

17275

DATE: February 10, 2011

TO: Board of Acquisition and Contract

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

SUBJECT: Resolution authorizing the County to enter into agreements to purchase and subsequently convey approximately 1.52 acres of real property and to fund the construction of site work and infrastructure improvements all in support of the 2101 – 2105 Palmer Avenue fair and affordable housing development in the Village of Larchmont.

The attached resolution authorizes the County of Westchester (the “County”) to enter into agreement(s) (the “Purchase Agreement(s)”) to purchase approximately 1.52 acres of real property located at 2101 – 2105 Palmer Avenue in the Village of Larchmont (the “Property”) from Larchmont Realty, LLC and Palmer Development, LLC or the current owner(s) of record in a combined an amount not to exceed \$2,720,000. This total purchase price will be funded as follows: (i) \$267,000 from capital project BPL10 - New Homes Land Acquisition (“NHLA”); and (ii) \$2,453,000 from capital project BPL50 - Fair and Affordable Housing (“FAH”). A fair and affordable housing development to be known as 2101 – 2105 Palmer Avenue (the “Development”) will be constructed on the Property and will provide fifty-one (51) fair and affordable ownership condominium units (the “Units”). Forty-six (46) of the Units (the “Affordable AFFH Units”) will affirmatively further fair housing (“AFFH”) as set forth in 42 U.S.C. Section 5304(b)(2) and in accordance with the Settlement Agreement (defined below).

The County will file a Declaration of Restrictive Covenants against the Property requiring that the Units be affordable to households with incomes at or below 80% of the Westchester County Area Median Income (“AMI”) for a period of affordability of not less than 50 years.

The attached resolution further authorizes the County to enter into agreements with WB Pinebrook Associates, LLC, or its designee, currently anticipated to be Housing Action Council, Inc. (“HAC”) or a not-for-profit organization affiliated with HAC, to: (i) convey fee title to the Property for \$1.00 and accept, at no cost to the County, any necessary property rights; and (ii) provide FAH grant funding in an amount not to exceed \$3,220,000 to finance construction of certain site/infrastructure improvements in support of the Development, which agreement will commence upon execution and continue for a term of two (2) years.

Pursuant to the Stipulation and Order of Settlement of Dismissal entered into in connection with a lawsuit entitled U.S. ex rel. Anti-Discrimination Center vs. Westchester (the "Settlement Agreement"), the County is required to develop 750 units of fair and affordable housing. It is anticipated that 46 of the Units will constitute affordable AFFH units under paragraph 7(a) of the Settlement Agreement (the "AFFH Units"). The remaining five (5) Units are not eligible to be counted under the terms of the Settlement Agreement, but nonetheless will meet the County's standards as fair and affordable units.

On January 31, 2011 the Westchester County Board of Legislators (the "Board"), by Act No. 18-2011, amended the 2011 County Capital Budget by adding the Development to Capital Project BPL50 in accordance with the requirements of Act No. 155-2009 to partially fund acquisition of the Property and construction of infrastructure improvements in support of the Development. In addition, on January 31, 2011, the Board authorized the County, through Act No. 16-2011, to purchase and subsequently convey the Property and accept, at no cost, a grant of any property rights necessary in connection therewith. In addition, on January 31, 2011 the Board, by Act No. 17-2011 approved the NHLA Bond Act, which partially funds the land acquisition.

The Agreement will serve the public purpose of providing affordable AFFH units. The goal and objective of this Agreement is to create fair and affordable housing which is safe, secure and energy efficient. The project will create rental opportunities for lower and moderate income individuals and families who are burdened with the high cost of housing in Westchester County. It will also enhance the neighborhood with interactive design and landscaping. Department of Planning staff will monitor and track construction of the Development, as well as monitor compliance with the affordability requirements.

EB/lk  
Attachment

APPROVED BOARD OF ACQUISITION & CONSTRUCTION - COUNTY OF WESTCHESTER - JUNE 15, 2011

**RESOLUTION**

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

RESOLVED: that the County of Westchester (the “County”) is hereby authorized to enter into an agreement(s) with Larchmont Realty, LLC and Palmer Development, LLC or the current owner(s) of record to purchase approximately 1.52 acres of real property located at 2101 – 2105 Palmer Avenue in the Village of Larchmont (the “Property”) for a combined total amount not to exceed \$2,720,000, noting that the total purchase price will be funded as follows: (i) \$267,000 from capital project BPL10 - New Homes Land Acquisition (“NHLA”); and (ii) \$2,453,000 from capital project BPL50 - Fair and Affordable Housing (“FAH”) and be it further

RESOLVED: that the County will file a Declaration of Restrictive Covenants against the Property requiring that it be used for the development of fair and affordable housing to be known as 2101 – 2105 Palmer Avenue (the “Development”), including 51 affordable condominium units (“Units”) available to households with incomes at or below 80% of the Westchester County Area Median Income (“AMI”) for a period of affordability of not less than 50 years, including 46 units anticipated to affirmatively further fair housing (“AFFH”), as required pursuant to the Stipulation and Order of Settlement of Dismissal entered into in connection with a lawsuit entitled U.S. ex rel. Anti-Discrimination Center vs. Westchester and in compliance with 42 U.S.C. Section 5304(b)(2) and; and be it further

RESOLVED: the County is hereby authorized to enter into a agreements with WB Pinebrook Associates, LLC, or its designee, currently anticipated to be Housing Action Council, Inc. (“HAC”) or a not-for-profit organization affiliated with HAC, to: (i) convey fee title to the Property for \$1.00 and accept, at no cost to the County, any necessary property rights; and (ii) provide FAH grant funding in an amount not to exceed \$3,220,000 to finance construction of certain site/infrastructure improvements in support of the Development, which agreement will commence upon execution and continue for a term of two (2) years.

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.

Account to be Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
318	19	BPL50-04-S	6050		\$5,673,000
318	19	BPL10-45-S	6050		\$267,000

Budget Funding Year(s) FY 2011 Start Date: March 1, 2011 End Date: February 28, 2013

Funding Source

Tax Dollars \$267,000

State Aid \_\_\_\_\_

**\$5,940,000.00**

(must match resolution)

Federal Aid \$5,673,000.00

Other \_\_\_\_\_

S:\ADMINISTRATION\CONTRACTS\Completed Contracts\NHLA\CLA1152\Resolution.doc = Larchmont Reality, LLC

S:\ADMINISTRATION\CONTRACTS\Completed Contracts\NHLA\CLA1153\Resolution.doc = Palmer Development, LLC

S:\ADMINISTRATION\CONTRACTS\Completed Contracts\FAH\CFAH1034\Resolution.doc =WB Pinebrook Associates, LLC

APPROVED BOARD OF ACQUISITION & CONTRACT - 2-24-2011 - JOMARY VIERA, SECRETARY