

Introduced by Presiding Officer, on request of the County Executive and Legislator Browning

**RESOLUTION NO. 50 -2013, SALE OF COUNTY-OWNED REAL ESTATE PURSUANT TO LOCAL LAW NO. 13-1976 WATERWAYS DEVELOPMENT CORP. (SCTM NO. 0200-854.00-04.00-002.089)**

**WHEREAS**, the COUNTY OF SUFFOLK had acquired an interest in the following described parcel that is surplus to the needs of the County of Suffolk:

**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 854.00 Block 04.00 Lot 002.089 and acquired by Tax Deed on July 5, 2001 from Joseph Sawicki, Jr., the Chief Deputy County Treasurer of Suffolk County, New York, and recorded on July 12, 2001 in Liber 12129 at CP 300 and described as follows, being and intended to be that parcel of land carried on the tax rolls of the Town of Brookhaven under SCTM No. District 0200, Section 854.00, Block 04.00, Lot 002.089; and

**WHEREAS**, in accordance with Local Law No. 13-1976 of the County of Suffolk, provision has been made for the sale of real property acquired by the County through tax sale to an adjoining property owner; and

**WHEREAS**, Waterways Development Corp., has made an offer to Suffolk County, for the purchase of said above described parcel for the sum of \$503. At closing the purchaser will be responsible for the pro rata share of the current taxes which amount will be due upon receipt of the deed; and

**WHEREAS**, the real property above described has been appraised at \$500, which property is surplus to the needs of the County of Suffolk; and

**WHEREAS**, the Director of Real Estate, and/or her designee, has received and deposited the sum of \$503, pursuant to said purchase offer; and

**WHEREAS**, the Suffolk County Department of Economic Development and Planning has reviewed this parcel and recommends that said parcel be sold to adjacent owners with certain restrictive covenants so as to prevent further development of the land; now, therefore be it

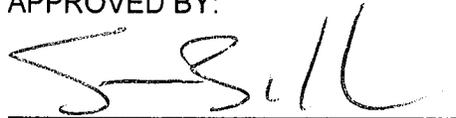
**1<sup>st</sup> RESOLVED**, this Legislature, being the State Environmental Quality Review Act (SEQRA) Lead Agency, hereby finds and determines that adoption of this law is not an action within the meaning of the State Environmental Quality Review Act and the regulations adopted thereto. See 6 N.Y.C.R.R. 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. Section 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); and be it further

2<sup>nd</sup>           **RESOLVED**, that the deed shall include the following language: AND the premises described herein shall not be independently improved by the erection of any habitable structure, and can be merged with grantee's adjoining parcel if applicable so as to form one single lot. There can be no further subdivision of the merged parcel unless it is consistent with local town and/or village zoning codes and standards of the Suffolk County Department of Health Services, applicable at the time application is made. This restrictive covenant shall be enforceable by the County of Suffolk by injunctive relief or by any other remedy, in equity, or at law. The failure of the County of Suffolk or any agency thereof to enforce this covenant, shall not be deemed to impose any liability whatsoever upon the County of Suffolk or any officer, employee or agent thereof. THIS covenant and restriction shall run with the land and shall be binding upon the grantee, its successor and assigns, and upon all persons claiming under them; and be it further

3<sup>rd</sup>           **RESOLVED**, that the Director of Real Estate, and/or her designee, be and she hereby is authorized to execute and acknowledge a Bargain and Sale Deed, Without Covenants to transfer the interest of SUFFOLK COUNTY in the above described property and on the above described terms to said Waterways Development Corp., 2580 Hempstead Turnpike, East Meadow, New York 11554.

DATED: February 5, 2013

APPROVED BY:



County Executive of Suffolk County

Date: 2-14-2013

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 February 5, 2013 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. 2241-12

Res. No. 50

February 5, 2013

**Motion:**

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

**Co-Sponsors:**

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

**Second:**

Krupski, 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	AI KRUPSKI					
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	15	—		3	—

MOTION	
<u>2</u> Approve	<input checked="" type="checkbox"/>
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	<input type="checkbox"/>
APPROVED <input checked="" type="checkbox"/>	FAILED <input type="checkbox"/>
No Motion <input type="checkbox"/>	No Second <input type="checkbox"/>

RESOLUTION DECLARED
<u>4</u> ADOPTED
NOT ADOPTED

*Tim Laube*

Tim Laube, Clerk of the Legislature

Roll Call  Voice Vote