

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 235 -2016, AUTHORIZING THE CONVEYANCE OF COUNTY-OWNED SURPLUS UNUSED RIGHT-OF-WAY HAVING A SUFFOLK COUNTY TAX MAP IDENTIFICATION NUMBER OF DISTRICT 0200 SECTION 663.00 BLOCK 02.00 LOT 009.000 FRONTING TWO (2) PARCELS OF LAND HAVING SUFFOLK COUNTY TAX MAP IDENTIFICATION NUMBERS OF DISTRICT 0200 SECTION 663.00 BLOCK 02.00 LOT 005.000 AND DISTRICT 0200 SECTION 663.00 BLOCK 02.00 LOT 010.000 PURSUANT TO SECTION 125 OF THE NEW YORK STATE HIGHWAY LAW

WHEREAS, the County of Suffolk is the fee owner of a certain portion of unused right of way situated in the Town of Brookhaven, Suffolk County, New York having a Suffolk County Tax Map Number of District 0200 Section 663.00 Block 02.00 Lot 009.000 as more fully described in the map and description attached as Exhibit "1"; and

WHEREAS, said unused portion of right of way is surplus to the needs of the County of Suffolk; and

WHEREAS, Section 125 of the New York State Highway Law strictly limits the sale of surplus unused right of way to the property owner fronting said unused right of way at fair market value; and

WHEREAS, JMM Associates, a partnership formed under the provisions of the New York State Partnership Law with offices located at 66 Medford Avenue, Patchogue, New York 11772, the present owner of the parcel having a Suffolk County Tax Map Identification Number of District 0200 Section 663.00 Block 02.00 Lot 005.000, and JMM Associates and Sills Road Associates, both partnerships formed under the provisions of the New York State Partnership Law with offices located at 66 Medford Avenue, Patchogue, New York 11772, the present owners of the parcel having a Suffolk County Tax Map Identification Number of District 0200 Section 663.00 Block 02.00 Lot 010.000, as tenants in common, have requested to purchase from the County of Suffolk, at fair market value, the surplus and unused right of way having a Suffolk County Tax Map Identification Number of District 0200 Section 663.00 Block 02.00 Lot 009.000 (Exhibit "1") fronting said tax map parcel; and

WHEREAS, the County of Suffolk did commission appraisals for the requested conveyance that were performed by an independent, outside appraiser selected in accordance with established Suffolk County procedures; and

WHEREAS, upon review of said appraisals in accordance with established Suffolk County procedures, the County of Suffolk determined that the fair market value of the unused and surplus right of way fronting the privately owned parcels of real property having a Suffolk County Tax Map Identification Numbers of District 0200 Section 663.00 Block 02.00 Lot 005.000 and District 0200 Section 663.00 Block 02.00 Lot 010.000 was Sixty Three Thousand & 00/100 (\$63,000.00) Dollars; and

WHEREAS, JMM Associates, the present owner of the parcel having Suffolk County Tax Map Identification Numbers of District 0200 Section 663.00 Block 02.00 Lot 005.000 and JMM Associates and Sills Road Associates the present owner of the parcel having the Suffolk County Tax Map Identification Number of District 0200 Section 663.00 Block 02.00 Lot 010.000 have agreed to pay to the County of Suffolk the sum of Sixty Three Thousand & 00/100 (\$63,000.00) Dollars, said sum representing the fair market value of the surplus and unused right of way fronting said tax map parcel; now, therefore be it

1st **RESOLVED**, that the above activity is an unlisted action pursuant to the provisions of Title 6 NYCRR part 617; and be it further

2nd **RESOLVED**, that the action will not have a significant adverse impact on the environment for the following reasons:

1. The proposed action will not exceed any of the criteria of Title 6 NYCRR Part 617.7(c) which sets forth thresholds for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form; and
2. The proposed action simply transfers ownership of land;

and be it further

3rd **RESOLVED**, said parcel is surplus to the needs of the County of Suffolk; and be it further

4th **RESOLVED**, that this purchase is authorized pursuant to Section 125 of the New York State Highway Law; and be it further

5th **RESOLVED**, the Suffolk County Department of Public Works is directed to convey said surplus and unused right of way described herein to:

JMM Associates, the present owner of the parcel having a Suffolk County Tax Map Identification Number of District 0200 Section 663.00 Block 02.00 Lot 005.000, and JMM Associates and Sills Road Associates, the present owners of the parcel having a Suffolk County Tax Map Identification Number of District 0200 Section 663.00 Block 02.00 Lot 010.000 for the total sum of Sixty Three Thousand & 00/100 (\$63,000.00) Dollars plus the pro-rata share of the current tax adjustments due at closing along with all recording fees and transfer taxes;

and be it further

6th **RESOLVED**, that the Suffolk County Department of Public Works, will receive and deposit the sum of Sixty Three Thousand & 00/100 (\$63,000.00) Dollars, plus the pro-rata share of the current tax adjustments pursuant to said purchase offer; and be it further

7th **RESOLVED**, that the Commissioner of the Suffolk County Department of Public Works, or his Deputy, be and hereby is authorized to execute and acknowledge a quitclaim deed to transfer the interest of Suffolk County in the above-described property and upon the above-described terms and conditions to said party or their successors in interest.

DATED: March 23, 2016

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: March 29, 2016