

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chair*
Felix J. Grucci, Jr., *Vice Chair*
Vincent Cannuscio, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

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Session of May 1, 1996
Riverhead Town Hall

Present: Mr. Cowen, Ms. Filmanski (for Commissioner Stark), Mr. Freleng (for Commissioner Cannuscio), Mr. Girandola (for Commissioner Grucci), Mr. Proios (for Commissioner Gaffney).

Resolution on the Commission's Title Policy

Whereas, the Central Pine Barrens Comprehensive Land Use Plan (the "Plan") contains a transferrable development rights program; and

Whereas, an integral part of the transferrable development rights program is the recording of a conservation easement on a parcel for which Pine Barrens Credits will be issued; and

Whereas, a parcel owner must be vested with fee title to a parcel in order to file a conservation easement on said parcel; and

Whereas, fee title may be ascertained by a title search; and

Whereas, the cost of a title search may vary widely; and

Whereas, the Commission seeks to lessen the financial burden imposed on owners of small Core Preservation Area parcels, or applicants authorized by such owner who apply for Pine Barrens Credit Certificates from small Core Preservation Area parcels; now therefore be it;

Resolved, that the Commission hereby adopts the following title policy:

1. Except as otherwise provided in paragraph 4 below and for those Core Preservation Area parcels entitled to 1.0 Pine Barrens Credits or less as stated in a valid Letter of Interpretation or as the result of an appeal filed and decided pursuant to Section 6.7.3.4 of the Plan, the owner of the parcel, or the owner's authorized applicant shall provide the Clearinghouse with a copy of the most recent receipted tax bill, a copy of the deed for the parcel, and a properly executed affidavit of the owner attesting to the ownership of the parcel. Suffolk County shall then perform an information search on behalf of the Commission as described in the annexed correspondence from Mr. A. Grecco, Suffolk County Property Management Administrator, dated May 16, 1996, utilizing the records maintained by the County Clerk for deed transfers, mortgages, assignments, satisfactions, leases, easements and other recorded transactions, including a last owner of record search for other liens at no cost to the parcel owner or the authorized applicant.
2. For those Core Preservation Area parcels entitled to more than 1.0 Pine Barrens Credits but less than 5.0 Pine Barrens Credits as stated in a valid Letter of Interpretation or as the result of an appeal

filed and decided pursuant to Section 6.7.3.4 of the Plan, the parcel owner or the authorized applicant shall provide the Clearinghouse with a copy of the most recent receipted tax bill, a copy of the deed for the parcel, and a properly executed affidavit of the owner attesting to the ownership of the parcel. The Commission shall then obtain, at no cost to the parcel owner or the authorized applicant, a title search and title insurance for such parcel with the Commission and the Grantee of the Conservation Easement as named beneficiaries. In the event the title search reveals questions relating to title, the Commission may require the parcel owner or the authorized applicant to resolve the title issues before the Clearinghouse may issue Pine Barrens Credits for the parcel.

3. For those Core Preservation Area parcels entitled to 5.0 or more Pine Barrens Credits as stated in a valid Letter of Interpretation or as the result of an appeal filed and decided pursuant to Section 6.7.3.4 of the Plan, the parcel owner, or the authorized applicant, shall provide a title search to the Clearinghouse and shall acquire title insurance with the Commission and the Grantee of the Conservation Easement as named beneficiaries, all at the parcel owner's or the authorized applicant's expense before the Clearinghouse may issue Pine Barrens Credits for the parcel.

4. Notwithstanding the foregoing, where a question relating to title exists concerning any parcel, the Clearinghouse, at its discretion, may require the parcel owner, or the authorized applicant, to provide a title search to the Clearinghouse and to provide title insurance with the Commission and the Grantee of the Conservation Easement as named beneficiaries, all at the parcel owner's or the authorized applicant's expense before the Clearinghouse may issue Pine Barrens Credits for the parcel.

5. In the event title insurance is to be provided pursuant to the above policies the amount of the title insurance shall be no less than the amount the Clearinghouse would pay to acquire the Pine Barrens Credits under the then prevailing Clearinghouse purchase policy.

Record of Motion:

Motion by Mr. Cowen
Seconded By Mr. Girandola

Yea Votes:

Unanimous