

# **DUKE**

## **Three Mile Harbor County Park**

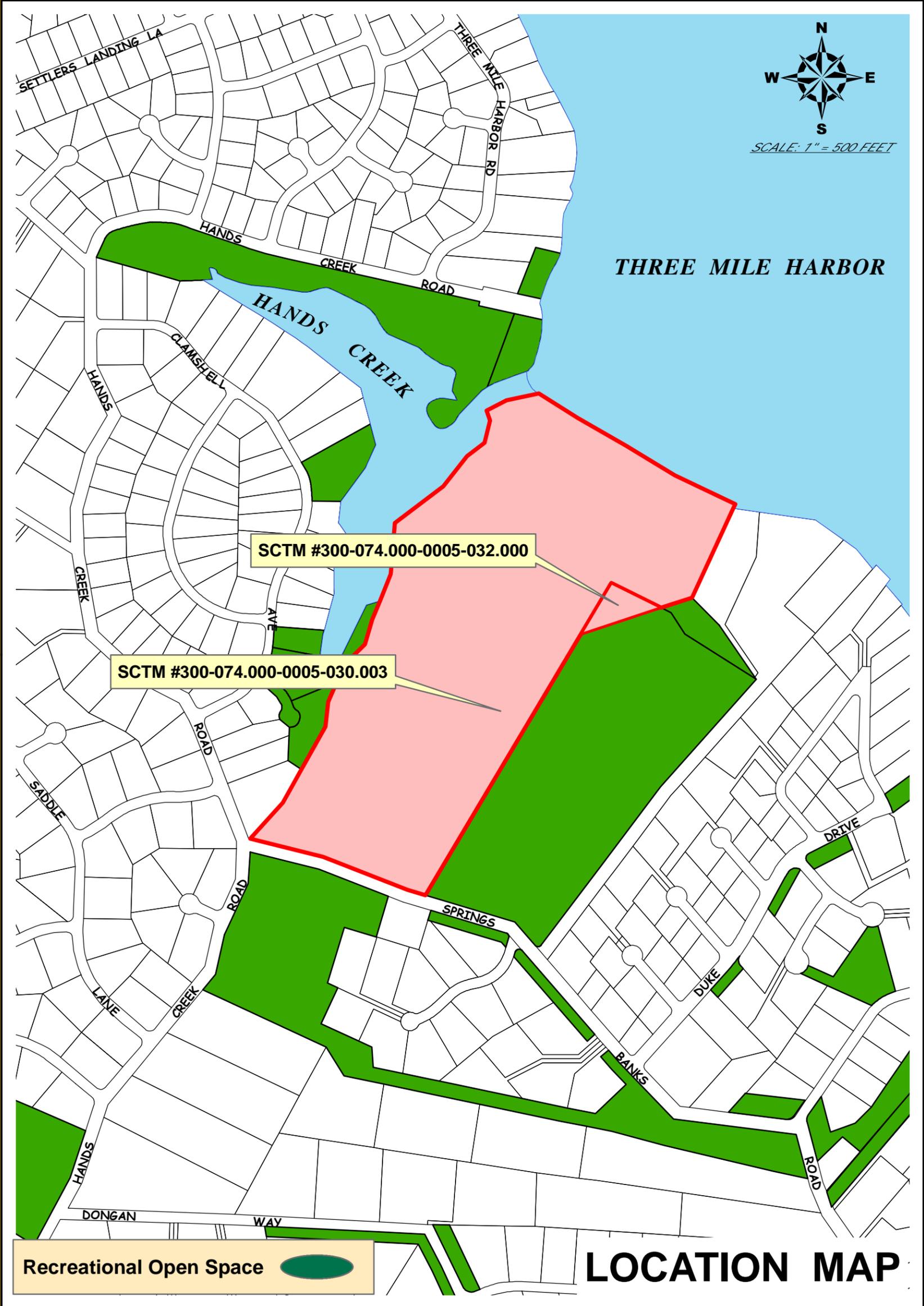
### **Baseline Documentation**



**Suffolk County Tax Map  
300-74-5-30.3 & 32  
Springy Banks Road  
Area 56.77 Acres  
Town of East Hampton, New York**

**Purchased in partnership with the County of Suffolk  
and the Town of East Hampton**

**The Community Preservation Fund Law was enacted to help protect and preserve open and undeveloped lands in the Town of East Hampton and the Incorporated Villages, including wetlands, woodlands, agricultural lands, shorelands and the other natural resources of the town; for the purposes of protecting historic places and properties within the town; and for the purpose of providing the town's visitors and residents with outdoor recreational opportunities.**



*Town Of East Hampton CPF and County Of Suffolk Property*

Suffolk County Real Property Tax Service  
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Suffolk County Real Property Tax Service Agency (R.P.T.S.A.)



Prepared by  
**THE TOWN OF EAST HAMPTON**  
Suffolk County, New York

**TOWN OF EAST HAMPTON**  
**Duke Property**  
**Springs Banks Road**  
**East Hampton School District**



(478) AUTHORIZE PURCHASE OF OPTION & ACQUISITION  
Property of ANTHONY DREXEL DUKE, et al., Springy Banks Road, Northwest  
SCTM #300-74-5-p/o 30.1 & 32

The following resolution was offered by Councilman Potter, seconded by Councilwoman Weir, and adopted:

**WHEREAS**, pursuant to § 247 of the General Municipal Law of the State of New York, the Town Board held a public hearing on **April 5, 2002** to consider the acquisition of approximately 57.036 acres of land located on Springy Banks Road at Hand's Creek and Three Mile Harbor, which land consists of the property identified on the Suffolk County Tax Map as SCTM #300-74-5-32 and a portion of the property identified as SCTM #300-74-5-30.1; and

**WHEREAS**, the Town has been offered an option to purchase the subject property within approximately one (1) year, for the sum of \$ **750,000.00** payable upon signing of the option agreement, said sum to be includable in the total purchase price of the property should the Town exercise the option; and

**WHEREAS**, the total proposed purchase price for fee simple acquisition of the subject property, inclusive of the option payment (if exercised), is \$ **12,000,000.00**, plus survey, title, prorated tax, and recording charges; and

**WHEREAS**, said property consists of mature, rolling oak forest which adjoins and overlooks Three Mile Harbor and Hand's Creek, and which is adjacent to Town of East Hampton, Town Trustee, and Nature Conservancy wetlands along Hand's Creek; and

**WHEREAS**, the Duke property has approximately 3,600 feet of shore frontage along Three Mile Harbor and Hand's Creek, with elevations of up to 58 feet above mean sea level, and in addition ~~lies within an area believed to be rich in archaeological and prehistoric Native American resources;~~ and

**WHEREAS**, the purpose of said acquisition is ~~preservation of open space;~~ and

**WHEREAS**, the Town intends to seek to purchase the subject property in partnership or with part of funding from other governmental sources; and

**WHEREAS**, the purchase of the option and acquisition of the subject property is classified as a Type II Action pursuant to the State Environmental Quality Review Act (SEQRA); and

**WHEREAS**, the Town Board finds, pursuant to § 64-e (8) of the New York Town Law, that acquisition of the subject property by purchase in the manner described is the best alternative, of all reasonable alternatives available to the Town, for protection of the community character of the Town of East Hampton, and that such acquisition would be in the best interests of the Town;

**NOW, THEREFORE, BE IT RESOLVED**, that the Supervisor is hereby authorized and directed to enter into an option agreement with the record owner of the subject property,

reputedly **Anthony Drexel Duke, et al.**, by which the Town will acquire the right to purchase the property for a total cost to the Town of East Hampton not to exceed \$ **12,000,000.00**, plus reasonable survey, title, prorated tax, and recording charges, said option to be exercisable by the Town in accordance with a contract of sale accompanying the option agreement and under a commitment to close said purchase not later than March 31, 2003; and be it further

**RESOLVED**, that upon resolution of the Town Board exercising the option purchased hereunder, and pursuant to contract, the Supervisor is authorized and directed to execute any documents and to pay any and all reasonable survey, title, prorated tax, and recording charges, as may be necessary to effect the transfer of title; and be it further

**RESOLVED**, that the Supervisor is authorized and directed to seek funding for the acquisition from other governmental sources; and be it further

**RESOLVED**, the monies to be expended for purchase of the foregoing option, and for purchase of the property should the option be exercised, shall be drawn from the Town of East Hampton ~~Community Preservation Fund Budget Account~~ to the extent that other sources are not available; and be it further

**RESOLVED**, that copies of this resolution shall be forwarded to:

Town Attorney Eric Bregman;  
Deputy Town Attorney Richard E. Whalen;  
Town Budget Officer Len Bernard;  
Planning Department;  
Mr. Christopher Griffiths  
The Nature Conservancy  
P.O. Box 5125  
East Hampton, New York 11937  
and  
Jeffrey L. Bragman, Esq.  
300 Pantigo Place  
Suite 117A  
East Hampton, New York 11937.

(509) AMENDED AUTHORIZATION FOR PURCHASE OF OPTION & ACQUISITION  
Property of ANTHONY DREXEL DUKE, et al., Springy Banks Road, Northwest  
**SCTM #300-74-5-p/o 30.1 & 32**

The following resolution was offered by Councilman J. Potter, seconded by Councilwoman D. Weir and adopted:

**WHEREAS**, by Resolution No. 478 of 2002, adopted April 5, 2002, the Town Board authorized the purchase of an option to buy approximately 57.036 acres of land located on Springy Banks Road at Hand's Creek and Three Mile Harbor, which land is reputedly owned by Anthony Drexel Duke, et al. and which consists of the property identified on the Suffolk County Tax Map as SCTM #300-74-5-32 and a portion of the property identified as SCTM #300-74-5-30.1; and

**WHEREAS**, the purchase price for the option is \$ 750,000.00, payable upon signing of the option agreement, by which option agreement the Town will acquire the right to purchase the subject property in fee simple for a total price of \$ 12,000,000.00, inclusive of the option payment, plus survey, title, prorated tax, and recording charges; and

**WHEREAS**, Resolution No. 478 stipulated that the Town commit to close on its purchase of the subject property by March 31, 2003, and the seller is willing to allow a closing date later than March 31, 2003;

**NOW, THEREFORE, BE IT RESOLVED**, that the option and contract shall give the Town a right to close on the purchase of this property within approximately one (1) year from the date of the signing of the option agreement, as may be detailed in the option agreement and contract of sale being reviewed by the Town Attorney's Office, but such closing may occur after March 31, 2003; and be it further

**RESOLVED**, that copies of this resolution shall be forwarded to:

- Town Attorney Eric Bregman;
- Deputy Town Attorney Richard E. Whalen;
- Town Budget Officer Len Bernard;
- Planning Department;
- Mr. Christopher Griffiths, The Nature Conservancy, P.O. Box 5125, East Hampton, New York 11937; and
- Jeffrey L. Bragman, Esq., 300 Pantigo Place, Suite 117A, East Hampton, New York 11937.

**Number** 2002-519  
**Sponsors** Jay Schneiderman, Pat Masnsir  
**Status** Adopted  
**Meeting** 04/18/2002

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(519) The following resolution was offered by Supervisor Jay Schneiderman, seconded by Councilwoman P. Mansir, and adopted.

WHEREAS, the Town Board has decided to acquire land known as the Duke property in accordance with Town Board resolution 478 of April 5, 2002, and

WHEREAS, such purchase will be funded primarily from the Community Preservation Fund (CPF), and

WHEREAS, \$750,000.00 is needed as a payment at the time the option to acquire the property is signed, and

WHEREAS, the Town Board has previously authorized the short term advance of proceeds from the General Fund to the Community Preservation Fund in the amount of \$2,750,000.00 to finance current acquisitions, with the Community Preservation Fund to return the advance over the next several months as CPF revenues are received by the Town, and

WHEREAS, approximately \$2,400,000.00 has already been advanced, or dedicated for advancement, and there is a need for additional authorization to fully allow for the advance needed for the Duke property, now therefore be it

RESOLVED, that the Town Board authorizes an additional \$450,000.00 advance from the General Fund to the Community Preservation Fund for the purpose of paying the option on the purchase of the Duke property, and be it further

RESOLVED, that the Town Clerk forward a copy of this resolution to the Town Attorney, the Budget Officer, and the Bookkeeping Office.

EXHIBIT "A"

Resolution No. ~~741~~ 742

Date: June 7, 2002

**PROPOSED ACQUISITION - PRESERVATION PARTNERSHIP**

Property of ANTHONY DREXEL DUKE, et al., Springy Banks Road, Northwest  
SCTM #300-74-5-p/o 30.1 & 32

The following resolution was offered by Supervisor J. Schneiderman

seconded by Councilwoman P. Mansir, and adopted:

**WHEREAS**, by Resolution No. 75 of 1997 the Suffolk County Legislature established the Preservation Partnership Program, thereby enabling the Towns in Suffolk County to expedite land preservation by sharing in the financial burden of County land acquisitions; and

**WHEREAS**, the Town of East Hampton wishes to participate in the Preservation Partnership Program with respect to the purchase of lands for open space and/or recreational purposes; and

**WHEREAS**, the Town is seeking to acquire and preserve a tract of approximately 57.036 acres of land located on Springy Banks Road at Hand's Creek and Three Mile Harbor, owned by Anthony Drexel Duke and the Duke Family 2001 Trust, which property is identified on the Suffolk County Tax Map as SCTM #300-74-5-32 and a part of SCTM #300-74-5-30.1; and

**WHEREAS**, said property consists of mature, rolling oak forest which adjoins and overlooks Three Mile Harbor and Hand's Creek, and which is adjacent to Town of East Hampton and Nature Conservancy wetlands along Hand's Creek; and

**WHEREAS**, the Duke property has approximately 2,600 feet of shore frontage along Three Mile Harbor and Hand's Creek, with elevations of up to 58 feet above mean sea level, and in addition lies within an area believed to be rich in archaeological and prehistoric Native American resources;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of East Hampton hereby requests that Suffolk County acquire fee title in common with the Town of East Hampton to the lands designated in the caption above; and

**BE IT FURTHER RESOLVED**, that the Town of East Hampton represents that the property meets the criteria for acquisition under the following County program or acquisition category:

Open Space Program - the parcel contains wetlands, woodlands, and/or other environmentally significant natural resources worthy of preservation; and

**BE IT FURTHER RESOLVED**, that the Town of East Hampton hereby recommends that the parcel be managed and used in accordance with the following category of use:

Open Space Program - natural resource preservation; and

**BE IT FURTHER RESOLVED**, that the Town of East Hampton hereby agrees to appropriate and provide at least fifty percent (50%) of the funding for the acquisition costs of the subject property at closing; and

**BE IT FURTHER RESOLVED**, that said acquisition costs shall include, but not be limited to, the costs of survey, appraisal, environmental audit, title report and insurance, tax adjustment, taxes prior to exemption, and any fees levied by environmental organizations heretofore or hereinafter authorized by the Suffolk County Legislature to help and/or to act for and on behalf of Suffolk County in acquisition of the subject parcel and

**BE IT FURTHER RESOLVED**, that fee title to the subject property shall be acquired by the County of Suffolk and the Town of East Hampton as tenants-in-common each owning an undivided fifty percent (50%) interest in the property; and

**BE IT FURTHER RESOLVED**, that the Town Supervisor is hereby authorized to execute a purchase agreement with the landowner and any collateral agreements with the County of Suffolk deemed necessary to effectuate the terms of this resolution; and

**BE IT FURTHER RESOLVED**, that this resolution shall become effective immediately; and

**BE IT FURTHER RESOLVED**, that the Town Clerk is directed to forward copies of this resolution to:

Mr. Thomas Isles, Director, Suffolk County Planning Department,  
P.O. Box 6100, 4<sup>th</sup> Floor, Hauppauge, New York 11788-0099;  
Suffolk County Executive Robert Gaffney,  
P.O. Box 6100, 12<sup>th</sup> Floor, Hauppauge, New York 11788-0099;  
Suffolk County Legislature,  
725 Veterans Memorial Highway, William H. Rogers Building,  
Smithtown, New York 11787-4311;  
Ms. Christine D. Costigan, Director of Division of Real Estate, Dept. of Planning,  
P.O. Box 6100, Hauppauge, New York 11788-0099;  
Marguerite Wolffsohn, Town Planning Director;  
Deputy Town Attorney Richard E. Whalen; and  
Mr. Christopher Griffiths, The Nature Conservancy, P.O. Box 5125,  
East Hampton, New York 11937.

Resolution No. 479

Dated: April 4, 2003

**AUTHORIZATION TO EXERCISE OPTION & ACQUIRE PROPERTY**

**Property of ANTHONY DREXEL DUKE, et al., Springy Banks Road, Northwest  
SCTM #300-74-5-p/o 30.1 & 32**

The following resolution was offered by COUNCILMAN POTTER,

seconded by ~~Councilwoman D. Weir~~, and adopted:

*WHEREAS*, the Town of East Hampton on April 25, 2002 acquired an option to purchase approximately 57.036 acres of land located on Springy Banks Road at Hand's Creek and Three Mile Harbor, which land is reputedly owned by Anthony Drexel Duke, et al. and which consists of the property identified on the Suffolk County Tax Map as SCTM #300-74-5-32 and a portion of the property identified as SCTM #300-74-5-30.1; and

*WHEREAS*, said option gives the Town the right to purchase the subject property in fee for a total payment to sellers of \$ 12,000,000.00, inclusive of the \$ 750,000.00 spent to acquire the option; and

*WHEREAS*, said option must be exercised in writing by April 10, 2003; and

*WHEREAS*, the Town Board now wishes to exercise the option to purchase said property, in order to acquire and preserve the land as open space for the reasons set forth in Town Board Resolution No. 478 of 2002, adopted April 5, 2002; and

*WHEREAS*, the exercise of said option is classified as a Type II action pursuant to the State Environmental Quality Review Act (SEQRA); and

*WHEREAS*, the Town Board finds, pursuant to § 64-e (8) of the New York Town Law, that acquisition of the subject property by purchase is the best alternative, of all reasonable alternatives available to the Town, for protection of the community character of the Town of East Hampton, and that such acquisition would be in the best interests of the Town; and

*WHEREAS*, the Town still hopes to solicit the participation of Suffolk County in the purchase and preservation of the subject property; and

*WHEREAS*, the property owner has expressed a willingness to accommodate the Town's

desire for County participation, by extending the Town's time to close on the purchase of the property – either alone or in conjunction with Suffolk County – to a fixed future date, subject to payment of interest on the outstanding balance due of \$11,250,000.00 at a rate of six percent (6%) annual interest, pro rated over the period of time extending from April 24, 2003 to the actual date of closing;

***NOW, THEREFORE, BE IT RESOLVED***, that the Town of East Hampton hereby elects to exercise its rights to purchase the above-described property under the Option Agreement recorded April 26, 2002 at Liber 12182 Page 666; and be it further

***RESOLVED***, that the Supervisor is hereby authorized and directed to execute the contract of sale referenced in the abovesaid option, under which contract of sale the Town of East Hampton agrees to purchase the subject property from **Anthony Drexel Duke, et al.**, reputed owners, at a further cost to the Town of East Hampton not to exceed **\$ 11,250,000.00**, plus reasonable survey, title, prorated tax, and recording charges; and be it further

***RESOLVED***, that the Supervisor is further authorized and directed to execute the aforementioned contract with the following amendments, provided that Seller's consent thereto is obtained and subject to review and approval by the Town Attorney:

1. The closing date is extended from April 24, 2003 to a date not later than January 31, 2004, with the Town having the option to close at any time prior to the specified closing date;
2. The closing date is made "time of the essence;"
3. The Town agrees to pay Seller six percent (6%) annual interest on the contract balance due of \$11,250,000.00, pro rated from April 24, 2003 to the date of closing;
4. Seller agrees, if so requested, to convey title at closing to the Town of East Hampton and Suffolk County jointly, in such manner as the Town and County direct may direct, and to accept payment of the purchase price at closing from either or both the Town and the County; and be it further

***RESOLVED***, that pursuant to contract the Supervisor is authorized and directed to execute any documents and the Town Budget Officer is directed to pay the purchase price and any and all reasonable survey, title, prorated tax, and recording charges, as may be necessary to effect the transfer of title; and be it further

***RESOLVED***, the monies to be expended for purchase of the foregoing property shall be drawn from the Town of East Hampton Community Preservation Fund Budget Account, with such borrowings against the Town's existing line of credit with the New York State Environmental Facilities Corporation ("EFC") as may be possible; and be it further

**RESOLVED**, that copies of this resolution shall be forwarded to:

Town Attorney Theresa K. Quigley;  
Assistant Town Attorney Richard E. Whalen;  
Town Budget Officer Len Bernard;  
Planning Department;  
Mr. Christopher Griffiths, The Nature Conservancy, P.O. Box 5125, East Hampton,  
New York 11937;  
Jeffrey L. Bragman, Esq., 300 Pantigo Place, Suite 117A, East Hampton,  
New York 11937; and  
George Cholakis, Esq., New York State Environmental Facilities Corporation,  
625 Broadway, Legal Department – 7<sup>th</sup> Floor, Albany, New York 12207.

N:\March2003\duke.exercise.option.03.07.2003.DOC

**(549) AMENDED AUTHORIZATION FOR ACQUISITION (WITH SUFFOLK COUNTY)  
Property of ANTHONY DREXEL DUKE, et al., Springy Banks Road, Northwest  
SCTM #300-74-5-p/o 30.1 & 32**

The following resolution was offered by COUNCILMAN POTTER, seconded by Councilwoman D. Weir, and adopted:

**WHEREAS**, the Town of East Hampton is seeking to acquire and preserve approximately 57.036 acres of land located on Springy Banks Road at Hand's Creek and Three Mile Harbor, in Northwest, which land is reputedly owned by Anthony Drexel Duke, et al. and which consists of the property identified on the Suffolk County Tax Map as SCTM #300-74-5-32 and a portion of the property identified as SCTM #300-74-5-30.1; and

**WHEREAS**, the Town wishes to obtain participation by the County of Suffolk in the purchase and preservation of the Duke property; and

**WHEREAS**, such County participation appears possible, and may shortly be authorized by the Suffolk County Legislature, but the amount of money which Suffolk County would contribute to the purchase price would be limited to \$5,800,000.00; and

**WHEREAS**, the Town Board wishes to confirm that it is desirous of Suffolk County participation in this acquisition even if the County's contribution to the purchase price is limited to \$5,800,000.00;

**NOW, THEREFORE, BE IT RESOLVED**, that in the event of a joint purchase of the Duke property by the Town of East Hampton and County of Suffolk, the Town's contribution to the \$12,000,000.00 total purchase price shall be \$6,200,000.00, inclusive of monies already spent to purchase an Option on the property, which monies are credited against the total purchase price; and be it further

**RESOLVED**, that copies of this resolution shall be forwarded to:

Mr. Thomas Isles, Director, Suffolk County Planning Department,  
P.O. Box 6100, 4<sup>th</sup> Floor, Hauppauge, New York 11788-0099;  
Suffolk County Executive Robert Gaffney,  
P.O. Box 6100, 12<sup>th</sup> Floor, Hauppauge, New York 11788-0099;  
Suffolk County Legislature,  
725 Veterans Memorial Highway, William H. Rogers Building,  
Smithtown, New York 11787-4311;  
Ms. Christine D. Costigan, Director of Division of Real Estate, Dept. of Planning,  
P.O. Box 6100, Hauppauge, New York 11788-0099;  
Town Attorney Theresa K. Quigley;  
Assistant Town Attorney Richard E. Whalen;  
Town Budget Officer Len Bernard;  
Marguerite Wolffsohn, Planning Director;  
Mr. Christopher Griffiths, The Nature Conservancy, P.O. Box 5125, East Hampton,  
New York 11937;  
Jeffrey L. Bragman, Esq., 300 Pantigo Place, Suite 117A, East Hampton,  
New York 11937; and  
George Cholakakis, Esq., New York State Environmental Facilities Corporation,  
625 Broadway, Legal Department - 7<sup>th</sup> Floor, Albany, New York 12207

Adopted 4/15/2003

Meeting date: May 13, 2003

(624) The following resolution was offered by Supervisor Schneiderman, seconded by Councilwoman P. Mansir and adopted:

**WHEREAS**, East Hampton Town (the Town) is desirous of partnering with Suffolk County on a joint acquisition of the 57 acre Duke property (the property) located on 3 Mile Harbor in the Town of East Hampton, and

**WHEREAS**, the Town has expressed, by resolution, its interest in partnering with Suffolk County for the acquisition of the above referenced property to absorb the difference in costs above 50% of the mean appraisal value of 11.6 million and

**WHEREAS**, during the Town's April 29<sup>th</sup> discussions with the Suffolk County Legislature the members of the legislature raised concerns regarding public access to the property by Suffolk County residents; and

**WHEREAS**, the Town, in conjunction with Suffolk County, recognizes the suitability of this property for mutually acceptable passive recreational purposes such as fishing, hiking, nature study and kayaking, provided however that any approved use be limited in scale so as to ensure that the unique natural features of the property are sufficiently protected; and

**WHEREAS**, the Town in no way wishes to interfere with the appropriate use of and access to this property by Suffolk County residents; now therefore be it

**RESOLVED**, that The Town hereby agrees that the above referenced property shall be managed by the Town in accordance with the terms of a management plan developed jointly by the Town of East Hampton and Suffolk County with said Management Plan making express provisions for the passive recreational use of the property by all Suffolk County residents and be it further

**RESOLVED**, that the Town shall design and construct a 20 car parking lot in an area agreed upon by both the Town and Suffolk County with said parking being open, on a first come first served basis, to all Suffolk County residents during the hours of the park's operation; and be it further

**RESOLVED** that copies of this resolution be forwarded by the Town Clerk to the following:

Suffolk County Legislature: Presiding Officer

Town Attorney  
Town Planning Department  
Nature Conservancy

Introduced by the Presiding Officer at the request of the County Executive

**RESOLUTION NO. -2003, AUTHORIZING ACQUISITION OF  
LAND UNDER THE NEW SUFFOLK COUNTY DRINKING  
WATER PROTECTION PROGRAM (DUKE PROPERTY - TOWN  
OF EAST HAMPTON)**

**WHEREAS**, Local Law 35-1999, "A Charter Law Adopting Common Sense Tax Stabilization Plans for Sewers, Environmental Protection and County Taxpayers," authorizes the use of 13.55 percent of sales, and compensating use tax proceeds generated each year for open space acquisition, as determined by duly enacted Resolutions of the County of Suffolk; and

**WHEREAS**, Resolution No. 812-2002 as amended by Resolution No. 1197-2002 and Resolution No. 72-2003, authorized planning steps for the acquisition of the Duke property in the Town of East Hampton under the New Suffolk County Drinking Water Protection Program; and

**WHEREAS**, the Duke Estate is the last piece of old growth, Eastern Deciduous Forest on the shore of Three Mile Harbor whose flora includes several rare species on the State's Natural Heritage List; and

**WHEREAS**, the Town of East Hampton, as per Town Resolution No. 742-02 (Exhibit "A"), is willing to share fifty percent (50%) of the acquisition costs, including but not limited to the purchase price and cost of surveys, environmental audits and title insurance fees; and

**WHEREAS**, adequate funding is provided for, pursuant to Section 12-2(A)(1) of the SUFFOLK COUNTY CHARTER, from 13.55 percent of the sales and compensating tax proceeds, for the acquisition of such land; now, therefore, be it

**1st RESOLVED**, that the following parcels are hereby approved for acquisition in the amount of twelve million dollars (\$12,000,000.00) of which fifty percent (50%) will be provided by the Town of East Hampton (\$6,000,000.00) and included in the New Suffolk County Drinking Water Protection Program authorized, empowered, and directed by Section 12-3 of the SUFFOLK COUNTY CHARTER and implemented under Article XII of the SUFFOLK COUNTY CHARTER:

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>	<u>ACRES</u>	<u>REPUTED OWNER:</u>
No. 1	District      0300 Section        074.00 Block          05.00 Lot             032.000		Duke Family Trust 178 Springy Banks Road East Hampton, NY 11937
No. 2	District      0300 Section        074.00 Block          05.00 Lot             p/o 030.001		Duke Family Trust 178 Springy Banks Road East Hampton, NY 11937

Total Approx. Acres: 57.04

and be it further

**2nd RESOLVED**, that payment for the acquisition of such parcels shall be made from the allocation of funds provided under Section 12-2(A)(1) of the SUFFOLK COUNTY CHARTER as per the following criteria:

- a.) freshwater/tidal wetlands and buffer lands for same; and
- 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

**3rd RESOLVED**, that the title to these acquisitions shall be held by the County and the Town of East Hampton as tenants-in-common, each owning an undivided fifty percent (50%) interest; and be it further

**4th RESOLVED**, that the Commissioner of the County Department of Public Works is hereby authorized, empowered, and directed, pursuant to Section 8-2(X) of the SUFFOLK COUNTY CHARTER, to have surveys and maps prepared for the subject parcels in accordance with Resolution No. 423-1988; and be it further

**5th RESOLVED**, that any unencumbered, unallocated funds available at the conclusion of the acquisition of the above described parcels shall be utilized for such future and subsequent open space acquisitions as may be approved via duly enacted Resolution of the County of Suffolk and which are identified and designated for the use of such funds under Section 12-2(A) of the SUFFOLK COUNTY CHARTER; and be it further

**6th RESOLVED**, that the Division of Real Estate in the County Department of Planning is hereby authorized, empowered, and directed, pursuant to Section 14-10(E) of the SUFFOLK COUNTY CHARTER, to take all appropriate steps to acquire fee simple absolute or a lesser interest (i.e. conservation easement) of the subject parcels; and be it further

**7th RESOLVED**, that the Director of the Division of Real Estate is hereby authorized to negotiate and to enter into any necessary collateral agreements with the Town of East Hampton to effectuate the terms of this resolution; and be it further

**8th RESOLVED**, that the County Department of Planning, Division of Real Estate, is hereby authorized to negotiate and to enter into a municipal cooperation agreement with the Town of East Hampton for the management of said County acquisition consistent with this program with the County Department of Parks, Recreation and Conservation hereby charged with the management and operation of said property; and be it further

**9th RESOLVED**, that the above activity is an unlisted action pursuant to the provisions of Title 6 NYCRR, Part 617; and, be it further

**10th 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 in 6 NYCRR, Section 617.7, which sets forth threshold for

determining significant effect on the environment, as demonstrated in the Environmental Assessment Form;

- 2) the site contains environmentally sensitive lands that should be preserved as open space; 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

and, be it further

**11th RESOLVED**, that in accordance with Section 279-5(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:

APPROVED BY:

\_\_\_\_\_  
County Executive of Suffolk County

Date of Approval:

