

53293

November 14, 2016

TO: Honorable Board of Acquisition and Contract

FROM: Vincent F. Kopicki, P.E.
Commissioner of Public Works and Transportation

Adam Rodriguez
Director of Real Estate

SUBJECT: Authority to enter into a lease agreement 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 from January 1, 2017 through December 31, 2021, and to terminate the existing leases at this location effective December 31, 2016.
(Lease Agreement No. 16-938)

On June 23, 2016, your Honorable Board approved a Resolution authorizing the County of Westchester 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, 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 \$5,400,000.00. Pursuant to a separate Resolution approved that same date, your Honorable Board authorized the County to enter into lease agreements with 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, for use by the Record Center, the Department of Information Technology, and the District Attorney.

The Department of Information Technology has determined that it needs more space than currently provided. Therefore, the County proposes to terminate the existing leases and enter into a single lease for all three County users.

Accordingly, the Authority of your Honorable Board is now requested for the County to enter into a new lease agreement with 375 Executive and New Executive for space located at 375 Executive Boulevard, Elmsford, New York for a term from January 1, 2017 through December 31, 2021, and terminate the existing leases at this location effective December 31, 2016.

Under the terms of the new lease, the County will rent approximately 30,100 square feet and pay annual fixed rent as follows:

January 1, 2017 - December 31, 2017 = \$306,825.00;
January 1, 2018 - December 31, 2019 = \$345,225.00; and
January 1, 2020 - December 31, 2021 = \$368,725.00.

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 the 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.

VFK/AR/dv
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT 2/08/2016 1:15 PM VFK/AR/SECRETARY

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 a lease agreement 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 from January 1, 2017 through December 31, 2021, and to terminate the existing leases at this location effective December 31, 2016; and be it further

RESOLVED, that under the terms of the new lease the County shall rent approximately 30,100 square feet and pay annual fixed rent as follows:

January 1, 2017 - December 31, 2017 = \$306,825.00;
 January 1, 2018 - December 31, 2019 = \$345,225.00; and
 January 1, 2020 - December 31, 2021 = \$368,725.00; and be it further

RESOLVED, that 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. 16-938

Account to be Charged/credited	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
	101	46	3399	4320		\$306,825.00 (2017)
	101	46	3399	4320		\$345,225.00 (2018)
	101	46	3399	4320		\$345,225.00 (2019)
	101	46	3399	4320		\$368,725.00 (2020)
	101	46	3399	4320		\$368,725.00 (2021)

Budget Funding Year(s): 2017-2021 Start Date: 01/01/2017 End Date: 12/31/2021
 (must match resolution)

Funding Source Tax Dollars 100%
 State Aid _____
\$1,734,725.00 Federal Aid _____
 (must match resolution) Other _____