

RESOLUTION NO. 891 -2013, AUTHORIZING THE SALE OF THE H. LEE DENNISON BUILDING TO THE SUFFOLK COUNTY JUDICIAL FACILITIES AGENCY (JFA), AND THE LEASEBACK OF THE H. LEE DENNISON BUILDING FROM THE JFA

WHEREAS, the approved 2013 Operating Budget included revenue generated for the sale leaseback of County buildings; and

WHEREAS, the sale leaseback of the H. Lee Dennison Building is anticipated to generate \$70 million in revenue to be utilized by the County to meet expenses approved in the 2013 Operating Budget; and

WHEREAS, the sale and leaseback of the H. Lee Dennison Building (Building) provides a significant source of revenue to the County; and

WHEREAS, the JFA was created by the State of New York by the adoption of Article 8, Title 16 of the New York Public Authorities Law, to own, operate, finance, lease and otherwise manage certain governmental properties in Suffolk County, notwithstanding the requirements of Section 215 of the New York County Law, or any other law, without competitive bidding and without a mandatory or permissive referendum; and

WHEREAS, in performance of its role as a public authority, the JFA assisted the County in its development and financing of the Cohalan Court Complex in Central Islip, and the new expanded correctional facility in Yaphank; and

WHEREAS, the New York State Legislature has recently passed an amendment to Article 8, Title 16 of the New York Public Authorities Law to permit the JFA to assist the County by purchasing the Building and leasing it back to the County, which amendment was approved by the Governor on September 27, 2013 as Chapter 351 of the Laws of the State of New York of 2013; and

WHEREAS, such recent amendment authorizes the JFA to issue bonds not to exceed Seventy Million Dollars (\$70,000,000) for the purchase of the Building; and

WHEREAS, it is proposed that the County sell the Building to the JFA and that the County lease back the Building from the JFA as set forth in the proposed real estate purchase and sale agreement, lease agreement and easement agreement; now, therefore be it

1st **RESOLVED**, that the County Executive is hereby authorized, directed and empowered to enter into the proposed real estate purchase and sale agreement, lease agreement and easement agreement between the County and the JFA substantially in the form annexed hereto and subject to the approval of the County Attorney so as to give effect to the sale, purchase and leaseback transaction presented to the members of the Legislature at this meeting by this Resolution; and be it further

2nd **RESOLVED**, the execution and delivery on behalf of and in the name of the County by the County Executive and/or his designee(s) the proposed real estate purchase and

sale agreement, lease agreement and easement agreement between the County and the JFA and such other agreements, instruments and/or authorizations as may be contemplated by, or necessary or advisable to, consummate or otherwise give full effect to the transactions contemplated by this Resolution is hereby authorized and directed as the County Executive and/or his designee(s) deems necessary, and the execution and delivery of such agreements, instruments and/or authorizations shall be conclusive evidence of the approval, the authorization and the direction thereof by this Legislature; and be it further

3rd **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) Lead Agency, hereby finds and determines that the adoption of this law is a Type II action pursuant to Title 6 NYCRR Section 617.5(c) (20) and (27) since it constitutes a local legislative decision in connection with routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment. As a Type II action, the Legislature has no further responsibilities under SEQRA.

DATED: October 8, 2013

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: October 17, 2013