

PROPOSED ORDINANCE 57 -2013

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 CERTAIN COVENANTS AND RESTRICTIONS ENCUMBERING A PARCEL OF REAL PROPERTY LOCATED IN THE INCORPORATED VILLAGE OF FREEPORT, TOWN OF HEMPSTEAD, COUNTY OF NASSAU, STATE OF NEW YORK AND DESIGNED AS SECTION 55, BLOCK H, LOT 383 ON THE NASSAU COUNTY LAND AND TAX MAP AND TO EXECUTE AN AGREEMENT BETWEEN THE COUNTY OF NASSAU AND THE INCORPORATED VILLAGE OF FREEPORT CONCERNING THE RELEASE OF SUCH COVENANTS AND RESTRICTIONS AND TO EXECUTE ANY AND ALL ANCILLARY DOCUMENTS NECESSARY TO CARRY OUT THE PURPOSES OF THE AGREEMENT.

WHEREAS, pursuant to a deed dated May 7, 1981, the County acquired a premises (the "Premises") known as Section 55, Block H, Lot 383 on the Land and Tax Map of the County of Nassau from the City of New York;

WHEREAS, on June 21, 1989, the County transferred the Premises to the Incorporated Village of Freeport (the "Village") with certain covenants and restrictions (the "Covenants and Restrictions"), which Covenants and Restrictions are more fully described in Schedule A attached hereto;

WHEREAS, the Village now desires to transfer the property to a private owner for market value;

WHEREAS, to effectuate said transfer, the Village has requested that the County release the Covenants and Restrictions;

WHEREAS, the Village has executed an agreement with the County containing the terms and conditions by which the County would release the Covenants and Restrictions (the "Agreement");

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

WHEREAS, the County has no objection to the release of the Covenants and Restrictions; 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 Covenants and Restrictions, 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, as to the Premises only, release the Covenants and Restriction on behalf of the County and execute on the 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. Seciton 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 Covenants and Restrictions, 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.