

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

RESOLUTION NO. 693 -2013, AUTHORIZING THE ACQUISITION OF LAND UNDER THE NEW SUFFOLK COUNTY DRINKING WATER PROTECTION PROGRAM (EFFECTIVE DECEMBER 1, 2007) - OPEN SPACE COMPONENT - FOR THE SOCIETY OF ST. FRANCIS, AMERICAN PROVINCE, INC. PROPERTY - THE LITTLE PORTION FRIARY - TOWN OF BROOKHAVEN (SCTM NOS. 0200-067.00-02.00-013.000 AND 0200-093.00-01.00-001.006)

WHEREAS, Local Law No. 24-2007, "A Charter Law Extending and Accelerating the Suffolk County ¼% Drinking Water Protection Program for Environmental Protection," Section C12-2(A)(1) authorized the use of 31.10 percent of sales and compensating tax proceeds generated each year for environmental protection, as determined by duly enacted Resolutions of the County of Suffolk; and

WHEREAS, adequate funding is provided for, pursuant to Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, from 31.10 percent of the sales and compensating tax proceeds, for the acquisition of such land; and

WHEREAS, Resolution No. 915-2008, authorized planning steps for the acquisition of said property; and

WHEREAS, the Town of Brookhaven ("Town") has approved Resolution No. 2012-1051 on December 18, 2012, authorizing the acquisition of the subject property in partnership with the County of Suffolk; and

WHEREAS, the Environmental Trust Review Board has reviewed the appraisals and the report of the Internal Appraisal Review Board and has approved the purchase price and authorized the Director of Real Estate and/or her designee to negotiate the acquisition; and

WHEREAS, based upon the Environmental Trust Review Board approved value, an offer to acquire the subject property was made to and accepted by the owner of said property; and

WHEREAS, contracts to acquire said property were prepared by the Office of the County Attorney, executed by the owner of the subject property, the Town, and the Director of Real Estate and/or her designee and approved as to legality by the Office of the County Attorney; now, therefore be it

1st RESOLVED, that the County of Suffolk hereby approves the acquisition of the subject property set forth below under the New Suffolk County Drinking Water Protection Program, effective as of December 1, 2007, Open Space component, for a total purchase price of Four Million Four Hundred Thirty Thousand Dollars (\$4,430,000.00±), at One Hundred Thousand Dollars (\$100,000.00) per acre, for 44.30± acres, which cost is to be shared by the County of Suffolk and the Town, with the County of Suffolk's share, totaling Three Million Three Hundred Twenty-Two Thousand Five Hundred Dollars (\$3,322,500.00±), for a seventy-five percent (75%) undivided interest; and the Town's share, totaling One Million One Hundred Seven Thousand Five Hundred Dollars (\$1,107,500.00±), for a twenty-five percent (25%)

undivided interest, subject to a final survey; and hereby authorizes additional expenses, which shall include, but not be limited to, the cost of surveys, appraisals, environmental audits, title reports and insurance, and tax adjustments:

<u>PARCEL:</u>	SUFFOLK COUNTY		<u>ACRES:</u>	REPUTED OWNER
No. 1	<u>TAX MAP NUMBER:</u>			<u>AND ADDRESS:</u>
	District	0200	23.30±	Society of St. Francis,
	Section	067.00		American Province, Inc.
	Block	02.00		c/o San Damiano Friary
	Lot	013.000		573 Delores Street
				San Francisco, CA 94110
No. 2	District	0200	21.00±	
	Section	093.00		
	Block	01.00		
	Lot	001.006		

and be it further

2nd **RESOLVED**, that the Director of Real Estate and/or her designee, is hereby authorized, empowered, and directed, pursuant to Section C42-3(C)(3) of the SUFFOLK COUNTY CHARTER, to acquire the parcel(s) listed herein above from the reputed owner, the funding for which shall be provided under the New Suffolk County Drinking Water Protection Program, effective as of December 1, 2007, Open Space component, Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, for Three Million Three Hundred Twenty-Two Thousand Five Hundred Dollars (\$3,322,500.00±), subject to a final survey, said amount representing the County's share of the total purchase price; and be it further

3rd **RESOLVED**, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$3,322,500.00±, subject to a final survey, from previously appropriated funds in Capital Project 525-CAP 8714.211 for the New Suffolk County Drinking Water Protection Program, effective as of December 1, 2007, Open Space component, Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, for this acquisition; and be it further

4th **RESOLVED**, that the title to this acquisition shall be held by the County of Suffolk and the Town of Brookhaven, as tenants-in-common, with the County of Suffolk owning an undivided 75% interest and the Town owning an undivided 25% interest; and be it further

5th **RESOLVED**, that the Director of Real Estate and/or her designee; the County Planning Department; and the County Department of Public Works are hereby authorized, empowered, and directed to take such actions and to pay such additional expenses as may be necessary and appropriate to consummate such acquisition, including, but not limited to, securing appraisals, title insurance and title reports, obtaining surveys, engineering reports and environmental audits, making tax adjustments and executing such other documents as are required to acquire such County interest in said lands; and be it further

6th **RESOLVED**, that pursuant to Section C12-2(A)(2)(c) this property is not to be developed and Thirty-Three (33) Workforce Housing Development Rights, representing the County's seventy-five percent (75%) interest in the total number of development rights allocated to the property, shall be removed and placed in the Suffolk County Workforce Housing Transfer of Development Rights Program registry pursuant to the Workforce Housing Development

Rights Program as developed by the Department of Planning, consistent with Resolution No. 412-2005, as amended, and approved by the Suffolk County Executive and the Suffolk County Legislature; and be it further

7th **RESOLVED**, that the acquisition of such parcel(s) meets the following criteria as required under Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER:

h.) Wetlands, woodlands, pine barrens, and other lands which are suitable only for passive recreational use; and be it further

8th **RESOLVED**, that the subject parcel(s) shall be transferred to the County Department of Parks, Recreation and Conservation for passive recreational use; and be it further

9th **RESOLVED**, that the Director of Real Estate and/or her designee is hereby authorized to negotiate and to enter into any necessary collateral agreements with the Town to effectuate the terms of this resolution; and be it further

10th **RESOLVED**, if desired, the County of Suffolk, through its Department of Parks, Recreation and Conservation is hereby authorized to negotiate and to enter into a municipal cooperation agreement with the Town for the management of this acquisition, consistent with this program, and the terms and conditions thereof shall be approved by the Suffolk County Attorney in consultation with the respective Commissioner of the County Department of Parks, Recreation and Conservation, who is charged with the management and operation of said property; and be it further

11th **RESOLVED**, that the above activity is an unlisted action pursuant to the provisions of Title 6 NYCRR, Part 617; and, be it further

12th **RESOLVED**, that the project will not have a significant effect on the environment for the following reasons:

- 1.) the proposed action will not exceed any of the criteria of 6 NYCRR, Section 617.7, which sets forth thresholds for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form; and
- 2.) the proposed use of the subject parcel(s) is passive recreation; and
- 3.) if not acquired, the property will most likely be developed for residential purposes; incurring far greater environmental impact that the proposed acquisition and preservation of the site would have; and, be it further

13th **RESOLVED**, that in accordance with Section 450-5(C)(4) of the SUFFOLK COUNTY CODE, the Suffolk County Council on Environmental Quality is hereby directed to prepare and circulate any appropriate notices or determinations in accordance with this resolution.

DATED: September 12, 2013

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: September 24, 2013

Intro. Res. No. 1904-2013
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 10/8/2013

**RESOLUTION NO. 957 -2013, AUTHORIZING CERTAIN
TECHNICAL CORRECTION TO ADOPTED RESOLUTION NO.
693-2013**

WHEREAS, Resolution No. 693-2013 authorized the acquisition of certain parcels of property under the New Suffolk County ¼% Drinking Water Protection Program for open space purposes;

WHEREAS, this resolution when adopted contained a technical error; and

WHEREAS, the County Executive desires technical correction to this resolution; now, therefore, be it

1st RESOLVED, that the Clerk of the Legislature shall make the following technical correction that the **6th RESOLVED** clause in Resolution No. 693-2013 is hereby amended to read as follows:

6th RESOLVED, that pursuant to Section C12-2(A)(2)(c) this property is not to be developed and [Thirty-Three (33)] Twenty-Four (24) Workforce Housing Development Rights, representing the County's seventy-five percent (75%) interest in the total number of development rights allocated to the property, shall be removed and placed in the Suffolk County Workforce Housing Transfer of Development Rights Program as developed by the Department of Planning, consistent with Resolution No. 412-2005, as amended, and approved by the Suffolk County Executive and the Suffolk County Legislature; and, be it further

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

DATED: November 19, 2013

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: November 29, 2013