

13459

DATE August 17, 2010

TO: Board of Acquisition and Contract

FROM: Edward Buroughs
Acting Commissioner of Planning

SUBJECT: Resolution Authorizing an Amendment to the Agreement to Change the Expiration Date from July 31, 2010 to July 31, 2011 for the Agreement between the County of Westchester and the Town of Yorktown in Order to Receive Matching Funds to Purchase Development Rights over Hemlock Hill Farm located in the Towns of Cortlandt and Yorktown and to Execute and Maintain an Agricultural Conservation Easement over the Farm

The attached resolution authorizes the County of Westchester to amend the agreement with the Town of Yorktown in order to receive funds from the Town of Yorktown to contribute toward the purchase of the development rights over Hemlock Hill Farm and execute and maintain an agricultural conservation easement over the farm in accordance with the grant agreement with the New York State Department of Agriculture and Markets (NYSDAM), in order to change the expiration date from July 31, 2010, to July 31, 2011. All other terms and conditions of the agreement with the Town of Yorktown will remain the same.

The Westchester County Department of Planning wishes to extend the contract period as there were significant delays with New York State in securing processing the easement. The easement is anticipated to be executed by the end of 2010.

On September 29, 2008, your Honorable Board approved our request to accept matching funds from the Town of Yorktown to purchase development rights over Hemlock Hill Farm and execute and maintain an agricultural conservation easement over the farm in accordance with the grant agreement with the New York State Department of Agriculture and Markets.

On October 8, 2009, your Honorable Board approved our request to amend a prior resolution in order to change the expiration date from July 31, 2009 to July 31, 2010, as there were delays associated with finalizing the IMA's and receiving the signed agreements back from the municipalities.

The goal and objective of this amendment is to protect the environment by prohibiting the development of the Hemlock Hill Farm in order to preserve the property as agricultural land in perpetuity.

The agreement will serve the public purpose of protecting the environment by preserving open space and protecting farmland in the County of Westchester.

Act # 118-2008, adopted on July 11, 2008, by the Westchester County Board of Legislators, authorized the County to enter into agreements with the Town of Cortlandt, the Town of Yorktown and the owner of farmland commonly known as Hemlock Hill Farm, to acquire a conservation easement over Hemlock Hill Farm.

I recommend approval of this amendment.

EB/cp
Attachment

RESOLUTION

AMENDMENT

UPON A COMMUNICATION FROM THE ACTING COMMISSIONER OF PLANNING, BE IT HEREBY

RESOLVED, that the County is authorized to amend the agreement with the Town of Yorktown whereby the County will receive funds from the Town of Yorktown as a contribution towards the purchase of the development rights over Hemlock Hill Farm and execute and maintain an agricultural conservation easement over the farm in accordance with the New York State Department of Agriculture and Markets to change the expiration date to July 31, 2011, and it is further

RESOLVED, that all the other terms and conditions will remain the same, and it is further

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

Recommended for Approval:

Original Agreement \$226,063.00
This Amendment \$0.00

TOTAL \$226,063.00

AGREEMENT NUMBER C-CAP-08-151

Account to be Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
318	19	BPL03	9636	N/A	\$0.00

Budget Funding Year(s) 2008 Start Date August 1, 2008 End Date July 31, 2011
(must match resolution)

Funding Source Tax Dollars _____
State Aid _____
\$0.00 Federal Aid _____
(must match resolution) Other _____