

also provide that the County may accept all necessary property rights in connection therewith. The IMDA will commence upon execution and continue for a term not to exceed the life of the bonds, which is anticipated to be 15 years.

Pursuant to 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 (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. Seventeen of the proposed units are anticipated to constitute eligible units under the Settlement Agreement.

On October 15, 2012, the Westchester County Board of Legislators authorized the County, through Act No. 149-2012, to purchase and subsequently convey the Property. In addition, on October 15, 2012, the Board, through Act No. 150-2012, authorized the County to enter into an IMA with the Village of Ardsley to fund certain infrastructure improvements in support of the development of AFFH housing to be located at 867 Saw Mill River Road. In addition, on October 15, 2012 the Board, by Act No. 151-2012 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 supporting the construction of affordable AFFH units in accordance with the terms of said Settlement Agreement. In addition, the development, which is to be safe, secure and energy efficient, will create home ownership opportunities for low and moderate income individuals and families who may not otherwise be able to afford to purchase a home in Westchester County. The development 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/cp
Attachment

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 (the "Purchase Contract") with Ardsley Waterwheel Partners, LLC or the current owner(s) of record to purchase approximately 2.06 acres of real property located at 867 Saw Mill River Road in the Village of Ardsley (the "Property") and purchase the Property for a total amount not to exceed \$935,000.00, noting that the total purchase price will be funded from capital project BPL10 - Fair and Affordable Housing ("FAH") and further noting that the proposed Property will contain a total of twenty-two (22) units, seventeen (17) will be AFFH units and five (5) will be workforce units for households; and be it further

RESOLVED: that the County will file a Declaration of Restrictive Covenants against the Property requiring that the seventeen (17) units be used for the development of the affordable AFFH development to be known as 867 Saw Mill River Road for households with incomes at or below 80% AMI and five (5) workforce units be used for households at or below 120% of AMI, noting that the seventeen (17) AFFH units all units shall affirmatively further fair housing ("AFFH"), in compliance with 42 U.S.C. Section 5304(b)(2) and as required pursuant to 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 for a period of affordability of not less than 50 years; and be it further

RESOLVED: the County is hereby authorized to enter into an agreement to convey the Property to Ardsley Waterwheel Partners, LLC and/or its designee or assigns and to convey the Property for One (\$1.00) Dollar in support of the Development; and be it further

RESOLVED: the County is hereby authorized to enter into an intermunicipal-development agreement with the Village of Ardsley and Ardsley Waterwheel Partners, LLC pursuant to which the County will provide FAH grant funding in an amount not to exceed \$735,000.00 to finance construction of certain site/infrastructure improvements in support of the development, which agreement will commence upon execution and continue for a term not to exceed the life of the bonds.

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

		Major Program, Program & Phase	Object/ Sub Object	Trust Account	Dollars
Fund	Dept	Or Unit			
19	318	BPL50-11-S	6050	N/A	\$735,000.00
19	318	BPL10-49-S	6050	N/A	\$935,000.00

Budget Funding Year(s) FY 2012

Purchase and Sale Contracts Start Date: Upon Execution End Date: Two year from execution

IMDA: Start Date: Upon Execution End Date: Expiration of the Bonds

Funding Source Tax Dollars \$1,670,000.00

State Aid _____

\$1,670,000.00 Federal Aid _____

(must match resolution)

Other _____

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APPROVED BOARD OF ACQUISITION & CONTRACTS - 12/06/2012 - JOMARY WEIRA, SECRETARY