

RESOLUTION NO. 1181 -2012, AUTHORIZING THE CONVEYANCE OF COUNTY-OWNED RIGHT-OF-WAY COMMONLY KNOWN AS C.R. 81, LONG WHARF HAVING SUFFOLK COUNTY TAX MAP IDENTIFICATION NUMBERS OF DISTRICT 0302 SECTION 001.00 BLOCK 01.00 LOT 002.000 AND DISTRICT 0903 SECTION 002.00 BLOCK 03.00 LOT 026.000 FOR PUBLIC HIGHWAY PURPOSES PURSUANT TO SECTION 115-B OF THE NEW YORK HIGHWAY LAW

WHEREAS, the County of Suffolk is the fee owner of a certain right-of-way commonly referred to as C.R. 81, "Long Wharf", having Suffolk County Tax Map Numbers of District 0302 Section 001.00 Block 01.00 Lot 002.000 And District 0903 Section 002.00 Block 03.00 Lot 026.000 said parcel having been conveyed to the County of Suffolk from the Incorporated Village of Sag Harbor, Suffolk County, New York by deed dated November 20, 1947 and recorded in the Office of the Suffolk County Clerk on November 24, 1947 at Deed Liber 2778, CP 75, a copy of said deed being attached hereto as Exhibit "A"; and

WHEREAS, said right-of-way is surplus to the needs of the County of Suffolk;
and

WHEREAS, Section 115-b of the New York Highway Law authorizes Counties to remove roads from their road system and authorizes towns or villages to assume responsibility for such roads; and

WHEREAS, the Incorporated Village of Sag Harbor, New York, has requested that the County of Suffolk convey the above-described right-of-way to it; 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 right-of-way to the Incorporated Village of Sag Harbor, Suffolk County, New York plus the pro-rata share of the current tax adjustments due at closing; and

WHEREAS, the Long Wharf Advisory Committee, established by Resolution No. 620-2011 to study the long-term costs and the potential revenues associated with the County's continued ownership of the Long Wharf, has recommended that the County transfer ownership of the Long Wharf to the Village of Sag Harbor; 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 transfer is authorized pursuant to Section 115-b of the New York Highway Law permitting the conveyance of County road rights-of-way to the towns and incorporated villages situated in said County; and be it further

5th **RESOLVED**, the subject right of way 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 right-of-way:
2. That the Grantee shall not sell, convey, transfer, or otherwise dispose of the subject right-of-way; and be it further

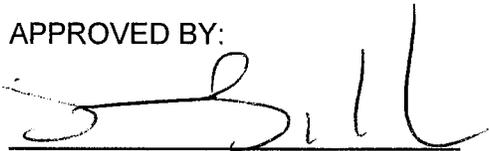
6th **RESOLVED**, that the Suffolk County Department of Public Works is directed to convey said right-of-way to the Incorporated Village of Sag Harbor, Suffolk County, New York for the total sum of One and 00/100 Dollar (\$1.00) (to be waived) plus the pro-rata share of the current tax adjustments due at closing; and be it further

7th **RESOLVED**, that the Suffolk County Department of Public Works, will receive and deposit the sum of One and 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

8th **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: **DEC 18 2012**

APPROVED BY:



County Executive of Suffolk County

Date: **1-2-13**

This Indenture,

Made the 20th day of November, nineteen hundred and FORTY-SEVEN

Between THE INCORPORATED VILLAGE OF SAG HARBOR, a municipal corporation of the State of New York

, part y of the first part,

and THE COUNTY OF SUFFOLK, a municipal corporation of the State of New York

, part y of the second part,

Witnesseth, that the part y of the first part, in consideration of

ONE (\$1.00) Dollars, lawful money of the United States,

and other valuable considerations

paid by the part y of the second part, does hereby grant and release unto the part y of the second part, its successors

and assigns forever.

All that certain piece or parcel of land situate in the Village of Sag Harbor, County of Suffolk and State of New York, bounded and described as follows, viz:

BEGINNING at a point where the Easterly line of Wharf Street meets the Northerly line of the former highway, according to the official Village Map, and within the lines of Bay Street;

EXTENDING from said beginning point the following fourteen courses and distances: the first two thereof being within the said lines of Present Highway (Bay Street); (1) North fifty-five degrees forty minutes forty-five seconds West, along said Northerly line of former highway, thirty-six feet and fourteen one-hundredths of a foot to a point; (2) North nineteen degrees fifty-two minutes fifteen seconds East thirty feet and seventy-three one-hundredths of a foot to a point in the Northerly line of said present highway; (3) North fifty-one degrees thirty minutes fifteen seconds West, along said northerly line of present highway, seventy feet and thirty-six one-hundredths of a foot to a point; (4) North eighteen degrees forty-six minutes fifteen seconds East, partly by Shelter Island Sound, one hundred fifty-one feet and forty-seven one-hundredths of a foot to a point; (5) South seventy-one degrees ten minutes fifteen seconds East, by said Shelter Island Sound, nine feet and forty-six one-hundredths of a foot to a point; the following six courses and distances being within the waters of said Shelter Island Sound; (6) North nineteen degrees fifty-two minutes fifteen seconds East five hundred sixty-two feet and twenty-nine one-hundredths of a foot to a point; (7) North two degrees thirty-seven minutes forty-seven seconds East two hundred fifty-seven feet and one one-hundredths of a foot to a point; (8) South eighty-seven degrees twenty-two minutes thirteen seconds East one hundred fifty-five feet and eight one-hundredths of a foot to a point; (9) South two degrees thirty-seven minutes forty-seven seconds West two hundred eighty feet and fifty-two one-hundredths of a foot to a point; (10) South nineteen degrees fifty-two minutes fifteen seconds West three hundred thirty-eight feet and fifty-five one-hundredths of a foot to a point; (11) North sixty-six degrees forty-four minutes forty-five seconds West fifty-seven feet to a point in the Easterly line of the Wharf; (12)

EXHIBIT "A"

Southwardly, along said Easterly line of Wharf, two hundred twenty-five feet, more or less, to a point; (13) North sixty-six degrees forty-four minutes forty-five seconds West three feet and one-tenth of a foot to a point in the Northerly extremity of the said Easterly line of Wharf St; and thence (14) South nineteen degrees fifty-two minutes fifteen seconds West, along said Easterly line of Wharf St, crossing said Northerly line of present highway, two hundred thirty-nine feet and sixty-two one-hundredths of a foot to the place of beginning

CONTAINING two acres and ninety-one thousand six hundred ninety-one one hundred thousandths of an acres, more or less. BEING part of the premises which became vested in the Long Island Rail Road Company, the party of the first part herein, in fee by the two following deeds: ONE THEREOF from the Fahys Watch Case Company dated November 23, 1900, and recorded in the Office of the Clerk of Suffolk County in Liber 501 of Conveyances at Page 442; AND THE OTHER THEREOF from the Montauk Steamboat Company, Limited dated May 31, 1928, and recorded as aforesaid in Liber 1353 of Conveyances at Page 265.

ALSO all the estate, right, title and interest, if any, of the party of the first part, of, in and to the land in any and all adjoining streets, avenues, roads, lanes highways and alleys to the center line or lines thereof, but to the extent only, however, that such land immediately abuts the hereinbefore described piece or parcel of land, and

ALSO all the right, title and interest of the said party of the first part of, in and to the muds, flats and land under water of said Shelter Island Sound abutting the hereinbefore described piece or parcel of land and extending as far into said Sound as such right, title and interest extends or should extend by law or custom and all riparian rights appertaining thereto.

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises.

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, its successors and assigns, forever.

SUBJECT, nevertheless, as to so much of the hereinbefore described piece or parcel of land as is included within the lines of Wharf Street and Bay Street, to the use thereof by all parties lawfully entitled thereto.

ALSO SUBJECT, nevertheless, to such state of facts an accurate survey may disclose; and

ALSO SUBJECT to covenants and restrictions of record.

Together with the appurtenances and all the estate and rights of the part y of the first part in and to said premises,

To have and to hold the premises herein granted unto the part y of the second part, its successors and assigns forever.

And the said party of the first part covenants that it has not done or suffered anything whereby the said premises have been incumbered in any way whatever.

The grantor, in compliance with Section 13 of the Lien Law, covenants that the grantor will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and that the grantor will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

In Witness Whereof, the party of the first part has caused these presents to be signed in its name, by its Mayor, and its corporate seal to be affixed by its Clerk, the day and year first above written. In presence of:

VILLAGE OF SAG HARBOR,

Attest:

Ernest J. Buge

Clerk of the Village of Sag Harbor, New York.

By William Trimpin L.S. Mayor

..... L.S.

..... L.S.

..... L.S.

STATE OF NEW YORK)
COUNTY OF SUFFOLK) SS:

On this 20th day of November, 1947, before me personally came WILLIAM TRIMPIN, to me known, who being by me duly sworn, did depose and say that he resides in the Village of Sag Harbor, Suffolk County, New York; that he is the Mayor of the Village of Sag Harbor, the corporation described in and which executed the above instrument; that he knows the seal of the said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Village Board, and that he signed his name thereto by like order.

Kenneth W. Anderson

KENNETH W. ANDERSON
Notary Public in the State of New York
Residing in Suffolk County
Suffolk County Clerk's No. 31
Commission Expires March 30, 1948

RESOLUTION

WHEREAS, THE INCORPORATED VILLAGE OF SAG HARBOR on or about the 4th day of June, 1947, purchased from THE LONG ISLAND RAIL ROAD COMPANY a certain tract of land situate in the Village of Sag Harbor, Suffolk County, New York, together with dock facilities located on the premises purchased, which said premises are more fully described in deed dated June 4, 1947, recorded in the Suffolk County Clerk's Office in Liber 2741 of Deeds at Page 429 on August 19, 1947, and

WHEREAS, said dock facilities are now in need of repairs and it being not feasible for said Village of Sag Harbor to undertake making same because of the cost and expense involved; and it being the sense of said Board of Trustees that such repairs and the improvement of said dock facilities would ensure particularly to the benefit of the residents of said Village of Sag Harbor; and

WHEREAS, the COUNTY OF SUFFOLK of the State of New York is willing to undertake the cost and expense involved in making such repairs and improvements in consideration of the conveyance of said premises to it,

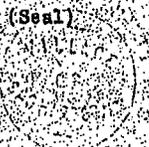
NOW THEREFORE be it resolved that THE INCORPORATED VILLAGE OF SAG HARBOR convey to the COUNTY OF SUFFOLK the aforesaid premises and that the Mayor of said Village of Sag Harbor be authorized, and he hereby is authorized, to execute a proper deed to the COUNTY OF SUFFOLK to effectuate the purposes hereinbefore set forth, and that the Village Clerk affix the corporate seal of said Village of Sag Harbor to said deed and attest the Mayor's signature and the corporate seal.

STATE OF NEW YORK)
)SS:
COUNTY OF SUFFOLK)

I, ENCY G. BEYER, Village Clerk of the Village of Sag Harbor, New York, do hereby CERTIFY that I have compared the foregoing transcript of Resolution of the Board of Trustees of the Village of Sag Harbor, which was duly passed and adopted by said Board at a meeting of the Board of Trustees held on the 20 day of Nov, 1947, with the original thereof in the official minute book on file in my office, and that the same is a true and correct copy of said resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Village this 20 day of November, 1947.

Ency G. Beyer
Village Clerk.



(Seal)

RECORDED

NOV 24 1947

11:07A M.

R. FRED HUGHES
CLERK OF SUFFOLK COUNTY

Introduced by _____ at the request of the _____

**RESOLUTION NO. 1 -2011, REQUESTING
THE PURCHASE OF REAL PROPERTY
COMMONLY REFERRED TO AS "LONG
WHARF" AND HAVING SUFFOLK COUNTY
TAX MAP IDENTIFICATION NUMBERS OF
DISTRICT 0302 SECTION 001.00 BLOCK 01.00
LOT 002.000 DISTRICT 0903 SECTION 002.00
BLOCK 03.00 LOT 23.01 DISTRICT 0903
SECTION 002.00 BLOCK 03.00 LOT 26.00, FOR
MUNICIPAL PURPOSES AND REQUESTING
APPROVAL FROM THE COUNTY OF SUFFOLK
FOR CONVEYANCE OF SAME.**

WHEREAS, a certain parcel of real property commonly referred to as "Long Wharf" and presently owned by the County of Suffolk and having Suffolk County Tax Map identification Numbers of District 0302 Section 001.00 Block 01.00 Lot 002.00, District 0903 Section 002.00 Block 03.00 Lot 023.01, and District 0903 Section 002.00 Block 03.00 Lot 26.00, is situated within the geographical boundaries of the Incorporated Village of Sag Harbor, Suffolk County, New York; AND

WHEREAS, the parcel described immediately above and commonly referred to as "Long Wharf" was conveyed by the Incorporated Village of Sag Harbor to the County of Suffolk by deed dated 11/20/1947 and recorded in the Office of the Suffolk County Clerk on 11/24/1947 at Deed Liber 2778, Cp. 75, a copy of said deed being attached here to as Exhibit "1"; 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 the municipal purpose of constructing, maintaining, and/or improving roadways and highways for a consideration not to exceed Ten & 00/100 (\$10.00) Dollars plus pro-rata taxes at the time of closing;

NOW THEREFORE BE IT

1. **RESOLVED** that the above-described activity is an unlisted action pursuant to the provisions of Title 6 NYCRR Part 617; and be it further
2. **RESOLVED** that the proposed action simply transfers land from one Governmental Entity to another governmental entity and no change in use is anticipated, thereby being eventual Type II action under SEQRA; and be it further
3. **RESOLVED**, that the Incorporated Village of Sag Harbor, Suffolk County, New York does hereby approve the purchase of that parcel commonly referred to as "Long Wharf" and having a Suffolk County Tax Map Identification Number of District

EXHIBIT "B"

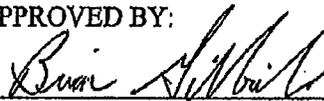
0302 Section 001.00 Block 01.00 Lot 002.00, District 0903 Section 002.00 Block 03.00 Lot 023.01 and District 0903 Section 002.00 Block 03.00 Lot 026.00 and requests that the Suffolk County Legislature approve conveyance of same pursuant to New York State Highway Law § 115-b for a consideration not to exceed Ten & 00/100 (\$10.00) Dollars plus pro-rata taxes at the time of closing.

A motion by Trustee Edward Gregory, seconded by Trustee Bruce Stafford, to move the foregoing Resolution to adoption is carried 0 absent.

Dated: February 8, 2011

Incorporated Village of Sag Harbor, Suffolk County, New York

APPROVED BY:



Official, Mayor Brian Gilbride
Incorporated Village of Sag Harbor, Suffolk County, New York

Date of Approval: February 8, 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 December 18, 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:

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

Co-Sponsors:

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

Second:

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	1				
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	1	1		

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 _____

Roll Call _____ Voice Vote

Tim Laube

Tim Laube, Clerk of the Legislature