

**RESOLUTION NO. 137 -2020, 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 KOGEL BROTHERS, LLC PROPERTY – PINE LAKE - TOWN OF BROOKHAVEN – (SCTM NO. 0200-376.00-01.00-001.000)**

**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 (\$20.00 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. 168-2018 authorized planning/appraisal steps and Procedural Motion No. 13-2018 authorized the acquisition of said property; and

**WHEREAS**, the Town of Brookhaven (“Town”) has approved Resolution No. 2018-0268 on March 22, 2018 authorizing the acquisition of the subject property in partnership with the County of Suffolk; 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; 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 Hundred Fifty Thousand Dollars (\$450,000±), at Forty Five Thousand Dollars (\$45,000) for 10.0± acres which cost is to be shared by the County of Suffolk and the Town, with the County of Suffolk's share, totaling Three Hundred Fifteen Thousand Dollars (\$315,000±), for a seventy percent (70%) undivided interest; and the Town's share, totaling One Hundred Thirty-Five Thousand Dollars (\$135,000±), for a thirty percent (30%) undivided interest, 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</u>	<u>ACRES:</u>	<u>REPUTED OWNER</u>
	<u>TAX MAP NUMBER:</u>		<u>AND ADDRESS:</u>
No. 1	District 0200	10.0±	Kogel Brothers, LLC
	Section 376.00		390 Middle Country Road
	Block 01.00		Middle Island, NY 11953
	Lot 001.000		By: Wayne Kogel, Managing Member

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 Three Hundred Fifteen Thousand Dollars (\$315,000.00±), said amount representing the County's share of the total purchase price, 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 \$315,000±, 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 XIIA of the SUFFOLK COUNTY CHARTER, Section C12A-2(B)(1); and be it further

**4<sup>th</sup>** **RESOLVED**, that the title to this acquisition shall be held by the County of Suffolk and the Town, as tenants-in-common, the County owning an undivided 70% interest and the Town owning an undivided 30% interest; and be it further

**5<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

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

- c.) any tract of land located fully or partially within the statutorily designated Special Groundwater Protection Area:

and be it further

**7<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

**8<sup>th</sup>** **RESOLVED**, that the above activity is an unlisted action (if greater than 100 acres; Type II) pursuant to the provisions of Title 6 NYCRR, Part 617; and be it further

**9<sup>th</sup>** **RESOLVED**, that the project will not have a significant effect on the environment for the following reasons:

- 1.) the proposed action will not exceed any of the criteria of 6 NYCRR, Section 617.7, which sets forth thresholds for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form; and
- 2.) the proposed use of the subject parcel(s) is passive park; and
- 3.) if not acquired, the property will most likely be developed for residential purposes; incurring far greater environmental impact than the proposed acquisition and preservation of the site would have; and be it further

**10<sup>th</sup>** **RESOLVED**, that in accordance with Section 450-5(C)(4) of the SUFFOLK COUNTY CODE, the Suffolk County Council on Environmental Quality is hereby directed to prepare and circulate any appropriate notices or determinations in accordance with this resolution.

DATED: March 3, 2020

APPROVED BY:

/s/ Steven Bellone  
County Executive of Suffolk County

Date: March 10, 2020