

WITHDRAWN AS OF 6/18/2019

Intro. Res. No. 1434-2019
Introduced by Legislator Berland

Laid on Table 5/14/2019

**RESOLUTION NO. -2019, ADOPTING LOCAL LAW
No. -2019, A LOCAL LAW AUTHORIZING THE COUNTY
EXECUTIVE TO EXECUTE AGREEMENTS FOR THE SALE OF
ONE ACRE OF EXCESS LAND IN THE SUFFOLK COUNTY
SEWER DISTRICT NO. 26 - MELVILLE HUNTINGTON TO THE
GREENS AT HALF HOLLOW HOME OWNERS ASSOCIATION**

WHEREAS, there was duly presented and introduced to this County Legislature at a regular meeting held on _____, 2019, a proposed local law entitled, "**A LOCAL LAW AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE AGREEMENTS FOR THE SALE OF ONE ACRE OF EXCESS LAND IN THE SUFFOLK COUNTY SEWER DISTRICT NO. 26 – MELVILLE HUNTINGTON TO THE GREENS AT HALF HOLLOW HOME OWNERS ASSOCIATION**"; and said local law in final form is the same as when presented and introduced; now, therefore be it

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

LOCAL LAW NO. -2019, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW AUTHORIZING THE COUNTY EXECUTIVE TO
EXECUTE AGREEMENTS FOR THE SALE OF ONE ACRE OF EXCESS
LAND IN THE SUFFOLK COUNTY SEWER DISTRICT NO. 26 –
MELVILLE HUNTINGTON TO THE GREENS AT HALF HOLLOW HOME
OWNERS ASSOCIATION**

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

Section 1. Legislative Intent.

This Legislature finds and determines that the County of Suffolk owns one acre of the excess land representing a portion of the 7.97± acre lot on which the Suffolk County Sewer District No. 26 – Melville Huntington Sewage Treatment Plant is located in Melville, New York (hereinafter referred to as the "Excess Land"). The said sewage treatment plant is being operated and maintained by the Suffolk County Department of Public Works' staff. The Excess Land is neither needed nor being used for the operation and maintenance of the aforementioned sewage treatment plant.

This Legislature further finds that the Greens at Half Hollow Home Owners Association has indicated its willingness to acquire the Excess Land for its appraised value of \$8,640 (Eight Thousand Six Hundred Forty Dollars). The said appraised value was determined by an independent appraiser on the County's approved list and reviewed by the Senior Appraisal Reviewer from the Suffolk County Department of Economic Development and Planning.

This Legislature finds that the Excess Land represents the land that is neither needed nor being used for the operation and maintenance of the Suffolk County Sewer District

No. 26 - Melville Huntington sewage treatment plant, would be useful to the residents of condominiums located within the area managed by the Greens at Half Hollow Home Owners Association which intends to utilize the Excess Land as a community property.

This Legislature concludes that the sale of the Excess Land would ensure the most productive use of the Excess Land for Suffolk County residents and return fair compensation to the County of Suffolk.

This Legislature further finds and determines that a direct negotiated sale of the Excess Land to Greens at Half Hollow Home Owners Association for \$8,640 (Eight Thousand Six Hundred Forty Dollars), subject to commercially reasonable negotiation by the County Executive and/or his designee(s), is in the best interest of the County. The legal description of the Excess Land is as follows:

ALL those certain plots, pieces or parcels of land situate, lying, and being at Melville, in the Town of Huntington, County of Suffolk and State of New York, being bounded and described as follows:

BEGINNING at the intersection of the division line between existing Sewer Treatment Plant and land of the Town of Huntington with the northerly side of Upper Half Hollow Road. Said point of beginning also described as the south westerly most corner of the Existing Sewer Treatment Plant.

THENCE northerly along the division line between the existing Sewer Treatment Plant with land of the Town of Huntington the following three (3) courses;

1. North 62 degrees, 39 minutes, 45 seconds west, 174.60 feet.
2. North 48 degrees, 49 minutes, 43 seconds west, 199.14 feet.
3. North 20 degrees, 40 minutes, 01 seconds west, 134.62 feet.

THENCE through the lands of the existing Sewer Treatment Plant the following three (3) courses;

1. North 41 degrees, 10 minutes, 17 seconds east, 50.00 feet.
2. South 48 degrees, 49 minutes, 43 seconds east, 102.34 feet.
3. South 45 degrees, 24 minutes, 00 seconds east, 385.71 feet to the northerly side of Upper Half Hollow Road.

THENCE southerly along the northerly side of Upper Half Hollow Road, South 41 degrees, 10 minutes, 17 seconds west, 48.72 feet to the POINT OR PLACE OF BEGINNING.

Containing within said bounds 43,560 Sq. Ft. or 1.00 Acres of land, more or less.

Therefore, the purpose of this law is to authorize and empower the County Executive to execute a contract for sale of the Excess Land for \$8,640 (Eight Thousand Six Hundred Forty Dollars), to the Greens at Half Hollow Home Owners Association subject to commercially reasonable negotiation.

Section 2. Supersede New York County Law Section 215.

Pursuant to the provisions of Section 2 (b) of the New York County Law, Section 215 of the New York County Law shall not apply, in any manner, to the substantive and/or procedural provisions of this resolution or the local law contemplated therein.

Section 3. Approval of Negotiated Sale as Within the Best Interest of the County.

The County hereby approves the negotiated sale of one acre of the excess land representing a portion of the 7.97± acre lot on which the Suffolk County Sewer District No. 26 - Melville Huntington Sewage Treatment Plant is located in Melville, New York ("Excess Land") for the purchase price of \$8,640 ("Contract for Sale"), subject to commercially reasonable negotiation by the County Executive and/or his designee(s).

Section 4. Declaration of Surplus Land.

The Suffolk County Legislature hereby makes a determination that the Excess Land's one acre of real property acreage, subject to final survey, is surplus to County needs. The said Excess Land is neither needed nor being used for operation and maintenance of the Suffolk County Sewer District No. 26 - Melville Huntington sewage treatment plant.

Section 5. Sale of the Excess Land.

The sale by the County to the Greens at Half Hollow Home Owners Association of the County's right, title and interest in and to the Excess Land without recourse, is hereby authorized in exchange for the delivery, to or upon the order of the County, the payment of the purchase price of \$8,640 (Eight Thousand Six Hundred Forty Dollars), as set forth in this law and pursuant to the terms of a Contract for Sale subject to commercially reasonable negotiation by the County Executive and/or his designee(s).

Section 6. Application for Local Approvals.

The County Executive, or his designee, is hereby authorized to assist the Half Hollow Home Owners Association in making all those applications necessary to obtain approvals of town and County for subdivision of the existing parcel and for changes to zoning, waivers, variances, and/or any other town or County approvals necessary for the use of the Excess Land by a private owner for the purposes contemplated by this local law.

Section 7. Further Actions.

The County Executive and/or his designee(s) are further authorized to execute and deliver, on behalf of the County, such agreements, instruments or authorizations as may be contemplated by, or necessary or advisable to consummate or otherwise give full effect to this local law, and which are deemed necessary or desirable to effectuate the transactions contemplated by this local law, and to perform all acts and do all things required or contemplated to be performed by this local law or by any agreement, instrument or authorization approved, contemplated, necessary or authorized hereby.

Section 8. Applicability.

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

Section 9. 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 10. SEQRA Determination.

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 determines that this local law constitutes an unlisted action, pursuant to 6 N.Y.C.R.R. §617.2(al), and further determines that implementation of this action will not have a significant adverse impact on the environment for the following reasons:

The proposed action will not exceed any of the criteria in 6 N.Y.C.R.R. §617.7, which sets forth thresholds for determining significant adverse impacts on the environment, as demonstrated in the Environmental Assessment Form.

This Legislature hereby directs, in accordance with Section 450-5(C)(4) of the Suffolk County Code, the Suffolk County Council on Environmental Quality to prepare and circulate any appropriate notices or determinations in accordance with this local law.

Section 11. Effective Date.

This local law shall not take effect until at least forty-five (45) days after its adoption, nor until approved by the affirmative vote of a majority of the qualified electors of the County of Suffolk voting on a proposition for its approval if within forty-five (45) days after its adoption there is filed with the Clerk of the County Legislature a petition protesting against such local law in conformity with the provisions of § 24(1)(a) of the MUNICIPAL HOME RULE LAW and upon filing in the Office of the Secretary of State.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date: