

PROPOSED ORDINANCE NO. 58 - 2012

MAKING CERTAIN DETERMINATIONS PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT AND AUTHORIZING THE COUNTY EXECUTIVE ON BEHALF OF THE COUNTY OF NASSAU TO RELEASE AN EASEMENT ENCUMBERING A PARCEL OF REAL PROPERTY LOCATED IN WOODMERE, TOWN OF HEMPSTEAD, COUNTY OF NASSAU, STATE OF NEW YORK AND DESIGNATED AS SECTION 39, BLOCK 485, LOTS 37 AND 38 ON THE NASSAU COUNTY LAND AND TAX MAP AND TO EXECUTE AN AGREEMENT BETWEEN THE COUNTY OF NASSAU AND ARON ROSENBERG AND CAROLYN ROSENBERG CONCERNING THE RELEASE OF SUCH EASEMENT AND TO EXECUTE ANY AND ALL ANCILLARY DOCUMENTS NECESSARY TO CARRY OUT THE PURPOSES OF THE AGREEMENT.

WHEREAS, pursuant to a deed dated October 29, 1955, the County acquired an easement (the "Easement") encumbering real property known and designated as Section 39, Block 485, Lots 37 and 38 on the Land and Tax Map of the County of Nassau (the "Property"), the boundaries of which Easement are described as follows:

All that certain plot, piece and parcel of land situate, lying and being in Woodmere, Town of Hempstead, County of Nassau, State of New York being further bonded and described as follows: BEGINNING at a point on the westerly side of Woodmere Boulevard distant 100.32 feet northerly from the northerly terminus of the arc forming the Northwesterly corner of Lakeside Drive South and said Woodmere Boulevard; thence from said point or place of beginning North 87 degrees 23 minutes West 150.00 feet to property belonging to Nassau County; thence along last mentioned line North 2 degrees 37 minutes East 10.0 feet; thence South 87 degrees 23 minutes East 150.0 feet to the westerly side of Woodmere Boulevard; thence along last mentioned line South 2 degrees 37 minutes West 10.0 feet to the point or place of BEGINNING;

WHEREAS, Aron Rosenberg and Carolyn Rosenberg (the "Releasees"), the owners of the Property, have requested that the County release the Easement and have offered the County the sum of One Thousand and 00/100 Dollars (\$1,000.00) to effectuate such release;

WHEREAS, the Releasees have executed an agreement with the County containing the terms and conditions by which the County would release the Easement (the "Agreement");

WHEREAS, the County has determined that the release of the Easement will not pose a hardship to the County;

WHEREAS, the County has no objection to the release of the Easement; and

WHEREAS, in accordance with Section 1611 of the Nassau County Charter and acting in an advisory capacity to the Nassau County Legislature, the Nassau County Planning Commission has reviewed the proposed action, namely the release of the Easement, and determined that it is an “Unlisted Action” pursuant to the New York State Environmental Quality Review Act (“SEQRA”), and has further reviewed the Environmental Assessment Form (“EAF”) for the proposed action and recommends that the Legislature upon its review of the (“EAF”) and any supporting documentation, if any, determine that the evidence before it indicates that the proposed action will have no significant environmental impact and does not require further environmental review; and

WHEREAS, the Nassau County Planning Commission, acting in an advisory capacity to the Nassau County Legislature, passed a resolution regarding the proposed action, a copy of such resolution being attached hereto as Appendix A and incorporated herein, recommending that the Legislature conclude that no further environmental review or action is required on such proposed action.

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATURE OF THE COUNTY OF NASSAU AS FOLLOWS:

SECTION 1. That the County Executive be and he is hereby authorized to release the Easement on behalf of the County and execute on behalf of the County the Agreement, subject to all the terms and conditions as contained in said Agreement.

SECTION 2. That the County Executive is hereby authorized to execute any and all ancillary documents necessary to carry out the purposes of the Agreement.

SECTION 3. That it is hereby determined pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L. Section 0101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., and Section 1611 of the County Government Law of Nassau County, that the release of the Easement, has been determined not to have a significant effect on the environment and no further review is required for the reasons set forth in the attached Determination of Non-Significance.

SECTION 4. This Ordinance shall take effect immediately.

