

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 698 -2014, AUTHORIZING THE ACQUISITION OF FARMLAND DEVELOPMENT RIGHTS UNDER THE NEW SUFFOLK COUNTY DRINKING WATER PROTECTION PROGRAM (EFFECTIVE DECEMBER 1, 2000) AND THE FARMLAND PRESERVATION PROGRAM FOR THE BRUSH PROPERTY – BRUSH FAMILY FARM – TOWN OF RIVERHEAD (SCTM NO. 0600-044.00-02.00-010.004 p/o)**

**WHEREAS**, Local Law No. 35-1999, “A Charter Law Adopting Common Sense Tax Stabilization Plan for Sewers, Environmental Protection and County Taxpayers,” Section C12-2(C) authorized the use of 7.35 percent of sales and compensating tax proceeds generated each year for farmland development rights acquisition, as determined by duly enacted Resolutions of the County of Suffolk; and

**WHEREAS**, adequate funding is provided for, pursuant to Section C12-2(C) of the SUFFOLK COUNTY CHARTER, from 7.35 percent of the sales and compensating tax proceeds, for the acquisition of farmland development rights; and

**WHEREAS**, Resolution No. 1554-1988, Resolution No. 945-1989, Resolution No. 173-1990, Resolution No. 922-1991, and Resolution No. 467-1994 authorized the acquisition of farmland development rights by the County of Suffolk (Phase III), and Resolution No. 1139-1995 authorized the acquisition of farmland development rights by the County of Suffolk (Phase IV), and Resolution No. 1061-1998, Resolution No. 314-1998, Resolution No. 252-1999, Resolution No. 458-1999, Resolution No. 647-1999, Resolution No. 1232-1999, Resolution No. 575-2000 and Resolution No. 1201-2000 authorized the acquisition of farmland development rights by the County of Suffolk (Phase V); and

**WHEREAS**, Resolution No. 609-2013, authorizing the appraisal of farmland development rights and Procedural Motion No. 7-2014 authorizing the acquisition of farmland development rights of the subject property; and

**WHEREAS**, pursuant thereto, said acquisition is to be made in accordance with the procedures set forth in Chapter 8 of the Suffolk County Code which provides that the same shall be consummated in accordance with provisions of General Municipal Law Section 247 and the recommendation of the Suffolk County Farmland Committee; 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 of farmland development rights; and

**WHEREAS**, based upon the Environmental Trust Review Board approved value, an offer to acquire the rights to subject property was made to and accepted by the owner of said property; and

**WHEREAS**, contracts to acquire said rights were prepared by the office of the County Attorney, executed by the owner of the subject property and the Director of Real Estate

and/or her designee 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 farmland development rights of the subject property set forth below under the New Suffolk County Drinking Water Protection Program, effective December 1, 2000, Farmland component, and the Suffolk County Farmland Preservation Program for a total purchase price of Six Hundred Twelve Thousand Dollars (\$612,000.00±), at Fifty-One Thousand Dollars (\$51,000.00) per acre for 12.0± 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 for inclusion in the Suffolk County Purchase of Development Rights Program:

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>	<u>ACRES:</u>	<u>REPUTED OWNER AND ADDRESS:</u>
No. 1	District 0600 Section 044.00 Block 02.00 Lot 010.004 p/o	12.0±	Joseph W. Brush, Jr. 4359 Sound Avenue Riverhead, NY 11901

and be it further

**2nd RESOLVED**, that the Director of Real Estate and/or her designee, is hereby authorized, empowered, and directed, pursuant to Section C42-2(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 as of December 1, 2000, Farmland component, Section C12-2(C) of the SUFFOLK COUNTY CHARTER, and the Suffolk County Farmland Preservation Program for the County's purchase price of Six Hundred Twelve Thousand Dollars (\$612,000.00±), at Fifty-One Thousand Dollars (\$51,000.00) per acre for 12.0± acres, 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 \$425,000.00 from previously appropriated funds in Capital Project 525-CAP-8708.213 for the New Suffolk County Drinking Water Protection Program effective December 1, 2000, Farmland component, Section C12-2(C) of the SUFFOLK COUNTY CHARTER, and \$187,000.00 from previously appropriated funds in Capital Project 525-CAP-8701.007 for the Suffolk County Farmland Preservation Program, subject to a final survey, 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 this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II Action pursuant to 6 NYCRR Sections 617.5 c (20) and (27) of the New York Code of Rules and

Regulations since such actions are simply legislative decisions administering and implementing the acquisition of farmland development rights as part of the Suffolk County Purchase of Development Rights Program which will mainly result in a beneficial impact and for which SEQRA Determination of Non-Significance has already been issued.

DATED: September 9, 2014

APPROVED BY:

/s/ Steven Bellone  
County Executive of Suffolk County

Date: September 18, 2014