

Intro. Res. No. 1789-2014
Introduced by Presiding Officer on request of the County Executive

Laid on Table 10/6/2015

RESOLUTION NO. 975 -2015, SALE OF COUNTY-OWNED REAL ESTATE PURSUANT TO LOCAL LAW No. 13-1976 THOMAS D. CARROLL AND MARY ELLEN CARROLL, HIS WIFE (SCTM NO. 0800-055.00-03.00-035.000)

WHEREAS, the COUNTY OF SUFFOLK had acquired an interest in the following described parcel that is surplus to the needs of the County of Suffolk:

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 055.00 Block 03.00 Lot 035.000 and reacquired from Town of Smithtown by Quitclaim Deed dated May 6, 2015 and recorded May 12, 2015 in Liber 12186 at CP 609, and described as follows, known and designated Lots 553 and 554 on a certain map entitled "Map of St. James Park", and filed in the Office of the Clerk of the County of Suffolk as Map No. 585; and

WHEREAS, a deed conveyed the above captioned property from the County of Suffolk as party of the first part to the Town of Smithtown as party of the second part, dated August 18, 1987 and recorded in the Office of the Clerk of the County of Suffolk on September 23, 1987 in Liber 10428 cp 65, and,

WHEREAS, said above referenced deed contained a Restrictive Covenant that provided "...the party of the second part will be restricted in its use of the subject premises and will use said premises solely and exclusively for governmental purposes; with all right, title and interest reverting to the party of the first part in the event that the party of the second part, at any time, uses or attempts to use said premises for other than governmental purposes or attempts to sell, transfer or otherwise dispose of said subject premises without said premises being used thereafter for governmental purpose. This covenant and restriction will run with the land and shall bind the heirs or successors and assigns of the party of the second part"; and

WHEREAS, the party of the second part, the Town of Smithtown has conveyed title back to the party of the first part by deed dated May 6, 2015 and recorded May 12, 2015 in Liber 12816 cp 609; and

WHEREAS, notwithstanding that said restrictive covenant is merged, by operation of law, into the fee title back into said party of the first part; and

WHEREAS, in accordance with Local Law No. 13-1976 of the County of Suffolk, provision has been made for the sale of real property acquired by the County to an adjoining property owner; and

WHEREAS, Thomas D. Carroll and Mary Ellen Carroll, have made an offer to Suffolk County, for the purchase of said above described parcel for the sum of \$52,000. At closing the purchaser will be responsible for the pro rata share of the current taxes which amount will be due upon receipt of the deed; and

WHEREAS, the real property above described being in size approximately 50' x 100' paper street has been appraised at \$10,000, which property is surplus to the needs of the County of Suffolk; and

WHEREAS, the Assistant Director of Real Estate, and/or his or her designee, has received and deposited the sum of \$52,000, pursuant to said purchase offer; and

WHEREAS, the Suffolk County Department of Economic Development and Planning has reviewed this parcel and recommends that said parcel be sold to adjacent owners with certain restrictive covenants so as to prevent further development of the land; now, therefore be it

1st **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); and be it further

2nd **RESOLVED**, that the deed shall include the following language: AND the premises described herein shall not be independently improved by the erection of any habitable structure, and can be merged with grantee's adjoining parcel if applicable so as to form one single lot. There can be no further subdivision of the merged parcel unless it is consistent with local town and/or village zoning codes and standards of the Suffolk County Department of Health Services, applicable at the time application is made. This restrictive covenant shall be enforceable by the County of Suffolk by injunctive relief or by any other remedy, in equity, or at law. The failure of the County of Suffolk or any agency thereof to enforce this covenant, shall not be deemed to impose any liability whatsoever upon the County of Suffolk or any officer, employee or agent thereof. THIS covenant and restriction shall run with the land and shall be binding upon the grantee, its successor and assigns, and upon all persons claiming under them; and be it further

3rd **RESOLVED**, that the Assistant Director of Real Estate, and/or his or her designee, be and he or she hereby is authorized to execute and acknowledge a, Quitclaim Deed to transfer the interest of SUFFOLK COUNTY in the above described property and on the above described terms to said Thomas D. Carroll and Mary Ellen Carroll, his wife, residing at 234 Fifth Street, St. James, New York 11780.

DATED: November 17, 2015

APPROVED BY

Steven Bellone
County Executive of Suffolk County

Date: December 2, 2015