

RESOLUTION NO. 157 -2014 SALE OF COUNTY-OWNED REAL ESTATE PURSUANT TO SECTION 72-H OF THE GENERAL MUNICIPAL LAW (INCORPORATED VILLAGE OF ASHAROKEN) (SCTM NO. 0401-004.00-01.00-081.000)

WHEREAS, the COUNTY OF SUFFOLK is the fee owner of the following described parcel that is surplus to the needs of the County of Suffolk; and

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Incorporated Village of Asharoken, Town of Huntington, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0401 Section 004.00 Block 01.00 Lot 081.000 and acquired by Tax Deed on September 21, 2009 from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on September 23, 2009 in Liber 12600 at Page 862 and described as follows, known and designated as part of Lot 12 on a certain map entitled "Map of Eaton's Neck, Property of Laura Del Bevin", and filed in the Office of the Clerk of the County of Suffolk on July 13, 1925 as Map No. 215; and

WHEREAS, Section 72-h of the General Municipal Law permits a sale of real property between municipal corporations, or between a municipal corporation of the State of New York or the United States of America; and

WHEREAS, the Incorporated Village of Asharoken has requested that the County of Suffolk convey to the town the parcel being in size approximately 13' x 87' described in Exhibit "A" annexed hereto; and

WHEREAS, as provided in Resolution No. 840-2004 and Resolution No. 412-2005, this Legislature has determined that retention of development rights for transfer and use to promote the development of workforce housing is a vital need of Suffolk County residents and an important public purpose of County government; and

WHEREAS, the Suffolk County Department of Economic Development and Planning has approved the proposed transfer and use of said parcel; now, therefore be it

1st **RESOLVED**, that the Director of Real Estate, and/or her designee, hereby is authorized to execute and acknowledge a Quitclaim deed to transfer the interest of Suffolk County in the above described property and on the terms and conditions as hereinafter described to said Incorporated Village of Asharoken for the sum of \$792.47; which is the amount of the County's investment plus the pro rata share of taxes; and be it further

2nd **RESOLVED**, that the County of Suffolk hereby transfer the above described property subject to it being sterilized for Park Purposes to protect the aquifer and water supply, which property shall be kept in its natural state in perpetuity, except for property maintenance activities as may be appropriate, to effectuate the declaration of covenants and restrictions, entered into by the Incorporated Village of Asharoken, without impairing the essential nature and open character of the premises and subject to use for park and recreational purposes; and be it further

3rd **RESOLVED**, that pursuant to Section C12-2(A)(2)(c), this property is to be

permanently sterilized by a deed restriction and must remain as Park and Workforce Housing Development Rights shall be severed herewith (0) zero Workforce Housing Development Rights 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 Economic Development and 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

4th **RESOLVED**, that said quitclaim deed tendered by the Director of Real Estate, and /or her designee, pursuant to this resolution, shall contain appropriate language that shall permanently sterilize the above-described parcel and sever the development rights for workforce housing purposes in accordance with the County's Workforce Housing Program; and be it further

5th **RESOLVED**, that the Incorporated Village of Asharoken will be restricted in its use of the subject parcel and will use said parcel solely and exclusively for Park purposes; with all right title and interest reverting to the County of Suffolk in the event that the Incorporated Village of Asharoken, at any time, uses or attempts to use said subject parcel for other than Park purposes or attempts to sell, transfer or otherwise dispose of or does, in fact, sell, transfer or otherwise dispose of said subject parcel without said parcel being used thereafter for Park purposes; and be it further

6th **RESOLVED**, that said quitclaim deed issued by the Director of Real Estate, and /or her designee, pursuant to this resolution, shall contain a reverter clause declaring that title to the above described property shall revert to the County of Suffolk if: 1) the property is not used for the above-described public governmental purposes within three (3) years after delivery of the deed to the grantee; or 2) the grantee attempts to sell, transfer, or otherwise dispose of the property or does sell, transfer, or otherwise dispose of said subject property without said property being used thereafter for the above described public governmental purposes; or 3) the grantee imposes a back-charge or fee against the County for the actual or projected cleanup cost of the debris on the property in violation of Resolution No. 1028-1991; or 4) the grantee violates Resolution No. 256-1998; and be it further

7th **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. Sections 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)

DATED: March 4, 2014

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: March 14, 2014