

**39982**

DATE: April 29, 2014

TO: Board of Acquisition and Contract

FROM: Edward Burroughs  
Commissioner of Planning

SUBJECT: Resolution authorizing the County of Westchester to execute all documents in connection with its consent to the release of 0.34 acres of real property located at Brook Street, New Rochelle, NY from the Declaration of Restrictive Covenants recorded in the Westchester County Clerk's Office under Control Number 512933301

On July 7, 2011, your Honorable Board approved a resolution authorizing the County of Westchester to enter into an agreement with the City of New Rochelle and Horton Winthrop, LLC, or its designee for infrastructure improvements associated with Phase I of the rental housing development known Heritage Homes which is part of a Revitalization Plan located at Winthrop Avenue and Brook Street in the City of New Rochelle and to accept a grant, at no cost to the County, of all necessary property rights (the "IMDA"). The now completed development includes one hundred thirty-one new residential rental units in three-story townhomes and one four-story apartment building. The amount of funding provided by the County under the IMDA was \$990,000.00 with a term beginning June 23, 2011 and ending on June 30, 2014. The IMDA required among other things, that a Declaration of Restrictive Covenants (the "Declaration") be recorded by the Phase I owners against two parcels of land related to that development. Parcel 1 is the site of the residential units and Parcel 2 is a 0.34 acre site that was to be a small temporary parking lot. The County consented to that Declaration which was recorded at the Westchester County Clerk's Office under Control Number 512933301.

Phase II of the Revitalization Plan is now underway and since Parcel 2 is no longer needed for parking, it is designated to be used for development of twelve new affordable rental apartments and twelve parking spaces. These new units to be constructed as part of Phase II will be affordable to families at or below 50% and 60% of the County's Area Median Income ("AMI") for a period of 50 years. The current Phase II owners have requested that the Phase I owners release Parcel 2 from the Declaration in order to facilitate the development and secure necessary financing for Phase II.

The attached resolution authorizes the County of Westchester to execute all documents in connection with its consent to the removal of 0.34 acres of real property located at Brook Street, New Rochelle, NY known as Parcel 2 from the Declaration of Restrictive Covenants recorded in the Westchester County Clerk's Office under Control Number 512933301. No additional County funding is requested and all other terms of the IMDA and the Declaration remain the same.

The goal and objective of the original agreement was to create fair and affordable housing opportunities for citizens facing extremely high housing costs throughout the County, while limited by lower income levels. This action furthers that goal.

Act # 2014-39, adopted by the Westchester County Board of Legislators on April 7, 2014 authorized the County of Westchester to consent to the release of 0.34 acres of real property located at Brook Street, New Rochelle, NY from the Declaration of Restrictive Covenants recorded in the Westchester County Clerk's Office under Control Number 512933301.

I recommend approval of this amendment.

EEB/DLV/dv  
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 05/22/2014 - JOMARY VIEIRA, SECRETARY

RESOLUTION

UPON A COMMUNICATION FROM THE COMMISSIONER OF PLANNING, BE IT HEREBY

RESOLVED, that the County of Westchester is authorized to execute all documents in connection with its consent to the removal of 0.34 acres of real property located at Brook Street, New Rochelle, NY known as Parcel 2 from the Declaration of Restrictive Covenants recorded in the Westchester County Clerk’s Office under Control Number 512933301; and be it further

RESOLVED, that Parcel 2 which was used as a temporary parking lot, but is no longer needed for that use, will be used as the site of twelve new affordable rental apartments which will be affordable to families at or below 50% and 60% of the County’s Area Median Income (“AMI”) for a period of 50 years and twelve parking spaces; and be it further

RESOLVED, that all the other terms and conditions of the Declaration and the County’s agreement with the City of New Rochelle and Horton Winthrop, LLC, or its designee for infrastructure improvements associated with Phase I of the rental housing development known Heritage Homes which is part of a Revitalization Plan located at Winthrop Avenue and Brook Street in the City of New Rochelle, will remain the same; and be it further

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.

Original Agreement	\$990,000.00
This Amendment	\$ 0.00
<b>REVISED TOTAL</b>	<b>\$990,000.00</b>
AGREEMENT NUMBER	C-HIF-11-55

Account to be Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit & Act	Object/ Sub Object	Trust Account	Dollars
318	19	BPL01-28-S ACT 79-2011	6050	N/A	\$0.00

Budget Funding Year(s) FY 2011 Start Date June 23, 2011 End Date June 30, 2014  
(must match resolution)

Funding Source Tax Dollars \$0.00  
State Aid \_\_\_\_\_  
Federal Aid \_\_\_\_\_  
Other \_\_\_\_\_

**\$0.00**  
(must match resolution)