PROPOSED RESOLUTION NO. 158 - 2022

A RESOLUTION AUTHORIZING THE COUNTY ATTORNEY TO COMPROMISE AND SETTLE THE CLAIMS OF PLAINTIFF, AS SET FORTH IN THE ACTION ENTITLED *NEXT MILLENNIUM REALTY, LLC V. COUNTY OF NASSAU*, INDEX NO. 406129/2017, PURSUANT TO THE COUNTY LAW, THE COUNTY GOVERNMENT LAW OF NASSAU COUNTY AND THE NASSAU COUNTY ADMINISTRATIVE CODE

WHEREAS, Next Millennium Realty, LLC (the "Petitioner") commenced an action entitled *Next Millennium Realty, LLC v. County of Nassau, et al.*, Index No. 406129/2017, against the County of Nassau (the "County"), alleging excessive assessment of Petitioner's real property, and the County has agreed to make payment to Petitioner estimated in the aggregate amount of $5,000,707, plus interest at a stipulated rate, in full settlement of all possible claims Petitioner may have against the County arising from the alleged excessive assessment; and

WHEREAS, payments are to be made based upon reductions to the assessed value set forth below of Petitioner's real property, a commercial property with a retail store on a superfund site subject to government oversight of the remediation of contaminated property at 1085 Old Country Road (Section 11, Block 328, Lots 142, 154, 160 and 162) and 89 Frost Avenue (Section 11, Block 328, Lots 171, 181 and 186) in Westbury, NY (hereinafter "Petitioner's Property"); and

WHEREAS, the reductions of assessed values for Petitioner's Property are $49,756, $54,844, $59,981, $66,731, $75,169, $78,881, $163,148 and $168,659 for the 2014/2015, 2015/2016, 2016/2017, 2017/2018, 2018/2019, 2019/2020, 2020/2021 and 2021/2022 tax years, 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 reduced 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 due and owing based upon the reductions of assessed values for Petitioner's Property, which are $49,756, $54,844, $59,981, $66,731, $75,169, $78,881, $163,148 and $168,659 for the 2014/2015, 2015/2016, 2016/2017, 2017/2018, 2018/2019, 2019/2020, 2020/2021 and 2021/2022 tax 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.