Intro. Res. No. 2116-2012 Laid on Table 11/20/2012
Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 1142 -2012, SALE OF COUNTY-OWNED REAL ESTATE PURSUANT TO SECTION 72-H OF THE GENERAL MUNICIPAL LAW - TOWN OF SOUTHAMPTON (SCTM NO. 0900-118.01-01.00-020.001)

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

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 118.01 Block 01.00 Lot 020.001 and acquired by Tax Deed on August 4, 2005 from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on August 8, 2005 in Liber 12402 at Page 494 and described as follows, known and designated as Lots 76, 77 and 78 on a certain map entitled "Map of Building Lots in the School District of Riverhead", and filed in the Office of the Clerk of the County of Suffolk on June 30, 1894 as Map No. 505; 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 Southampton 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

1st **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 above described property and on the terms and conditions as hereinafter described to said Town of Southampton for the sum of $5,305.56; plus the pro rata share of taxes; and be it further

2nd **RESOLVED**, that the County of Suffolk hereby transfers 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 Southampton, 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

3rd **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 (0.20) (two tenth) 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

4th **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

5th **RESOLVED**, that the Town of Southampton 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 Southampton, at any time, uses or attempts to use said subject parcel for other than Open Space purposes 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

6th **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

7th **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: DEC 0 4 2012

APPROVED BY:

ACTING CHIEF DEPUTY County Executive of Suffolk County

Date: 12-20-12

Exhibit "A"

Southampton Town Board
116 Hampton Road
Southampton, NY 11968

ADOPTED

RESOLUTION 2012-887

Meeting: 08/28/12 06:00 PM
Department: Community Preservation
Category: Real Estate & Easements
Prepared By: Adlin Auffant
Initiator: Mary Wilson
Sponsors: Supervisor Anna Throne-Holst
DOC ID: 15273

Accept Transfer of Lands from Suffolk County, Riverside

WHEREAS, the Town Board of the Town of Southampton has adopted the "Town of Southampton Community Preservation Project Plan" that identifies target areas and properties for acquisition for park, recreation, open space and conservation purposes; and

WHEREAS, the Plan identifies this 0.17 acre parcel within the Peconic River Target Preservation Area as an appropriate site for open space preservation and conservation purposes; and

WHEREAS, this parcel is owned by Suffolk County and shown as SCTM #900-118.1-1-20.1; and

WHEREAS, Suffolk County wishes to transfer the property to the Town of Southampton for open space and conservation purposes; and

WHEREAS, pursuant to §140-5A of the Town Code and §247 of the General Municipal Law, a public hearing was held on August 28, 2012; and

WHEREAS, the Town Board finds that acceptance of the transfer of this property is the best alternative for the protection of community character of all of the reasonable alternatives available.

NOW, THEREFORE, BE IT RESOLVED, the Town of Southampton hereby accepts the transfer of the property of Suffolk County, located in Riverside, New York, shown as SCTM #900-118.1-1-20.1, for open space preservation and conservation purposes, for no consideration, except incidental title, County reimbursement costs in the amount of $5,305.56, recording expense or other related expense; the source of the funding to be the Community Preservation Fund Account, GL 31-99-1940-31-6208-0001; and

BE IT FURTHER RESOLVED, said land transfer is contingent upon the landowner's providing clear and marketable title; and

BE IT FURTHER RESOLVED, that the Community Preservation Program Manager is authorized to execute any documents necessary to close title for said property.

Financial Impact

The source of funding shall be Community Preservation Fund - Land Purchase G/L #31-99-1940-31-6208-0001 in the amount of $6,500.00

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Anna Throne-Holst, Supervisor
SECONDER:	James Malone, Councilman
AYES:	Throne-Holst, Malone, Scalera, Fleming, Nuzzi

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 December 4,2012 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

Intro. Res. 2116 Res. No. 1142 December 4, 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		✓				
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				

MOTION

X 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 X FAILED ___
No Motion ___ No Second ___

RESOLUTION DECLARED

X ADOPTED
___ NOT ADOPTED

Roll Call ___ Voice Vote X

Tim Laube
Tim Laube, Clerk of the Legislature