

41661

November 12, 2014

TO: Board of Acquisition and Contract

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

Mary Mahon  
Director of Real Estate

RE: **Resolution authorizing the County of Westchester to enter into a permit agreement with the Village of Briarcliff Manor to enter into and across certain County-owned real property adjacent to the Pocantico River for the term May 1, 2014 through April 30, 2019**

Authority is requested for the County to enter into a permit agreement (the "Permit") with the Village of Briarcliff Manor, 111 Pleasantville Road, Briarcliff Manor, New York ("the Village") to enter into and across certain County-owned real property. The Village wishes to periodically clean and de-snag the Pocantico River in an effort to mitigate flooding problems along the river. The County owns real property adjacent to the Pocantico River at the following seven (7) locations: 1) North State Road, Section 004 22 Block 500 Lot 001; 2) Sleepy Hollow Road, Section 004 34 Block 31 Lot 010; 3) Sleepy Hollow Road, Section 004 34 Block 31 Lot 009; 4) Sleepy Hollow Road, Section 004 34 Block 31 Lot 011; 5) South State Road, Section 004 30 Block 500 Lot 001; 6) Pleasantville Road, Section 004 23 Block 500 Lot 001; and 7) South State Road, Section 004 30 Block 500 Lot 001 (collectively the "Property").

Pursuant to the terms of the proposed Permit, the County would grant to the Village permission to enter the Property for the purposes of accessing the Pocantico River so as to periodically clean and de-snag the Pocantico River.

The Village will be required to pay One (\$1.00) Dollar to the County as consideration for the Permit. In addition to monetary compensation, the Village will indemnify and defend the County for any property damage or personal injury that takes place in the course of the Village utilizing its rights under the proposed Permit and will restore all disturbed areas.

The ultimate goal of the agreement will be for the public good by allowing the Village to prevent blockages along the Pocantico River. If this agreement were not in place, there could be flooding problems.

The program will be tracked and monitored by site inspections.

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

This agreement is exempt from the Westchester County procurement policy pursuant to Section 3 (b), thereof.

APPROVED BOARD OF ACQUISITION & CONTRACT - 12/04/2014 - JOMARY VIEIRA, SECRETARY

## RESOLUTION

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

**RESOLVED**, that the County of Westchester is authorized to enter into a Permit Agreement with the Village of Briarcliff Manor, 111 Pleasantville Road, Briarcliff Manor, NY (the "Village") to enter into and across the following County-owned real property: 1) North State Road, Section 004 22 Block 500 Lot 001; 2) Sleepy Hollow Road, Section 004 34 Block 31 Lot 010; 3) Sleepy Hollow Road, Section 004 34 Block 31 Lot 009; 4) Sleepy Hollow Road, Section 004 34 Block 31 Lot 011; 5) South State Road, Section 004 30 Block 500 Lot 001; 6) Pleasantville Road, Section 004 23 Block 500 Lot 001; and 7) South State Road, Section 004 30 Block 500 Lot 001 (collectively the "Property"), for the period May 1, 2014 through April 30, 2019 for the purposes of accessing the Pocantico River in order to periodically clean and de-snag the Pocantico River for flood prevention purposes; and be it further

**RESOLVED**, that the Village shall pay One (\$1.00) Dollar to the County as consideration for the permit. In addition to monetary compensation, the Village shall indemnify and defend the County for any property damage or personal injury that takes place in the course of the Village utilizing its rights under the proposed Permit and will restore all disturbed areas; and be it further

**RESOLVED**, that the County Executive or his duly authorized designee is hereby authorized to take such action and execute such documents as may be necessary and proper to effect the purposes hereof.

Original Agreement      \$ 1  
 First Amendment        \$  
**This Amendment**        \$ \_\_\_\_\_  
 TOTAL                        \$ 1

Agreement #

Account to be  
 Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub- Object	Trust Account	Dollars
165	42	1100	9542		1

2014

Budget Funding Year(s) 2014 Start Date 5-1-14 End Date 4-30-19  
 (must match resolution)

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

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

\$1  
 (must match resolution) Federal Aid \_\_\_\_\_

Other PRC Revenue

APPROVED BOARD OF ACQUISITION & CONTRACT - 12/04/2014 - JOHANNY VIEIRA, SECRETARY