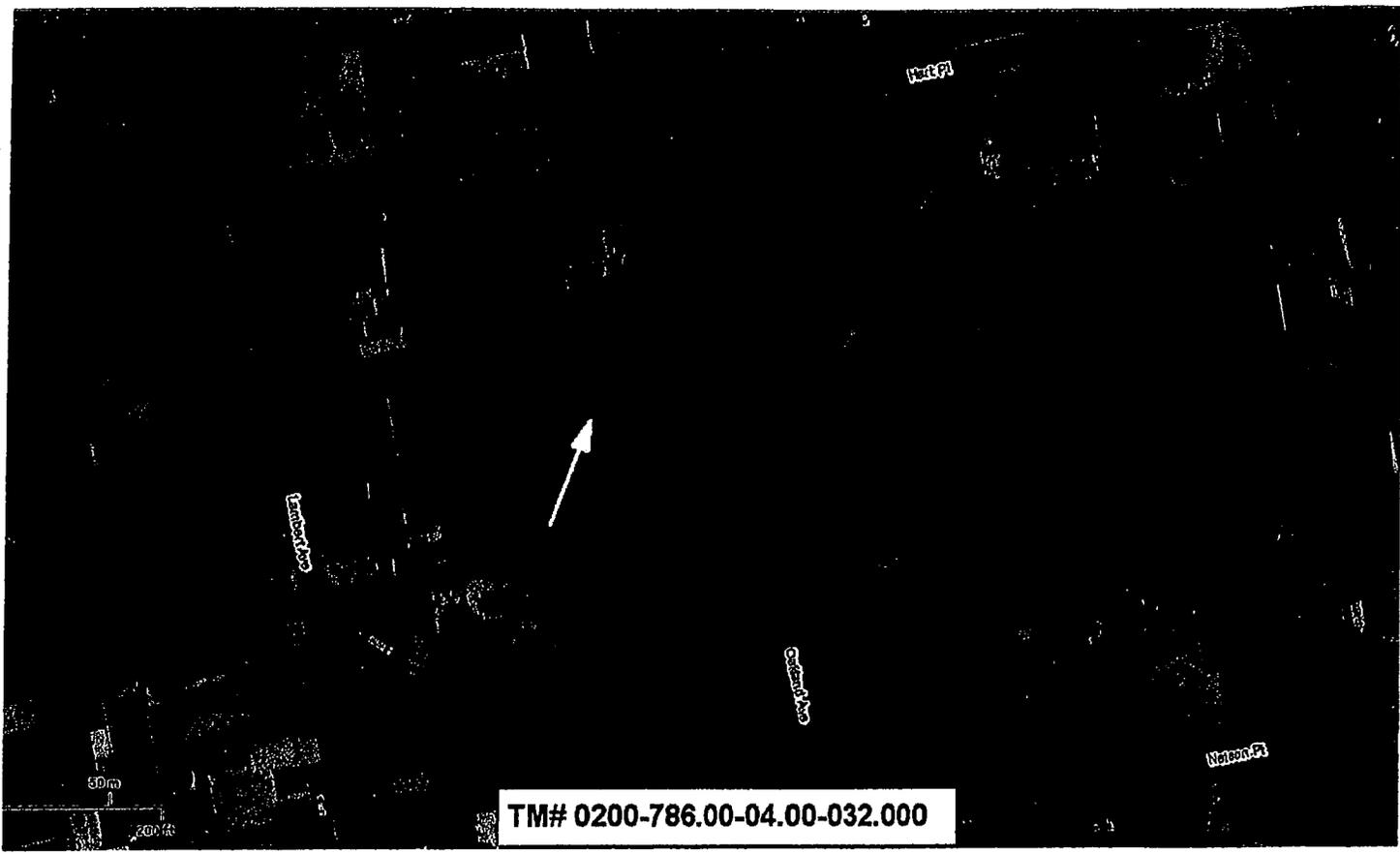






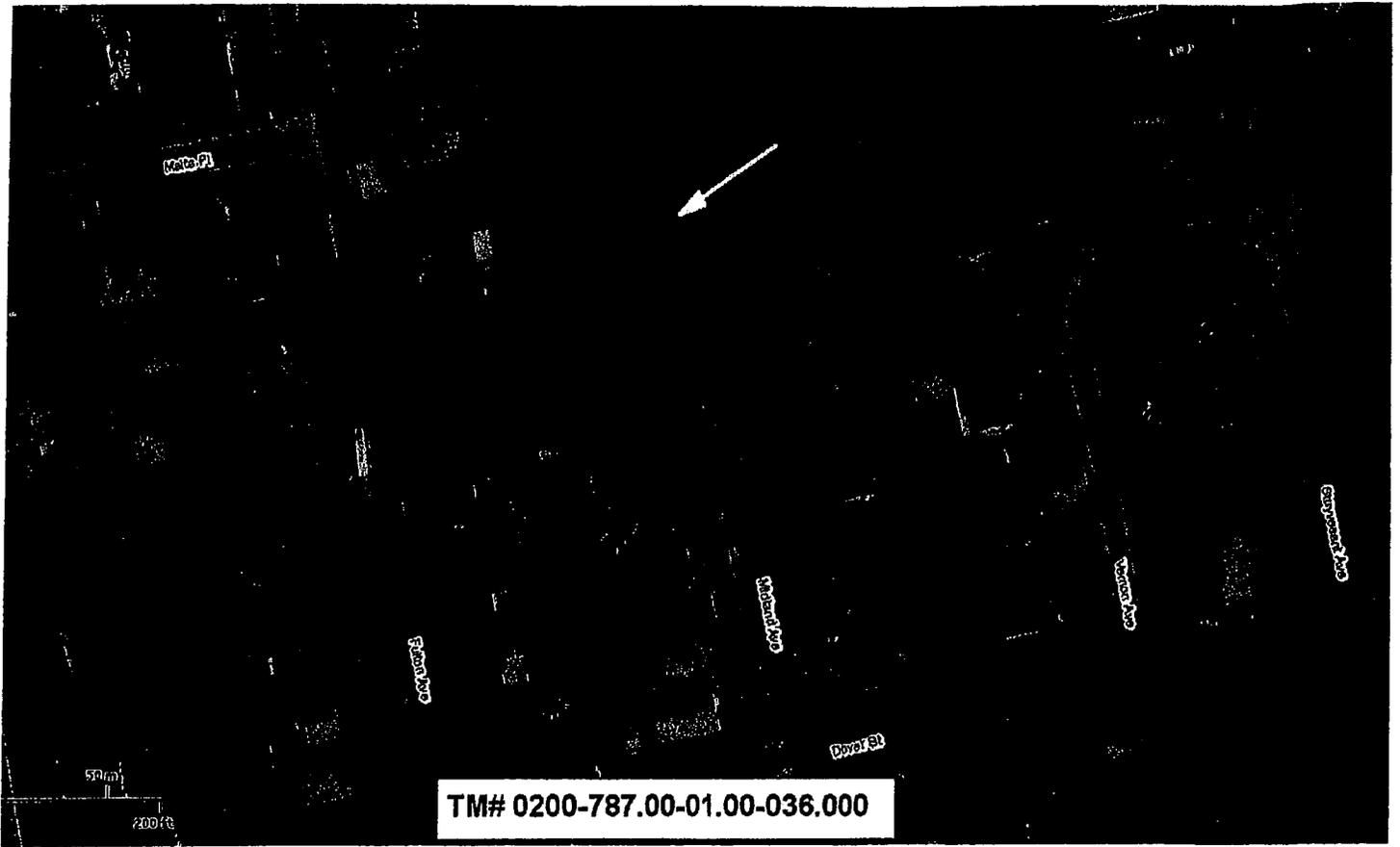
PROPERTIES STRICTLY	<b>NOTICE</b> MAINTENANCE, ALTERATION, SALE OR DISTRIBUTION OF ANY PORTION OF THE SUFFOLK COUNTY TAX MAP IS PROHIBITED WITHOUT WRITTEN PERMISSION OF THE REAL PROPERTY TAX SERVICE AGENCY.	<b>COUNTY OF SUFFOLK</b> <b>Real Property Tax Service Agency</b> County Center Riverhead, N Y 11901 SCALE IN FEET: 1" = 100'	748 749 746 747 745 744	TOWN OF <b>BROOKHAVEN</b>	SECTION NO <b>786</b>	
				VILLAGE OF	DISTRICT NO <b>0200</b>	PROPERTY MAP

M# 0200-786.00 - 0A.00-032.000



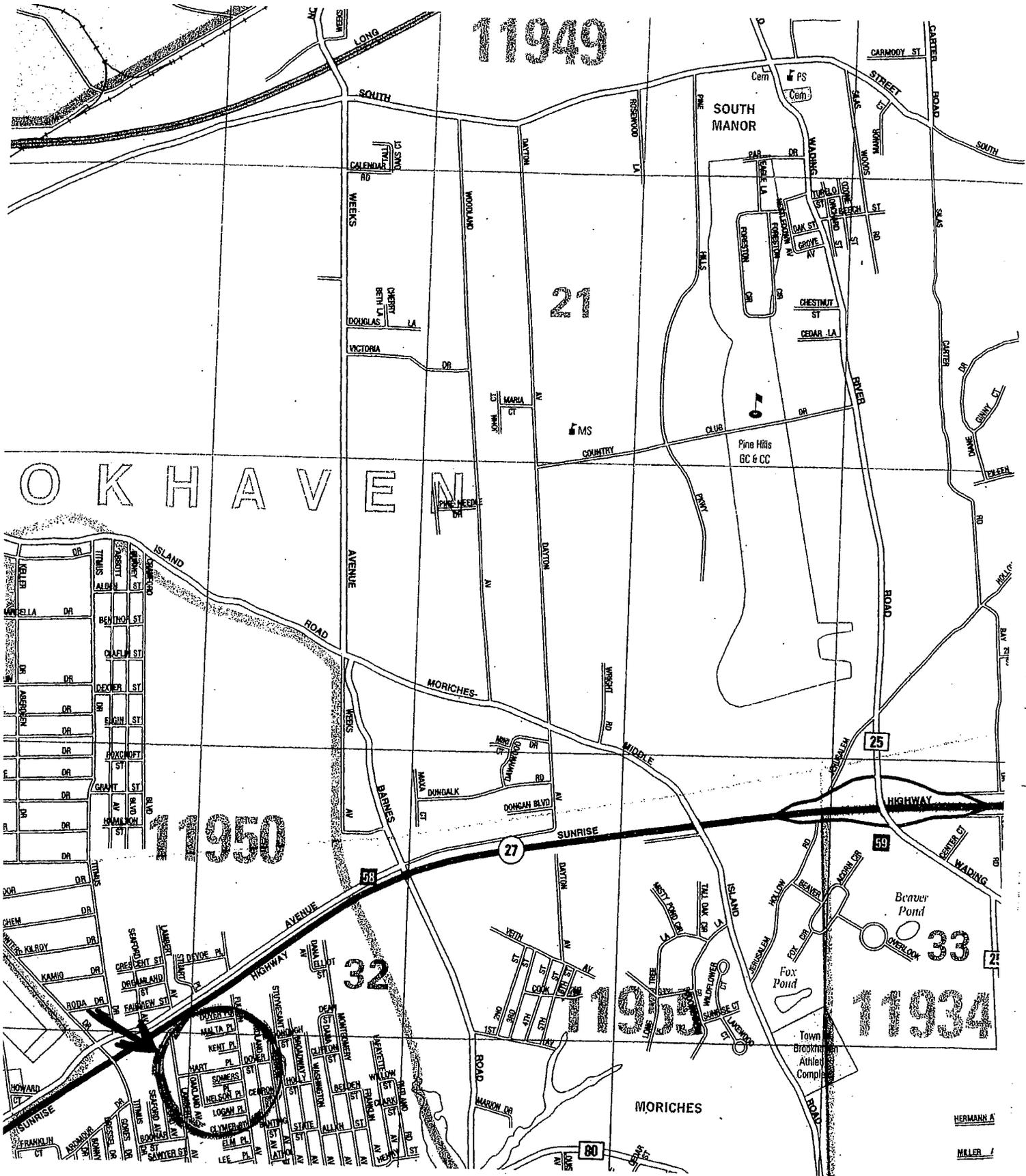
TM# 0200-786.00-04.00-032.000





TM# 0200-787.00-01.00-036.000

11949



OKHAVEN

1950

32

1951

33

11934

Tm# 0200- 786.00- 04.00- 032.000  
 0200 - 787.00- 01.00 - 036.000

HERMANN A  
 MILLER /

RESOLUTION SUBMISSION

MEETING OF: October 11, 2012

RESOLUTION NO. 2012-812

MOVED BY COUNCILMEMBER: Jane Bonner

REVISION

SHORT TITLE: AUTHORIZATION TO ACQUIRE A VACANT PARCEL OF SUFFOLK COUNTY OWNED LAND FOR DRAINAGE PURPOSES PURSUANT TO SECTION 72-H OF THE GENERAL MUNICIPAL LAW – NORTH COUNTRY ROAD, MILLER PLACE (SCTM No. 0200-047.00-05.00-005.000)

DEPARTMENT: Law Department

REASON: To acquire a vacant parcel of Suffolk County owned property for drainage Purposes.

PUBLIC HEARING REQUIRED: No

DEPARTMENT OF FINANCE APPROVAL: YES NO

DOLLARS INVOLVED: \$8,189.41 plus pro rated taxes and closing costs (H 1420 3080 2012)

SEQRA REQUIRED:

DETERMINATION MADE: POSITIVE NEGATIVE

FEIS/FINDINGS FILED:

EXECUTION OF DOCUMENT REQUIRED: Yes

AE:dlm

Present	Absent		Motion	Aye	No	Abstain	Not Voting
		Councilmember Fiore-Rosenfeld	2	1			
		Councilmember Bonner	1	1			
		Councilmember Walsh					
		Councilmember Kepert					
		Councilmember Mazzei					
		Councilmember Panico					
		Supervisor					

**ADOPTED**  
BY THE BROOKHAVEN TOWN BOARD

RESOLUTION NO. 2012-812  
MEETING OF October 11, 2012

AUTHORIZATION TO ACQUIRE A VACANT  
PARCEL OF SUFFOLK COUNTY OWNED  
LAND FOR DRAINAGE PURPOSES  
PURSUANT TO SECTION 72-H OF THE  
GENERAL MUNICIPAL LAW – NORTH  
COUNTRY ROAD, MILLER PLACE  
(SCTM No. 0200-047.00-05.00-005.000)

WHEREAS, Section 72-h of the General Municipal Law of the State of New York permits the sale of real property between municipal governments in the State of New York; and

WHEREAS, there is a vacant parcel of Suffolk County owned land located on North Country Road, Miller Place, further identified as SCTM No. 0200-047.00-05.00-005.000 as shown on the attached map; and

WHEREAS, the Town of Brookhaven is interested in acquiring said parcel of real property for drainage purposes for a total consideration not to exceed \$8,189.41 plus pro-rata taxes at the time of closing; and

WHEREAS, the Town Board of the Town of Brookhaven 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 Town Board of the Town of Brookhaven is aware that the restrictive covenants described above will run with the land and shall bind the heirs, successors, and assigns of the Town of Brookhaven and in the event of any violation of the restrictive covenants

stated above, the Deed conveying said parcels shall be void ab initio and title to the realty shall revert to the County of Suffolk; and

WHEREAS, the acquisition of said parcels pursuant to General Municipal Law Section 72-H, as an intergovernmental transfer, is a Type II action pursuant to NYCRR 617.5(c)(19) and, therefore, no further SEQRA review is required,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Brookhaven hereby authorizes, consents and approves the acquisition of the parcel for drainage purposes further identified as SCTM No. 0200-047.00-05.00-005.000 and requests that the Suffolk County Legislature approve the conveyance of same pursuant to General Municipal Law Section 72-H for a consideration not to exceed \$8,189.41 plus pro-rata taxes at the time of closing subject to the restrictive covenants and reverter provisions as stated above.

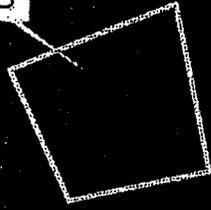
031212

JOBON GATE

DOGWOOD HOLLOW LN

0200 04700 0500 005000

KNOLL CREST



021212

HILDALE LN

LEVON LN

PIPE STAVE HOLLOW RD

RESOLUTION SUBMISSION

MEETING OF: October 11, 2012

RESOLUTION NO. 2012-813

MOVED BY COUNCILMEMBER: Daniel Panico

REVISION

SHORT TITLE: AUTHORIZATION TO ACQUIRE VACANT PARCELS OF SUFFOLK COUNTY OWNED LAND IN MASTIC FOR OPEN SPACE PURSUANT TO SECTION 72-H OF THE GENERAL MUNICIPAL LAW – MIDLAND AVENUE (SCTM 0200-749-07-20, 41 & 42), OAKLAND AVENUE (SCTM 0200-786-04-32) AND TITMUS DRIVE (SCTM 0200-786-01-36)

DEPARTMENT: Law Department

REASON: To acquire vacant parcels of Suffolk County owned property for open space purposes.

PUBLIC HEARING REQUIRED: No

DEPARTMENT OF FINANCE APPROVAL: YES NO

DOLLARS INVOLVED: \$20,142.85 plus pro rated taxes and closing costs (H 8510 3080 2010)

SEQRA REQUIRED:

DETERMINATION MADE: POSITIVE NEGATIVE

FEIS/FINDINGS FILED:

EXECUTION OF DOCUMENT REQUIRED: Yes

AE:dlm

Present	Absent		Motion	Aye	No	Abstain	Not Voting
		Councilmember Fiore-Rosenfeld					
		Councilmember Bonner					
		Councilmember Walsh					
		Councilmember Kepert					
		Councilmember Mazzei	2				
		Councilmember Panico	1				
		Supervisor					

RESOLUTION NO. 2012-813  
MEETING OF October 11, 2012

**ADOPTED**

BY THE BROOKHAVEN TOWN BOARD

AUTHORIZATION TO ACQUIRE VACANT PARCELS OF SUFFOLK COUNTY OWNED LAND IN MASTIC FOR OPEN SPACE PURSUANT TO SECTION 72-H OF THE GENERAL MUNICIPAL LAW – MIDLAND AVENUE (SCTM 0200-749-07-20, 41 & 42), OAKLAND AVENUE (SCTM 0200-786-04-32) AND TITMUS DRIVE (SCTM 0200-786-01-36)

WHEREAS, Section 72-h of the General Municipal Law of the State of New York permits the sale of real property between municipal governments in the State of New York; and

WHEREAS, there are vacant parcels of Suffolk County owned land located on Midland Avenue, Mastic, further identified as SCTM Nos. 0200-749.00-07.00-020.000, 041.000 and 042.000, Oakland Avenue, Mastic, further identified as SCTM No. 0200-786.00-04.00-032.000 and Titmus Drive, Mastic, further identified as SCTM No. 0200-786.00-01.00-036.000 as shown on the attached maps; and

WHEREAS, the Town of Brookhaven is interested in acquiring said parcels of real property for open space purposes for a total consideration not to exceed \$20,142.85 plus pro-rata taxes at the time of closing; and

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

WHEREAS, the acquisition of said parcels pursuant to General Municipal Law Section 72-H, as an intergovernmental transfer, is a Type II action pursuant to NYCRR 617.5(c)(19) and, therefore, no further SEQRA review is required,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Brookhaven hereby authorizes, consents and approves the acquisition of the parcel for open space purposes further identified as SCTM No. 0200-749.00-07.00-020.000 and requests that the Suffolk County Legislature approve the conveyance of same pursuant to General Municipal Law Section 72-H for a consideration not to exceed \$5,660.80 plus pro-rata taxes at the time of closing subject to the restrictive covenants and reverter provisions as stated above; and be it further

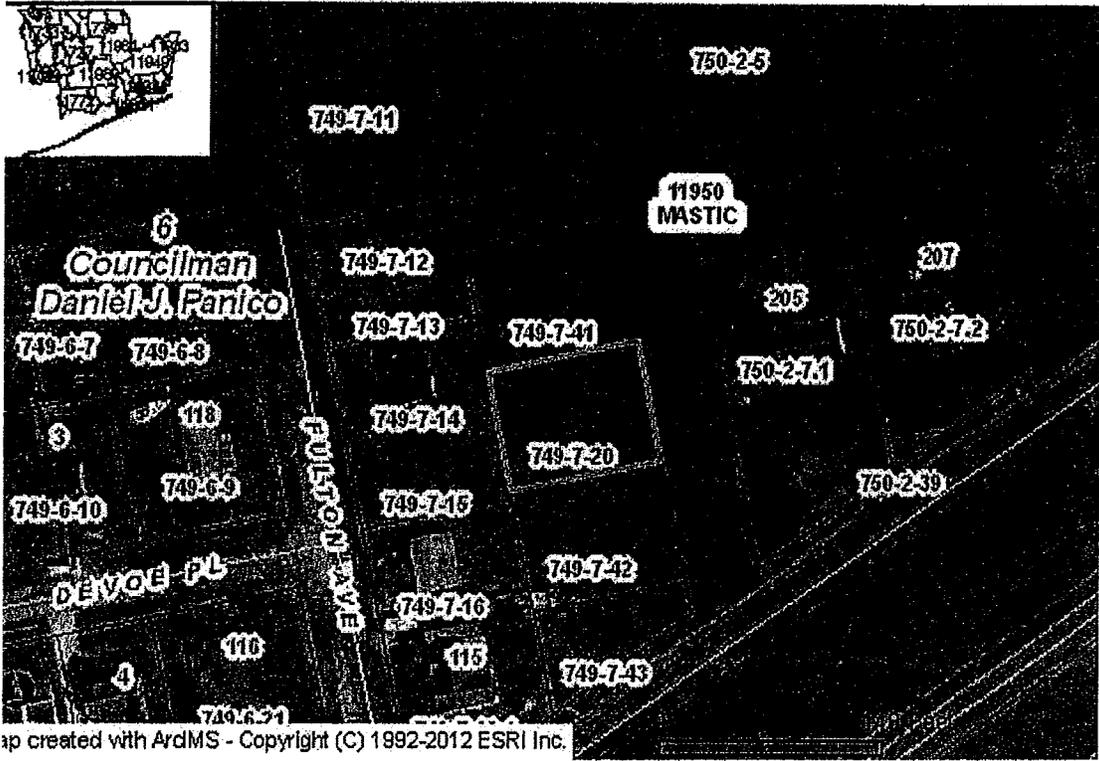
RESOLVED, that the Town Board of the Town of Brookhaven hereby authorizes, consents and approves the acquisition of the parcel for open space purposes further identified as SCTM No. 0200-749.00-07.00-041.000 and requests that the Suffolk County Legislature approve the conveyance of same pursuant to General Municipal Law Section 72-H for a consideration not to exceed \$5,660.80 plus pro-rata taxes at the time of closing subject to the restrictive covenants and reverter provisions as stated above; and be it further

RESOLVED, that the Town Board of the Town of Brookhaven hereby authorizes, consents and approves the acquisition of the parcel for open space purposes further identified as SCTM No. 0200-749.00-07.00-042.000 and requests that the Suffolk County Legislature approve the conveyance of same pursuant to General Municipal Law Section 72-H for a consideration not to

exceed \$5,680.39 plus pro-rata taxes at the time of closing subject to the restrictive covenants and reverter provisions as stated above; and be it further

RESOLVED, that the Town Board of the Town of Brookhaven hereby authorizes, consents and approves the acquisition of the parcel for open space purposes further identified as SCTM No. 0200-786.00-04.00-032.000 and requests that the Suffolk County Legislature approve the conveyance of same pursuant to General Municipal Law Section 72-H for a consideration not to exceed \$1,521.98 plus pro-rata taxes at the time of closing subject to the restrictive covenants and reverter provisions as stated above; and be it further

RESOLVED, that the Town Board of the Town of Brookhaven hereby authorizes, consents and approves the acquisition of the parcel for open space purposes further identified as SCTM No. 0200-786.00-01.00-036.000 and requests that the Suffolk County Legislature approve the conveyance of same pursuant to General Municipal Law Section 72-H for a consideration not to exceed \$1,618.88 plus pro-rata taxes at the time of closing subject to the restrictive covenants and reverter provisions as stated above.



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 20, 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

**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	<u>18</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

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