

**RESOLUTION NO. 456-2014, AUTHORIZING THE DETERMINATION OF JUST COMPENSATION AND SECURING PAYMENT THEREOF IN CONNECTION WITH THE ACQUISITION OF PROPERTIES BY THE STATE OF NEW YORK TO BE ACQUIRED FOR NEW YORK STATE HIGHWAY PURPOSES, TOWN OF SMITHTOWN, SUFFOLK COUNTY, NEW YORK. (SCTM NO. 0800-133.00-02.00-008.000)**

**WHEREAS**, the County of Suffolk presently owns a certain parcel of real property on the north side of New York State Road 347, Nesconset Highway, Town of Smithtown, Suffolk County, New York, said parcel having a Suffolk County Tax Map Identification Number of District 0800 Section 133.00 Block 02.00 Lot 008.000; and

**WHEREAS**, the parcel of real property described above was previously dedicated and is currently used by the County of Suffolk for parkland purposes; and

**WHEREAS**, the parcel of real property described above cannot be alienated without the express approval of the New York State Legislature; and

**WHEREAS**, the New York State Department of Transportation, in conjunction with its Project Identification Number (PIN) 0054.05.201, by Notice of Appropriation Filed in the Office of the Suffolk County Clerk on 02/21/2014 at Liber D00012764, Page 340 acquired a temporary easement on property described above for the purpose of creating a temporary work area as is reflected on the taking map(s) annexed hereto and referred to hereafter as the "subject parcel"; and

**WHEREAS**, under the New York State Eminent Domain Procedure Law the County of Suffolk is entitled to just compensation for the taking of the parcel as is reflected on the proposed taking maps and descriptions annexed hereto; and

**WHEREAS**, New York State Department of Transportation has offered the County of Suffolk the sum of Five Hundred and 00/100 Dollars (\$500.00) as and for just compensation for its appropriation; and

**WHEREAS**, the County of Suffolk has conducted an evaluation of the monetary offer made by the New York State Department of Transportation and has determined that said sum does constitute the proper amount of just compensation for said appropriation; now, therefore be it

**1<sup>st</sup> RESOLVED**, that this Legislature, being the lead agency under the State Environmental Quality Review Act (SEQRA) Environmental Conservation Law, Article 8, hereby finds and determines that this resolution constitutes a Type II action pursuant to Volume 6 of the New York Code of Rules and Regulations (NYCRR) Section 617.5(c) (20) and (27) in that the Resolution concerns routine or continuing agency administration, not including new programs or major reordering of priorities that may affect the environment, and adoption of a local legislative decision in connection with the same; as a Type II action, the Legislature has no further responsibilities under SEQRA; and be it further

**2<sup>nd</sup>**           **RESOLVED**, that the Commissioner of the Suffolk County Department of Parks, Recreation and Conservation, or his designee, be and hereby is hereby authorized, empowered, and directed to take such actions as may be necessary and appropriate to determine the amount of just compensation for the subject parcel and execute any and all documents to secure payment thereof except that no instruments of alienation may be executed; and be it further

**3<sup>rd</sup>**           **RESOLVED**, that in all proceedings pursuant to Articles 4, 5, and 6 of the Eminent Domain Procedure Law, the County Attorney, his Deputies and Assistant County Attorneys be and they hereby are authorized to appear for and represent the County of Suffolk in all courts having jurisdiction thereof; and be it further

**4<sup>th</sup>**           **RESOLVED**, that the County Attorney, his Deputies and Assistant County Attorneys be and they hereby are authorized and permitted to file claims and suits for just compensation as well as compromise, adjust, and settle any such claims and suits for just compensation where said claims and suits have been filed pursuant to Articles 5 and 6 of the Eminent Domain Procedure Law; such settlements, compromises and adjustment to be made in open sessions of the court having jurisdiction thereof; and be it further

**5<sup>th</sup>**           **RESOLVED**, that in the event that one or more Suffolk County Tax Map Identification Numbers contained in this Resolution has been deleted or removed, or has been changed by either subsequent technical modification of the Suffolk County Tax Map System, or prior technical modification that was unknown to the Suffolk County Department of Parks, Recreation and Conservation at the time at which said Exhibit was prepared, the Tax Map Designation shall be deemed to include such successor Tax Map Identification Number as represents the parcel to be acquired and certified in writing by the Director of the Suffolk County Department of Parks, Recreation and Conservation, and further, the Tax Map Designation shall be deemed to include those blocks and lots located in the same section listed therein, which blocks and lots may not be listed therein.

DATED: June 3, 2014

APPROVED BY:

/s/ Steven Bellone  
County Executive of Suffolk County

Date: June 18, 2014