

**PROPOSED RESOLUTION NO. 235 - 2022**

A RESOLUTION AUTHORIZING THE COUNTY ATTORNEY TO COMPROMISE AND SETTLE THE CLAIMS OF THE COUNTY OF NASSAU AGAINST THE PROCEEDS OF A PERFORMANCE BOND PERTAINING TO A LICENSE AGREEMENT BETWEEN THE COUNTY OF NASSAU AND CARLTUN ON THE PARK, LTD. (“CARLTUN”) PURSUANT TO THE COUNTY LAW, THE COUNTY GOVERNMENT LAW OF NASSAU COUNTY, AND THE NASSAU COUNTY ADMINISTRATIVE CODE.

WHEREAS, the County of Nassau (“County”) commenced an action captioned *County of Nassau v. Carlton on the Park, Ltd., et al.* against Carlton for damages for monies that were to have been paid under the terms of a License Agreement between the County and Carlton for the operation of restaurant facilities at Eisenhower Park; and

WHEREAS, Carlton is winding down its affairs at Eisenhower Park; and

WHEREAS, the License Agreement required Carlton to obtain a performance bond for \$250,000; and

WHEREAS, the County has made a claim against the performance bond’s proceeds; and

WHEREAS, the County has determined that an agreement to settle its claims against the proceeds of the performance bond whereby Carlton’s principal has agreed to make a payment of \$250,000 in accordance with the terms of a release agreement in full settlement of the County’s claims against the proceeds of the performance bond; and

WHEREAS, regardless of the settlement of the claim against the performance bond, the litigation against Carlton will proceed; and

WHEREAS, the Nassau County Attorney has caused an investigation and analysis to be made of the claims and as a result thereof recommends that the claims be settled in accordance with the terms of the aforementioned agreement; now therefore, be it

RESOLVED, that the Nassau County Attorney be and is hereby authorized and directed to settle the claims in accordance with the agreement as indicated above; 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)(26) 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.



