

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 688 -2015, AUTHORIZING A MEMORANDUM OF UNDERSTANDING AMONG THE COUNTY OF SUFFOLK, THE TOWN OF SOUTHAMPTON, R SQUARED INV HB LLC AND CANAL PROPERTIES LLC IN CONNECTION WITH COUNTY ROAD IMPROVEMENTS, PUBLIC BENEFITS, A MARITIME PLANNED DEVELOPMENT IN HAMPTON BAYS, AND TRANSFER OF COUNTY SURPLUS PROPERTY

WHEREAS, the Town of Southampton is undertaking implementation of the Hampton Bays Corridor Strategic Plan which provides zoning, planning, and capital improvement recommendations to guide Maritime Planned Development along a portion of the Montauk Highway in the vicinity of Newtown Road and North Shore Road which includes the promotion of several community and public benefits relating to environmental protection, parks and open space recommendations impacting the Shinnecock Canal area; and

WHEREAS, R Squared INV HB LLC ("R Squared LLC") is the owner of the premises known as The Canoe Place Inn (SCTM Nos.: 900-207-5-3 & 4) (the "CPI Property"); and Canal Properties LLC ("Canal LLC" and together with R Squared LLC, "Rechler") is the owner of the premises known as the Canal Property (SCTM Nos.: 900-207-4-22.1, 23, 24 & 25) (the "Canal Property"); and

WHEREAS, the CPI Property and the Canal Property encompass redevelopments of strategic sites within the Hampton Bays Corridor Strategic Plan and are the subject of a zone change granted by the Town of Southampton to a Maritime Planned Development District which requires, as an integral component, rehabilitation and reuse of the historic "Canoe Place Inn" and the provision of significant public benefits and public access along the Shinnecock Canal and to the waterfront area including the creation of a public viewing area and platform on the canal front, a public pedestrian walkway to the viewing area and platform along the southern frontage of the Canal Property, access to a floating dock along the canal and a public parking area providing accessibility to the walkway, viewing platform and waterfront (collectively, the "Public Benefits"); and

WHEREAS, the Suffolk County Department of Public Works (SCDPW) has requested roadway safety improvements in connection with the development of the CPI Property and the Canal Property projects (a) to the intersection of Montauk Highway (CR 80) and Newtown Road (CR 62) in substantial conformance with the Canoe Place Inn Concept Site Plan (the "Newtown Road Improvements") and (b) to the intersection of Montauk Highway (CR 80) and North Shore Road (CR 39) in substantial conformance with the Canal Property Concept Site Plan (the "North Shore Road Improvements"); and

WHEREAS, in accordance with section 118-a of the Highway Law the Newtown Road Improvements will result in approximately 14,000 square feet of Suffolk County ("County") owned vacant property which will be no further use for highway purposes to SCDPW and the County (subject to survey, the "Newtown Road Surplus Property") and the North Shore Road Improvements will result in approximately 25,500 square feet of County owned vacant property which will be no further use for highway purposes to SCDPW and the County (subject to survey, the "North Shore Road Surplus Property" and together with the Newtown Road Surplus property, the "Surplus Property"); and

WHEREAS, the Suffolk County Legislature, upon the recommendation of the Commissioner of Suffolk County Department of Public Works may adopt a resolution to abandon to the abutting owner or owners of such section of such road which will be of no further use for highway purposes; 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 Newtown Road Improvements, the North Shore Road Improvements and the Public Benefits will be undertaken at the sole cost and expense of Rechler; and

WHEREAS, the County and the Town of Southampton desire to promote the economic development, environmental protection, parks and open spaces, community and public benefits and highway safety improvements relating to the proposed redevelopment of the waterfront area surrounding the Shinnecock Canal, which shall occur in connection with CPI Property, the Canal Property and the transfer of the Surplus Property; and

WHEREAS, the County, the Town of Southampton and Rechler desire to enter into a working agreement and Memorandum of Understanding to set forth the material terms in connection with the construction of the Newtown Road Improvements, the North Shore Road Improvements, the Public Benefits and the transfer of the Surplus Property created by the roadway improvements; now, therefore be it

1st **RESOLVED**, that the County Executive, or his/her designee, be and hereby is authorized to execute a Memorandum of Understanding with the Town of Southampton, R Squared INV HB LLC and Canal Properties, LLC substantially in the form of the attached Exhibit "A"; and be it further

2nd **RESOLVED**, that the Commissioner of the Suffolk County Department of Public Works, or his designee, the Commissioner of the Suffolk County Department of Economic Development and Planning, or her designee, and the County Attorney, shall assist in implementing the purposes and intent set forth in the Memorandum of Understanding when requested to do so and are authorized, empowered and directed to take such further actions and execute such additional documents as may be necessary in order to effectuate the purposes and intent of the foregoing resolutions and the Memorandum of Understanding subject to further resolution approval; and be it further

3rd **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 617.59(c)(20) and (27) of Title 6 of the New York Code of Rules and Regulations (6 NYCRR) and within the meaning of Section 8-109 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. Furthermore, in accordance with Section 1-4(A)(1)(d) of the Suffolk County Charter and Section 279-5(C)(4) of the Suffolk County Code, the Suffolk County Council on Environmental Quality is directed to prepare and circulate all appropriate notices of determination of non-applicability or non-significance in accordance with this resolution.

DATED: September 9, 2015

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: September 16, 2015