

SCHWENK

Baseline Documentation

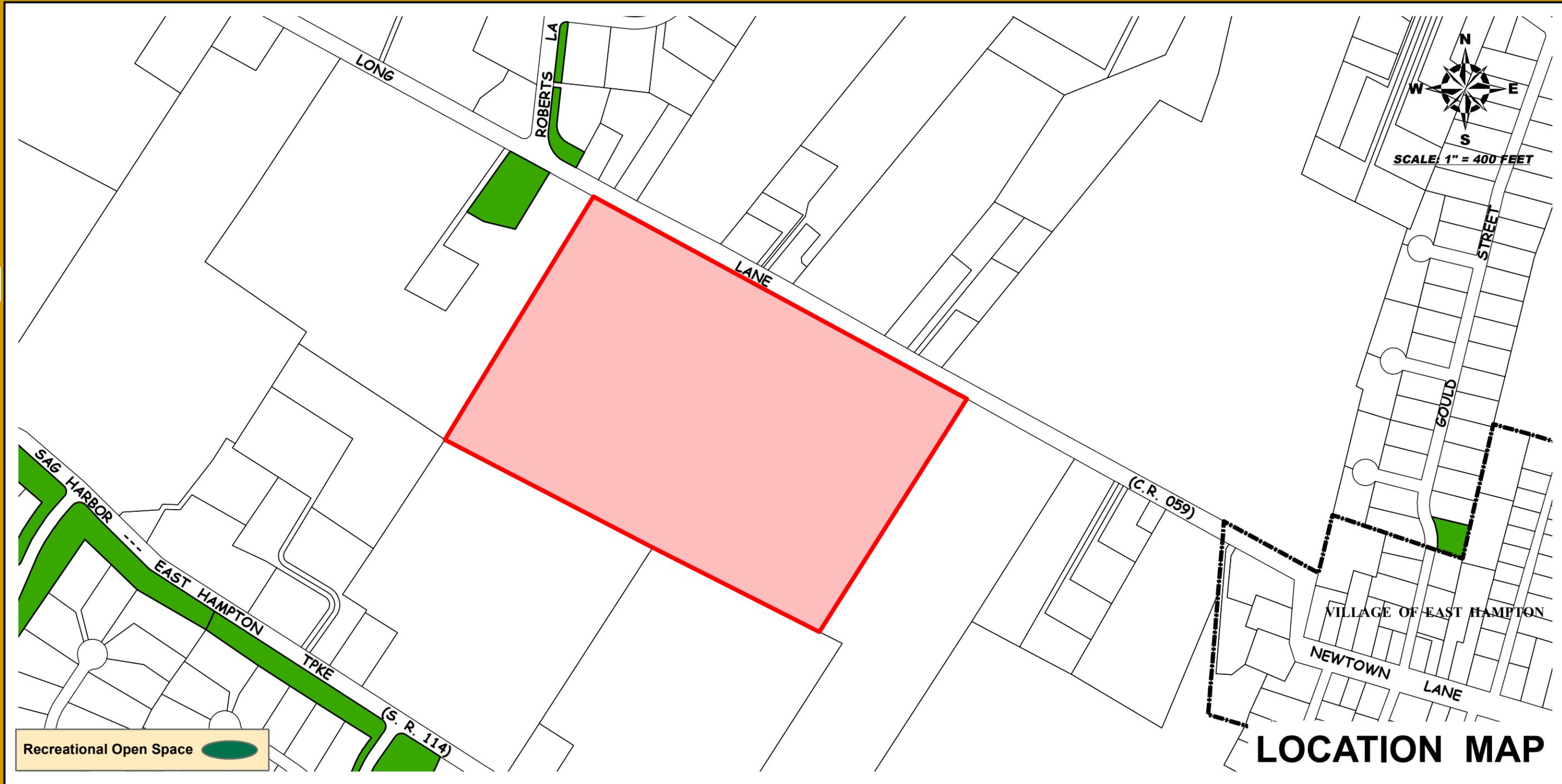


**Suffolk County Tax Map
300-185-1-20.1
55 Long Lane
Area 42.2 Acres
Town of East Hampton, New York**

**Development rights purchased in partnership with the
County of Suffolk and the Town of East Hampton (CPF)**

Fee Title purchased by the Town of East Hampton (non-CPF)

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.



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
 COMMUNITY PRESERVATION FUND
 and
 SUFFOLK COUNTY
 DEVELOPMENT RIGHTS**

**TOWN OF EAST HAMPTON
 SCTM #300 - 185.000 - 0001 - 020.001
 Schwenk. Property
 55 Long Lane
 East Hampton School District**



EXHIBIT "A"

2055

Resolution: #906
Date: September 4, 1998

The following resolution was offered by Councilman Potter,
seconded by **Councilman L. Bernard**, and adopted:

WHEREAS, Suffolk County has established a county-wide Preservation Partnership Program to provide matching funds for farmland preservation pursuant to Resolution No. 751-1997 of the Suffolk County Legislature; and

WHEREAS, the Preservation Partnership Program enables the Towns of Suffolk County to expedite land preservation by sharing in the financial burden of County land acquisitions; and

WHEREAS, the Town of East Hampton by Resolution No. 440 of 1996 adopted an Open Space Plan prepared by the Town Planning Department and incorporated said Open Space Plan into its Town Comprehensive Plan as an amendment thereto; and

WHEREAS, through said Open Space Plan the Town of East Hampton has identified priority parcels for land preservation consideration through the purchase of development rights, including the following parcel:

<u>SCTM #</u>	<u>Acres</u>	<u>Reputed Owners</u>
SCTM # 300-185-1-20.1	42.2 +/- acres	Henry Schwenk Marion Schwenk Kenneth Schwenk Joan Schwenk

and;

WHEREAS, the Open Space Plan states that the characteristics of SCTM # 300-185-1-20.1 are "farmland, scenic views, adjoin[ing] protected farmland" and recommends that the proper course of action would be "purchase of development rights (farmland preservation)"; and

WHEREAS, that ~~the~~ Town Board of the Town of East Hampton desires to participate in the Preservation Partnership Program; and, be it further

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RESOLVED, that the Town Board of the Town of East Hampton requests that Suffolk County acquire fee title (or a lesser interest therein) to land designated as SCTM # 300-185-1-20.1; 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:

Farmland Development Rights Program [the parcel meets the definition of agricultural lands specified in the Suffolk County Code §8-2]

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:

Farmland Development Rights Program [development rights to be held in accordance with Suffolk County Code Chapter 8]

and; be it further

RESOLVED, that the Town of East Hampton, in order to participate in the Preservation Partnership Program, agrees to provide fifty-percent (50%) of the funding for the acquisition costs of the above referenced property at closing; and, be it further

RESOLVED, that 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 the acquisition of the subject parcel; and, be it further

RESOLVED, that title to the subject parcel (or any lesser interest acquired hereunder) shall be held by the County of Suffolk; 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 the Town Board finds that there is no significant environmental effect of said proposed acquisition and that a negative declaration is issued; and, be it further

RESOLVED, that this resolution shall become effective immediately; and, be it further

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RESOLVED, that the Town Clerk is requested to forward a copy of this resolution to:

Lisa Liquori, Director of Planning

Michael Haran, Town Budget Officer

Tom MacNiven, Chair, Open Space Committee
P.O. Box 946
Wainscott, New York 11795

Henry, Marion, Kenneth and Joan Schwenk
c/o Marion Schwenk
340 Stephen Hands Path
East Hampton, New York 11937

**RESOLUTION NO. 1035 - 1998, AUTHORIZING THE
ACQUISITION OF LAND IN THE SUFFOLK COUNTY
LAND PRESERVATION PARTNERSHIP PROGRAM
(CP7174) Town of East Hampton - Schwenk Farm**

WHEREAS, Resolution No. 751-1997 of the Suffolk County Legislature established the Land Preservation Partnership Program; and

WHEREAS, the Land Preservation Partnership Program enables the Towns and Incorporated Villages in Suffolk County to expedite land preservation by sharing in the financial burden of County land acquisitions; and

WHEREAS, Resolution Nos. 1091-1997 and 1092-1997 appropriated funds and authorized the issuance of bonds in connection with the Land Preservation Partnership Program; and

WHEREAS, the Town of East Hampton wishes to participate in the Land Preservation Partnership; and

WHEREAS, by Resolution No. 906, of the Town Board of the Town of East Hampton, adopted on September 4, 1998, attached hereto as Exhibit "A" and incorporated by reference, the Town has requested that the parcel so specified in Exhibit "A", Tax Map No. 0300-185.00-01.00-020.001, be considered for inclusion in the Suffolk County Land Preservation Partnership Program; and

WHEREAS, the Town of East Hampton has agreed to provide at least fifty percent (50%) of the funding for the acquisition costs of the subject parcel at closing; and

WHEREAS, such acquisition costs would include, but not be limited to, the costs of survey, appraisal, environmental audit, title report and insurance, tax adjustment, taxes prior to exemption and fees levied by any environmental organizations heretofore or hereinafter authorized by the Suffolk County Legislature to help and/or act for and on behalf of Suffolk County in the acquisition of the subject parcel; and

WHEREAS, the County of Suffolk would provide fifty percent (50%) of the costs of acquiring the subject parcel; and

WHEREAS, the cost to Suffolk County of the land alone (not including the other aforementioned costs) would not exceed fifty percent (50%) of the approved, appraised value thereof; and

WHEREAS, the Suffolk County Planning Director has reviewed the subject parcel and has determined that it is eligible for acquisition in the Land Preservation Partnership Program and is desirable for farmland preservation pursuant to Resolution No. 861-1996 - Accepting and Approving the Suffolk County Agriculture and Farmland Protection Plan; and

WHEREAS, the Farmland Committee of Suffolk County at their regularly scheduled meetings of April 29, 1997 and October 28, 1997 recommended the highest priority rating for the subject parcel for the purchase of development rights, said recommendation being now incorporated into Resolution 314-1998 - Authorizing the Acquisition of Development Rights to Farmlands; and

WHEREAS, Chapter 8 of the Suffolk County Administrative Local Laws delineates the Suffolk County Purchase of Development Rights (PDR) Program; and

WHEREAS, generic SEQRA review has been completed in accordance with CEQ Resolution No 54-96 attached as Exhibit "B"; now, therefore, be it

RESOLVED, that parcel TM# 0300-185.00-01.00-020.001 is hereby deemed eligible and authorized for acquisition in the Suffolk County Land Preservation Partnership Program and further, upon acquisition of the development rights, the parcel will be managed pursuant to Chapter 8 of the Suffolk County Administrative Local Laws; and be it further

RESOLVED, that the Department of Law, Division of Real Estate is hereby authorized to take all appropriate steps to purchase the development rights to the aforementioned parcel, and that fifty percent (50%) of the funding associated with this acquisition, as agreed by the Town of East Hampton, shall be provided by it at the closing; and be it further

RESOLVED, that the Town of East Hampton shall be a party to the purchase contract; and be it further

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

RESOLVED, that the purchase contract and any collateral agreements shall reflect the terms specified in this resolution; and be it further

RESOLVED, that the terms and conditions of the purchase contract and any collateral agreements shall be reviewed and approved as to form by the Suffolk County Attorney; and be it further

RESOLVED, that the Director of the Division of Real Estate is hereby authorized to acquire the development rights to the subject parcel, to be held in the name of the County of Suffolk, and those lots located in the same section and block listed herein, which lots may not be listed herein; and be it further

RESOLVED, this Legislature, being the lead agency under SEQRA, hereby finds and determines that this project constitutes a Type II action pursuant to Sections 617.5(c)(3), (20) and (27) of Title 6 of the New York Code of Rules and Regulations (NYCRR) and further complies with the SEQRA lead agency action contained within Resolution No. 861-1996 - Accepting and Approving the Suffolk County Agriculture and Farmland Protection Plan".

DATED: November 24, 1998

APPROVED BY:

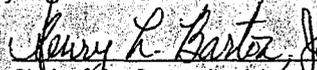

County Executive of Suffolk County

Date of Approval: 12/7/98

SUFFOLK COUNTY
County Legislature
RIVERHEAD, N.Y.

This is to Certify That I, HENRY L. BARTON, JR., Clerk of the County Legislature of the County of Suffolk, have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was duly adopted by the County Legislature of said County on November 24, 1998 and that the same is a true and correct transcript of said resolution and of the whole thereof.

In Witness Whereof, I have hereunto set my hand and the official seal of the County Legislature of the County of Suffolk.


Clerk of the County Legislature

(579)AUTHORIZE ACQUISITION OF DEVELOPMENT RIGHTS

Property of Marion R. Schwenk, Kenneth G. Schwenk, Joan E. Schwenk, & Henry R. Schwenk, Long Lane, East Hampton
SCTM #300-185-1-20.1

The following resolution was offered by Councilman Potter, seconded by Councilman Hammerle, 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 19, 2001 to consider the joint purchase, together with the County of Suffolk, of development rights to approximately 42.2 acres of prime farmland located on the southwest side of Long Lane, in East Hampton, which land is identified on the Suffolk County Tax Map as SCTM #300-185-1-20.1; and

WHEREAS, said property is located in East Hampton Town's principal agricultural area, the Long Lane district, and consists of Class I farm soils (Bridgehampton silt loam, BgA) as categorized by the United States Department of Agriculture; and

WHEREAS, the proposed purchase of development rights would forever restrict the use of the subject property to agriculture, as defined in § 301 of the New York Agriculture & Markets Law; and

WHEREAS, the proposed purchase price for the development rights is \$ 5,064,000.00, which price is based upon a reputed acreage of 42.2 acres and is subject to adjustment on a pro rata basis upon receipt of a guaranteed survey, plus survey, title, environmental audit, prorated tax, and recording charges, which expenses are to be shared between the Town of East Hampton and County of Suffolk on a 30:70 proportionate basis; and

WHEREAS, subject to adjustment on the basis of changes in the actual surveyed acreage, and to the additional transactional expenses itemized above, the Town's proportionate share of the proposed purchase price will be \$ 1,519,200.00;

WHEREAS, the 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 development rights to 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;

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor is hereby authorized and directed, jointly with the County of Suffolk, to enter into a contract of sale with the record owners of the subject property, now or formerly **Marion R. Schwenk**,

Kenneth G. Schwenk, Joan E. Schwenk, & Henry R. Schwenk, for the purpose of acquiring the development rights to said property, on a 30:70 basis jointly with the County of Suffolk, at a cost to the Town of East Hampton not to exceed \$ **1,519,200.00**, subject to adjustment on a pro rata basis upon proof of the actual surveyed acreage of the property; and be it further

RESOLVED, that pursuant to contract the Supervisor is authorized and directed to execute any documents and to pay any and all reasonable survey, title, environmental audit, prorated tax, and recording charges, which charges or expenses are to be shared between the Town of East Hampton and County of Suffolk on a 30:70 proportionate basis as may be necessary to effect the transfer of title; and be it further

RESOLVED, the monies to be expended for purchase of development rights to the foregoing property, together with related expenses, shall be drawn from the Town of East Hampton Community Preservation Fund Budget Account; and be it further

RESOLVED, that a copy of this resolution shall be forwarded to:

Town Attorney Eric Bregman;
Deputy Town Attorney Richard E. Whalen;
Town Budget Officer Len Bernard;
Planning Department;
David Fishbein, Esq., Suffolk County Department of Law, P.O. Box 6100,
Hauppauge, New York 11788;
Mr. Christopher Wrede, Suffolk County Department of Planning, Division of Real
Estate, P.O. Box 6100, Hauppauge, New York 11788;
Jim Burke, Esq., Suffolk County Department of Planning, Division of Real
Estate, P.O. Box 6100, Hauppauge, New York 11788;
Ms. Kathleen Kennedy, Peconic Land Trust, P.O. Box 2088, Southampton, New
York, 11968; and
Daniel G. Voorhees, Esq., 95 Newtown Lane, East Hampton, New York 11937.

The adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

SUPERVISOR JAY SCHNEIDERMAN	VOTE	AYE
COUNCILWOMAN DIANA WEIR	VOTE	AYE
COUNCILMAN JOB POTTER	VOTE	AYE
COUNCILMAN PETE HAMMERLE	VOTE	AYE
COUNCILWOMAN PAT MANSIR	VOTE	AYE

The resolution was declared duly adopted.
