

RESOLUTION NO. 606 -2013, AUTHORIZING APPRAISAL FOR THE ACQUISITION OF DEVELOPMENT RIGHTS UNDER THE SUFFOLK COUNTY DRINKING WATER PROTECTION PROGRAM AS AMENDED BY LOCAL LAW NO. 24-2007 - GUS WADE FARM PROPERTY - TOWN OF BABYLON

WHEREAS, Local Law No. 24-2007, "A Charter Law Extending and Accelerating the Suffolk County ¼% Drinking Water Protection Program for Environmental Protection," authorizes the use of 31.10 per cent of sales and compensating use tax proceeds generated each year for Specific Environmental Protection, including acquisition of open space; environmentally sensitive lands; farmland development rights; hamlet parks; active recreational parks; or historic/cultural parks, as determined by duly enacted Resolutions of the County of Suffolk; and

WHEREAS, the Gus Wade Farm property is comprised of twenty-seven lots in the Town of Babylon; and

WHEREAS, the County and the property owner are interested in preserving the development rights of the farm to ensure the land continues to be used for farming in perpetuity; and

WHEREAS, the acquisition of the development rights for Gus Wade Farm fall outside the annual review period of the Suffolk County Farmland Committee, but should move forward to ensure the preservation of these development rights in Babylon; now, therefore be it

1st RESOLVED, that any acquisition of these parcels are to be made in accordance with the procedures set forth in Chapter 8 of the SUFFOLK COUNTY CODE which provided that they will be consummated in accordance with provisions of General Municipal Law Section 247 and the recommendation(s) of the Suffolk County Farmland Committee; and be it further

2nd RESOLVED, that the following parcel(s) listed below, are hereby approved for appraisal and ultimate inclusion in the Suffolk County New Drinking Water Protection Program, effective December 1, 2007, Farmland component, Section C12-2(A)(1)(f) of the SUFFOLK COUNTY CHARTER

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>	<u>ACRES:</u>	<u>REPUTED OWNER:</u>
No. 1	District Section Block Lot		SET FORTH IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

and be it further

3rd RESOLVED, that the Director of Real Estate and/or her designee, is hereby further authorized, empowered and directed, pursuant to Section A35-3 of the SUFFOLK COUNTY CODE, to initiate written contact with the owner(s) of the property for purposes of

determining the interest of the reputed owner in selling the development rights of such parcel(s), prior to ordering an appraisal; and be it further

4th RESOLVED, that the Director of Real Estate and/or her designee, is hereby authorized, empowered and directed, pursuant to Section A35-3 of the SUFFOLK COUNTY CODE, to have the subject parcels appraised; and be it further

5th RESOLVED, that the Director of Real Estate and/or her designee, is hereby authorized, empowered and directed to present the property and its appraisal to the Environmental Trust Review Board (ETRB), at the next semi-annual meeting of the ETRB which shall be designated to occur in June and December of each year, for purposes of establishing the maximum, final, binding and non-appealable offering price for such parcels; and be it further

6th RESOLVED, that the results of the ETRB evaluation for such parcels will be presented to this Legislature, together with the ETRB evaluation and initial rating conducted by the Division of Planning and Environment for all parcels considered at the June or December meeting of the ETRB, as applicable, for purposes of authorizing the Director of Real Estate, or her designee, to present an offer of purchase to the reputed owner of such parcels based on the ETRB appraisal amount and to proceed with taking all such further steps as may be necessary or desirable to acquire the parcels provided for herein; and be it further

7th RESOLVED, that the survey, title search, environmental assessment, and actual acquisition of such parcels shall be subject to approval via duly enacted resolution of this Legislature; and be it further

8th RESOLVED, that the cost of appraisals shall be paid from the funds to be appropriated pursuant to Section C12-2(A)(1)(f) of the SUFFOLK COUNTY CHARTER, as a reimbursement, if necessary, for costs incurred and paid for from other funds or as a direct payment from such proceeds, as the case may be; and be it further

9th RESOLVED, that the Director of Real Estate and/or her designee, is hereby further authorized, empowered and directed, pursuant to Section A35-3 of the SUFFOLK COUNTY CODE, to utilize such valid appraisals for the subject parcels as may be made available to the County by any pertinent municipality, either voluntarily or upon request by the County of Suffolk; and be it further

10th RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20), (21) and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

DATED: July 30, 2013

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: August 13, 2013

EXHIBIT A

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>	<u>ACRES:</u>	<u>REPUTED OWNER:</u>
No. 1	0100-013.00-02.00-039.001	0.4	Gustave Wade
No. 2	0100-013.00-02.00-039.002	0.6	Gustave J. & Carol Wade
No. 3	0100-013.00-02.00-039.003	0.3	Gustave Wade
No. 4	0100-013.00-02.00-039.004	0.3	Gustave J. & Carol Wade
No. 5	0100-013.00-02.00-039.005	0.3	Gustave Wade
No. 6	0100-013.00-02.00-039.006	0.3	Gustave J. & Carol Wade
No. 7	0100-013.00-02.00-039.007	0.3	Gustave Wade
No. 8	0100-013.00-02.00-039.008	0.3	Gustave J. & Carol Wade
No. 9	0100-013.00-02.00-039.009	0.3	Gustave Wade
No. 10	0100-013.00-02.00-039.010	0.3	Gustave J. & Carol Wade
No. 11	0100-013.00-02.00-039.011	0.3	Gustave Wade
No. 12	0100-013.00-02.00-039.012	0.2	Gustave J. & Carol Wade
No. 13	0100-013.00-02.00-039.013	0.3	Carol Wade
No. 14	0100-013.00-02.00-039.014	0.3	Gustave Wade
No. 15	0100-013.00-02.00-039.015	0.3	Gustave Wade
No. 16	0100-013.00-02.00-039.016	0.3	Gustave J. & Carol Wade
No. 17	0100-013.00-02.00-039.017	0.3	Gustave Wade
No. 18	0100-013.00-02.00-039.018	0.3	Gustave J. & Carol Wade
No. 19	0100-013.00-02.00-039.019	0.2	Gustave J. & Carol Wade
No. 20	0100-011.00-01.00-060.001	0.7	Gustave Wade
No. 21	0100-011.00-01.00-060.002	0.4	Gustave J. & Carol Wade
No. 22	0100-011.00-01.00-060.003	0.5	Gustave Wade
No. 23	0100-011.00-01.00-060.004	0.8	Gustave J. & Carol Wade
No. 24	0100-011.00-01.00-060.005	0.8	Gustave Wade
No. 25	0100-011.00-01.00-060.006	2.7	Gustave J. & Carole Wade
No. 26	0100-011.00-01.00-060.007	0.4	Gustave Wade
No. 27	0100-013.00-02.00-039.051	2.7	Colonial Springs Farm LLC

TOTAL ACRES: 14.9

Introduced by Presiding Officer, on request of the County Executive and Legislators Horsley, Gregory

RESOLUTION NO. 820 -2013, AMENDING RESOLUTION NO. 606-2013, AUTHORIZING APPRAISAL FOR THE ACQUISITION OF DEVELOPMENT RIGHTS UNDER THE SUFFOLK COUNTY DRINKING WATER PROTECTION PROGRAM AS AMENDED BY LOCAL LAW NO. 24-2007 - GUS WADE FARM PROPERTY - TOWN OF BABYLON

WHEREAS, Resolution No. 606-2013 authorized the appraisal for the acquisition of development rights for the Gus Wade Farm Property, Town of Babylon; and

WHEREAS, Exhibit "A" of this resolution, when adopted, had some technical errors in the Suffolk County Tax Map numbers, acreage and ownership of the 27 parcels listed that was proposed for acquisition of development rights for farmland protection; and

WHEREAS, the County Executive desires the replacement of the existing, Exhibit "A" with the following updated "Exhibit "A" to Resolution No. 606-2013; now, therefore be it

1st RESOLVED, that the Clerk of the Legislature shall make the following technical corrections by omitting the existing Exhibit "A" and replacing it with the following Exhibit "A (Updated 8/2/2013)", to read as follows:

[OMIT]:

[EXHIBIT A

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>	<u>ACRES:</u>	<u>REPUTED OWNER:</u>
No. 1	0100-013.00-02.00-039.001	0.4	Gustave Wade
No. 2	0100-013.00-02.00-039.002	0.6	Gustave J. & Carol Wade
No. 3	0100-013.00-02.00-039.003	0.3	Gustave Wade
No. 4	0100-013.00-02.00-039.004	0.3	Gustave J. & Carol Wade
No. 5	0100-013.00-02.00-039.005	0.3	Gustave Wade
No. 6	0100-013.00-02.00-039.006	0.3	Gustave J. & Carol Wade
No. 7	0100-013.00-02.00-039.007	0.3	Gustave Wade
No. 8	0100-013.00-02.00-039.008	0.3	Gustave J. & Carol Wade
No. 9	0100-013.00-02.00-039.009	0.3	Gustave Wade
No. 10	0100-013.00-02.00-039.010	0.3	Gustave J. & Carol Wade
No. 11	0100-013.00-02.00-039.011	0.3	Gustave Wade
No. 12	0100-013.00-02.00-039.012	0.2	Gustave J. & Carol Wade
No. 13	0100-013.00-02.00-039.013	0.3	Carol Wade
No. 14	0100-013.00-02.00-039.014	0.3	Gustave Wade
No. 15	0100-013.00-02.00-039.015	0.3	Gustave Wade
No. 16	0100-013.00-02.00-039.016	0.3	Gustave J. & Carol Wade
No. 17	0100-013.00-02.00-039.017	0.3	Gustave Wade
No. 18	0100-013.00-02.00-039.018	0.3	Gustave J. & Carol Wade
No. 19	0100-013.00-02.00-039.019	0.2	Gustave J. & Carol Wade
No. 20	0100-011.00-01.00-060.001	0.7	Gustave Wade
No. 21	0100-011.00-01.00-060.002	0.4	Gustave J. & Carol Wade
No. 22	0100-011.00-01.00-060.003	0.5	Gustave Wade
No. 23	0100-011.00-01.00-060.004	0.8	Gustave J. & Carol Wade
No. 24	0100-011.00-01.00-060.005	0.8	Gustave Wade
No. 25	0100-011.00-01.00-060.006	2.7	Gustave J. & Carole Wade

No. 26	0100-011.00-01.00-060.007	0.4	Gustave Wade
No. 27	0100-013.00-02.00-039.051	2.7	Colonial Springs Farm LLC

TOTAL ACRES: 14.9]

ADD:

EXHIBIT A (Updated 8/2/2013)

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>	<u>ACRES:</u>	<u>REPUTED OWNER:</u>
<u>No. 1</u>	<u>0100-013.00-02.00-039.001</u>	<u>0.44</u>	<u>Gustave J. Wade Family 2012 Irrevocable Trust</u>
<u>No. 2</u>	<u>0100-013.00-02.00-039002</u>	<u>0.62</u>	<u>Gustave J. & Carol Wade</u>
<u>No. 3</u>	<u>0100-013.00-02.00-039.003</u>	<u>0.33</u>	<u>Gustave J. Wade Family 2012 Irrevocable Trust</u>
<u>No. 4</u>	<u>0100-013.00-02.00-039.004</u>	<u>0.33</u>	<u>Gustave J. & Carol Wade</u>
<u>No. 5</u>	<u>0100-013.00-02.00-039.005</u>	<u>0.33</u>	<u>Gustave J. Wade Family 2012 Irrevocable Trust</u>
<u>No. 6</u>	<u>0100-013.00-02.00-039.006</u>	<u>0.33</u>	<u>Gustave J. & Carol Wade</u>
<u>No. 7</u>	<u>0100-013.00-02.00-039.007</u>	<u>0.33</u>	<u>Gustave J. Wade Family 2012 Irrevocable Trust</u>
<u>No. 8</u>	<u>0100-013.00-02.00-039.008</u>	<u>0.39</u>	<u>Gustave J. & Carol Wade</u>
<u>No. 9</u>	<u>0100-013.00-02.00-039.009</u>	<u>0.32</u>	<u>Gustave J. Wade Family 2012 Irrevocable Trust</u>
<u>No. 10</u>	<u>0100-013.00-02.00-039.010</u>	<u>0.30</u>	<u>Gustave J. & Carol Wade</u>
<u>No. 11</u>	<u>0100-013.00-02.00-039.011</u>	<u>0.30</u>	<u>Gustave J. Wade Family 2012 Irrevocable Trust</u>
<u>No. 12</u>	<u>0100-013.00-02.00-039.012</u>	<u>0.30</u>	<u>Gustave J. & Carol Wade</u>
<u>No. 13</u>	<u>0100-013.00-02.00-039.013</u>	<u>0.45</u>	<u>Carol Wade</u>
<u>No. 14</u>	<u>0100-013.00-02.00-039.014</u>	<u>0.31</u>	<u>Gustave J. Wade Family 2012 Irrevocable Trust</u>
<u>No. 15</u>	<u>0100-013.00-02.00-039.015</u>	<u>0.29</u>	<u>Gustave J. Wade Family 2012 Irrevocable Trust</u>
<u>No. 16</u>	<u>0100-013.00-02.00-039.016</u>	<u>0.29</u>	<u>Gustave J. & Carol Wade</u>
<u>No. 17</u>	<u>0100-013.00-02.00-039.017</u>	<u>0.29</u>	<u>Gustave J. Wade Family 2012 Irrevocable Trust</u>
<u>No. 18</u>	<u>0100-013.00-02.00-039.018</u>	<u>0.33</u>	<u>Gustave J. & Carol Wade</u>
<u>No. 19</u>	<u>0100-013.00-02.00-039.019</u>	<u>0.39</u>	<u>Gustave J. & Carol Wade</u>
<u>No. 20</u>	<u>0100-011.00-01.00-006.001</u>	<u>0.67</u>	<u>Gustave J. Wade Family 2012 Irrevocable Trust</u>
<u>No. 21</u>	<u>0100-011.00-01.00-006.002</u>	<u>0.44</u>	<u>Gustave J. & Carol Wade</u>
<u>No. 22</u>	<u>0100-011.00-01.00-006.003</u>	<u>0.46</u>	<u>Gustave J. Wade Family 2012 Irrevocable Trust</u>
<u>No. 23</u>	<u>0100-011.00-01.00-006.004</u>	<u>0.84</u>	<u>Gustave J. & Carol Wade</u>
<u>No. 24</u>	<u>0100-011.00-01.00-006.005</u>	<u>0.77</u>	<u>Gustave J. Wade Family 2012 Irrevocable Trust</u>
<u>No. 25</u>	<u>0100-011.00-01.00-006.006</u>	<u>2.75</u>	<u>Gustave J. & Carol Wade</u>
<u>No. 26</u>	<u>0100-011.00-01.00-006.007</u>	<u>0.38</u>	<u>Gustave J. Wade Family 2012 Irrevocable Trust</u>
<u>No. 27</u>	<u>0100-013.00-02.00-039.051 p/o</u>	<u>2.89</u>	<u>Colonial Springs Farm LLC</u>
-		<u>TOTAL ACRES: 15.87</u>	

and be it further

2nd **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action, pursuant to Sections 617.5(c) (20) (21) and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6NYCRR) AND WITHIN THE MEANING OF Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION

LAW as promulgation of regulations, rules, policies, procedures and legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination on non-applicability or non-significance in accordance with this resolution.

[] Brackets denote deletion of existing language
___ Underline denotes addition of new language

DATED: October 8, 2013

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: October 17, 2013