

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

RESOLUTION NO. 746 -2014, SALE OF COUNTY-OWNED REAL ESTATE PURSUANT TO SECTION 72-H OF THE GENERAL MUNICIPAL LAW (INCORPORATED VILLAGE OF BABYLON) (SCTM NO. 0102-022.00-01.00-047.000)

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:

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 Babylon, Town of Babylon, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0102 Section 022.00, Block 01.00 Lot 047.000 and acquired by Tax Deed on October 21, 2013 from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on October 31, 2013 in Liber 12750 at Page 878 and described as follows, known and designated as Bathing Beach on a certain map entitled "Map of Sampawam Point Park", and filed in the Office of the Clerk of the County of Suffolk on January 8, 1913 as Map No. 495; 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 Babylon, has requested that the County of Suffolk convey to the Incorporated Village of Babylon, the parcel being in size approximately 50' x 40' x 90' x variable with a preliminary value range of \$0 to \$500.00; 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, upon receipt of duly adopted resolutions of the Incorporated Village of Babylon authorizing the transfer and acceptance of the said parcel, the Director of Real Estate, and/or her designee, is hereby authorized to execute and acknowledge a quitclaim deed to transfer the interest of Suffolk County in the above described property, on the terms and conditions provided herein, to said Incorporated Village of Babylon, for the sum of One Dollar; and be it further

2nd **RESOLVED**, that the Incorporated Village of Babylon will be restricted in its use of the subject parcel and will use said parcel solely and exclusively for municipal purposes; with all right title and interest reverting to the County of Suffolk in the event that the Incorporated Village of Babylon, at any time, uses or attempts to use said subject parcel for other than municipal 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 municipal purposes; and be it further

3rd **RESOLVED**, that said quitclaim deed tendered 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 municipal 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 municipal purpose; 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

4th **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. Section 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: September 9, 2014

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: September 12, 2014