

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 429-2015, APPROVING DETERMINATION AND FINDINGS MADE PURSUANT TO SECTION 204 OF THE EMINENT DOMAIN PROCEDURE LAW AND DIRECTING THE COMMISSIONER OF SUFFOLK COUNTY DEPARTMENT OF PUBLIC WORKS TO PREPARE AND FILE WITH THE CLERK OF THE SUFFOLK COUNTY LEGISLATURE ACQUISITION MAPS IN ACCORDANCE WITH THE ACQUISITION OF LANDS IN CONNECTION WITH THE ACQUISITION OF PROPERTIES FOR THE RECONSTRUCTION OF THE FIRE ISLAND BARRIER BEACH AND DUNE NETWORK, FROM THE FIRE ISLAND INLET TO MORICHES INLET, TOWNS OF BROOKHAVEN AND ISLIP, SUFFOLK COUNTY, NEW YORK (CP 5382)

WHEREAS, the Department of Public Works of the County of Suffolk has prepared maps entitled "ABSTRACT REQUEST MAP SHOWING PROPERTIES TO BE ACQUIRED FOR THE RECONSTRUCTION OF THE FIRE ISLAND BARRIER BEACH AND DUNE NETWORK, FROM THE FIRE ISLAND INLET TO MORICHES INLET, TOWNS OF BROOKHAVEN AND ISLIP, SUFFOLK COUNTY, NEW YORK (CP 5382)"; and

WHEREAS, Resolution No. 586-2014, authorized the County Executive to enter into a Local Project Partnership Agreement with the State of New York for the purpose of participating in the Fire Island Inlet to Moriches Inlet Hurricane Storm Damage Reduction Project (FIMI Project) and authorized, empowered and directed the Departments of Public Works and Law and the Division of Real Property Management and Acquisition to, among other things, acquire real estate interests necessary to implement the FIMI Project; and

WHEREAS, as set forth in Resolution No. 586-2014, the County of Suffolk, is bound by the SEQRA review conducted by the New York State Department of Environmental Conservation, which, as Lead Agency, issued a SEQRA Negative Declaration for the FIMI Project; and

WHEREAS, pursuant to Resolution Nos. 1062-2014 and 127-2006, the Department of Public Works was directed and authorized to hold public hearings in connection with the FIMI Project; and

WHEREAS, a public hearing was duly held on February 17, 2015 for the following purposes:

- A. To inform the public
- B. To review the public use to be served by the above-entitled project.
- C. To determine the impact upon the environment and upon residents of the locality of the project.
- D. To review possible alternative locations.
- E. To authorize the acquisition of said properties for the public purpose as set forth in the title herein; and

WHEREAS, all persons in attendance desiring to be heard on the project were given an opportunity to be heard and to present written statements; and

WHEREAS, notice of said hearing was duly published in Newsday, a daily newspaper of general circulation in the locality under consideration; and in the Smithtown News and the Smithtown Messenger, said newspapers being the current official County newspapers of the County of Suffolk at the time of publication; and the Islip Bulletin and the Long Island Advance, said newspaper being the official town newspapers situated in the locality where the public project is located at the time of publication; and

WHEREAS, Determination and Findings pursuant to Section 204 of the New York State Eminent Domain Procedure Law were duly made on April 21, 2015 and a copy thereof was subsequently filed in the Office of the Clerk of the Suffolk County Legislature and Office of the Suffolk County Clerk; and

WHEREAS, a brief synopsis thereof was duly published in two successive issues in the Smithtown News and the Smithtown Messenger, said newspapers at the time of publication being the current official County newspapers of the County of Suffolk; and the Islip Bulletin and the Long Island Advance, which, at the time of publication were the current official town newspapers situated in the locality where the public project is located, together with the publication thereof in two successive issues of Newsday, a daily newspaper of general circulation; and

WHEREAS, although survey maps have been filed with the Clerk of the Suffolk County Legislature with the Determination and Findings depicting the property interests to be acquired in connection with the FIMI Project, final acquisition maps are not yet finalized and will be subsequently filed; now, therefore be it

1st **RESOLVED**, that the Determination and Findings heretofore filed with the Clerk of the Suffolk County Legislature on April 24, 2015, and the recommendations contained therein be and the same are hereby adopted and approved; and be it further

2nd **RESOLVED**, that the Commissioner of the Suffolk County Department of Public Works is hereby directed to prepare and file with the Clerk of the Suffolk County Legislature, acquisition maps entitled "MAPS SHOWING PROPERTIES TO BE ACQUIRED FOR THE RECONSTRUCTION OF THE FIRE ISLAND BARRIER BEACH AND DUNE NETWORK, FROM THE FIRE ISLAND INLET TO MORICHES INLET, TOWNS OF BROOKHAVEN AND ISLIP, SUFFOLK COUNTY, NEW YORK (CP 5382)"; and be it further

3rd **RESOLVED**, that the Suffolk County Departments of Public Works and Law and/or the Division of Real Property Acquisition and Management be and hereby are authorized to proceed pursuant in accordance with the New York State Eminent Domain Procedure Law to obtain appraisals of the real estate interests to be acquired and to make offers to the Condemnees; and be it further

4th **RESOLVED**, that the Suffolk County Departments of Public Works and Law and/or the Division of Real Property Acquisition and Management be and hereby are authorized to acquire the property interests set forth in the aforesaid survey maps herein, or as may otherwise be deemed necessary by New York State in order to implement the FIMI Project; said acquisition to be in the name of the County of Suffolk; and be it further

5th **RESOLVED**, that said acquisitions be in fee simple absolute or such lesser estate such as perpetual easements, as so indicated on the final acquisition maps; and be it further

6th **RESOLVED**, that the Suffolk County Departments of Public Works and Law and/or the Division of Real Property Acquisition and Management be and hereby are authorized and permitted to make the aforesaid acquisition of said property interests from the Condemnees by negotiation, purchase, and conveyance; and in the event that the aforesaid Departments or Division are unable to acquire property interests necessary for the FIMI Project by negotiation, purchase and conveyance, they are hereby authorized, permitted, and directed to acquire said property interests pursuant to the Eminent Domain Procedure Law; and be it further

7th **RESOLVED**, that in all proceedings pursuant to Articles 4, 5, and 6 of the Eminent Domain Procedure Law, the County Attorney, his Deputies and Assistant County Attorneys and outside counsel retained by the County Attorney, be and they hereby are authorized to appear for and represent the County of Suffolk in all courts having jurisdiction thereof; and be it further

8th **RESOLVED**, that the County Attorney, his Deputies and Assistant County Attorneys be and they hereby are authorized and permitted to compromise, adjust, and settle any claims for compensation where said claims have been filed pursuant to Articles 5 and 6 of the Eminent Domain Procedure Law.

DATED: May 12, 2015

APPROVED BY:

/s/ Dennis M. Cohen
Chief Deputy County Executive of Suffolk County

Date: May 14, 2015