

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 1043 -2014, SALE OF COUNTY-OWNED REAL ESTATE PURSUANT TO SECTION 72-H OF THE GENERAL MUNICIPAL LAW - TOWN OF SMITHTOWN - (SCTM NO. 0800-164.00-02.00-046.002 F/K/A PART OF 0800-164.00-02.00-046.000)

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; and

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Smithtown, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0800 Section 164.00, Block 02.00 Lot 046.002 F/K/A Part of District 0800 Section 164.00, Block 02.00 Lot 046.000 and acquired by Tax Deed on March 6, 1991 from General L. Rains, the Deputy County Treasurer of Suffolk County, New York, and recorded on March 11, 1991 in Liber 11230 at Page 172; 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 Town of Smithtown has requested that the County of Suffolk convey to the town the parcel being in size approximately 5' x 50' described in Exhibit "A" annexed hereto; 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; and

1st **RESOLVED**, that 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 and on the terms and conditions provided herein to said Town of Smithtown for the sum of \$1.00 plus the pro rata share of the current tax adjustment due at closing; and be it further

2nd **RESOLVED**, that the Town of Smithtown will be restricted in its use of the subject parcel and will use said parcel solely and exclusively for Highway purposes; with all right title and interest reverting to the County of Suffolk in the event that the Town of Smithtown, at any time, uses or attempts to use said subject parcel for other than Highway 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 Highway 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 the above-described public governmental 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 the above described public governmental purposes; 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: November 18, 2014

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: December 4, 2014