Intro. Res. No. 1823-2012 Laid on Table 8/7/2012
Introduced by Presiding Officer, on request of the County Executive and Legislator Calarco

RESOLUTION NO. 793 -2012, AUTHORIZING THE REMOVAL FROM PUBLIC USE STATUS AND THE SALE OF COUNTY-OWNED REAL ESTATE (SCTM NO. 0200-987.00-01.00-046.004)

WHEREAS, the COUNTY OF SUFFOLK acquired an interest in a parcel due to the default in the payment of the real property taxes by former owner Verna M. King (King) in the Town of Brookhaven, designated as Suffolk County Tax Map Number 0200-987.00-01.00-046.004, situated at and part of East Walk, Davis Park, Fire Island (property); and

WHEREAS, the County of Suffolk acquired said property for unpaid 2000-2001 taxes by tax deed dated September 15, 2003, and recorded on September 25, 2003 in the Suffolk County Clerk's Office in Liber 12274 at page 112; and

WHEREAS, subsequent to the County's taking of the tax deed to the property, the parcel, and certain other similarly situated tax acquired parcels, were assigned to the general public use classification pursuant to Resolution No. 356-2006 so that the properties would be exempt from real estate property taxes pursuant to New York Real Property Tax law Section 406 while the County held them pending an intended transfer of title to the Fire Island National Seashore; and

WHEREAS, the subject parcel is improved with a residence that is occupied by King; and

WHEREAS, King desires to reacquire title to the parcel from the County; and

WHEREAS, all periods of redemption under the Suffolk County Tax Act and local law have expired; and

WHEREAS, notwithstanding the County's proper issuance of a tax deed, King retained counsel and alleged she did not receive proper notice about her default in the payment of the real property taxes, and about the taking of the property; and

WHEREAS, it is in the best interests of the County to reach a settlement with King conveying the property back to her rather than undergoing the expenses of a trial and its uncertain outcome; and

WHEREAS, pursuant to Section 215 (8) of the New York County Law, this Legislature may sell and convey its interest in the parcel to King so that she may regain title to and remain in her residence; now, therefore be it

1st **RESOLVED**, that the County Attorney is hereby directed, authorized and empowered to enter into a settlement with King conditioned only upon (i) King's payment of $20,000 to the County, (ii) King's execution of an unconditional general release to the County releasing it from any and all claims arising out of and in connection with the County's acquisition of the property, and (iii) King agreeing to a stipulation of settlement, the terms and conditions of which shall be approved by the County Attorney in his sole discretion; and be it further

2nd **RESOLVED**, the Director of the Division of Real Estate, and/or her designee is hereby authorized to execute and acknowledge a quitclaim deed to King to transfer the interest of Suffolk County in the property, subject only to compliance with the terms and conditions of the first resolved clause of this resolution presented to this Legislature for approval, and be it further

3rd **RESOLVED**, that simultaneously upon transfer of title, the previous designation of the property pursuant to Resolution No. 356-2006 as being held in public use status is rescinded, and the assessor of the Town of Brookhaven and any other assessor having jurisdiction thereof, shall mark the assessment roll to remove the exempt status of the property and restore it as improved residential property; and be it further

4th **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) and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) 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: August 21, 2012

APPROVED BY:

County Executive of Suffolk County

Date: 8-31-2012

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 August 21, 2012 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. 1823 Res. No. 793 August 21, 2012

Motion:
Romaine, Schneiderman, Browning, Muratore, Anker
Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

Co-Sponsors:
Romaine, Schneiderman, Browning, Muratore, Anker
Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

Second:
Romaine, Schneiderman, Browning, Muratore, Anker
Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

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

MOTION

X 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 X FAILED____
No Motion___ No Second___

RESOLUTION DECLARED

X ADOPTED
____ NOT ADOPTED

Roll Call____ Voice Vote X

Tim Laube

Tim Laube, Clerk of the Legislature