

**CERTIFICATE OF NECESSITY FOR THE IMMEDIATE CONSIDERATION
OF INTRODUCTORY RESOLUTION NO. - 2014**

WHEREAS, INTRODUCTORY RESOLUTION NO. ²⁰⁷² - 2014

RESOLUTION NO. -2014, AUTHORIZING 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 RECONSTRUCTION OF THE FIRE ISLAND BARRIER BEACH AND DUNE NETWORK FROM THE FIRE ISLAND INLET TO MORICHES INLET, TOWNS OF BROOKHAVEN AND ISLIP, SUFFOLK COUNTY NEW YORK (C.P. 5382)

WHEREAS, IT IS ESSENTIAL THAT SAID INTRODUCTORY RESOLUTION BE CONSIDERED IMMEDIATELY,

NOW, I, JONATHAN SCHNEIDER, DEPUTY SUFFOLK COUNTY EXECUTIVE CERTIFY PURSUANT TO ARTICLE II, SECTION 2-12(A), AND ARTICLE III, SECTION 3-9 OF THE SUFFOLK COUNTY CHARTER, THAT THERE EXISTS A NEED FOR THE IMMEDIATE CONSIDERATION OF INTRODUCTORY RESOLUTION NO. - 2014, BECAUSE IN ORDER TO MEET OBLIGATIONS TO OBTAIN REAL ESTATE INTERESTS PURSUANT TO A LOCAL PROJECT PARTNERSHIP AGREEMENT WITH THE STATE OF NEW YORK IN ACCORDANCE WITH UNITED STATES ARMY CORPS OF ENGINEERS ("USACE")TIMELINES AND IN CONSIDERATION OF THE LENGTH OF TIME ASSOCIATED WITH THE PROCESS OF HOLDING PUBLIC HEARINGS PURSUANT TO THE EMINENT DOMAIN PROCEDURE LAW, IT IS NECESSARY TO SCHEDULE A PUBLIC HEARING AT THE EARLIEST POSSIBLE DATE OR THE PROPOSED START DATE FOR CONSTRUCTION OF THE PROJECT BY USACE IN JANUARY OF 2015 WILL BE DELAYED.

IN WITNESS THEREOF, I HAVE HERewith SET MY HAND AND CAUSED TO BE AFFIXED THE SEAL OF SUFFOLK COUNTY THIS 14th DAY OF NOVEMBER, 2014.

RECEIVED
NOV 14 4 11:40
SUFFOLK COUNTY
EXECUTIVE



JONATHAN SCHNEIDER
DEPUTY SUFFOLK COUNTY EXECUTIVE

Intro Res. No.

2072-14

Laid on Table

11/18/14

Introduced by Presiding Officer on request of the County Executive

RESOLUTION NO. – 2014, AUTHORIZING 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 RECONSTRUCTION OF THE FIRE ISLAND BARRIER BEACH AND DUNE NETWORK FROM THE FIRE ISLAND INLET TO MORICHES INLET, TOWNS OF BROOKHAVEN AND ISLIP, SUFFOLK COUNTY NEW YORK (CP 5382)

WHEREAS, as a consequence of the severe coastal erosion during Superstorm Sandy and in recognition of the urgency to repair and implement immediate stabilization measures particularly between the Fire Island Inlet and Moriches Inlet, the United States Army Corp of Engineers (“USACE”), developed the Fire Island to Moriches Inlet, Fire Island Stabilization Project (“Project”) which provides for the reconstruction of the beach and dune along eighty-five thousand one hundred (85,100) feet of shoreline within the 30 miles of shoreline from Fire Island Inlet to Moriches Inlet (“Project”); and

WHEREAS, pursuant to Resolution No. 586-2014, AUTHORIZING EXECUTION OF A LOCAL PROJECT PARTNERSHIP AGREEMENT WITH THE STATE OF NEW YORK IN CONNECTION WITH THE RECONSTRUCTION OF THE FIRE ISLAND BARRIER BEACH AND DUNE NETWORK FROM THE FIRE ISLAND INLET TO MORICHES INLET (FIMI), the County entered into the Local Project Partnership Agreement which requires that the County obtain the real estate interests necessary for implementation of the Project as determined by the USACE, including acquisition of approximately forty-one (41) properties and obtaining over four hundred easements, including Perpetual Beach Storm Reduction Easements on private properties; and

WHEREAS, Resolution No. 585-2014, ACCEPTING STATE FUNDS AND AMENDING THE 2014 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH THE RECONSTRUCTION OF THE FIRE ISLAND BARRIER BEACH AND DUNE NETWORK FROM THE FIRE ISLAND INLET TO MORICHES INLET (FIMI) (CP 5382) authorized the County to amend the Capital Budget and Program and accept State funds up to the amount of \$68,421,848 in order to perform such actions as may be necessary to complete the Project; and

WHEREAS, in order to meet USACE deadlines for acquisition of real estate interests, it is necessary for the County to complete the public hearing process pursuant to the Eminent Domain Procedure Law at the earliest possible time in the event it should be become necessary to commence an EDPL action in Supreme Court in 2015 with respect to acquisition of any requisite estate interest necessary for the Project to proceed; and

WHEREAS, in accordance with the above, the Commissioner of the Department of Public Works, has prepared maps showing the properties to be acquired for the reconstruction of the Fire Island barrier each and dune network from the Fire Island Inlet to Moriches Inlet, Towns of Brookhaven and Islip, Suffolk County, New York, indicating the properties to be acquired, the names of the reputed owners, the boundaries and dimensions of the parcels to be acquired; and

WHEREAS, said maps were prepared on or about November 17, 2014, and are entitled "ABSTRACT REQUEST MAP SHOWING PROPERTIES TO BE ACQUIRED FOR THE RECONSTRUCTION OF THE FIRE ISLAND BARRIER BEACH AND DUNE NETWORK FROM THE FIRE ISLAND INLET TO MORICHES INLET, TOWNS OF BROOKHAVEN AND ISLIP, SUFFOLK COUNTY NEW YORK "; and

WHEREAS, pursuant to Article 2 of the Eminent Domain Procedure law, it is required that a public hearing be held prior to 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 Determinations concerning the proposed Project and requires the publication thereafter of a brief synopsis; now therefore, be it

1st RESOLVED, that 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 Commissioner, 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

2nd RESOLVED that upon conclusion of the aforesaid hearings, pursuant to Eminent Domain Procedure Law, the Hearing Officer file written Findings and Determinations 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

3rd RESOLVED, that a brief synopsis of the filed Findings and Determinations shall be published pursuant to the requirements of Section 204 of the Eminent Domain Procedure Law; and be it further

4th RESOLVED, that copies of the Findings and Determinations will be forwarded upon written request, to applicants without cost to said applicant by the Clerk of the Legislature; and be it further

5th RESOLVED, that upon completion of hearings 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

6th RESOLVED, that upon the filing of the Determinations and Findings with the Clerk of the Legislature, the Legislature of Suffolk County shall consider whether to adopt or reject said Findings and Determinations; and be it further

7th RESOLVED, that 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.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date of Approval:

**2014 INTERGOVERNMENTAL RELATIONS
MEMORANDUM OF SUPPORT**

TITLE OF BILL:

RESOLUTION NO. – 2014, AUTHORIZING 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 RECONSTRUCTION OF THE FIRE ISLAND BARRIER BEACH AND DUNE NETWORK FROM THE FIRE ISLAND INLET TO MORICHES INLET, TOWNS OF BROOKHAVEN AND ISLIP, SUFFOLK COUNTY NEW YORK (C.P. 5382)

PURPOSE OR GENERAL IDEA OF BILL:

To commence the process of acquiring real property for the reconstruction of the Dune System from Fire Island Inlet to Moriches Inlet

SUMMARY OF SPECIFIC PROVISIONS:

Approval authorizing Eminent Domain public hearings, for the acquisition of real property.

JUSTIFICATION:

Without the approval of the subject resolution, the County will be in violation of the Local Project Partnership Agreement with the State and the project will likely not go forward and the subject land area will continue to suffer from extreme erosion problems thereby placing Fire Island at risk for breaches and overwashes and further placing large segments of the south shore of Suffolk County at risk of tidal flooding.

FISCAL IMPLICATIONS:

This project is being progressed with Federal and State Aid.

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation		
Resolution <u> X </u> Local Law _____ Charter Law _____		
2. Title of Proposed Legislation		
RESOLUTION NO. - 2014, AUTHORIZING 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 RECONSTRUCTION OF THE FIRE ISLAND BARRIER BEACH AND DUNE NETWORK FROM THE FIRE ISLAND INLET TO MORICHES INLET, TOWNS OF BROOKHAVEN AND ISLIP, SUFFOLK COUNTY NEW YORK (CP 5382)		
3. Purpose of Proposed Legislation		
SEE NO. 2 ABOVE		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes _____ No <u> X </u>		
5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category)		
County	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District	
6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact		
N/A		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.		
N/A		
8. Proposed Source of Funding		
N/A—Resolution authorizes a Public Hearing.		
9. Timing of Impact		
Upon adoption.		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Nicholas Paglia Executive Analyst		November 12, 2014

SCIN FORM 175b (10/95)

**FINANCIAL IMPACT
2014 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

GENERAL FUND

	2014 PROPERTY TAX LEVY	2014 COST TO AVG TAXPAYER	2014 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00	\$0.000

POLICE DISTRICT AND DISTRICT COURT

	2014 PROPERTY TAX LEVY	2014 COST TO AVG TAXPAYER	2014 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00	\$0.000

COMBINED

	2014 PROPERTY TAX LEVY	2014 COST TO AVG TAXPAYER	2014 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00	\$0.000

NOTES:

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY, 2012.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2012-2013.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2012 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.