

40372

Date: May 19, 2014

To: Board of Acquisition and Contract

From: Thomas J. Lauro
Commissioner of Environmental Facilities

Re: **Authority for the County of Westchester to enter into an Agreement to purchase approximately .4901 Acres of Real Property from Peter Gray and to enter into Agreements with the Village of Tarrytown and Midtown Trackage Ventures LLC, all located in the Village of Tarrytown, in order to accept easements to obtain the necessary property rights in connection with the Construction of the New Tarrytown Forcemain**

The attached resolution, if approved by Your Honorable Board, would authorize the County of Westchester, acting by and through its Department of Environmental Facilities (the "Department") to enter into an agreement to purchase approximately .4901 acres of real property in the Village of Tarrytown from Mr. Peter Gray, and to enter into agreements with the Village of Tarrytown and Midtown Trackage Ventures LLC, in order to accept easements to obtain the necessary property rights in connection with the construction of the new Tarrytown Forcemain (the "Forcemain Project").

On March 10, 2014, the Westchester County Board of Legislators authorized, the County, by Act 19-2014 to enter into an Agreement to Purchase Approximately .4901 Acres of Real Property in the Village of Tarrytown from Peter Gray (the "Gray Property"), and to enter into agreements in order to accept easements from the Village of Tarrytown (the "Tarrytown Easement") and Midtown Trackage Ventures LLC (the "Midtown Easement"). In addition, on March 10, 2014, the County was authorized by the Westchester County Board of Legislators, through Act 18-2014, to issue up to \$14,600,000 in bonds of the County in order to finance the Forcemain Project.

The amount to be paid for the purchase of the Gray Property shall not exceed \$80,000, and the amount to be paid for Tarrytown Easement shall not exceed \$1,700. The County will not pay Midtown for its easement, but as consideration, the County shall reimburse Midtown Trackage LLC for all transactional fees incurred in connection with its granting of the easement, including attorneys' fees in an amount not to exceed \$5,000.

The objective of these agreements is to obtain the necessary property rights to construct a new forcemain so that the County will remain in compliance with an Order on Consent entered into with the New York State Department of Environmental Conservation (“NYSDEC”) which requires the construction of a new forcemain.

The objective of these agreements are in the County’s best interest since they will enable the County to obtain the necessary property rights to undertake the Forcemain Project, thereby enabling the County to comply with the Order on Consent and to replace the existing forcemain which has recently failed. The Department will track scheduling and accomplishments during construction to ensure the successful completion of the Forcemain Project.

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

TJL/jpi

APPROVED BOARD OF ACQUISITION & CONTRACT - 06/19/2014 - JOMAR VEIRA, SECRETARY

RESOLUTION

Upon a communication from the Commissioner of Environmental Facilities, be it hereby

RESOLVED, the County is hereby authorized to enter into an agreement to purchase approximately .4901 acres of real property from Peter Gray (the “Gray Property”), or the current owner of record, and to enter into agreements in order to accept easements from the Village of Tarrytown (the “Tarrytown Easement”), or the current owner of record, and Midtown Trackage Ventures LLC (the “Midtown Easement”), or the currently owner of record, all located in the Village of Tarrytown, in connection with the construction of the new Tarrytown Forcemain; and be it further

RESOLVED that the purchase amount to be paid for the Gray Property shall not exceed \$80,000, plus an additional amount not to exceed \$15,000 to cover various closing costs such as title searches, title insurance and real estate taxes, and be it further

RESOLVED that the purchase amount to be paid for the Tarrytown Easement shall not exceed \$1,700, plus an additional amount not to exceed \$2,000 to cover various closing costs such as title searches and title insurance, and be it further

RESOLVED that the County will not pay Midtown Trackage LLC for the Midtown Easement, but as consideration, the County shall reimburse Midtown Trackage LLC for all transactional fees incurred in connection with its granting of the easement, including attorneys’ fees in an amount not to exceed \$5,000, plus an additional amount not to exceed \$2,000 to cover various closing costs such as title searches and title insurance, and be it further

RESOLVED, that this Agreement is subject to County appropriations; and be it further

RESOLVED, that the County Executive, or his duly authorized designee, is hereby authorized to execute such documents and take such actions as may be necessary and appropriate to effectuate the purposes hereof.

Account to be Charged/Credited

Fund	Dept	Major Program, Program & Phase or Unit	Object/ Sub-Object	Bond Act #	Dollars
322	60	SY020-00 C	6280	18-2014	\$105,700

Budget Funding

Year(s) 2014 Start Date upon execution End Date in perpetuity

Funding Source

\$ 105,700
(must match resolution)

Tax Dollars \$105,700

State Aid _____

Federal Aid _____

Other _____