

WITHDRAWN AS OF 12/9/2021

Intro. Res. No. 1907-2021

Laid on Table 11/16/2021

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

**RESOLUTION NO. -2021, AUTHORIZING THE TRANSFER
OF CERTAIN PROPERTIES TO SUFFOLK COUNTY
DEPARTMENT OF PARKS, RECREATION AND
CONSERVATION**

WHEREAS, the COUNTY OF SUFFOLK is the owner of certain real property, surplus to its needs, described in Exhibit A attached hereto and made a part hereof; and

WHEREAS, these parcels, as shown on aforesaid Exhibit "A" have been identified by the Suffolk County Economic Development and Planning Department and Suffolk County Department of Parks, Recreation and Conservation and Division of Real Property Acquisition and Management as containing or are directly adjacent stream corridor systems and their associated tidal and/or freshwater wetlands as well as under water lands; or are adjacent or associated with presently existing Suffolk County Parkland/Nature Preserve, or are within the Core of the Pine Barrens; and

WHEREAS, as a result thereof the jurisdiction of said parcels should be transferred to the Suffolk County Department of Parks, Recreation and Conservation in order to become part of said Suffolk County Parkland; and

WHEREAS, if it is found that such properties shown on Exhibit "A", once transferred or dedicated, have created a landlocked parcel or parcels, or denied access to such parcel or parcels, such portion of the dedication was inadvertent, and it is the intention of the Suffolk County Legislature not to dedicate such land to Suffolk County Parks system and/or Nature Preserve as may be required to maintain access and to prevent said properties from being either landlocked or having access denied thereto; and

WHEREAS, it is not the intention of the Suffolk County Legislature to grant rights to adjacent property owners that did not exist at the time of this dedication; and

WHEREAS, Section 406, Real Property Law provides that municipal real property held on public use shall be free of taxation; now, therefore be it

1st **RESOLVED**, that the Director of Real Estate, be authorized to transfer to the Suffolk County Department of Parks, Recreation and Conservation, No Number Montauk Highway, Sayville, New York, the interest of Suffolk County in the above described properties for the above stated reasons and purpose; and be it further

2nd **RESOLVED**, that in the event that it is determined that an abutting property becomes landlocked, or access is denied thereto, such occurrence was not the intention of this dedication, and the Suffolk County Legislature shall provide such easements and/or rights-of-way as it deems just and proper to effectuate the intent of this resolution, without the necessity of a mandatory referendum, solely by a duly adopted resolution by a majority of its members; and be it further

3rd **RESOLVED**, that said parcel(s) are held in public use and free of taxation under Section 406 (1) New York Real Property Tax Law and the assessor of the Town of Babylon, Brookhaven, East Hampton, Huntington, Islip, Riverhead, Smithtown, Southampton, and all other assessors having jurisdiction thereof, be and they hereby are directed to mark the assessment rolls of their jurisdiction to show that said property is owned by the County of Suffolk and is exempt from taxation and exempt from special ad valorem levies and special assessments to the extent permitted by law, and further that the Clerk of the Legislature shall transmit a copy of this resolution to the a fore stated assessors for this purpose; and be it further

4th **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 thereof. 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 617.13(d) (15) and (21). As a type II action, the Legislature has no further responsibilities under SEQRA 6 N.Y.C.R.R. Section 617.5(a) (1).

DATED:

APPROVED BY:

County Executive of Suffolk County

Date: