

Submitted by the County Executive and Introduced by

LOCAL LAW NO. 21-2010

A LOCAL LAW TO AMEND THE ADMINISTRATIVE CODE WITH RESPECT TO THE ALLOCATION OF MONEYS RESULTING FROM THE SALE OF REAL PROPERTY OWNED BY THE COUNTY

Passed by the Nassau County Legislature on October 29, 2010
Voting: ayes: 11, nays: 8, abstained: 0
Became a law on November 3, 2010 with the approval of the County Executive.

APPROVED AS TO FORM

Deputy County Attorney

BE IT ENACTED by the County Legislature of the County Legislature as follows:

Section 1. Section 3-2.2 of the Nassau County administrative code, as added by Local Law 7-2003, is amended to read as follows:

§ 3-2.2. Allocation and deposit of moneys resulting from the sale of County real property

- a. Definitions: For purposes of this section:
 - (iv) "Natural or scenic resources" shall mean open areas and shall include but not be limited to, agricultural lands, including lands employed for the raising of livestock, defined as open lands actually used in bona fide agricultural production.
 - (v) "Open space" or "open area" or "open land" shall, as set forth in section two hundred seventy-four of the general municipal law, mean any space or area

(1) characterized by natural scenic beauty or, (2) where the existing openness, natural condition, or present state of use, if retained, would enhance the present or potential value of abutting or surrounding urban development, or would maintain or enhance the conservation of natural or scenic resources.

(vi) "Open space purposes" means purposes or projects that involve one or more of the following: (a) the creation or establishment of parks, nature preserves, or recreation areas; (b) the creation or preservation of open space, including agricultural lands and lands used for livestock, animal husbandry, grazing, or care of animals; (c) preservation of lands of exceptional scenic value; (d) preservation of fresh and saltwater marshes or other wetlands; (e) preservation of aquifer recharge areas; (f) preservation of undeveloped beachlands or shoreline; (g) creation or establishment of wildlife refuges for the purpose of maintaining native animal species, including the protection of habitat essential to the recovery of rare, threatened or endangered species; (h) preservation of pine barrens consisting of such biota as pitch pine, and scrub oak; (i) preservation of unique or threatened ecological areas; (j) preservation of rivers and river areas in a natural, free-flowing condition; (k) creation or preservation of forested land; (l) preservation of public access to lands for public use including stream rights and waterways; and (m) undertaking any of the aforementioned in furtherance of the establishment of a greenbelt.

(iv) "Real property" shall have the meaning set forth in section 11-6.0 of this code.

b. Notwithstanding the provisions of section 11-59.0 of this code, the Treasurer shall receive all moneys resulting from the sale of real property owned by the County and shall allocate and deposit such moneys as follows:

(i) Five percent of the moneys resulting from the sale of real property owned by the County shall be deposited into an account to be established for the acquisition, rehabilitation and maintenance of property to be used for open space purposes. Such fund shall also include any moneys received from grants or other federal, state, county or private sources for such acquisition, rehabilitation and maintenance. The moneys held in such fund shall not be used for any purpose except as provided pursuant to this subdivision for the acquisition of properties devoted to open space purposes. The Treasurer shall provide a report to the County Executive, the County Legislature, the Planning Department and the Open Space and Parks Advisory Committee annually on or before the first day of July. Such report shall contain an accounting of the balance of the fund, the source of each credit to the fund, interest earned by the fund and any debits to the fund.

(iii) Ninety-five percent of the moneys received from the sale of county real property shall be allocated to and deposited into the general fund of the County.

§ 2. Severability. If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm,

partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

§ 3. 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 adoption of this ordinance is a "Type II" Action within the meaning of Section 617.5(c)(20) and (27) of 6 N.Y.C.R.R., and, accordingly, is of a class of actions which do not have a significant effect on the environment; and no further review is required.

§ 4. This local law shall take effect immediately.

APPROVED


County Executive

DATE 11/3/2010

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LEGISLATURE