

RESOLUTION NO. 768 -2011, 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 CR 48, MIDDLE ROAD, FROM RUCH LANE TO CHAPEL LANE, TOWN OF SOUTHOLD, SUFFOLK COUNTY, NEW YORK, PHASE II (CP 5526)

WHEREAS, the Commissioner of the Department of Public Works, was directed to prepare maps showing the properties to be acquired for the reconstruction of CR 48, Middle Road, from Ruch Lane to Chapel Lane, Town of Southold, 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 July 6, 2011, and are entitled "Maps Showing Properties to be Acquired for the Reconstruction of CR 48, Middle Road, from Ruch Lane to Chapel Lane, Town of Southold, Suffolk County, New York"; and

WHEREAS, the project has been adopted in the 2011 Capital Budget as and by Capital Project No. 5526; 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 situated; 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 this Legislature, being the State Environmental Quality Review Act (SEQRA) Lead Agency hereby finds and determines that the adoption of this resolution constitutes a Type II Action pursuant to Title 6 NYCRR Part 617.5(C)(20)&(27) as this legislative decision involves routine or continuing agency administration and management, not including new programs or a major re-ordering of priorities. As such, this Legislature has no further responsibilities under SEQRA; and be it further

2nd **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 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

3rd **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

4th **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

5th **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

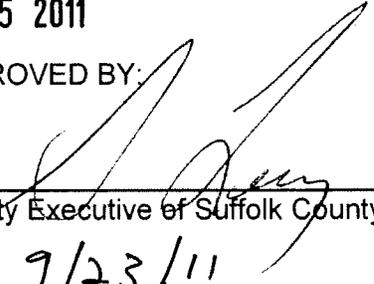
6th **RESOLVED**, that upon completion of hearings required by Article 2 of the Eminent Domain Procedure Law, the map aforesaid, be filed in the Office of the Clerk of the County Legislature of the County of Suffolk; and be it further

7th **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

8th **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: **SEP 15 2011**

APPROVED BY:



County Executive of Suffolk County

Date: 9/23/11

SUFFOLK COUNTY
County Legislature
RIVERHEAD, NY



This is to Certify That I, TIM LAUBE, Clerk of the County Legislature of the County of Suffolk, have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was duly adopted by the County Legislature of said County on September 15, 2011 and that the same is a true and correct transcript of said resolution and of the whole thereof.

In Witness Whereof, I have hereunto set my hand and the official seal of the County Legislature of the County of Suffolk.

Tim Laube

Clerk of the Legislature

Intro. Res.

1759

Res. No.

768

September 15, 2011

Motion:

Romaine, Schneiderman, Browning, Muratore, Anker
Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Co-Sponsors:

Romaine, Schneiderman, Browning, Muratore, Anker
Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:

Romaine, Schneiderman, Browning, Muratore, Anker
Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

LD	Legislator	Yes	No	Abs	NP	R	
1	Edward P. ROMAINE	18					
2	Jay H. SCHNEIDERMAN						
3	Kate M. BROWNING						
4	Thomas MURATORE						
6	Sarah S. ANKER						
7	Jack EDDINGTON						
9	Ricardo MONTANO						
10	Thomas CILMI						
11	Thomas F. BARRAGA						
12	John M. KENNEDY, JR.						
13	Lynne C. NOWICK						
14	Wayne R. HORSLEY						
15	DuWayne GREGORY						
16	Steven H. STERN						
17	Lou D'AMARO						
18	Jon COOPER						
5	Vivian VILORIA-FISHER, D.P.O.						
8	William J. LINDSAY, P.O.						
	Totals						

MOTION	
<input checked="" type="checkbox"/> Approve	
___ Table: _____	
___ Send To Committee	
___ Table Subject To Call	
___ Lay On The Table	
___ Discharge	
___ Take Out of Order	
___ Reconsider	
___ Waive Rule ___	
___ Override Veto	
___ Close	
___ Recess	
APPROVED <input checked="" type="checkbox"/> FAILED ___	
No Motion ___ No Second ___	

RESOLUTION DECLARED
<input checked="" type="checkbox"/> ADOPTED
___ NOT ADOPTED

Tim Laube

Tim Laube, Clerk of the Legislature

Roll Call ___ Voice Vote