

14301

September 24, 2010

To: Honorable Board of Acquisition and Contract

From: Kathleen M. O'Connor  
Acting Commissioner, Department of Parks, Recreation and Conservation

Re: Authority for the County of Westchester to enter into an intermunicipal agreement with the Village of Scarsdale to license approximately 3.7 acres of parkland to the Village for municipal recreational purposes

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Authority is requested to enter into an intermunicipal agreement (“IMA”) with the Village of Scarsdale (the “Village”) to license for a five year term, the use of approximately 3.7 acres of parkland on the Bronx River Reservation located near the Scarsdale train station (the “Licensed Premises”). This property is described as a portion of Parcel 1, Sheet 17, a portion of Parcel 2 and Parcel 3, Sheet 18, on the Maps of the Land of the Bronx River Reservation. Since 1985, the Village has used the property, pursuant to license agreements, solely for municipal recreation purposes and has kept the property open to all County residents.

It is now proposed that a new five-year IMA be entered into with the Village in order to continue its use of the Licensed Premises. The Village will continue to utilize the Licensed Premises as a municipal recreation facility for the benefit of all County residents. The Village will provide for its maintenance and supervision at its sole cost and expense, with the exception of the maintenance of the Bronx River water areas, including clearing the river, maintaining the banks and caring for the trees in the Licensed Premises, including removal if necessary, which will be provided by the County. The term will be from May 1, 2010 through April 30, 2015. The annual license fee will be \$1.00.

The ultimate goal of the agreement will be for the public good by providing a location for recreational activities. This agreement promotes fiscal responsibility as the County will benefit from the Village maintaining the area. If this agreement were not in place, the County would be responsible for maintenance. The objective of this agreement is to allow the Village to maintain the area with the exception of maintaining the banks and caring for the trees in the Licensed Premises and it will be tracked and monitored by site visits by Department of Parks, Recreation and Conservation staff.



The Board of Legislators approved Act No. 121-2010 on September 20, 2010 authorizing this IMA. This IMA is exempt from the operation of the Westchester County Procurement Policy pursuant to Section 3 (a)(iii) thereof.

I recommend approval of the attached proposed Resolution.

KOC/DLV/dv

APPROVED BOARD OF ACQUISITION & CONTRACT - 10-14-2010 - JOMARY VIEIRA, SECRETARY

## RESOLUTION

Upon a communication from the Acting Commissioner, Department of Parks, Recreation and Conservation, be it hereby

**RESOLVED**, that the County of Westchester (the "County") is hereby authorized to enter into an intermunicipal agreement ("IMA") with the Village of Scarsdale (the "Village") to license a portion of parkland on the Bronx River Reservation located near the Scarsdale train station, consisting of approximately 3.7 acres located in the Village of Scarsdale, New York for a term of five (5) years from May 1, 2010 through April 30, 2015, to be used solely for municipal recreational purposes. The property is described as a portion of Parcel 1, Sheet 17, a portion of Parcel 2 and Parcel 3, Sheet 18, on the Maps of the Land of the Bronx River Reservation; and be it further

**RESOLVED**, that the Village shall pay to the County an annual license fee of \$1.00 and shall be responsible for all costs and expenses related to the maintenance and supervision of the property, with the exception of the maintenance of the Bronx River water areas, including clearing the river, maintaining the banks and caring for the trees in the Licensed Premises, including removal if necessary, which shall be provided by the County; and be it further

**RESOLVED**, that the IMA shall contain provisions requiring that the Licensed Premises shall be open to and benefit all County residents; and be it further

**RESOLVED**, that the County Executive or his authorized designee is hereby authorized to execute all instruments and take all actions reasonably necessary to implement this Resolution.

APPROVED BOARD OF ACQUISITION & CONTRACT - 10/11/2010 - JOHANNY VERA, SECRETARY

Original Agreement      \$5  
 First Amendment       \$  
**This Amendment**       \$  
 TOTAL                      \$5

Agreement #

Account to be  
 Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub- Object	Trust Account	Dollars	
165	42	1100	9542		\$1	2010
165	42	1100	9542		\$1	2011
165	42	1100	9542		\$1	2012
165	42	1100	9542		\$1	2013
165	42	1100	9542		\$1	2014

Budget Funding Year(s)    2010-2014    Start Date 5/1/10    End Date 4/30/15  
 (must match resolution)

Funding Source              Tax Dollars \_\_\_\_\_  
    State Aid \_\_\_\_\_  
**\$ 5**                              Federal Aid \_\_\_\_\_  
 (must match resolution)    Other    Revenue \_\_\_\_\_

APPROVED BOARD OF ACQUISITION & CONTRACT - 10-14-2010 - JOMARY VIEIRA, SECRETARY