Intro. Res. No. 1311-2015 Laid on Table 4/28/2015
Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 440-2015, AUTHORIZING THE ISSUANCE OF A CERTIFICATE OF ABANDONMENT OF THE INTEREST OF THE COUNTY OF SUFFOLK IN PROPERTY DESIGNATED AS TOWN OF SMITHTOWN, (SUFFOLK COUNTY TAX MAP NOS. 0803-002.00-01.00-018.003, 018.004 and 018.005), PURSUANT TO SECTION 40-D OF THE SUFFOLK COUNTY TAX ACT

WHEREAS, the County of Suffolk acquired title to a parcel of real property in the Town of Smithtown known and designated as SCTM Nos. 0803-002.00-01.00-018.003, 018.004 and 018.005 (also known as 6 Judges Lane, Smithtown, NY) by tax deed dated and recorded June 23, 2011 in the Suffolk County Clerk's Office (Liber: 12663, Page 688) for unpaid 2008-2009 taxes; and

WHEREAS, it has been determined that the mortgagee may not have received sufficient notice prior to taking of the tax deed; and

WHEREAS, in exchange for the County's agreement to abandon the deed to the subject parcel the mortgagee will make payment in full of all monies due to the County of Suffolk, including but not limited to accrued taxes, penalties, interest as calculated by the Suffolk County Treasurer, and other good and valuable consideration, said payment of $125,000 to be made to the Division of Real Property Acquisition and Management and will also discontinue the action People's United Bank, as successor by Merger to Bank of Smithtown v. Angie Carpenter, Suffolk County Treasurer; County of Suffolk, (EDNY Docket No. CV-13-2907), with prejudice and provide a General Release; now, therefore be it

1st **RESOLVED**, pursuant to Sections 40-d of the Suffolk County Tax Act, after execution of a Stipulation of Discontinuance with prejudice, delivery of an unconditional General Release releasing County of all claims arising out of this litigation and after receiving payment in full of all monies due to the County of Suffolk, including but not limited to accrued taxes, penalties, interest as calculated by the Suffolk County Treasurer, and other good and valuable consideration, said payment of $125,000 to be made to the Division of Real Property Acquisition and Management, Suffolk County's tax deed to the subject property will be canceled and the Director of Real Estate, or his or her designee, is authorized to file a certificate of abandonment of claim of title, which Suffolk County holds pursuant to said tax deed; and be it further

2nd **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 Section 617.5 (c) (20), (21)and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

DATED: May 12, 2015

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: May 20, 2015