

Introduced by Presiding Officer, on request of the County Executive and Legislator Calarco

**RESOLUTION NO. 922 -2019, AUTHORIZING THE ACQUISITION OF LAND UNDER THE NEW ENHANCED SUFFOLK COUNTY DRINKING WATER PROTECTION PROGRAM 2014 REFERENDUM – LAND PURCHASES FOR OPEN SPACE PRESERVATION (CP 8732.210) - FOR THE MCLAUGHLIN PROPERTY – PATCHOGUE RIVER WETLANDS - TOWN OF BROOKHAVEN – (SCTM NO. 0200-893.00-01.00-011.000)**

**WHEREAS**, Local Law No. 31-2014, a Charter Law Amending the ¼% Suffolk County Drinking Water Protection Program (DWPP) for Enhanced Water Quality Protection, Wastewater Infrastructure and General Fund Property Tax Relief for Suffolk County, created the 2014 Enhanced Suffolk County Water Quality Protection Program, codified in Suffolk County Charter Article XIIA; and

**WHEREAS**, in November of 2014, two-thirds of Suffolk County voters approved Proposition No. 5-2014, enacting the provisions of Resolution No. 579-2014. Local Law No. 31-2014, “A Charter Law Amending the ¼% Suffolk County Drinking Water Protection Program (DWPP) for Enhanced Water Quality Protection, Wastewater Infrastructure and General Property Fund Tax Relief for Suffolk County.” This Proposition recognized the essential nature of the Drinking Water Protection Program to the well-being of the County’s drinking water supply and required \$29.4 million in serial bonds be issued through the Capital Program for water quality protection program projects; and

**WHEREAS**, the 2016 Adopted Capital Budget contains three water quality protection 2014 Referendum capital projects totaling \$29.4 million; CP 8732 for land purchases (\$20 million), CP 8733 for water quality projects (\$4.7 million), CP 8734 for sewer improvement projects (\$4.7 million); and

**WHEREAS**, this capital project provides \$20 million in serial bond funding for the acquisition by the County, by fee, lease or easement, of interests in land associated with the Suffolk County Drinking Water Protection Program; and

**WHEREAS**, Resolution No. 877-2005, authorized planning/appraisal steps for the acquisition of said property; and

**WHEREAS**, the Environmental Trust Review Board has reviewed the appraisals and the report of the Internal Appraisal Review Board and has approved the purchase price and authorized the Director of Real Estate and/or his designee to negotiate the acquisition; and

**WHEREAS**, based upon the Environmental Trust Review Board approved value, an offer to acquire the subject property was made to and accepted by the owner of said property; and

**WHEREAS**, contracts to acquire said property were prepared by the office of the County Attorney, executed by the owner of the subject property and the Director of Real Estate and/or his designee and approved as to legality form by the Office of the County Attorney; and

**WHEREAS**, the following property(s), as described in the 1<sup>st</sup> Resolved, is listed in Resolution No. 625-2004 – Mastic/Shirley Conservation Area Phase I and/or Resolution No. 621-2004 and/or 877-2005 – Master Lists I and/or II Reports, respectively; now, therefore be it

**1<sup>st</sup>** **RESOLVED**, that the County of Suffolk hereby approves the acquisition of the subject property set forth below under the New Enhanced Suffolk County Drinking Water Protection Program, effective as of June 14, 2016, Open Space component, for a total purchase price of Four Thousand Dollars (\$4,000.00±), at Two Dollars (\$2) per square foot, for 2,000± square feet, subject to a final survey; and hereby authorizes additional expenses, which shall include, but not be limited to, the cost of surveys, appraisals, environmental audits, title reports and insurance, and tax adjustments:

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>	<u>ACRES:</u>	<u>REPUTED OWNER AND ADDRESS:</u>
No. 1	District 0200 Section 893.00 Block 01.00 Lot 011.000	2,000± s.f.	J. Stewart McLaughlin 315 Lakeview Avenue West Brightwaters, NY 11718

and be it further

**2<sup>nd</sup>** **RESOLVED**, that the Director of Real Estate and/or his designee, is hereby authorized, empowered, and directed, pursuant to Section C42-3(C)(3) of the SUFFOLK COUNTY CHARTER, to acquire the parcel(s) listed herein above from the reputed owner, the funding for which shall be provided under the New Enhanced Suffolk County Drinking Water Protection Program, effective June 14, 2016, Section C12A-2(B)(1) of the SUFFOLK COUNTY CHARTER, for the County's purchase price of Program, effective as of June 14, 2016, Open Space component, for a total purchase price of Four Thousand Dollars (\$4,000.00±), at Two Dollars (\$2) per square foot, for 2,000± square feet, subject to a final survey; and be it further

**3<sup>rd</sup>** **RESOLVED**, that the County Comptroller is hereby authorized to reserve and to pay \$4,000.00±, subject to a final survey, from previously appropriated funds in capital project 525-CAP-8732.210 for the New Enhanced Suffolk County Drinking Water Protection Program, 2014 Referendum, effective as of June 14, 2016, pursuant to the new Article XIA of the SUFFOLK COUNTY CHARTER, Section C12A-2(B)(1); and be it further

**4<sup>th</sup>** **RESOLVED**, that the Director of Real Estate and/or his designee; the Division of Planning and Environment; and the County Department of Public Works are hereby authorized, empowered, and directed to take such actions and to pay such additional expenses as may be necessary and appropriate to consummate such acquisition, including, but not limited to, securing appraisals, title insurance and title reports, obtaining surveys, engineering reports and environmental audits, making tax adjustments and executing such other documents as are required to acquire such County interest in said lands; and be it further

**5<sup>th</sup>** **RESOLVED**, that the acquisition of such parcel(s) meets the following criteria as required under Section C12-2(B)(1) of the SUFFOLK COUNTY CHARTER:

- a.) freshwater/tidal wetlands and buffer lands for same;
- b.) lands within the watershed of the coastal stream, as determined by a reasonable planning or hydrological study;

and be it further

**6<sup>th</sup>**            **RESOLVED**, that the subject parcel(s) shall be transferred to the County Department of Parks, Recreation and Conservation for passive recreational use; and be it further

**7<sup>th</sup>**            **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 6 NYCRR Sections 617.5(c)(20) and (27) of the New York Code of Rules and Regulations since such actions are simply legislative decisions administering and implementing the acquisition of property for passive park purposes which will mainly result in a beneficial impact and for which SEQRA Determination of Non-Significance has already been issued in Suffolk County Resolution No. 1083-2007.

DATED: October 2, 2019

APPROVED BY:

/s/ Steven Bellone  
County Executive of Suffolk County

Date: October 9, 2019