

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 609-2013, AUTHORIZING AN APPRAISAL FOR THE PURCHASE OF DEVELOPMENT RIGHTS OF FARMLAND UNDER THE SUFFOLK COUNTY DRINKING WATER PROTECTION PROGRAM, AS AMENDED BY LOCAL LAW NO. 24-2007 - JOSEPH W. BRUSH, JR. FARM PROPERTY - TOWN OF RIVERHEAD (SCTM NO. 0600-044.00-02.00-010.004 P/O)**

**WHEREAS**, Local Law No. 24-2007, "A Charter Law Extending and Accelerating the Suffolk County 1/4% 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 Suffolk County Farmland Purchase of Development Rights Program was amended in 2010 pursuant to Local Law No. 52-2010 and, as part of said amendments to Chapter 8 of the Suffolk County Administrative Local Laws, an annual review period was designated in order to maximize Suffolk County's financial resources while preserving its valuable farmland resources; and

**WHEREAS**, pursuant to Chapter 8 of the Suffolk County Administrative Local Laws ("Chapter 8"), an application was made by the Peconic Land Trust for the above referenced property to be considered outside the designated annual review period for inclusion in the Suffolk County Purchase of Development Rights Program; and

**WHEREAS**, the Suffolk County Farmland Committee determined at its meeting on March 19, 2013 that the Chapter 8 criteria had been met to consider the application outside the annual review period, which included: 1) a referral by a not-for-profit conservation organization and 2) demonstration that the preservation proposal is consistent with a town comprehensive plan; and

**WHEREAS**, the Suffolk County Farmland Committee, reviewed said application, which included the parcel(s) listed in Exhibit "A", at its meeting on March 19, 2013 and adopted Resolution Number FC-10-2013 approving the parcel(s) recommended for consideration by the Suffolk County Legislature; and

**WHEREAS**, the parcel(s) listed in Exhibit "A" of this resolution meets the criteria for purchase of farmland development rights under the Drinking Water Protection Program, Section C12-2(A)(1)(f); and

**WHEREAS**, Resolution No. 265-2013 established a new three-step land acquisition process, the first step being an appraisal of the parcel(s) proposed for acquisition; now, therefore be it

**1<sup>st</sup>** **RESOLVED**, that the parcel(s) listed in Exhibit "A" meet the criteria required by the Suffolk County Drinking Water Protection Program for Purchase of Development Rights of Farmland, Section C12-2(A)(1)(f) of the SUFFOLK COUNTY CHARTER; and be it further

**2<sup>nd</sup>** **RESOLVED**, that such acquisition(s) is(are) to be made in accordance with the procedures set forth in Chapter 8 of the SUFFOLK COUNTY CODE which provided that they 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

**3<sup>rd</sup>** **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management, Department of Economic Development and Planning, or his or her deputy, is hereby authorized, empowered, and directed, pursuant to Section A35-3(B)(1) of the SUFFOLK COUNTY ADMINISTRATIVE CODE, to have the subject parcel(s) appraised; and be it further

**4<sup>th</sup>** **RESOLVED**, that the cost of such appraisal shall be paid from the funds to be appropriated pursuant to Article XII 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

**5<sup>th</sup>** **RESOLVED**, that the cost associated with the preparation of a title search, survey, map, or environmental assessment of the subject parcel(s), which may be authorized by a subsequent legislative resolution or procedural motion, shall be paid for from the funds to be appropriated pursuant to Article XII 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

**6<sup>th</sup>** **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/or (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 14, 2013

**EXHIBIT A**

<b><u>PARCEL:</u></b>	<b><u>SUFFOLK COUNTY TAX MAP NUMBER:</u></b>	<b><u>ACRES:</u></b>	<b><u>REPUTED OWNER:</u></b>
No. 01	District 0600 Section 044.00 Block 02.00 Lot 010.004 p/o	12.0	Joseph W. Brush, Jr.
	<b><u>TOTAL ACRES:</u></b>	<b><u>12.0</u></b>	