

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 1176 -2017, 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 TWENTY-FIVE (25) PROPERTIES WITHIN THE MASTIC/SHIRLEY CONSERVATION AREA IN PARTNERSHIP WITH THE U.S. DEPARTMENT OF AGRICULTURE – NATURAL RESOURCES CONSERVATION SERVICE (TOWN OF BROOKHAVEN)

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 Capital Budget and program contains three water quality protection 2014 Referendum capital projects totaling \$29.4 million; CP 8732 for land purchases (\$20.0 million), CP 8733 for water quality projects (\$4.7 million), CP 8734 for sewer improvement projects (\$4.7 million); and

WHEREAS, CP 8732 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; Resolution No. 337-2013; Resolution No. 81-2014; Resolution No. 82-2014; Resolution No. 83-2014; Resolution No. 84-2014; Resolution No. 85-2014; Resolution No. 86-2014; Resolution No. 87-2014; and Resolution No. 696-2014 authorized planning/appraisal steps for the acquisition of said property; and

WHEREAS, Suffolk County, through the Department of Economic Development and Planning, Division of Planning and Environment, applied for funds through the Natural Resources Conservation Service (NRCS) for the Emergency Watershed Protection Program – Floodplain Easements (EWPP-FPE) (project) to aid in the acquisition of flood prone properties that were inundated/damaged by Hurricane Sandy; and

WHEREAS, as a result of Hurricane (Superstorm) Sandy, the deadliest and most destructive hurricane of the 2012 Atlantic hurricane season, many areas along the south shore of Long Island were declared disaster areas by the President of the United States; and

WHEREAS, there were numerous small parcels of wetlands and buffer areas within the low-lying, 100-year floodplain area of the Mastic/Shirley Conservation Area that sustained severe flooding damage; and

WHEREAS, the County has identified many parcels of land in the County's Comprehensive Master List Update – 2012 within the Mastic/Shirley Conservation Area for wetland and floodplain protection as well as other properties affected by Hurricane Sandy in this area; and

WHEREAS, the County has, to date, acquired many small, environmentally vulnerable properties in the Mastic/Shirley Conservation Area for preservation purposes; and

WHEREAS, the County took an opportunity to partner with NRCS, as part of their Hurricane Sandy Phase II - EWPP-FPE Program, to acquire flood-prone properties wherein NRCS would propose to acquire a conservation easement and the County would acquire the residual fee title to 25 properties identified within the Mastic/Shirley Conservation Area; and

WHEREAS, Resolution No. 764-2015, Accepted and Appropriated NRCS – Hurricane Sandy EWPP-FPE Grant Funds in connection with the acquisition of environmentally sensitive lands in the Mastic/Shirley Conservation Area to protect floodprone areas against future flooding and storm damage; and

WHEREAS, NRCS would fund the cost of and hold title to the conservation easement; and

WHEREAS, Suffolk County would fund the cost of and hold title to the residual fee title utilizing funds available from the New Drinking Water Protection Program, Article XII, Section 12-2.A.1. (a) and (d.), for open space/floodplain protection purposes; and

WHEREAS, in addition, NRCS would reimburse the County for the soft costs of the acquisition, including: appraisals, surveys, environmental site assessments, and other associated closing costs, as well as the County employee personnel costs associated with these acquisitions; 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

1st RESOLVED, that the County of Suffolk hereby approves the acquisition of the residual fee title of the subject 25 properties 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 Sixty Thousand Three Hundred Sixty Eight Dollars (\$60,368±), 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 Section Block Lot | SEE EXHIBIT "A" | |

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 residual fee title of the 25 parcel(s) listed herein above from the reputed owners, 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 Sixty Thousand Three Hundred Sixty Eight Dollars (\$60,368±), subject to a final survey; and be it further

3rd **RESOLVED**, that the County Comptroller is hereby authorized to reserve and to pay \$60,368±, 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

4th **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

5th **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;
- d.) lands determined by the County Department of Planning to be necessary for maintaining the quality of surface and/or groundwater in Suffolk County;

and be it further

6th **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

7th **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

8th **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 recreation and floodplain protection purposes; 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

9th **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: December 19, 2017

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: December 26, 2017