

21349

August 29, 2011

TO: Board of Acquisition and Contract

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

Mary J. Mahon  
Director of Real Estate

RE: **Authority to enter into a License Agreement with Tennessee Gas Pipeline Company for crossing sections of the Putnam Right-of-Way for a period of five (5) years. (License Agreement No. 11-926)**

---

Portions of the pipeline system of Tennessee Gas Pipeline Company (“Tennessee Gas”) run under the Putnam Right-of-Way (“PROW”). Tennessee Gas has had a license agreement with the County for the four (4) sections of the PROW through which the pipelines run. The current license agreement expires December 31, 2011.

It is now proposed that the County and Tennessee Gas enter into a new five (5) year license agreement. The agreement would commence on January 1, 2012 and expire on December 31, 2016, with the County having the right to terminate upon six (6) months prior written notice. Tennessee Gas would pay the following license fees:

January 1, 2012 through December 31, 2012	\$2,704.00
January 1, 2013 through December 31, 2013	\$2,785.00
January 1, 2014 through December 31, 2014	\$2,869.00
January 1, 2015 through December 31, 2015	\$2,955.00
January 1, 2016 through December 31, 2016	\$3,044.00

The proposed license agreement serves a public purpose by providing for the continuation of essential utility services while providing some revenue to the County. The goals and objectives of the proposed agreement will be monitored by the Department of Public Works and Transportation to ensure compliance with the terms of the license agreement.

This license agreement is exempt from the County’s Procurement Policy pursuant to Section 3(b) therein.

An appropriate resolution is attached for your consideration.

JJH/MJM/DNM/ml  
Attachment

# RESOLUTION

## License Agreement No. 11-926

Upon a communication from the Commissioner of Public Works and Transportation and the Director of Real Estate, be it hereby:

**RESOLVED**, that the County of Westchester (the "County") is authorized to enter into a license agreement with Tennessee Gas Pipeline Company ("Tennessee Gas") for crossing sections of the Putnam Right-of-Way for a period of five (5) years commencing on January 1, 2012 and expiring on December 31, 2016, with the County having the right to terminate upon six (6) months prior written notice; and be it further

**RESOLVED**, that pursuant to the terms of the license agreement, Tennessee Gas shall pay the following license fees:

January 1, 2012 through December 31, 2012	\$2,704.00
January 1, 2013 through December 31, 2013	\$2,785.00
January 1, 2014 through December 31, 2014	\$2,869.00
January 1, 2015 through December 31, 2015	\$2,955.00
January 1, 2016 through December 31, 2016	\$3,044.00

; 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.

Account to be Charged/credited	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
	101	19	0100	9295		\$2,704.00 (2012)
	101	19	0100	9295		\$2,785.00 (2013)
	101	19	0100	9295		\$2,869.00 (2014)
	101	19	0100	9295		\$2,955.00 (2015)
	101	19	0100	9295		\$3,044.00 (2016)

Budget Funding Year(s) 2012-2016      Start Date 01/01/2012      End Date 12/31/2016  
 (must match resolution)

Funding Source	Tax Dollars	
	State Aid	
	Federal Aid	
<u>\$14,357.00</u> (must match resolution)	Other	Revenue