

**RESOLUTION NO. 1134 -2015, AUTHORIZING PLANNING STEPS FOR THE VOLUNTARY ACQUISITION OF LAND AND IF NECESSARY PUBLIC HEARINGS PURSUANT TO ARTICLE 2 OF THE EMINENT DOMAIN PROCEDURE LAW OF THE STATE OF NEW YORK IN CONNECTION WITH THE ACQUISITION OF PROPERTIES TO BE ACQUIRED FOR THE EXPANSION OF SUFFOLK COUNTY SEWER DISTRICT NO. 11, PUMP STATION NO. 6 FROM THE TOWN OF BROOKHAVEN, SUFFOLK COUNTY, N.Y. (CP 8117)**

**WHEREAS**, the Commissioner of the Department of Public Works, was directed to prepare maps showing the properties to be acquired for the expansion of Suffolk County Sewer District No. 11, Pump Station 6 from the Town of Brookhaven, Suffolk County, New York, indicating the property to be acquired, the names of the reputed owners, the boundaries and dimensions of the parcels to be acquired; and

**WHEREAS**, said map was prepared on or about October 23, 2015, and is entitled "MAPS SHOWING PROPERTIES TO BE ACQUIRED FOR THE EXPANSION OF SUFFOLK COUNTY SEWER DISTRICT NO. 11, PUMP STATION 6 FROM THE TOWN OF BROOKHAVEN, SUFFOLK COUNTY, N.Y."; and

**WHEREAS**, the pumping station project has been adopted in the 2015 Capital Budget and by Capital Project No. 8117; and

**WHEREAS**, in an effort to minimize the economic cost and time delays associated with compulsory acquisitions made under the provisions of the New York State Eminent Domain Procedure Law, it has been determined that an attempt should first be made to acquire the proposed acquisition parcel in a negotiated voluntary transaction with the respective property owner of each acquisition parcel; and

**WHEREAS**, if the proposed acquisition parcel cannot be acquired under the terms and provisions of a negotiated voluntary transaction with the respective property owner of said parcel, then the acquisition of the parcel not voluntarily acquired should be acquired by a compulsory acquisition under the provisions of the New York State Eminent Domain Procedure Law; and

**WHEREAS**, pursuant to Article 2 of the Eminent Domain Procedure law, it is required that a public hearing be held prior to any compulsory acquisition in order to inform the public and to review the public use to be served by this project and to review the impact on the environment for residents of the locality in which the project is situate; and

**WHEREAS**, Section 204 of the Eminent Domain Procedure Law requires the making of Findings and Determination concerning the proposed project and requires the publication thereafter of a brief synopsis; now, therefore be it

**1<sup>st</sup> RESOLVED**, that the Suffolk County Department of Public Works be and hereby is authorized to acquire the property set forth in the aforesaid map; said acquisition to be made in the name of the County of Suffolk; and be it further

**2<sup>nd</sup>** **RESOLVED**, that said acquisition be in fee simple absolute or such lesser estate, if said lesser estate is so indicated on the map heretofore adopted; and be it further

**3<sup>rd</sup>** **RESOLVED**, the Commissioner of the Suffolk County Department of Public Works, or his duly appointed Designee, is hereby authorized, empowered, and directed to have the proposed acquisition parcel surveyed, appraised, environmentally audited, and searched for title; and be it further

**4<sup>th</sup>** **RESOLVED**, that the cost of such surveys, appraisals, environmental audits, and title searches, shall be paid from the funds appropriated under Capital Project Number 8117; and be it further

**5<sup>th</sup>** **RESOLVED**, that the Suffolk County Department of Public Works be and hereby is authorized and permitted to make the aforesaid acquisition of said land by negotiation, purchase, and conveyance; said acquisition subject to the approval of this Legislature; and be it further

**6<sup>th</sup>** **RESOLVED**, in the event that the Suffolk County Department of Public Works is unable to acquire any parcel by negotiation, purchase, and conveyance, it is hereby authorized, permitted, and directed to commence the acquisition of said un-acquired parcel under the provisions of the New York State Eminent Domain Procedure Law; and be it further

**7<sup>th</sup>** **RESOLVED**, that should a compulsory acquisition of the subject parcel under the provisions of the New York State Eminent Domain Procedure Law be necessary, the Commissioner of the Suffolk County Department of Public Works, or his Designee, be deemed Hearing Officer with authority to make Findings and Determinations pursuant to Section 204 of the Eminent Domain Procedure Law; and the said Director, or designee, is hereby authorized to exercise the full authority of the Legislature to conduct public hearings and make determinations and findings as provided in Article 2 of the Eminent Domain Procedure Law; and be it further

**8<sup>th</sup>** **RESOLVED**, that should a compulsory acquisition of the subject parcel under the provisions of the New York State Eminent Domain Procedure Law be necessary, upon conclusion of the aforesaid hearing, pursuant to Eminent Domain Procedure Law, the Hearing Officer file written Findings and Determination with the Clerk of the Legislature within 90 days of the conclusion of the Public Hearing provided for in Article 2 of the Eminent Domain Procedure Law; and be it further

**9<sup>th</sup>** **RESOLVED**, that should a compulsory acquisition of the subject parcel under the provisions of the New York State Eminent Domain Procedure Law be necessary, a brief synopsis of the filed Findings and Determination shall be published pursuant to the requirements of Section 204 of the Eminent Domain Procedure Law; and be it further

**10<sup>th</sup>** **RESOLVED**, that should a compulsory acquisition of the subject parcel under the provisions of the New York State Eminent Domain Procedure Law be necessary, copies of the Findings and Determination will be forwarded upon written request to applicant without cost to said applicant by the Clerk of the Legislature; and be it further

**11<sup>th</sup>** **RESOLVED**, that should a compulsory acquisition of the subject parcel under the provisions of the New York State Eminent Domain Procedure Law be necessary, upon completion of hearing required by Article 2 of the Eminent Domain Procedure Law, the map

aforesaid, be filed in the Office of the Clerk of the County Legislature of the County of Suffolk; and be it further

**12<sup>th</sup>**           **RESOLVED**, that should a compulsory acquisition of the subject parcel under the provisions of the New York State Eminent Domain Procedure Law be necessary, upon the filing of the Findings and Determination with the Clerk of the Legislature, the Legislature of Suffolk County shall consider whether to adopt or reject said Findings and Determination; and be it further

**13<sup>th</sup>**           **RESOLVED**, that should a compulsory acquisition of the subject parcel under the provisions of the New York State Eminent Domain Procedure Law be necessary, all costs pertaining to notices, public hearings, publications, stenographic fees, mailings, postings, and direct service of process and/or notices be deemed an appropriate charge to this project as provided in the capital program for the acquisition of said real property; and be it further

**14<sup>th</sup>**           **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: December 15, 2015

APPROVED BY:

/s/ Steven Bellone  
County Executive of Suffolk County

Date: December 21, 2015