

Introduced by Presiding Officer, on request of the County Executive and Legislators Fleming and Caracappa

RESOLUTION NO. 411-2021, SALE OF COUNTY-OWNED REAL ESTATE PURSUANT TO SECTION 72-H OF THE GENERAL MUNICIPAL LAW TO TOWN OF BROOKHAVEN — MASTIC-SHIRLEY CONSERVATION AREA (76 PARCELS)

WHEREAS, the COUNTY OF SUFFOLK is the fee owner of the following described parcels that are surplus to the needs of the County of Suffolk; and (see attached Exhibit "A");

ALL, that certain plots, pieces or parcels of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Brookhaven, County of Suffolk, State of New York, described as on the Tax Map of the Suffolk County Real Property Tax Service Agency and identified by Suffolk County Tax Map number and as described by the Suffolk County Tax Deed Liber and Page with the associated acquisition date; and

WHEREAS, as provided for in Resolution No. 1157-2018 a/k/a Local Law No. 11-2019, "A Local Law to Preserve Open Spaces in the Mastic-Shirley Conservation Area" this legislature has determined that properties taken for delinquent taxes in the designated Mastic-Shirley Conservation Area should not be offered for sale at public auction, but be retained and preserved as open space; and

WHEREAS, Section 72-h of the General Municipal Law permits a sale of real property between municipal corporations, or between a municipal corporation of the State of New York or the United States of America; and

WHEREAS, the Town of Brookhaven has requested that the County of Suffolk convey these parcels (76 parcels being approximately 12.73 acres) with a preliminary value range of \$329,500-\$494,000 to the Town (see annexed resolution - Exhibit "B"), which are the same Tax Map number parcels as identified in Exhibit "A"; and

WHEREAS, as provided in Resolution No. 840-2004 and Resolution No. 412-2005, this Legislature has determined that retention of development rights for transfer and use to promote the development of workforce housing is a vital need of Suffolk County residents and an important public purpose of County government; and

WHEREAS, the Suffolk County Department of Economic Development and Planning and the Suffolk County Department of Parks, Recreation and Conservation have approved the proposed transfer and use of these parcels; now, therefore be it

1st **RESOLVED**, that the Director of Real Estate, and/or his/her designee, hereby is authorized to execute and acknowledge a Quitclaim deed to transfer the interest of Suffolk County in the properties as described in Exhibit "A" annexed hereto and on the terms and conditions as hereinafter described to said Town of Brookhaven for the sum of \$7,600; plus, the pro rata share of taxes; and be it further

2nd **RESOLVED**, that the County of Suffolk hereby transfer the properties described in Exhibit "A", subject to their being sterilized for Open Space Purposes to protect the aquifer and water supply, which properties shall be kept in their natural state in perpetuity, except for

property maintenance activities as may be appropriate, to effectuate the declaration of covenants and restrictions, entered into by the Town of Brookhaven, without impairing the essential nature and open character of the premises and subject to the use of the open space area for passive recreational purposes; and be it further

3rd **RESOLVED**, that pursuant to Section C12-2(A)(2)(c), these properties are to be permanently sterilized by a deed restriction and must remain as Open Space and Workforce Housing Development Rights shall be severed herewith 4.8 Workforce Housing Development Rights and placed in the Suffolk County Workforce Housing Transfer of Development Rights Program Registry pursuant to the Workforce Housing Development Rights Program as developed by the Department of Economic Development and Planning, consistent with Resolution No. 412-2005, as amended and approved by the Suffolk County Executive and the Suffolk County Legislature; and be it further

4th **RESOLVED**, that said quitclaim deed tendered by the Director of Real Estate, and/or his/her designee, pursuant to this resolution, shall contain appropriate language that shall permanently sterilize the above-described parcel and sever the development rights for workforce housing purposes in accordance with the County's Workforce Housing Program; and be it further

5th **RESOLVED**, that the Town of Brookhaven will be restricted in its use of the subject parcels and will use said parcels solely and exclusively for open space; with all right title and interest reverting to the County of Suffolk in the event that the Town of Brookhaven, at any time, uses or attempts to use said subject parcels for other than open space or attempts to sell, transfer or otherwise dispose of or does, in fact, sell, transfer or otherwise dispose of said subject parcels without said parcels being used thereafter for open space; and be it further

6th **RESOLVED**, that said quitclaim deed issued by the Director of Real Estate, and/or his/her designee, pursuant to this resolution, shall contain a reverter clause declaring that title to the above described properties shall revert to the County of Suffolk if: 1) these properties are not used for the above-described public governmental purposes within three (3) years after delivery of the deed to the grantee; or 2) the grantee attempts to sell, transfer, or otherwise dispose of the properties or does sell, transfer, or otherwise dispose of said subject properties without said properties being used thereafter for the above described public governmental purposes; or 3) the grantee imposes a back-charge or fee against the County for the actual or projected cleanup cost of the debris on the properties in violation of Resolution No. 1028-1991; or 4) the grantee violates Resolution No. 256-1998; and be it further

7th **RESOLVED**, this Legislature, being the State Environmental Quality Review Act (SEQRA) Lead Agency, hereby finds and determines that adoption of this law is not an action within the meaning of the State Environmental Quality Review Act and the regulations adopted thereto. See 6 N.Y.C.R.R. Section 617.2(b) (2). The Legislature further finds and determines that even if the adoption of the local law is an action within the meaning of SEQRA, the adoption of the law is a Type II action constituting a legislative decision in connection with routine or continuing agency administration and management, not including new programs or major reordering of priority. See 6 N.Y.C.R.R. Sections 615.5(c) (26) and (33). As a Type II action, the Legislature has no further responsibilities under SEQRA 6 N.Y.C.R.R. Section 617.5(a).

DATED: May 11, 2021

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: May 19, 2021