

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

RESOLUTION NO. 790-2021, AUTHORIZING THE ACQUISITION OF LAND UNDER THE NEW SUFFOLK COUNTY ¼% DRINKING WATER PROTECTION PROGRAM (EFFECTIVE DECEMBER 1, 2007) – OPEN SPACE COMPONENT AND OLD SUFFOLK COUNTY DRINKING WATER PROTECTION PROGRAM [C12-5(E)(1)(A)] - FOR THE FREYVOGEL PROPERTY – WEST NECK CREEK TOWN OF SHELTER ISLAND – (SCTM NO. 0700-022.00-02.00-005.016)

WHEREAS, Local Law No. 24-2007, “A Charter Law Extending and Accelerating the Suffolk County ¼% Drinking Water Protection Program for Environmental Protection,” Section C12-2(A)(1) authorized the use of 31.10 percent of sales and compensating tax proceeds generated each year for environmental protection, as determined by duly enacted Resolutions of the County of Suffolk; and

WHEREAS, adequate funding is provided for, pursuant to Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, from 31.10 percent of the sales and compensating tax proceeds, for the acquisition of such land; and

WHEREAS, Article XII of the SUFFOLK COUNTY CHARTER established the Old Suffolk County Drinking Water Protection Program, as amended and effective as of November 30, 2000, the first priority of which being the acquisition of qualified lands to be funded by revenues generated by the quarter percent (1/4%) sales and compensating use tax; and

WHEREAS, in compliance with Sections C12-3(B) and (C) of the SUFFOLK COUNTY CHARTER, as amended and effective as of November 30, 2000, prior to the Division Director of the Division of Real Property Acquisition and Management entering into any negotiations for the acquisition of, and consummation of acquisition of any such parcel, the Board of Trustees of the Department of Parks, Recreation and Conservation shall review and recommend its acquisition; and

WHEREAS, the following property(s) as described in the 1st Resolved were reviewed and recommended by the Board of Trustees of the Suffolk County Department of Parks, Recreation and conservation on January 28, 2021; and

WHEREAS, adequate funding is provided for, under the Old Suffolk County Drinking Water Protection Program, pursuant to Section C12-5(E)(1)(a) of Article XII of the SUFFOLK COUNTY CHARTER, as amended and effective as of November 30, 2000, for the acquisition of such land; and

WHEREAS, Resolution No. 621-2004 authorized planning steps and Procedural Motion No. 39-2020 authorized acquisition of said property; and

WHEREAS, the Town of Shelter Island (“Town”) has approved a Resolution on March 26, 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, the Town, and the Director of Real Estate and/or her designee and approved as to legality by the Office of the County Attorney; and

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

WHEREAS, on November 20, 2007, Suffolk County, as SEQRA Lead Agency, in Resolution 1083-2007, issued a SEQRA negative declaration in connection with the proposed future acquisitions of properties for the preservation of open space for passive park purposes as set forth in Resolution No. 625-2004 – Mastic/Shirley Conservation Area Phase I and Resolutions Nos. 621-2004 and/or 877-2005 – Master Lists I and II Reports, respectively; now, therefore be it

1st RESOLVED, that the County of Suffolk hereby approves the acquisition of the subject property set forth below under the New Suffolk County ¼% Drinking Water Protection Program, effective as of December 1, 2007, Open Space component and for a total purchase price of Two Million Five Hundred Thousand Dollars (\$2,500,000.), which cost is to be shared by the County of Suffolk and the Town, with the County of Suffolk’s share, totaling One Million Two Hundred Fifty Thousand Dollars (\$1,250,000.), for a fifty percent (50%) undivided interest; and the Town’s share, totaling One Million Two Hundred Fifty Thousand Dollars (\$1,250,000.), for a fifty percent (50%) 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 0700	5.02±	Carla White Freyvogel
	Section 022.00		3303 Water Street NW, Unit 4C
	Block 02.00		Washington, DC 20007
	Lot 005.016		

and be it further

2nd 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 Suffolk County Drinking Water Protection Program, effective as of December 1, 2007, Open Space component, Section C12-2(A)(1) and Old Suffolk County Drinking Water Protection Program, Section C12-5(E)(1)(a) of the SUFFOLK COUNTY CHARTER for One Million Two Hundred Fifty Thousand

Dollars (\$1,250,000.), subject to a final survey, if appropriate, said amount representing the County's share of the total purchase price; and be it further

3rd **RESOLVED**, that the County Comptroller is hereby authorized to reserve and to pay \$1,250,000., subject to a final survey, if appropriate, from previously appropriated funds in capital project 8714.211 for the New Suffolk County Drinking Water Protection Program, effective as of December 1, 2007, Open Space component, Section C12-2(A)(1) and the Old Suffolk County Drinking Water Protection Program, Section C12-5(E)(1)(a) of the SUFFOLK COUNTY CHARTER, for this acquisition; and be it further

4th **RESOLVED**, that the title to this acquisition shall be held by the County of Suffolk and the Town, as tenants-in-common, each owning and undivided 50% interest; and be it further

5th **RESOLVED**, that the Director of Real Estate and/or his designee; the County Planning Division; 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

6th **RESOLVED**, that pursuant to Section C12-2(A)(2)(c) this property is not to be developed and One (1) Workforce Housing Development Rights, representing the County's fifty percent (50%) interest in the total number of development rights allocated to the property, shall be removed 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 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

7th **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

- a.) freshwater/tidal wetlands and buffer lands for same;
- d.) lands determined by the County Department of Planning to be necessary for maintaining the quality of surface and/or groundwater in Suffolk County;
- e.) lands identified by the South Shore Estuary Reserve (SSER), Peconic Estuary Program (PEP), and/or Long Island Sound Comprehensive Conservation (and) Management Plan (LICMP) as needed to protect coastal water resources; and be it further

8th **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

9th **RESOLVED**, that the Director of Real Estate and/or his designee is hereby authorized to negotiate and to enter into any necessary collateral agreements with the Town to effectuate the terms of this resolution; and be it further

10th **RESOLVED**, if desired, the County of Suffolk, through its Department of Parks, Recreation and Conservation is hereby authorized to negotiate and to enter into a municipal cooperation agreement with the Town for the management of this acquisition, consistent with this program, and the terms and conditions thereof shall be approved by the Suffolk County Attorney in consultation with the respective Commissioner of the County Department of Parks, Recreation and Conservation, who is charged with the management and operation of said property; and be it further

11th **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)(26) and (33) as this legislative decision involves administering and implementing the acquisition of property for passive park purposes which will mainly result in a beneficial impact and for which a SEQRA Determination of Non-Significance has already been issued via Suffolk County Resolution No. 1083-2007. As such, this Legislature has not further responsibilities under SEQRA.

DATED: October 5, 2021

APPROVED BY:

/s/ Lisa Black
Chief Deputy County Executive of Suffolk County

Date: October 20, 2021