

59040

DATE: September 20, 2017

TO: Board of Acquisition and Contract

FROM: Eileen Mildenberger Adam Rodriguez
Acting Commissioner of Planning Director of Real Estate

SUBJECT: Resolution authorizing the County of Westchester to enter into any and all agreements necessary to purchase and subsequently convey +/- 35.4 acres of real property at Route 22 in the hamlet of Goldens Bridge, Town of Lewisboro in support of an affordable housing development to be constructed thereon and to grant and accept all necessary property rights in connection therewith

The attached resolution authorizes the County of Westchester (the "County") to enter into any and all agreements to (i) purchase +/-35.4 acres of real property located at Route 22 in the hamlet of Goldens Bridge, Town of Lewisboro, identified on the tax maps as Sheet: 5, Block: 10776, Lots: 19, 20 & 21 (the "Property") from Wilder Balter Partners, Inc., its successors or assigns (the "Developer") or the current owner(s) of record for an amount not-to-exceed \$2,530,000 and an additional \$70,000 for the County's soft costs including, but not limited to, closing and settlement, housing program staff hours and law department charges to be funded from Capital Project BPL30 - New Homes Land Acquisition ("NHLA") and (ii) convey fee title to the Property back to the Developer for One Dollar (\$1.00) all in support of the construction of twenty-four one-bedroom, seventeen two-bedroom and four three-bedroom rental units plus one unit for the superintendent for a total of forty-six (46) units that will affirmatively further fair housing ("AFFH"); all to be constructed within five buildings, with a clubhouse and outdoor recreational facility thereon (the "Development") and to grant and accept all necessary property rights in connection therewith.

Upon acquisition of the Property and prior to the conveyance thereof to the Developer, the County will file a Declaration of Restrictive Covenants against the Property requiring that the forty-six (46) affordable AFFH rental units constructed thereon will be available to households with incomes at or below 50% (ten units) or 60% (thirty-six units) of the Westchester County Area Median Income ("AMI") for a period of affordability of not less than fifty (50) years.

On July 17, 2017 the County Board of Legislators: (1) by Act No. 141-2017, approved the purchase and subsequent conveyance of the Property; (2) by Bond Act No. 142-2017, approved the funds for the land acquisition and the soft costs incurred by the County for the purchase.

The goal and objective of the agreements is to create fair and affordable housing which is safe, secure and energy efficient. The Development will provide rental opportunities for lower and moderate

income individuals and families who may not otherwise be able to afford to live in the County. The Development will also enhance the neighborhood through its design and landscaping. Department of Planning staff will monitor and track construction of the Development, as well as monitor compliance with the marketing, occupancy and on-going affordability requirements.

For all the foregoing reasons, we recommend that your Honorable Board approve the attached resolution.

EM/cp/lac/nvd
Attachment

RESOLUTION

UPON A COMMUNICATION FROM THE ACTING COMMISSIONER OF PLANNING AND THE DIRECTOR OF REAL ESTATE, BE IT HEREBY

RESOLVED, that the County of Westchester (“County”) is hereby authorized to enter into any and all agreement(s) necessary to purchase +/- 35.4 acres of real property located at Route 22 in the hamlet of Goldens Bridge, Town of Lewisboro, identified on the tax maps as Sheet: 5, Block: 10776, Lots: 19, 20 & 21 (the “Property”) from Wilder Balter Partners, Inc., its successors or assigns (the “Developer”) or the current owner(s) of record for a total amount not to exceed \$2,530,000 and an additional \$70,000 for the County’s soft costs, including, but not limited closing and settlement, housing program staff hours and law department charges, noting that the total purchase price and soft costs will be funded from Capital Project BPL30 - New Homes Land Acquisition; and be it further

RESOLVED, that the Property will be developed to include forty-six (46) rental units within five buildings, with a clubhouse and outdoor recreational facility thereon (the “Development”). The rental units will be affordable for lower and moderate income individuals and families consisting of twenty-four (24) one-bedroom units, seventeen (17) two-bedroom units and four (4) three-bedroom units plus one unit for the superintendent for a total of forty-six (46) units within the Development that will affirmatively further fair housing (“AFFH”); and be it further

RESOLVED, that following the purchase, the County will file a Declaration of Restrictive Covenants against the Property requiring that the forty-six (46) affordable AFFH units constructed thereon will be affordable to households with incomes at or below 50% (ten units) and 60% (thirty-six units) of the Westchester County Area Median Income, all to have a period of affordability of not less than fifty (50) years; and be it further

RESOLVED, that the County is hereby authorized to enter into an agreement to convey the Property to the Developer for One (\$1.00) Dollar in support of the Development and to grant and accept all necessary property rights in connection therewith; and be it further

RESOLVED, that the County Executive or his duly authorized designee is authorized to execute any documents and take any actions necessary to effectuate the purposes hereof.

Account to be Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
19	318	BPL30-12-R Bond Act 142-2017	6050	N/A	\$2,600,000

Budget Funding Year(s) FY 2017 Start Date: _____ End Date _____

Funding Source Tax Dollars \$2,600,000
 State Aid _____
\$2,600,000 Federal Aid _____
 (must match resolution) Other _____