

14583

DATE: October 13, 2010

TO: Board of Acquisition and Contract

FROM: Edward Buroughs, Acting Commissioner of Planning; Mary Mahon, Director of Real Estate

SUBJECT: Authority to Amend an Intermunicipal Agreement (“IMA”) between the County of Westchester and the City of Yonkers for Improvements Related to RiverWalk and the City-Owned JFK Marina and Related Facilities, in Order to construct the Improvements to the Property and Increase the Dollar Amount

By resolution approved on December 18, 2008 (the “December 18th Resolution”), your Honorable Board authorized the County of Westchester (the “County”) to enter into an IMA with the City of Yonkers (the “City”) pursuant to which the County would, *inter alia*, provide funding to the City in an amount not to exceed \$800,000 for the design of an amphitheater, parking structure, and improvements to JFK Memorial Drive (the “JFK Project”); and design, at the County’s sole cost and expense, a portion of the County’s RiverWalk trailway (the “RiverWalk Project” collectively the “Projects”) on property located in and owned by the City (the “Property”), at a cost estimated to be \$200,000, in exchange for which the City would provide all labor, materials and equipment required to design the JFK project. The December 18th Resolution further authorized the County to fund the construction phases of the Projects, subject to future appropriations and bonding authority from the County Board of Legislators. The IMA was subsequently executed.

Thereafter, on September 7, 2010 by Act No. 112-2010, the Board of Legislators authorized the County to issue an additional \$6,700,000 in bonds of the County to fund the construction portion of the JFK Project, and, by Act No. 113-2010, authorized the County to issue an additional \$800,000 in bonds of the County to fund the construction portion of the RiverWalk Project. In addition, the Board of Legislators, by Local Law Intro No. 18-2010, authorized the County to amend the IMA in order to, *inter alia*: 1) provide the City with additional funding in the amount of \$6,700,000 for construction costs for the JFK Project; 2) take away the City’s obligation to construct the RiverWalk Project and reassign said obligation to the County; and 3.) incorporate a lease of the Property and authorize the County to enter into said Lease with the City, whereby the City would grant to the County the right to use and occupy the Property in order to facilitate the issuance of said bonds.

In accordance with section 161.11(1) of the Laws of Westchester County, the authority of your Honorable Board is also required in order to amend the IMA. Accordingly, authority is respectfully requested to amend the IMA between the County and the City in order to, *inter alia*, 1) provide the City with additional funding in the amount of \$6,700,000 for construction costs for the JFK Project; 2) take away the City's obligation to construct the RiverWalk Project and reassign said obligation to the County; and 3) incorporate a lease of the Property and authorize the County to enter into said Lease with the City, whereby the City would grant to the County the right to use and occupy the Property in order to facilitate the issuance of said bonds.

Except as amended hereby, all the other terms and conditions of the IMA will remain the same.

The goals and objectives of the IMA are to provide an additional component to the County's RiverWalk trailway project and recreational facilities for County residents. RiverWalk is the County's proposed continuous trailway along the entire Hudson River shoreline in Westchester County, spanning over 50 miles from the Town of Cortlandt border with Putnam County to the City of Yonkers border with the City of New York. The Trailway will be open to the general public for recreational purposes such as walking, running, biking, rollerblading and other similar activities. The Department of Planning staff will access the Trailway site in order to design the RiverWalk trailway. The construction of this portion of RiverWalk will provide public access from Metro-North Railroad's Glenwood Station to the City's JFK Marina, Trevor Park, Hudson River Museum and the State's Old Croton Aqueduct Trailway.

The IMA will serve the public purpose by fulfilling the County's RiverWalk project initiative. The RiverWalk trailway will provide additional recreational opportunities by providing County residents with a trailway for walking, biking and rollerblading and linkages to other public recreational venues in the city of Yonkers.

This agreement is exempt from the procedures of the County Procurement Policy pursuant to section 3(a)iii thereof.

Accordingly, we most respectfully recommend approval of the attached resolution.

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Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 11/09/2010 - 10:51 AM - DEPT. SECRETARY

