

RESOLUTION NO. 402 -2014, APPROVING A CONTRACT AND AUTHORIZING EXECUTION OF SAME WITH PINELAWN CEMETERY FOR THE ACQUISITION AND DISPOSITION OF PROPERTIES FOR THE REALIGNMENT OF CR 3, WELLWOOD AVENUE AT LONG ISLAND AVENUE AND CONKLIN STREET, TOWN OF BABYLON (CP 5510)

WHEREAS, the Department of Public Works of the County of Suffolk has prepared maps entitled "MAPS SHOWING PROPERTIES TO BE ACQUIRED FOR THE REALIGNMENT OF C.R. 3, WELLWOOD AVENUE AT LONG ISLAND AVENUE AND CONKLIN STREET, TOWN OF BABYLON, SUFFOLK COUNTY, NEW YORK"; and

WHEREAS, adequate funding is provided for the acquisition and disposition of lands for this project under Capital Program No. 5510; and

WHEREAS, Adopted Resolution No. 1249-2009 authorized planning steps for the acquisition of said properties; and

WHEREAS, contracts for the acquisition and disposition of said properties were prepared by the Office of the County Attorney and await execution by the owner of the subject properties and the Commissioner of the Department of Public Works, and await approval as to legality by the Office of the County Attorney, a copy of which is annexed hereto as Exhibit "A"; now, therefore be it

1st **RESOLVED**, that the County of Suffolk hereby approves the acquisition and disposition of the subject properties more fully described in Exhibit "A" annexed hereto; and be it further

2nd **RESOLVED**, that the County of Suffolk hereby approves payment of all of the expenses for the acquisition and disposition of the subject properties more fully described in Exhibit "A" attached hereto out of Capital Program No. 5510; and be it further

3rd **RESOLVED**, that the Commissioner of the Suffolk County Department of Public Works or his designee, is hereby authorized, empowered, and directed to execute the Contract attached hereto as Exhibit "A" and to acquire and dispose of the subject properties more fully described in Exhibit "A" attached hereto pursuant to its Rules, Regulations, and Procedures; and be it further

4th **RESOLVED**, that the Commissioner of the Suffolk County Department of Public Works or his designee, is 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 and disposition, 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 and dispose of such County interests in the subject properties more fully described in Exhibit "A" attached hereto; and be it further

5th **RESOLVED**, that said acquisitions be in fee simple absolute or such lesser estate, if said lesser estate is so indicated on the maps heretofore adopted; and be it further

6th **RESOLVED**, that the Commissioner of the Suffolk County Department of Public Works or his duly appointed designee is hereby authorized and permitted to negotiate and enter into any necessary collateral agreements with the Town of Babylon to effectuate the terms of this resolution; and be it further

7th **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this voluntary acquisition and disposition of the of subject properties more fully described in Exhibit "A" attached hereto constitutes a Type II action pursuant to Section 617.5(c)(20), (21) and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management, and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution; and be it further

8th **RESOLVED**, that the contract for the acquisition and disposition of properties and all other contract documents, shall be subject to the approval of the County Attorney.

DATED: May 13, 2014

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: May 29, 2014