

RESOLUTION NO. 687 -2013, AUTHORIZING THE GRANTING OF A PERMANENT EASEMENT TO THE SUFFOLK COUNTY WATER AUTHORITY FOR PRODUCTION, DISTRIBUTION AND TRANSMISSION OF DRINKING WATER ON A PARCEL ACQUIRED BY THE COUNTY OF SUFFOLK UNDER THE OLD DRINKING WATER PROTECTION PROGRAM (ALDRICH LANE, MATTITUCK NEW YORK BEARING SCTM NO. 1000-125.00-01.00-001.000)

WHEREAS, the County has acquired parcels of property pursuant to former Article 12 of the Suffolk County Charter, commonly known as the Old Suffolk County Drinking Water Protection Program (Program); and

WHEREAS, the Program authorized and permitted the use of such parcels for the purpose of production and distribution of a public water supply, including ancillary facilities; and

WHEREAS, Resolution No. 983-2009 authorized and granted easements to the Suffolk County Water Authority (SCWA) for the purpose of accessing 34 identified County parcels acquired under the Program for water supply production and distribution use; and

WHEREAS, pursuant to Resolution No. 983-2009, an easement dated March 24, 2010 and recorded at Liber 12620 page 272 in the Office of the Suffolk County Clerk conveyed to SCWA an easement on a parcel of land located on Scout Trail in Wading River (SCTM No. 0200-128-1-15), County of Suffolk, State of New York, more particularly described in the Abandonment and Extinguishment of Easement agreement attached hereto and made a part hereof; and

WHEREAS, SCWA and the County wish to abandon and extinguish the Scout Trail easement because the SCWA possesses other properties in the area of the Scout Trail parcel that can be developed as public water facilities and if so developed these facilities would adequately serve the water needs of the residents in the Scout Trail area, and in its place convey a substitute easement to SCWA for water supply production and distribution use across the premises known as the Aldrich Lane parcel in Mattituck New York bearing Suffolk County Tax Map No. 1000-125.00-01.00-001.000, more particularly described in the Agreement Amendment and Easement Agreement annexed hereto and made a part hereof; and

WHEREAS, the contemplated easement would permit the SCWA to specifically identify ~ 5-acres within the Aldrich Lane parcel to use for water supply production and distribution use; and

WHEREAS, when identified, and prior to use, the specific location of the 5-acre area shall be subject to the review and approval of the Commissioner of the Suffolk County Department of Parks, Recreation and Conservation (Commissioner) and the Board of Trustees of Parks, Recreation and Conservation (Trustees); and

WHEREAS, if and when such ~ 5-acre area is approved by the Commissioner and the Trustees, the easement herein approved would be amended to limit access and use to

said ~ 5-acre area, and that the balance of the easement would be extinguished over the remaining area of the parcel; and

WHEREAS, it is necessary to grant an easement to the SCWA now in order to give SCWA access to Aldrich Lane for planning steps for water supply production and distribution use; and

WHEREAS, the SCWA has agreed to be the lead agency for SEQRA review of proposed site-specific actions at the Aldrich Lane parcel, and that the County will be an involved agency, and that the SCWA shall conduct such SEQRA review and shall coordinate its review with the County; now, therefore be it

1st **RESOLVED**, that the County Executive or his designee is hereby authorized and directed and empowered to execute the Abandonment and Extinguishment of Easement, Agreement Amendment and Easement Agreement in the form annexed hereto for the production and distribution of public water, including ancillary facilities for the people of Suffolk County; and be it further

2nd **RESOLVED**, that the County Executive or his designee are further authorized to execute and deliver on behalf of the County, any agreements, instruments or authorizations as may be contemplated by, or necessary or advisable to consummate or otherwise give full effect to this resolution and to perform all acts and do all things required or contemplated to be performed by this resolution; and be it further

3rd **RESOLVED**, that prior to any development, SCWA shall perform a site-specific environmental review of the proposed action for the development for the Aldrich Lane parcel in accordance with SEQRA, the SCWA shall be the lead agency for such action, the County shall be an involved agency, and the SCWA shall coordinate its review of such action with the County; and be it further

4th **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) Lead Agency hereby finds and determines that the adoption of this resolution is a Type II Action, constituting a Legislative decision in connection with routine or continuing agency administration and management, not including new programs or a major re-ordering of priorities (NYCRR Section 617.5(c) (20) and (27). As a Type II Action, the Legislature has no further responsibilities under SEQRA (6 NYCRR Section 617.5(a)).

DATED: September 12, 2013

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: September 24, 2013