

23135

November 18, 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 five (5) year License Agreement along the Putnam Right-of-Way with Consolidated Edison Company of New York, Inc. for the period January 1, 2012 through December 31, 2016 (License Agreement No. 11-937)**

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The attached Resolution authorizes the County of Westchester (the "County") to enter into a license agreement along the Putnam Right-of-Way (the "PROW") with Consolidated Edison Company of New York, Inc. ("Con Ed") at license fee rates listed therein for the period January 1, 2012 through December 31, 2016.

Westchester County acquired 14.1 miles of the PROW in the early 1990's as a continuous corridor from the New York City boundary in Yonkers to Eastview in the Town of Mount Pleasant to be used for recreational, utility or other general municipal purposes. The acquisition included leases and licenses that were in effect between Conrail and adjacent property owners and various utilities, which were subsequently assigned to the County. The County has recently negotiated a new license with Con Ed for its utilities that cross the PROW in six (6) different locations.

The County has determined that this license does not encroach on those portions of the PROW used for railway purposes and does not conflict with current County plans.

This license serves a public purpose as it will accommodate the public utility while providing revenue to the County. The new license fees have been increased to conform to current market rates. 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 is exempt from the Westchester County Procurement Policy and Procedures pursuant to Section 3(b) therein.

Approval of the attached Resolution is respectfully recommended.

# RESOLUTION

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 hereby authorized to enter into a License Agreement with Consolidated Edison Company of New York, Inc. ("Con Ed") for six (6) utility crossings along the Putnam Right-of-Way for the five (5) year period January 1, 2012 through December 31, 2016, at the following annual license fee rates:

January 1, 2012 – December 31, 2012	\$5,391.00
January 1, 2013 – December 31, 2013	\$6,583.00
January 1, 2014 – December 31, 2014	\$6,780.00
January 1, 2015 – December 31, 2015	\$6,983.00
January 1, 2016 – December 31, 2016	\$7,192.00

; and be it further

**RESOLVED**, that the County Executive or his duly authorized designee is authorized to execute all documents necessary and appropriate to carry out the purpose of this Resolution.

License Agreement No. 11-937

Account to be Charged/credited	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
	101	19	0100	9295		\$6,391.00 (2012)
	101	19	0100	9295		\$6,583.00 (2013)
	101	19	0100	9295		\$6,780.00 (2014)
	101	19	0100	9295		\$6,983.00 (2015)
	101	19	0100	9295		\$7,192.00 (2016)

Budget Funding Year(s) 2012-2016      Start Date January 1, 2012      End Date December 31, 2016  
 (must match resolution)

Funding Source      Tax Dollars \_\_\_\_\_  
                                  State Aid \_\_\_\_\_  
                                  Federal Aid \_\_\_\_\_  
\$33,929.00  
 (must match resolution)      Other      Revenue \_\_\_\_\_