

52148

May 31, 2016

TO: Honorable Board of Acquisition and Contract

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

Adam Rodriguez
Director of Real Estate

SUBJECT: Authority to enter into lease agreements with 375 Executive LLC as and New Executive, LLC as tenant-in-common as to a 63.69% undivided interest, for space located at 375 Executive Boulevard, Elmsford, New York for a term commencing upon the effective date through December 31, 2019. (Lease Agreement No. 16-916)

Authority of your Honorable Board is requested for the County of Westchester (the "County") to enter into lease agreements with 375 Executive LLC as tenant-in common as to a 36.31% undivided interest and New Executive, LLC as tenant-in-common as to a 63.69% undivided interest ("375 Executive and New Executive"), for space located at 375 Executive Boulevard, Elmsford, New York for a term commencing upon the effective date through December 31, 2019.

By separate Resolution submitted herewith, the County has requested authority of your Honorable Board to execute all agreements in connection with the sale of surplus County property located at 375 Executive Boulevard, Elmsford, New York (the "Property") to 375 Executive and New Executive for \$5,400,000.00. Pursuant to a separate license agreement, the buyer will allow the County to remain on the Property for up to 120 days following the closing to remove its personal property.

Following the license period, the County proposes to lease back a portion of the Property through three (3) separate leases as follows:

<u>Department</u>	<u>Approximate Square Feet</u>	<u>Annual Rent</u>
Record Center	20,000	\$220,000.00
Information Technology	2,000	\$ 22,000.00
District Attorney	1,100	No charge

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375 Executive LLC and New Executive, LLC
Space at 375 Executive Boulevard, Elmsford, New York
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The rent under each lease will be fixed for the term. The County will be responsible for electricity and gas consumed on the leased premises. Additionally, except for the negligence of the owner, the County will indemnify and hold harmless the owner, its officers, employees and agents from and against any and all liability, damage, claims, demands, costs, judgments, fees, reasonable attorney's fees or loss arising directly or indirectly from any damage to any person or property occurring in, on or about the leased premises arising from the wrongful acts or negligence of the County, its employees, agents, contractors or invitees.

This lease is in the public's best interest as it will provide the Record Center, Department of Information Technology and the District Attorney's Office with office space necessary to offer services to residents of the County.

The lease will be monitored by the Department of Public Works and Transportation.

Therefore, we recommend approval of the annexed Resolution.

RESOLUTION

Upon a communication from the Commissioner of Public Works and Transportation and the Director of Real Estate, be it hereby

RESOLVED, that the County of Westchester (the "County") is hereby authorized to enter into lease agreements with 375 Executive LLC as tenant-in common as to a 36.31% undivided interest and New Executive, LLC as tenant-in-common as to a 63.69% undivided interest, for space located at 375 Executive Boulevard, Elmsford, New York for a term commencing upon the effective date through December 31, 2019, as follows:

<u>Department</u>	<u>Approximate Square Feet</u>	<u>Annual Rent</u>
Record Center	20,000	\$220,000.00
Information Technology	2,000	\$ 22,000.00
District Attorney	1,100	No charge; and be it further

RESOLVED, that the rent under each lease shall be fixed for the term, and the County shall be responsible for electricity and gas consumed on the leased premises; and be it further

RESOLVED, that except for the negligence of the owner, the County shall indemnify and hold harmless the owner, its officers, employees and agents from and against any and all liability, damage, claims, demands, costs, judgments, fees, reasonable attorney's fees or loss arising directly or indirectly from any damage to any person or property occurring in, on or about the leased premises arising from the wrongful acts or negligence of the County, its employees, agents, contractors or invitees; 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.

Lease Agreement No. 16-916

Account to be Charged/Credited	Major Program, Program & Phase Or Unit					
	Fund	Dept.	Object/ Sub Object	Trust Account	Dollars	
	101	46	3300/3399	4320		\$ 80,667.00 (2016)
	101	46	3300/3399	4320		\$242,000.00 (2017)
	101	46	3300/3399	4320		\$242,000.00 (2018)
	101	46	3300/3399	4320		\$242,000.00 (2019)

Budget Funding Year(s): 2016-2019 Start Date: 09/01/2016 End Date: 12/31/2019
 (must match resolution)

Funding Source: Tax Dollars 100% County
 State Aid _____
\$806,667.00 Federal Aid _____
 (must match resolution) Other _____