

APPENDIX K

LEGACY VILLAGE RESOLUTION

**RESOLUTION NO. 298 -2011, DECLARING AS SURPLUS
AND AUTHORIZING SALE AND/OR LEASE OF REAL
PROPERTY IN YAPHANK PURSUANT TO COUNTY LAW
SECTION 215**

WHEREAS, the County of Suffolk owns nearly 900 acres of real property in Yaphank; and

WHEREAS, numerous County departments and agencies operate at the Yaphank County Center and Cornell Cooperative Extension operates the County's farm in Yaphank; and

WHEREAS, the Suffolk County Department of Planning conducted a study of the County's holdings in Yaphank and determined that approximately 293 acres could potentially be declared surplus and made available for private development; and

WHEREAS, the Suffolk County Executive first proposed his "Legacy Village" development in 2005; and

WHEREAS, the County Executive's Legacy Village proposal now set forth in Introductory Resolution No.1883-2010, envisions over 1,000 units of housing, a hotel, multiple restaurants, retail outlets, thousands of square feet of office space, a 550 seat arena and more at the Yaphank site; and

WHEREAS, one of the critical rationales for Legacy Village cited by the County Executive has been the need to create affordable housing; and

WHEREAS, under the County Executive's proposal, the County of Suffolk would receive a net cash amount of approximately \$15 million and amenities benefitting the public with a value of \$42 million; and

WHEREAS, circumstances in our County, state and nation have changed dramatically since the County Executive first brought forth his Legacy Village proposal; and

WHEREAS, the world and national economy crashed in 2008 and the effects of the worst recession in nearly 80 years are still being felt today; and

WHEREAS, local governments have been devastated by the weak economy and Suffolk County has not been spared of its effects; and

WHEREAS, decreasing revenues and rising pension and health costs create the potential for large budget deficits in the next few years; and

WHEREAS, the housing market has been altered dramatically as demand and prices have dropped sharply; and

WHEREAS, Suffolk County's policies should not and cannot remain stagnant in the face of changing circumstances; and

WHEREAS, in the face of current and future budget deficits, realizing \$15 million from the sale of 255 acres of prime real estate is no longer in the public interest; and

WHEREAS, Suffolk County needs a different approach that recognizes fiscal reality and maximizes benefits for Suffolk County Taxpayers; and

WHEREAS, pursuant to New York County Law § 215, the Suffolk County Legislature is the steward of all County real property; now, therefore be it

1st RESOLVED, that the proposed sale of 255 acres of County real property in Yaphank to the Legacy Village Real Estate Group, LLC, as set forth in the proposed Agreement of Sale between the County and Legacy Village Real Estate Group, LLC, (attached as Exhibit 2 to Introductory Resolution No. 1883-2010) is hereby rejected; and be it further

2nd RESOLVED, that no County department, office, agency or official shall take any action to advance the Legacy Village project or any variation thereof; however, the preparation of the Generic Environmental Impact Statement (GEIS) initiated by Res. 45-2010 may proceed; and be it further

3rd RESOLVED, that approximately 247 acres of County-owned real property in Yaphank, more fully described in the attached Exhibit "A", are hereby declared surplus to the County's needs; and be it further

4th RESOLVED, that it shall be the policy of the County of Suffolk to sell and/or lease the County's surplus property in Yaphank so as to maximize the County's monetary return; and be it further

5th RESOLVED, that the Department of Energy and Environment, Division of Real Property Acquisition and Management, is hereby authorized, empowered and directed to determine how the property described in the attached Exhibit "A" should be offered for sale or lease in order to maximize the monetary return to the County and is authorized to offer the real property for sale and/or lease at the earliest time practicable; and be it further

6th RESOLVED, that the Division of Real Property Acquisition and Management is authorized to take the actions necessary to create lots from the property described in Exhibit "A"; and be it further

7th RESOLVED, all contracts of sale and lease agreements entered into by the County of Suffolk in accordance with this resolution shall be subject to legislative approval, and appropriate SEQRA and CEQ review; and be it further

8th RESOLVED, that this Legislature hereby determines that the enactment of this resolution herein constitutes a Type I action pursuant to the provisions of Title 6 NYCRR, Part 617.4(b)(4) and Chapter 279 of the Suffolk County Code, which action will not have significant adverse impacts on the environment for the following reasons:

- 1) The proposed action, as demonstrated in the Environmental Assessment Form, will not exceed any of the criteria in Title 6 NYCRR, Part 617.7 setting forth thresholds for determining significant effect on the environment;

- 2) The proposed action involves the surplus and sale and/or lease of the property with no proposed development associated with it;
- 3) The proposed action rejects Suffolk County Introductory Resolution 1883-2010, terminating the Legacy Village proposal; and
- 4) Any further development of the subject property will be subject to further SEQRA review.

DATED: April 26, 2011

APPROVED BY:

County Executive of Suffolk County

Date: