

RESOLUTION NO. 160 -2016, AUTHORIZING AGREEMENT WITH PASQUALE VITAGLIANO FOR THE SALE OF A PORTION OF A TAX DEED PARCEL IDENTIFIED AS (SCTM NO. 0500-441.00-01.00-058.004) PURSUANT TO § 215(8) OF THE NEW YORK COUNTY LAW

WHEREAS, Pasquale Vitagliano (“Vitagliano”) is the owner of property located at 54 Garner Lane, Bay Shore, New York (SCTM No. 0500-441.00-01.00-055.000) having acquired title to same by deed dated July 17, 1979 and recorded in the Office of the Suffolk County Clerk on July 23, 1979, in Liber 8663 Page 179; and

WHEREAS, on March 29, 1982, the County of Suffolk, New York (“County”) took a tax deed for unpaid real estate taxes on an underwater parcel identified as SCTM No. 0500-441.00-01.00-058.004, which was recorded in the Office of the Suffolk County Clerk on March 29, 1982, in Liber 9161 Page 287; and

WHEREAS, a 0.2445 acre portion of SCTM No. 0500-441.00-01.00-058.004 (the “Subject Parcel”) lies between the property owned by Vitagliano and Manatuck River/Lawrence Creek (the “River”); and

WHEREAS, in conformity with the other private residences abutting the River, whose owners also own underwater property abutting their homes, Vitagliano intends to reinstall the existing boat lift in the boat slip at the edge of his property, dredge the existing boat slip, install a new pier and new boat lift, and perform other improvements to his property (the “Project”) all of which have been approved by the New York State Department of Environmental Conservation (the “NYSDEC”) by letter dated November 17, 2014; and

WHEREAS, subsequent to receiving the NYSDEC approval Vitagliano applied to the Town of Islip (the “Town”) for a building permit to construct the project and was denied by the Town, since Vitagliano desires to extend the Project into part of the area of the Subject Parcel which is owned by the County; and

WHEREAS, the Town has advised the County and Vitagliano that in order for Vitagliano to build the Project he should acquire part of the Subject Parcel from the County, after a land division of SCTM No. 0500-441.00-01.00-058.004 which would have to be approved by the Town; and

WHEREAS, Suffolk County and Vitagliano agree that in order to permit the construction of the Project and to protect the County from any liability with regard to the construction and/or to provide Vitagliano access for maintenance of the structures built on the Subject Parcel that it is in the best interests of the taxpayers that a mutual agreement be reached between the County and Vitagliano for the sale of the portion of the Subject Parcel immediately adjoining Vitagliano’s property; and

WHEREAS, Vitagliano has provided the County with a survey certified to the County that depicts the 0.2445 acre portion of the Subject Parcel immediately adjoining the

Vitagliano property, which survey has been reviewed and approved by the County (the "Survey"), a copy of which is annexed hereto as Exhibit "A"; and

WHEREAS, an appraisal reviewed and confirmed by the County shows that the portion of the Subject Parcel to be purchased by Vitagliano is valued at One Thousand Eight Hundred Thirty-Five (\$1,835.00) and 00/100 Dollars; now, therefore be it

1st RESOLVED, the 0.2445 acre portion of the Subject Parcel is hereby declared surplus to the needs of the County; and be it further

2nd RESOLVED, that in accordance with County Law §215(8) the Director of Real Property Acquisition and Management, and/or his designee is hereby authorized, empowered, and directed to enter into an agreement with Vitagliano, subject to the approval of the County Attorney for the sale to Vitagliano of the 0.2445 acre portion of the Subject Parcel as depicted in the Survey in accordance with this resolution for the purchase price of One Thousand Eight Hundred Thirty-Five and 00/00 Dollars (\$1,835.00); and be it further

3rd RESOLVED, that upon the approval of the land division by the Town and upon the payment by Vitagliano of the purchase price as set forth herein, the Director of the Division of Real Property, Acquisition and Management, and/or his or her designee is hereby authorized, empowered and directed to execute and deliver a quitclaim deed to Vitagliano for that portion of the Subject Parcel abutting the Vitagliano property; and be it further

4th RESOLVED, that the Director of the Division of Real Property, Acquisition and Management, and/or his or her designee and the County Attorney, and/or his designee is hereby authorized, empowered and directed to execute such documents as may be necessary to effectuate the agreement and the intent of this resolution, including, but not limited to, executing the documents required by the Town for their review and approval of the land division of the Subject Parcel; and be it further

5th 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 N.Y.C.R.R.) 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: March 1, 2016

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: March 4, 2016