

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

**RESOLUTION NO. 1113 -2013, AUTHORIZING THE ACQUISITION OF LAND UNDER THE NEW SUFFOLK COUNTY DRINKING WATER PROTECTION PROGRAM (EFFECTIVE DECEMBER 1, 2007) - OPEN SPACE COMPONENT - FOR THE EASTPORT SENIOR LIVING, LLC PROPERTY - TOPPINGS FARM TOWN OF BROOKHAVEN - (SCTM NOS. 0200-593.00-02.00-006.001, 0200-593.00-02.00-006.003 AND 0200-593.00-02.00-006.005)**

**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. 293-2012, authorized planning steps for the acquisition of said property; and

**WHEREAS**, the Town of Brookhaven ("Town") has approved Resolution No. 2012-143 on February 7, 2012 and amended Resolution No. 2013-275 approved on February 26, 2013 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 Two Hundred Eighty Thousand Dollars (\$280,000), which cost is to be shared by the County of Suffolk and the Town, with the County of Suffolk's share, totaling Two Hundred Twenty-Four Thousand Dollars (\$224,000), for a eighty percent (80%) undivided interest; and the Town's share, totaling Fifty-Six Thousand Dollars (\$56,000.00), for a twenty percent (20%) 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> | <u>SUFFOLK COUNTY TAX MAP NUMBER:</u>                         | <u>ACRES:</u> | <u>REPUTED OWNER AND ADDRESS:</u>   |
|----------------|---|---------------|---|
| No. 1          | District 0200<br>Section 593.00<br>Block 02.00<br>Lot 006.001 | 4.79±         | Eastport Senior Living, LLC<br>c/o the Engel Burman Group<br>67 Clinton Road<br>Garden City, NY 11530 |
| No. 2          | District 0200<br>Section 593.00<br>Block 02.00<br>Lot 006.003 |               |   |
| No. 3          | District 0200<br>Section 593.00<br>Block 02.00<br>Lot 006.005 |               |   |

and be it further

**2<sup>nd</sup>** **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 Two Hundred Twenty-Four Thousand Dollars (\$224,000), subject to a final survey, said amount representing the County's share of the total purchase price; and be it further

**3<sup>rd</sup>** **RESOLVED**, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$224,000, 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

**4<sup>th</sup>** **RESOLVED**, that the title to this acquisition shall be held by the County of Suffolk and the Town, as tenants-in-common, with the County owning an undivided 80% interest and the Town owning an undivided 20% interest; and be it further

**5<sup>th</sup>** **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

**6<sup>th</sup>** **RESOLVED**, that pursuant to Section C12-2(A)(2)(c) this property is not to be developed and One (1) Workforce Housing Development Rights, representing the County's

percent (80%) 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

**7<sup>th</sup>** **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:

- c.) any tract of land located fully or partially within a statutorily designated Special Groundwater Protection Area; and be it further

**8<sup>th</sup>** **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

**9<sup>th</sup>** **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

**10<sup>th</sup>** **RESOLVED**, being that the County of Suffolk has 80% majority interest in the properties described in the 1<sup>st</sup> Resolved, the Suffolk County Department of Parks, Recreation and Conservation will assume management and operation of said parcel; and be it further

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

**12<sup>th</sup>** **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

**13<sup>th</sup>** **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: December 3, 2013

APPROVED BY:

/s/ Steven Bellone  
County Executive of Suffolk County

Date: December 17, 2013