

PROPOSED ORDINANCE NO. 37- 2022

MAKING CERTAIN DETERMINATIONS PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT AND AUTHORIZING THE GRANT OF AN EASEMENT TO LONG ISLAND ELECTRIC UTILITY SERVCO, LLC AS AGENT OF AND ACTING ON BEHALF OF LONG ISLAND LIGHTING COMPANY D/B/A LIPA OVER A PORTION OF PARCELS OF COUNTY-OWNED REAL PROPERTY CONSISTING OF APPROXIMATELY TWO THOUSAND THREE HUNDRED EIGHTY SIX SQUARE FEET SITUATED IN BAY PARK, TOWN OF HEMPSTEAD, COUNTY OF NASSAU, STATE OF NEW YORK, SAID REAL PROPERTY KNOWN AS SECTION 42, BLOCK A, PARTS OF LOTS 50 – 57, 33, 36 AND 46 – 49 ON THE LAND AND TAX MAP OF THE COUNTY OF NASSAU, AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE AN EASEMENT AGREEMENT AND ALL PERTINENT DOCUMENTS IN CONNECTION THEREWITH TO GRANT SUCH EASEMENT.

WHEREAS, the County of Nassau did heretofore acquire title to the above-described property (the “Premises”); and

WHEREAS, Long Island Electric Utility Servco, LLC, as agent of and acting on behalf of Long Island Lighting Company d/b/a LIPA (the “Grantee”) desires to construct, operate and maintain two (2) PMH switchgear and related equipment on the Premises to provide for electrical transmission and interconnection facilities to serve the Bay Park Sewage Treatment Plant; and

WHEREAS, the Grantee has requested that the County grant to the Grantee an easement (the “Easement”) over the Premises to install and maintain such switchgear and related interconnection facilities; and

WHEREAS, the Grantee has executed an easement agreement (the “Easement Agreement”) containing terms and conditions relating to the creation of the Easement; and

WHEREAS, the County has determined that a grant of the Easement over the Premises will not pose a hardship to the County’s use of the Premises; and

WHEREAS, the County has no objection to the grant of the Easement over the Premises, subject to the terms and conditions contained in the Easement Agreement; and

WHEREAS, LIPA, as Lead Agency, conducted a coordinated SEQRA review for the overall project which includes this Easement; and

WHEREAS, the Lead Agency classified the action as Unlisted and issued a Negative Declaration on January 27, 2020; 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 adopted a Resolution on June 24, 2021, a copy of which is attached hereto as Appendix A and incorporated herein, recommending that the Nassau County Legislature determine that the proposed action be classified as Unlisted pursuant to the New York State Environmental Quality Review Act (“SEQRA”), and determine that it will not have a significant adverse impact on the environment and issue a Negative Declaration.

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

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SECTION 1. That the County Executive be and he is hereby authorized to grant the Easement over the Premises, which Premises is more particularly described as follows:

All that certain plot, piece or parcel of land situate, lying and being in the unincorporated area known as Bay Park, Town of Hempstead, County of Nassau, State of New York, known and designated as Section 42, Block A, part of Lots 50 – 57, 33, 36 and 46 - 49 on the Land and Tax Map of the County of Nassau as more fully bounded and described in Schedule A attached hereto,

subject to all of the terms and conditions as outlined in the Easement Agreement

SECTION 2. That the County Executive be and he is hereby authorized to execute on behalf of the County of Nassau, the Easement Agreement, subject to all the terms and conditions as contained in said Easement Agreement.

SECTION 3. That the County Executive is hereby authorized to execute any and all ancillary documents necessary to carry out the purposes of the Easement Agreement.

SECTION 4. 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 proposed grant of the Easement over the Premises has been determined to be an Unlisted action and that it will not have a significant adverse impact on the environment and that a Negative Declaration is hereby issued.

SECTION 5. This Ordinance shall take effect immediately.