

**RESOLUTION NO. 205 -2013, MODIFYING RESOLUTION NO. 625-2002, TO PERMIT THE TOWN OF SOUTHAMPTON TO CONSTRUCT AFFORDABLE HOUSING ON PARCELS PREVIOUSLY TRANSFERRED PURSUANT TO SECTION 72-H OF THE GENERAL MUNICIPAL LAW AND AUTHORIZING EXECUTION OF AGREEMENTS**

**WHEREAS**, pursuant to Section 72-h of the General Municipal Law, the County of Suffolk, pursuant to Resolution No. 625-2002, attached hereto as Exhibit "A", was authorized to convey the premises known as SCTM No. 0900-251.00-02.00-004.000 (n/k/a SCTM Nos. 0900-251.00-02.00-004.001 and 0900-251.00-02.00-004.002) (the "Subject Property") to the Town of Southampton (the "Town"); and

**WHEREAS**, the Subject Property was conveyed by the County to the Town by Deed (the "County Deed") dated February 20, 2003, and recorded April 21, 2003 in Liber 12247 at Page 126; and

**WHEREAS**, the Subject property was subdivided and subsequently conveyed by the Town to the Southampton Housing and Community Development Corporation, a non-profit corporation ("SHCDC"), by Deed and recorded May 27, 2010 in Liber 12626 at Pages 61 and 62, for purposes of building affordable housing on the Subject Property; and

**WHEREAS**, it was thereafter discovered that the Resolution and the County Deed contain a provision restricting the use of the Subject Property as follows:

"The Town of Southampton will be restricted in its use of the Subject Property and will use the Subject Premises solely and exclusively for the application or transfer of the parcels value to other parcels in order to achieve desired density for building affordable housing. Whereafter said parcels will be held by the Town of Southampton as open space or other suitable municipal 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 said aforementioned 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 said aforementioned purposes"; and

**WHEREAS**, the Town and SHCDC have since determined that the Subject Property is buildable and would be better suited for affordable housing purposes and have requested the County permit the Subject Property to be constructed for purposes of affordable housing in accordance with Article XXXVI of the Suffolk County Administrative Code without threat of reverter by the County; and

**WHEREAS**, the County deems it to be in its best interests to facilitate the foregoing and to enter into an agreement with the Town and SHCDC to effectuate utilizing the Subject Property for affordable housing purposes; now, therefore be it

**1<sup>st</sup> RESOLVED**, the Department of Economic Development and Planning, and its Division of Real Property Acquisition and Management, have determined that it would be in the best interests of the County of Suffolk to modify Resolution No. 625-2002 and the County Deed

by removing the restrictive covenant and reverter clause contained therein to permit the Town and SHCDC to construct two affordable homes on the Subject Property; and be it further

**2<sup>nd</sup>** **RESOLVED**, that to effectuate the foregoing the County, the Town and SHCDC, and such other parties as shall be necessary, shall execute and deliver a written agreement substantially in the form attached hereto as Exhibit "B", which Agreement, notwithstanding the Resolution No. 625-2002 or the County Deed, permits the Subject Property to be constructed for affordable housing; 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 deliver the Agreement with such changes therein as the Director may deem necessary or desirable to effectuate the purposes and intent of the resolutions contained herein, and to acknowledge and record the proposed Agreement attached as Exhibit "B"; and be it further

**4<sup>th</sup>** **RESOLVED**, that all other terms of Resolution No. 625-2002 shall remain intact; and be it further

**5<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. 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).

DATED: March 19, 2013

APPROVED BY:

/s/ Steven Bellone  
County Executive of Suffolk County

Date: March 21, 2013