

**RESOLUTION NO. 449 -2016, AUTHORIZING THE SALE OF  
TAX LIEN CERTIFICATES ON THE FORMER JERICO  
MARINE SITE (SCTM NOS. 0100-226.00-03.00-059.000, 0100-  
226.00-03.00-123.000, 0100-226.00-03.00-124.000 and 0100-  
226.00-03.00-182.000) TO THE SUFFOLK COUNTY  
LANDBANK CORPORATION**

**WHEREAS**, Local Law No. 18-2012 authorized the County to establish the Suffolk County Landbank Corporation (“Landbank”); and

**WHEREAS**, the Landbank’s mission is to efficiently facilitate the return of distressed and underutilized properties within Suffolk County to productive uses consistent with the comprehensive plans of the jurisdictions in which they are located; and

**WHEREAS**, the Landbank is specifically charged with the goal of reducing the number of properties that are both tax delinquent and environmentally challenged within Suffolk County; and

**WHEREAS**, since its inception the Landbank has identified over 130 properties which are both tax delinquent and potentially environmentally challenged, all of which represent an ongoing cost to the County; and

**WHEREAS**, the Landbank conducts exhaustive due diligence efforts on all potentially contaminated tax delinquent properties including Phase I and Phase II Environmental Site Assessments (“ESA”) as appropriate on an ongoing basis to identify properties suitable for potential sale and redevelopment; and

**WHEREAS**, the Landbank identified eight such sites and released a Request for Proposals (“RFP”) seeking responsible developers for those sites in January 2016; and

**WHEREAS**, the former Jericho Marine Site located at 269-271 Montauk Highway in Lindenhurst (SCTM Nos. 0100-226.00-03.00-059.000, 0100-226.00-03.00-123.000, 0100-226.00-03.00-124.000 and 0100-226.00-03.00-182.000), which has been tax delinquent for 25 years with tax liens, interest, and penalties totaling over \$844,133 was included in said RFP; and

**WHEREAS**, the Landbank received one proposal for the site from Joseph and Samuel Habibian; and

**WHEREAS**, Joseph and Samuel Habibian propose to pay \$120,000 for the tax liens on the site with the intention to develop a retail and/or commercial center; and

**WHEREAS**, clean-up costs are unknown at this time as the New York State Department of Environmental Conservation (“NYSDEC”) is conducting ongoing monitoring, the results of which will determine if further remediation is necessary; and

**WHEREAS**, at its May 4, 2016 meeting, the Landbank Board of Directors approved the acquisition of the liens associated with the former Jericho Marine Site from the County for the negotiated sale and assignment to Joseph and Samuel Habibian, pending the approval of the Legislature; now, therefore be it

**1<sup>st</sup>** **RESOLVED**, as authorized by Sections 1608 and 1616 of the New York State Land Bank Act and notwithstanding Suffolk County Resolution Nos. 936-1972, 1010-1972, and 728-2007, the County hereby authorizes the sale of all liens for the Jericho Marine Site (SCTM Nos. 0100-226.00-03.00-059.000, 0100-226.00-03.00-123.000, 0100-226.00-03.00-124.000 and 0100-226.00-03.00-182.000) to the Suffolk County Landbank Corporation at a nominal value not to exceed \$1 per tax lien; and

**2<sup>nd</sup>** **RESOLVED**, the Suffolk County Comptroller is hereby directed to assign all liens for the aforementioned properties to the Suffolk County Landbank Corporation; and

**3<sup>rd</sup>** **RESOLVED**, the Landbank shall dispose of said liens to Joseph and Samuel Habibian or a designee entity under their control (“their designee”) for an amount not less than \$120,000, to be paid directly to the Landbank; and

**4<sup>th</sup>** **RESOLVED**, upon request of Joseph and Samuel Habibian or their designee, the Suffolk County Comptroller is hereby directed to perform an administrative foreclosure, and issue fee simple title to Joseph and Samuel Habibian or their designee for the former Jericho Marine Site (SCTM Nos. 0100-226.00-03.00-059.000, 0100-226.00-03.00-123.000, 0100-226.00-03.00-124.000 and 0100-226.00-03.00-182.000); and

**5<sup>th</sup>** **RESOLVED**, that this Legislature, being the lead agency under the State Environmental Quality Review Act (“SEQRA”), N.Y. Environmental Conservation Law Article 8 and Chapter 450 of the Suffolk County Code, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20) and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (“NYCRR”) in that the action constitutes routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment. 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: June 1, 2016

APPROVED BY:

/s/ Steven Bellone  
County Executive of Suffolk County

Date: June 2, 2016