

**34843**

July 9, 2013

To: The Honorable Board of Acquisition and Contract

From: Kathleen M. O'Connor,  
Commissioner, Parks, Recreation and Conservation

Mary J. Mahon  
Director of Real Estate

Re: **Authority to enter into ten-year lease agreement with the Westchester Children's Museum for the operation of a children's museum on County property at Playland Park, Rye New York.**

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The Board of Legislators, by Local Law 9 – 2011 adopted on August 8, 2011, authorized the County of Westchester to enter into a lease agreement with the Westchester Children's Museum for the operation of a children's museum (the "Lease") on approximately 21,390 square feet of County property which was formerly utilized as a men's bath house (the "Leased Premises") located in Playland Park, Rye, New York for a ten-year term which commences upon the date that the County grants the Children's Museum access to the Leased Premises. Chapter 183 of the 2003 Laws of the State of New York, as amended, (the "State Legislation"), which discontinued the area of the Leased Premises as parkland and authorized the County to enter into the Lease, also provides: "State authorization is effective only upon condition that the County dedicate an amount equal to the fair market value of those interests being transferred for the acquisition of additional parklands and/or for capital improvements to existing park and recreational facilities." The Board of Legislators, in Local Law 9-2011, determined that this condition of the State Legislation had been met, through its determination that the fair market value of the Lease was \$6,441,300 and that as of August 2011, \$6,898,857 had been utilized by the County for capital improvements to the Playland Bathhouse Restoration (Capital Project RP23C).

Authority is currently requested for your Honorable Board to authorize the County to enter into the lease agreement whereby the Westchester Children's Museum shall pay Lease fees of \$1 per year and its proportionate share of fire and property insurance premiums on the structure and improvements over the ten-year Lease term and shall complete certain capital improvements to the Leased Premises totaling approximately \$6,441,300, which improvements shall be subject to the approval of the County Department of Parks, Recreation and Conservation and the

Department of Public Works and Transportation. The Children's Museum shall open to the public within two years of the Commencement Date, or the Lease shall terminate and the property shall revert to the County for park or recreational purposes.

Pursuant to the State Legislation, the Lease shall contain the following provisions:

1. Should the Leased Premises cease to be operated as a children's museum, the Lease shall immediately terminate and revert to the County for public park and recreational purposes;
2. the children's museum shall be made available to the general public on an equitable basis;
3. where availability of public facilities is limited, the use of such facilities must be determined by a reservation policy, administered by the Westchester Children's Museum in conjunction with the County, which provides priority use to the general public.

The State Legislation included the whole building (men's and women's bath houses as well as the corridor between them), because in 2003 it was not clear which parcel would be used for a children's museum. The whole building remains County parkland for public use until all the conditions of the State Legislation are met. Therefore, once the Lease is executed and the former men's bath house is utilized as a children's museum, only the area of the Leased Premises will cease to be County parkland.

This lease is exempt from the Westchester County Procurement Policy and Procedures pursuant to Section 3 (b) thereof.

The goal of creating a Westchester Children's Museum in Playland Park will provide the public with an educational resource and provide a historical and age-appropriate museum for children in Westchester County.

We recommend adoption of the attached proposed Resolution.

KMO/MJM/di  
Attachment

## RESOLUTION

Upon a communication from the Commissioner of Parks, Recreation and Conservation, and the Director of Real Estate, it is hereby

**RESOLVED**, that the County of Westchester is authorized to enter into a lease agreement with the Westchester Children's Museum ("Children's Museum") for approximately 21,390 square feet of County property in Playland Park, Rye, New York for a term of ten years (the "Lease") which commences on the date that the County grants the Children's Museum access to the Leased Premises (the "Commencement Date"). The Children's Museum shall pay Lease fees of \$1 per year; its proportionate share of fire and property insurance premiums on the structure and improvements and shall complete certain capital improvements to the Leased Premises totaling approximately \$6,441,300, which improvements shall be subject to the approval of the County Department of Parks, Recreation and Conservation and the Department of Public Works and Transportation. The Children's Museum shall open to the public within two years of the Commencement Date, or the Lease shall terminate and the property shall revert to the County for park or recreational purposes; and be it further

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**RESOLVED**, that the County Executive or his authorized designee is hereby authorized and empowered to execute all instruments and take all actions necessary and appropriate to effectuate the purposes hereof.

Account to be  
Charged/Credited

Fund	Dept	Major Program, Program & Phase  Or Unit	Object/ Sub-Object	Trust Account	Dollars	
165	42	5520	9205		\$1	2013
165	42	5520	9205		\$1	2014
165	42	5520	9205		\$1	2015
165	42	5520	9205		\$1	2016
165	42	5520	9205		\$1	2017
165	42	5520	9205		\$1	2018
165	42	5520	9205		\$1	2019
165	42	5520	9205		\$1	2020
165	42	5520	9205		\$1	2021
165	42	5520	9205		\$1	2022

Budget Funding Year(s) 2013-2022 Start Date Upon execution End Date 10 years from execution  
(must match resolution)

Funding Source Tax Dollars \_\_\_\_\_

State Aid \_\_\_\_\_

\$10 Federal Aid \_\_\_\_\_

(must match resolution)

Other \_\_\_\_\_ REVENUE \_\_\_\_\_

APPROVED BOARD OF ACQUISITION & CONTRACTS - 07/11/2013 - JOMARY VIEIRA, SECRETARY