

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 1049 -2013, SALE OF COUNTY-OWNED
REAL ESTATE PURSUANT TO LOCAL LAW NO. 13-1976
HARRY MOTSCHENBACHER AND VIRGINIA
MOTSCHENBACHER, HIS WIFE (SCTM NO. 0500-019.00-
02.00-057.000)**

WHEREAS, the COUNTY OF SUFFOLK had acquired an interest in the following described parcel that is surplus to the needs of the County of Suffolk:

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Islip, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0500 Section 019.00 Block 02.00 Lot 057.000 and acquired by Tax Deed on December 14, 2000 from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on December 21, 2000 in Liber 12092 at CP 201 and described as follows, known and designated as part of Lot 109 on a certain map entitled "Map of Lake Hills Acreage, Unit M", and filed in the Office of the Clerk of the County of Suffolk on December 20, 1944 as Map No. 1419.

WHEREAS, in accordance with Local Law No. 13-1976 of the County of Suffolk, provision has been made for the sale of real property acquired by the County through tax sale to an adjoining property owner; and

WHEREAS, Harry Motschenbacher and Virginia Motschenbacher, his wife, have made an offer to Suffolk County, for the purchase of said above described parcel for the sum of \$600.00. At closing the purchaser will be responsible for the pro rata share of the current taxes which amount will be due upon receipt of the deed; and

WHEREAS, the real property above described being in size approximately 20' x 109' x 32' x 138' has been appraised at \$545.00, which property is surplus to the needs of the County of Suffolk; and

WHEREAS, the Director of Real Estate, and/or her designee, has received and deposited the sum of \$600.00, pursuant to said purchase offer; and

WHEREAS, the Suffolk County Department of Economic Development and Planning has reviewed this parcel and recommends that said parcel be sold to adjacent owners with certain restrictive covenants so as to prevent further development of the land; now, therefore be it

1st **RESOLVED**, this Legislature, being the State Environmental Quality Review Act (SEQRA) Lead Agency, hereby finds and determines that adoption of this law is not an action within the meaning of the State Environmental Quality Review Act and the regulations adopted thereto. See 6 N.Y.C.R.R. Section 617.2(b) (2). The Legislature further finds and determines that even if the adoption of the local law is an action within the meaning of SEQRA, the adoption of the law is a Type II action constituting a legislative decision in connection with routine or continuing agency administration and management, not including new programs or major reordering of priority. See 6 N.Y.C.R.R. Section 617.13(d) (15) and (21). As a Type II action,

the Legislature has no further responsibilities under SEQRA 6 N.Y.C.R.R. Section 617.5 (a) (1); and be it further

2nd **RESOLVED**, that the deed shall include the following language: AND the premises described herein shall not be independently improved by the erection of any habitable structure, and can be merged with grantee's adjoining parcel if applicable so as to form one single lot. There can be no further subdivision of the merged parcel unless it is consistent with local town and/or village zoning codes and standards of the Suffolk County Department of Health Services, applicable at the time application is made. This restrictive covenant shall be enforceable by the County of Suffolk by injunctive relief or by any other remedy, in equity, or at law. The failure of the County of Suffolk or any agency thereof to enforce this covenant, shall not be deemed to impose any liability whatsoever upon the County of Suffolk or any officer, employee or agent thereof. THIS covenant and restriction shall run with the land and shall be binding upon the grantee, its successor and assigns, and upon all persons claiming under them; and be it further

3rd **RESOLVED**, that the Director of Real Estate, and/or her designee, be and she hereby is authorized to execute and acknowledge a Bargain and Sale Deed, Without Covenants to transfer the interest of SUFFOLK COUNTY in the above described property and on the above described terms to said Harry Motschenbacher and Virginia Motschenbacher, 23 Serene Place, Smithtown, New York 11787.

DATED: November 19, 2013

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: November 29, 2013