

44679

**TO:** Board of Acquisition and Contract

**FROM:** Jay T. Pisco, P.E.  
Commissioner of Public Works and Transportation

**DATE:** February 10, 2015

**SUBJECT:** Request authority to amend the October 23, 2014 Resolution which authorized the County to enter into temporary easement agreements in connection with the project to rehabilitate the Ashford Avenue Bridge (BIN 5348380) which is located within the Villages of Ardsley and Dobbs Ferry and situated over the Saw Mill River Parkway, South County Trailway, Elm Street, the New York State Thruway (Interstate 87) and the Saw Mill River, and the project to rehabilitate the entrance and exit ramp between Ashford Avenue to the northbound Saw Mill River Parkway (BIN 534838A) ("Project") in order to increase the amount of just compensation offered to Ronarita Realty Co. Inc.

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As you may recall, on December 16, 2013, the Westchester County Board of Legislators ("BOL") approved Act No. 2013-204 which authorized the County of Westchester ("County") to accept appraisals, establish just compensation, and make written offers to four property owners and enter into temporary easements with each property owner in connection with the Project. On October 23, 2014 your Honorable Board approved a resolution ("2014 Resolution") which authorized the County to enter into temporary easement agreements in connection with the Project.

Offers were communicated to each of the property owners in accordance with the just compensation established in Act No. 2013-204. The following is the status of each property:

Parcel 4: This parcel is owned by the Village of Ardsley and the temporary easement agreement has been signed by the Village of Ardsley.

Parcels 3 and 5: The property owners, Elm Street, LLC (Parcel 3) and C.A.N.T. Realty, LLC (Parcel 5) are rejecting the County's offers as payment in full and pursuant to New York State Eminent Domain Procedure Law ("EDPL") §304 are instead accepting the offers as an advance payment without prejudice to claim additional compensation by filing a claim within the time limits prescribed in EDPL §503. If a property owner reserves the right to file a claim for additional compensation, the burden is on the property owner to bring the appropriate legal proceedings.

Parcels 1 and 2: The property owner, Ronarita Realty Company, Inc. ("Ronarita"), requested a re-analysis of the appraisals for Parcels 1 and 2. The County requested R.K. Hite & Co., Inc.'s review appraiser to conduct a re-analysis of appraisal data and the resulting conclusions. Based upon this re-analysis, the approved appraised value of Parcels 1 and 2 has increased from \$27,500.00 to \$35,000.00. According to R.K. Hite & Co., Inc. the re-analysis of appraisal data confirms the variability and imperfections of the market data, and that this, along with other factors identified in the appraisal review, which is on file in the office of the clerk of the BOL, warrants an increase in the appraised amount for Parcels 1 and 2.

By Act No. 11-2015, on February 9, 2015, the BOL authorized the County to: (i) accept the revised appraisal review for Parcels 1 and 2 and increase the appraised value of Parcels 1 and 2 from \$27,500.00 to \$35,000.00; (ii) revise its offer of just compensation to Ronarita, by increasing the offer of just compensation from \$27,500.00 to \$35,000.00; and (iii) enter into a temporary easement agreement with Ronarita based on the revised offer of just compensation.

Accordingly, authority is requested of your Honorable Board to amend the 2014 Resolution and increase the amount to be paid to Ronarita from \$27,500.00 to an amount not to exceed \$35,000.00. All other terms and conditions of the 2014 Resolution shall remain in full force and effect and unchanged.

This Project is in the public's best interest in that successful completion of the Project will increase motorist safety through the replacement of a substandard bridge. Energy and environmental effects are positive as closure of the bridge would result in significant detours and congestion. This Department will track scheduling and accomplishments during construction to insure the successful completion of this Project.

A Resolution to accomplish the foregoing is attached hereto.

JTP/KMR/TSA

# RESOLUTION

Upon communication from the Commissioner of Public Works and Transportation, be it hereby

**RESOLVED**, that the County of Westchester (“County”) is authorized to amend the Board of Acquisition and Contract resolution approved on October 23, 2014, which authorized the County to enter into temporary easement agreements in connection with the project to rehabilitate the Ashford Avenue Bridge (BIN 5348380) which is located within the Villages of Ardsley and Dobbs Ferry and situated over the Saw Mill River Parkway, South County Trailway, Elm Street, the New York State Thruway (Interstate 87) and the Saw Mill River, and the project to rehabilitate the entrance and exit ramp between Ashford Avenue to the northbound Saw Mill River Parkway (BIN 534838A), in order to increase the amount to be paid to Ronarita Realty Company, Inc. for the temporary easement rights to Parcels 1 and 2 from \$27,500.00 to an amount not to exceed \$35,000.00 based on the revised offer of just compensation; and be it further

**RESOLVED**, that all other terms and conditions of the October 23, 2014 Resolution shall remain in full force and effect and unchanged, and be it further

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

Agreement	Amount
Original Resolution	\$27,500.00
2 <sup>nd</sup> Resolution	\$ 7,500.00
<b>Total</b>	<b>\$35,000.00</b>

Agreement No. 14-943

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Bond Act No.	Dollars
	366	46	RB01Q00C	6280-99	BA #42-2014	\$7,500.00

Budget Funding Year(s): 2015                      Start Date: 03/01/15                      End Date: 12/31/15  
 (must match resolution)

Funding Source:                      Tax Dollars    \$ 7,500.00 (County)  
    State Aid        \_\_\_\_\_  
\$ 7,500.00                      Federal Aid     \_\_\_\_\_  
 (must match resolution)            Other             \_\_\_\_\_