

Intro. Res. No. 2177-2014
Introduced by Legislators Hahn, Browning and Trotta

Laid on Table 12/15/2014

**RESOLUTION NO. 114 -2015, ADOPTING LOCAL LAW
NO. 12 -2015, A LOCAL LAW TO PROVIDE FURTHER
PROTECTION FOR COUNTY PARKLAND**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on December 15, 2014, a proposed local law entitled, "**A LOCAL LAW TO PROVIDE FURTHER PROTECTION FOR COUNTY PARKLAND**"; now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. 12 -2015, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO PROVIDE FURTHER PROTECTION FOR COUNTY
PARKLAND**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF
SUFFOLK**, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that the County of Suffolk has preserved thousands of acres of parkland so its residents may enjoy the benefits of nature and have easy access to recreational opportunities.

This Legislature further finds that New York State has the authority to take County parkland under its eminent domain powers and, in fact, the State recently acquired County parkland in Smithtown under eminent domain.

This Legislature also finds that typically New York State will not allow a local government to alienate parkland unless it acquires additional parkland as an offset. However, the County was not required to use the monies received from New York State as compensation for the Smithtown taking to buy additional parkland.

This Legislature concludes that the County should use any funds it receives as compensation for the taking of parkland for the sole purpose of acquiring additional parkland.

Therefore, the purpose of this law is to amend the SUFFOLK COUNTY ADMINISTRATIVE CODE to require the County to use any funds obtained as a result of the taking of parkland through eminent domain for the acquisition of parkland.

Section 2. Amendments.

Article 28 of the SUFFOLK COUNTY ADMINISTRATIVE CODE is hereby amended as follows:

**ARTICLE XXVII
DEPARTMENT OF PARKS, RECREATION AND CONSERVATION**

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§ A28-12. Eminent Domain Proceeds.

In the event County parkland is acquired by New York State under its eminent domain power, the monies received by the County as compensation shall be deposited in a new or existing capital project account which is dedicated to the acquisition of parkland.

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Section 3. Applicability.

This law shall apply to all actions occurring on or after the effective date of this law.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), 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. 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 law.

Section 6. Effective Date.

This law shall take effect immediately upon its filing in the Office of the Secretary of State.

___ Underlining denotes addition of new language

DATED: March 3, 2015

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: April 3, 2015
After a public hearing duly held on March 16, 2015
Filed with the Secretary of State on May 20, 2015