

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 447 -2014, AUTHORIZING THE ACQUISITION OF LAND UNDER THE NEW SUFFOLK COUNTY DRINKING WATER PROTECTION PROGRAM (EFFECTIVE DECEMBER 1, 2007) – ACTIVE RECREATION/HAMLET PARK/HISTORIC AND/OR CULTURAL PARK COMPONENT - FOR THE NORTH FORK PRESERVE, INC. PROPERTY NORTH FORK PRESERVE IV TOWN OF RIVERHEAD – (SCTM NO. 0600-021.00-01.00-001.004)

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. 987-2011, authorized planning steps for the acquisition of said property; 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, the development rights of the subject parcel were previously acquired by Suffolk County on October 3, 1991 for farmland protection and use of the subject parcel is in accordance with the procedures set forth in Chapter 8 of the Suffolk County Code for agricultural production which includes commercial equine/horse boarding operations; and

WHEREAS, the County has purchased for park purposes the adjoining property, and this property would become part and parcel of the existing park, providing an opportunity not contemplated when the development rights were purchased in 1991; and

WHEREAS, the residual fee of the subject premises being acquired hereunder is designated as “Agricultural Land” as such term is defined in Chapter 8 of the Suffolk County Code and shall not be used for any purpose other than “Agricultural Production” as such term is defined in Chapter 8 of the Suffolk County Code; and

WHEREAS, contracts to acquire said property were prepared by the Office of the County Attorney, executed by the owner of the subject property and the Director of Real Estate 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 residual fee title interest of subject property set forth below under the New Suffolk County Drinking Water Protection Program, effective as of December 1, 2007, Active Recreation/Hamlet Park/Historic and/or Cultural Park component, for a total purchase price of Nine Hundred Fifty Thousand Dollars (\$950,000.00±), at Nineteen Thousand Dollars (\$19,000.00) per acre, for 50.0± acres, 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 0600	50.0±	North Fork Preserve, Inc.
	Section 021.00		a New York Corporation
	Block 01.00		349 Pennys Road
	Lot 001.004		Riverhead, NY 11901

and be it further

2nd RESOLVED, that the Director of the Division 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 December 1, 2007, Active Recreation/Hamlet Park/Historic and/or Cultural Park component, Section C12-2(A)(1)(i) of the SUFFOLK COUNTY CHARTER, for the County's purchase price of Nine Hundred Fifty Thousand Dollars (\$950,000.00±), subject to a final survey; and be it further

3rd RESOLVED, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$950,000.00±, 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, Active Recreation/Hamlet Park/Historic and/or Cultural Park component, Section C12-2(A)(1)(i) of the SUFFOLK COUNTY CHARTER, for this acquisition; and be it further

4th 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

5th RESOLVED, that the acquisition of such parcel(s) is for the following purpose as set forth under Section C12-2(A)(1)(i) of the SUFFOLK COUNTY CHARTER:

- i.) active recreational park – Equestrian Center

and be it further

6th **RESOLVED**, that the residual fee title interest of the subject parcel(s) shall be transferred to the County Department of Parks, Recreation and Conservation for active park use; and be it further

7th **RESOLVED**, that the development rights of the subject parcel was acquired by Suffolk County on October 3, 1991 for farmland protection and use of the subject parcel is in accordance with the procedures set forth in Chapter 8 of the Suffolk County Code for agricultural production which includes commercial equine/horse boarding operations; and be it further

8th **RESOLVED**, that the County shall operate the subject premises, or shall cause the subject premises to be operated, solely as Agricultural Land for Agricultural Production in compliance with Chapter 8 of the Suffolk County Code, either directly or through a third party properly contracted; and be it further

9th **RESOLVED**, that the above activity is a Type I action pursuant to the provisions of Title 6 NYCRR, Part 617; and be it further

10th **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 active recreation-Equestrian Center; and
- 3.) the proposed action does not appear to significantly threaten any unique or highly valuable environmental or cultural resources as identified in or regulated by the Environmental Conservation Law of the State of New York of the Suffolk County Charter and Code; and
- 4.) the CEQ reviewed and approved the Concept Plan to create an equestrian facility and prior to the development Plan being finalized said Plan will be submitted and reviewed by the CEQ; and be it further

11th **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: June 3, 2014

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: June 18, 2014