

19968

TO: Board of Acquisition and Contract

FROM: John J. Hsu, P.E.
Commissioner of Public Works and Transportation

DATE: June 27, 2011

SUBJECT: AGREEMENT NOS. 11-920 and 11-921
Resolution authorizing the County of Westchester to enter into a contract of sale, accept bargain and sale deeds with covenants against grantor's acts, and enter into permanent and temporary easement agreements in connection with the Bridge Reconstruction of the Bronx River Parkway over the Bronx River and MTA Metro-North Railroad at Crane Road (BINs 3348779 & 3348789), Town of Greenburgh and Village of Scarsdale, Westchester County, New York (the "Project")

On April 26, 2011, the Westchester County Board of Legislators adopted Act No. 57-2011 authorizing the County of Westchester (the "County") to enter into a contract of sale and accept bargain and sale deeds with covenants against grantor's acts in order to purchase in fee for parkway purposes, from the Village of Scarsdale or the current owners of record, real property located at the Crane Road Viaduct on the Bronx River Parkway in the Village of Scarsdale, Westchester County, New York, as follows:

- Parcel 1A, consisting of approximately 0.0576 acres being tax Lot 6 in the tax Block 6, Section 2, as shown on the Tax Map of the Town of Scarsdale, situated in the Village of Scarsdale, County of Westchester, State of New York.
- Parcel 1B, consisting of approximately 0.1697 acres being a portion of tax Lot 7 in tax Block 6, Section 2, as shown on the Tax Map of the Town of Scarsdale, situated in the Village of Scarsdale, County of Westchester, State of New York.
- Parcel 4, consisting of approximately 0.2054 acres being a portion of the bed of the existing Bronx River Parkway adjacent to tax Lot 7 in Tax Block 6, Section 2, as shown on the Tax Map of the Town of Scarsdale, situated in the Village of Scarsdale, County of Westchester, State of New York.

The amount to be paid for the purchase of Parcels 1A, 1B and 4 shall not exceed Six Hundred and Ten Thousand (\$610,000.00) Dollars.

Act No. 57-2011 also authorized the County to enter into a permanent easement agreement and temporary easement agreement necessary to acquire easement rights for parkway purposes, from the Village of Scarsdale or the current owners of record, real property located at the Crane Road Viaduct on the Bronx River Parkway in the Village of Scarsdale, Westchester County, New York, as follows:

- Parcel 2, for use as a permanent easement, consisting of approximately 0.0964 acres being a portion of tax Lot 500 in tax Block 6, Section 2, as shown on the Tax Map of the Town of Scarsdale, being a portion of Parcel 12 as shown on a subdivision map dated August 22, 2005 and recorded in the office of the Clerk of the County of Westchester on October 27, 2005 as Map No. 27656, situated in the Village of Scarsdale, County of Westchester, State of New York.
- Parcel 8, for use as a temporary easement, consisting of approximately 0.2127 acres being a portion of tax Lot 7 in tax Block 6, Section 2, as shown on the Tax Map of the Town of Scarsdale, situated in the Village of Scarsdale, County of Westchester, State of New York.

Board of Acquisition and Contract
Agreement Nos. 11-920 & 11-921

Authority to enter into a contract of sale, accept bargain and sale deeds with covenants against grantor's acts, and enter into permanent and temporary easement agreements in connection with the Bridge Reconstruction of the Bronx River Parkway over the Bronx River and MTA Metro-North Railroad at Crane Road (BINs 3348779 & 3348789)

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The amount to be paid for the easement rights of Parcels 2 and 8 shall not exceed Two Hundred and Ninety Three Thousand (\$293,000.00) Dollars.

In addition, Act No. 57-2011 also authorized the County to enter into a permanent easement agreement and temporary easement agreement necessary to acquire easement rights for parkway purposes, from Midtown Trackage Ventures LLC or the current owners of record, real property located at the Crane Road Viaduct on the Bronx River Parkway in the Village of Scarsdale and the Town of Greenburgh, Westchester County, New York, as follows:

- Parcel 5A, for use as a permanent easement, consisting of approximately 0.0028 acres being a portion of the bed of the Bronx River Parkway adjacent to tax Lot 6 in tax Block 6, Section 2 as shown on the Tax Map of the Village of Scarsdale, situated in the Village of Scarsdale, County of Westchester, State of New York.
- Parcel 5B, for use as a permanent easement, consisting of approximately 0.0518 acres being a portion of the bed of the Bronx River Parkway adjacent to tax Lot 7 in tax Block 6, Section 2 as shown on the Tax Map of the Town of Scarsdale, situated in the Village of Scarsdale, County of Westchester, State of New York.
- Parcel 6, for use as a permanent easement, consisting of approximately 0.0324 acres being a portion of the bed of the Bronx River Parkway adjacent to tax Lots 7 and 500 in tax Block 6, Section 2, as shown on the Tax Map of the Village of Scarsdale, situated in the Village of Scarsdale, County of Westchester, State of New York.
- Parcel 7, for use as a temporary easement, consisting of approximately 0.2365 acres being a portion of the land adjacent to the above Parcels 5A, 5B and 6, situated in the Village of Scarsdale, County of Westchester, State of New York.

The amount to be paid for the easement rights of Parcels 5A, 5B, 6 and 7 shall not exceed Fifty Four Thousand (\$54,000.00) Dollars.

The New York State Department of Transportation shall provide federal funds in a sum representing eighty (80) percent of the cost of acquisition, and the County will provide local funds in a sum representing the twenty (20) percent local match of the eligible costs for the acquisition. Through the award of State Marchiselli funds, the local match percentage will be reduced resulting in a net County share for eligible costs of approximately five (5) percent.

This Project is in the public's best interest in that successful completion of the Project will increase motorist safety through the replacement of a substandard bridge. Likewise, the use of Federal and State funds reduces the impacts of this Project on the local tax base. Energy and environmental effects are positive as closure of the bridge would result in significant detours and congestion. This Department will track scheduling and accomplishments during construction to insure the successful completion of this Project.

The proposed form of Resolution to accomplish the foregoing is attached hereto.

RESOLUTION

Upon communication from the Commissioner of Public Works and Transportation, be it hereby

RESOLVED, that the County of Westchester (the “County”) is authorized to purchase in fee for parkway purposes, by entering into a contract of sale and accepting bargain and sale deeds with covenants against grantor’s acts from the Village of Scarsdale or the current owners of record, real property located at the Crane Road Viaduct on the Bronx River Parkway in the Village of Scarsdale, Westchester County, New York, as follows:

- Parcel 1A, consisting of approximately 0.0576 acres being tax Lot 6 in the tax Block 6, Section 2, as shown on the Tax Map of the Town of Scarsdale, situated in the Village of Scarsdale, County of Westchester, State of New York.
- Parcel 1B, consisting of approximately 0.1697 acres being a portion of tax Lot 7 in tax Block 6, Section 2, as shown on the Tax Map of the Town of Scarsdale, situated in the Village of Scarsdale, County of Westchester, State of New York.
- Parcel 4, consisting of approximately 0.2054 acres being a portion of the bed of the existing Bronx River Parkway adjacent to tax Lot 7 in Tax Block 6, Section 2, as shown on the Tax Map of the Town of Scarsdale, situated in the Village of Scarsdale, County of Westchester, State of New York.

The amount to be paid for the purchase of Parcels 1A, 1B and 4 shall not exceed Six Hundred and Ten Thousand (\$610,000.00) Dollars; and be it further

RESOLVED, that the County is also authorized to enter into a permanent easement agreement and temporary easement agreement for parkway purposes, from the Village of Scarsdale or the current owners of record, real property located at the Crane Road Viaduct on the Bronx River Parkway in the Village of Scarsdale, Westchester County, New York, as follows:

- Parcel 2, for use as a permanent easement, consisting of approximately 0.0964 acres being a portion of tax Lot 500 in tax Block 6, Section 2, as shown on the Tax Map of the Town of Scarsdale, being a portion of Parcel 12 as shown on a subdivision map dated August 22, 2005 and recorded in the office of the Clerk of the County of Westchester on October 27, 2005 as Map No. 27656, situated in the Village of Scarsdale, County of Westchester, State of New York.
- Parcel 8, for use as a temporary easement, consisting of approximately 0.2127 acres being a portion of tax Lot 7 in tax Block 6, Section 2, as shown on the Tax Map of the Town of Scarsdale, situated in the Village of Scarsdale, County of Westchester, State of New York.

The amount to be paid for the easement rights of Parcels 2 and 8 shall not exceed Two Hundred and Ninety Three Thousand (\$293,000.00) Dollars; and be it further

RESOLVED, that the County is also authorized to enter into a permanent easement agreement and temporary easement agreement for parkway purposes, from Midtown Trackage Ventures LLC or the current owners of record, real property located at the Crane Road Viaduct on the Bronx River Parkway in the Village of Scarsdale and the Town of Greenburgh, Westchester County, New York, as follows:

- Parcel 5A, for use as a permanent easement, consisting of approximately 0.0028 acres being a portion of the bed of the Bronx River Parkway adjacent to tax Lot 6 in tax Block 6, Section 2, as shown on the Tax Map of the Village of Scarsdale, situated in the Village of Scarsdale, County of Westchester, State of New York.
- Parcel 5B, for use as a permanent easement, consisting of approximately 0.0518 acres being a portion of the bed of the Bronx River Parkway adjacent to tax Lot 7 in tax Block 6, Section 2, as shown on the Tax Map of the Town of Scarsdale, situated in the Village of Scarsdale, County of Westchester, State of New York.

RESOLUTION

- Parcel 6, for use as a permanent easement, consisting of approximately 0.0324 acres being a portion of the bed of the Bronx River Parkway adjacent to tax Lots 7 and 500 in tax Block 6, Section 2, as shown on the Tax Map of the Village of Scarsdale, situated in the Village of Scarsdale, County of Westchester, State of New York.
- Parcel 7, for use as a temporary easement, consisting of approximately 0.2365 acres being a portion of the land adjacent to the above Parcels 5A, 5B and 6 situated in the Village of Scarsdale, County of Westchester, State of New York.

The amount to be paid for the easement rights of Parcels 5A, 5B, 6 and 7 shall not exceed Fifty Four Thousand (\$54,000.00) Dollars; and be it further

RESOLVED, that these Agreements are subject to County appropriations; and be it further

RESOLVED, that the County Executive or his duly appointed designee be, and hereby is, authorized to take such actions and execute such documents as may be necessary and appropriate to effect the purposes hereof.

Agreement No. 11-920 – Village of Scarsdale

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
	371	46	P001800R	6280-99		\$903,000.00

Budget Funding Year(s) 2011 Start Date 07/01/11 End Date 12/31/15
(must match resolution)

Funding Source: Tax Dollars \$ 45,150.00 (County Funds) Contractor Federal I.D. No./ Social Security No.: _____
 State Aid \$ 135,450.00 (Marchiselli Program)
 \$ 903,000.00 Federal Aid \$ 722,400.00 (Federal HBRR) Vendor No. _____
 (must match resolution) Other _____ Encumbrance No.: _____

Agreement No. 11-921 – Midtown Trackage Ventures LLC

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
	371	46	P001800R	6280-99		\$54,000.00

Budget Funding Year(s) 2011 Start Date 07/01/11 End Date 12/31/15
(must match resolution)

Funding Source: Tax Dollars \$ 2,700.00 (County Funds) Contractor Federal I.D. No./ Social Security No.: _____
 State Aid \$ 8,100.00 (Marchiselli Program)
 \$ 54,000.00 Federal Aid \$ 43,200.00 (Federal HBRR) Vendor No.: _____
 (must match resolution) Other _____ Encumbrance No.: _____