

37417

December 10, 2013

TO: Honorable Board of Acquisition and Contract

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

Mary Mahon
Senior Assistant to the County Executive

RE: Authority to terminate an agreement among Henriette Suhr, the Garden Conservancy and the County of Westchester dated February 7, 2000, requiring Mrs. Suhr, upon her demise, to donate real property located in the Town of New Castle to the County for use as parkland.

Henriette Suhr is the owner in fee simple of certain real property in the Town of New Castle, located at 95 Old Roaring Brook Drive, Mount Kisco, New York (the "Property"). The Property consists of approximately 12.96 acres containing a home, gardens and naturally vegetated woodland along steep slopes bordering a stream.

On February 17, 2000, your Honorable Board approved a Resolution authorizing the County of Westchester to enter into an agreement with Mrs. Suhr and the Garden Conservancy whereby Mrs. Suhr would, upon her demise or earlier if agreed to, donate the Property to the County for use as parkland and provide a \$500,000 endowment for the maintenance of the Property (the "Agreement"). The Agreement requires the County, following conveyance of the Property, to use it in accordance with a conservation easement held by the Garden Conservancy and to allow only low impact public use. Specifically, the Property would be used for public park purposes as a public stroll garden and center for the study of horticulture. The basic character of the Property would be preserved and care would be taken to ensure that the public use would be of such a nature as to not destroy or adversely affect the gardens on the Property. The Agreement also requires the County to assign a horticulturist to oversee the care of the Property.

On May 25, 2006, your Honorable Board approved a Resolution authorizing the County to amend the Agreement so that title to the Property could be conveyed to the County with Mrs. Suhr retaining a life estate. That amendment was never executed.

Mrs. Suhr has recently notified the parties that she wishes to terminate the Agreement. The County and the Garden Conservancy support her decision and are prepared to terminate the Agreement upon mutual consent. Therefore, authority is hereby requested for the County, acting by and through the Department of Parks, Recreation and Conservation, to terminate the Agreement effective January 1, 2014. It should be noted

that the Property will remain subject to the conservation easement which prohibits its development.

Accordingly, approval of the attached resolution by your Honorable Board is most respectfully requested.

KOC/MM/dv

APPROVED BOARD OF ACQUISITION & CONTRACT - 12/19/2013 - JOMARY VIEIRA, SECRETARY

RESOLUTION

Upon a communication from the Commissioner of Parks, Recreation and Conservation and the Senior Assistant to the County Executive, be it hereby

RESOLVED, that the County of Westchester is hereby authorized to terminate, upon mutual consent, the agreement with Henriette Suhr and the Garden Conservancy dated February 7, 2000, requiring Mrs. Suhr, upon her demise, to donate real property located in the Town of New Castle to the County for use as parkland; and be it further

RESOLVED, that the agreement shall be terminated effective January 1, 2014; 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.

Account to be
Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
		n/a			

Budget Funding Year(s) _____ Start Date _____ End Date _____
(must match resolution)

Funding Source Tax Dollars _____
 State Aid _____
 \$ _____ Federal Aid _____
 (must match resolution) Other _____

APPROVED BOARD OF ACQUISITION & CONTRACT 12/19/2013 - JUMAR NEIRA, SECRETARY