

PROPOSED RESOLUTION NO. 145 - 2021

A RESOLUTION AUTHORIZING THE COUNTY ATTORNEY TO COMPROMISE AND SETTLE THE CLAIM OF PETITIONER, AS SET FORTH IN THE ACTION ENTITLED *BROADVAL LLC V. COUNTY OF NASSAU, ET AL.*, INDEX NO. 405789/2008 PURSUANT TO THE COUNTY LAW, THE COUNTY GOVERNMENT LAW OF NASSAU COUNTY AND THE NASSAU COUNTY ADMINISTRATIVE CODE

WHEREAS, Broadval LLC (the “Petitioner”) commenced an action against the County of Nassau (the “County”) entitled *Broadval LLC v. County of Nassau, et al.*, Index No. 405789/2008, alleging an excessive assessment of Petitioner’s real property, and the County has agreed to make payment to Petitioner estimated in the aggregate amount of \$1,060,479, plus interest at a stipulated rate in full settlement of all possible claims Petitioner may have against the County arising from the alleged erroneous assessment;

WHEREAS, payments are to be made based upon reclassification of Petitioner’s real property located in Valley Stream, New York (Section 37, Block 642, Lot(s) 12U) (hereinafter “Petitioner’s Property”) for the tax years in issue; and

WHEREAS, the County has agreed that Petitioner’s Property for the tax years 2008/2009 and 2009/2010 should be reclassified from Class 4 to Class 1 and that the Class 1 assessed values for such years should be \$49,050 and \$49,050 respectively; and

WHEREAS, the County Attorney has caused an investigation and analysis to be made of the said action and as a result thereof recommends that it be settled based on the reclassification and agreed upon Class 1 assessed values as set forth above ; now therefore, be it

RESOLVED, that the County Attorney be and is hereby authorized and directed to settle the said action based on the reduced assessed values as indicated above, provided that, if any payment arising from said action is to be made from the proceeds of a borrowing, that a bond ordinance to finance such settlement is adopted by this Legislature and any borrowing pursuant to such bond ordinance is approved by the Nassau County Interim Finance Authority, if such approval is required; and be it further

RESOLVED, that the County Treasurer be and is hereby authorized to pay any refund the amount due and owing based upon the reclassification of the Petitioner’s Property from Class 4 to Class 1 for tax years 2008/2009 and 2009/2010 and upon the agreed upon Class One assessed values of \$49,050 and \$49,050 for such years respectively; and be it further

RESOLVED, 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 this settlement is a “Type II” Action within the meaning of Section 617.5(c)(29) 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.

