

ID 27153

June 12, 2012

TO: Board of Acquisition and Contract

FROM: Kathleen M. O'Connor
Commissioner, Department of Parks, Recreation and Conservation

RE: Resolution authorizing the County of Westchester to enter into an agreement with the Metropolitan Transportation Authority ("MTA") pursuant to which (1) the MTA will grant to the County a license for the use of approximately 175,000 square feet, more or less, of MTA land located on the westerly side of the MTA's Harlem Line right-of-way, in the City of White Plains; and (2) the County will permit the MTA, its contractors, agents and customers, to cross adjacent County land located at the North White Plains Train Station, west of the railroad tracks and south of Fisher Lane, for the period February 1, 2012 through December 31, 2016

Authority is hereby requested for the County of Westchester, acting by and through the Department of Parks, Recreation and Conservation, to enter into a agreement with the Metropolitan Transportation Authority ("MTA") pursuant to which (1) the MTA will grant to the County a license for the use of approximately 175,000 square feet, more or less, of MTA land located on the westerly side of the MTA's Harlem Line right-of-way, in the City of White Plains; and (2) the County will permit the MTA, its contractors, agents and customers to cross adjacent County land located at the North White Plains Train Station, west of the railroad tracks and south of Fisher Lane, for the period February 1, 2012 through December 31, 2016.

In consideration for the granting of said license to the County, the County will pay to the MTA an annual license fee of \$243,091.42 which shall be increased concurrently and proportionally for any future parking fee increase during the term of the agreement. However, during the period of February 1, 2012 through December 31, 2012, the license fee shall be prorated for the month of January and the total license fee for 2012 shall be \$222,833.80. The County shall continue to permit the MTA, its contractors, agents and customers to cross the adjacent County land identified on the Schedule attached to the proposed Resolution, to access MTA lot. The County expects to receive approximately \$1,000,000 in revenue from the parking lot.

The County shall maintain the licensed premises at its own expense.

The ultimate goal of this agreement will be for the public good as it will allow the County to use an area adjacent to the County-owned portion of the parking lot to continue to provide commuter parking to encourage the use of mass transit and provide overflow parking for County events while at the same time providing revenue to the County.

The objectives of this agreement will be monitored through revenue reports and site visits from Parks, Recreation and Conservation.

This agreement is exempt from the Westchester County procurement policy pursuant to Section 3(b), thereof.

Accordingly, your favorable action on the annexed Resolution is most respectfully urged and recommended.

APPROVED BOARD OF ACQUISITION & CONTRACT - 07/05/2019 - JOMARY VIEIRA, SECRETARY

RESOLUTION

Upon a communication from the Commissioner of Parks, Recreation and Conservation, be it hereby

RESOLVED, that the County of Westchester is hereby authorized to enter into a license agreement with the Metropolitan Transportation Authority ("MTA"), 347 Madison Avenue, New York, New York 10017 pursuant to which (1) the MTA will grant to the County a license for the use of approximately 175,000 square feet, more or less, of MTA land located on the westerly side of the MTA's Harlem Line right-of-way, in the City of White Plains; and (2) the County will permit the MTA, its contractors, agents and customers to cross the adjacent County land located at the North White Plains Train Station, west of the railroad tracks and south of Fisher Lane, for the period February 1, 2012 through December 31, 2016; and be it further

RESOLVED, that in consideration for the granting of said license to the County, the County shall pay to the MTA the following license fees:

<u>Period</u>	<u>License Fee</u>
February 1, 2012 to December 31, 2012	\$222,833.80
January 1, 2013 to December 31, 2013	\$243,091.42
January 1, 2014 to December 31, 2014	\$243,091.42
January 1, 2015 to December 31, 2015	\$243,091.42
January 1, 2016 to December 31, 2016	\$243,091.42; and be it further

RESOLVED, that the County will continue to permit the MTA, its contractors, agents and its customers to cross the adjacent County land identified on the attached Schedule to access the MTA lot; and be it further

RESOLVED, that the County, at its sole expense, shall maintain the licensed premises; and be it further

RESOLVED, that the annual license fee will be increased concurrently and proportionally to reflect any future parking fee increases made during the term of this license; and be it further

RESOLVED, that the County Executive or his authorized designee is hereby authorized to execute all instruments necessary to implement this Resolution.

