

22286

DATE: October 17, 2011

TO: Board of Acquisition and Contract

FROM: Edward Buroughs
Commissioner of Planning

Mary Mahon
Director of Real Estate

SUBJECT: Resolution authorizing the County of Westchester to enter into agreements to purchase and subsequently convey approximately 5.75 acres of real property and enter in an intermunicipal agreement with the Town of Yorktown to fund the construction of site work and infrastructure improvements all in support of the proposed affordable AFFH development to be located at 3372 Old Crompond Road in the Town of Yorktown

The attached resolution authorizes the County of Westchester to enter into agreements to (i) purchase approximately 5.75 acres of real property located at 3372 Old Crompond Road in the Town of Yorktown from Old Crompond Road, LLC or the current owner(s) of record in an amount not to exceed \$1,430,000 which will be funded from capital project BPL50 - Fair and Affordable Housing and (ii) convey fee title to the Property back to Old Crompond Road, LLC and/or its designee or assigns currently anticipated to be a not-for-profit organization affiliated with the Housing Action Council, Inc for One (\$1.00) Dollar.

Upon acquisition of the Property and prior to conveyance, the County will file a Declaration of Restrictive Covenants against the Property requiring that the Affordable AFFH Units constructed thereon (described below) will 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 an intermunicipal agreement (IMA) with the Town and the Developer for the construction of certain infrastructure improvements in support of the Development (described below) in an amount not to exceed \$1,500,000 from capital project FAH and accept all necessary property rights in connection therewith. The IMA will commence upon execution and continue for a term not to exceed the life of the bonds anticipated to be 15 years.

The authorizations requested herein are in support of an affordable, affirmatively furthering fair housing development to be known as 3372 Old Crompond Road, aka Crompond Crossing, which will be constructed on the Property and will provide twenty-six (26) three-bedroom affordable AFFH ownership townhomes which will affirmatively further fair housing as set forth in 42 U.S.C. Section 5304(b)(2) and in accordance with the Stipulation and Order of Settlement and Dismissal entered into in connection with a lawsuit titled U.S. ex rel. Anti-Discrimination Center vs. Westchester. Pursuant to the Settlement Agreement, the County is required to ensure the development of 750 units of Affordable AFFH Units. In furtherance of these objectives, the County provides funding to assist in the development or rehabilitation of affordable AFFH housing units, including the Affordable AFFH Units in the proposed Development. Pursuant to a letter from the Federal monitor dated September 14, 2011, the County has been advised that

the proposed AFFH Units are anticipated to constitute eligible units under Section 7(a) of the Settlement Agreement.

On October 3, 2011, the Westchester County Board of Legislators authorized the County, through Act No. 158-2011, to purchase and subsequently convey the Property. Additionally, on October 3, 2011, the Board, through Act No. 159 authorized the County to enter into an IMA with the Town for the construction of the infrastructure improvements and accept all necessary property rights in connection therewith. Also on October 3, 2011 the Board, by Act No. 160-2011 approved the Bond Act, which funds the land acquisition and costs of the Infrastructure Improvements.

The goal and objective of these agreements is to carry out the County's obligations under the Settlement Agreement by constructing Affordable AFFH Units in accordance with the terms of said Settlement Agreement. In addition, the Development will create home ownership opportunities for lower and moderate income individuals and families who may not otherwise be able to afford to purchase a home in Westchester County, which is safe, secure and energy efficient. It will also enhance the neighborhood through its 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 & CONTRACTS 11/17/2011 - JOMAR VERBA SECRETARY

RESOLUTION

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

RESOLVED: that the County of Westchester is hereby authorized to enter into an agreement with Old Crompond Road, LLC or the current owner(s) of record to purchase approximately 5.75 acres of real property located at 3372 Old Crompond Road in the Town of Yorktown for a total amount not to exceed \$1,430,000, noting that the total purchase price will be funded from capital project BPL50 - Fair and Affordable Housing; 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 the affordable AFEH development to be known as 3372 Old Crompond Road for a period of affordability of not less than 50 years; and be it further

RESOLVED: that the Development will provide twenty-six (26) newly constructed, three-bedroom, ownership townhomes which affirmatively further fair housing, in compliance with 42 U.S.C. Section 5304(b)(2) and 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 which will be available to households with incomes at or below 80% of the Westchester County Area Median Income; and be it further

RESOLVED: that the County is hereby authorized to enter into an agreement to convey the Property to Old Crompond Road, LLC and/or its designee or assigns currently anticipated to be a not-for-profit organization affiliated with the Housing Action Council, Inc. for One (\$1.00) Dollar in support of the Development; and be it further

RESOLVED: that the County is hereby authorized to enter into an intermunicipal agreement with the Town and the Developer to provide FAH grant funding in an amount not to exceed \$1,500,000 to finance construction of certain site/infrastructure improvements in support of the Development and accept any necessary property rights in connection therewith, which agreement will commence upon execution and continue for a term not to exceed the life of the bonds anticipated to be 15 years; and be it further

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	BPL50-06-S	6050	N/A	\$2,930,000.00

Budget Funding Year(s) FY 2011

Purchase and Sale Contracts Start Date: November 7, 2011 End Date: November 6, 2012

IMA: Start Date: November 7, 2011 End Date: Expiration of the Bonds

Funding Source Tax Dollars _____

State Aid _____

\$2,930,000.00 Federal Aid _____

(must match resolution)

Other **\$2,930,000.00**