

53831

December 13, 2016

To: Board of Acquisition and Contract

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

Adam Rodriguez, Esq.  
Director of Real Estate

Re: **Authorization to enter into a Lease Agreement with Westchester Avenue Associates LLC for space located at 3010 Westchester Avenue, Purchase, New York for a five (5) year term commencing on January 1, 2017. (Lease Agreement No. 16-939)**

Authority is hereby requested for the County of Westchester to enter into a lease agreement with Westchester Avenue Associates LLC ("Landlord") for space located at 3010 Westchester Avenue, Purchase, New York for a five (5) year term commencing on January 1, 2017. The County has occupied this space since 2002. The space consists of approximately 1,695 square feet and will continue to be utilized by the Office of the Westchester County District Attorney. The annual fixed rental payments, which includes the initial cost of electricity at \$3.00 per square foot, will be subject to appropriation and will be payable in advance in equal monthly installments as follows:

<u>Year</u>	<u>Annual Rent</u>	<u>Monthly</u>
2017	\$51,697.50	\$4,308.13
2018	\$52,545.00	\$4,378.75
2019	\$53,392.50	\$4,449.38
2020	\$54,240.00	\$4,520.00
2021	\$55,087.50	\$4,590.63

Under the terms of the lease, the County will also be responsible for its pro rata portion of any increases in operating expenses and property taxes over the base operating year (reset for calendar year 2017) and the base tax year (reset for July 1, 2016 to June 30, 2017) and any increase in electric charges over the initial \$3.00 per square foot charge included in the Annual Fixed Rent. The Landlord will be responsible for painting the leased space and cleaning the carpets within the leased space during the new lease term.

The public purpose of this lease agreement is to provide for the continuation of the operation of the District Attorney's Office so that essential services can be provided to Westchester County residents. This agreement will be monitored by the Department of Public Works and Transportation to insure that the lease responsibilities are met by the Landlord.

This lease agreement is exempt from the County's Procurement Policy pursuant to Section 3(b) therein.

Your approval of the attached resolution is respectfully requested.

# 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 is authorized to enter into Lease Agreement No. 16-939 with Westchester Avenue Associates LLC for space consisting of 1,695 square feet located at 3010 Westchester Avenue, Purchase, New York for a five (5) year term commencing on January 1, 2017 to be used by the Office of the Westchester County District Attorney; and be it further

**RESOLVED**, that annual fixed rent, which includes the initial cost of electricity at \$3.00 per square foot, will be subject to appropriations and payable in advance in equal monthly installments as follows:

<u>Year</u>	<u>Annual Rent</u>	<u>Monthly</u>
2017	\$51,697.50	\$4,308.13
2018	\$52,545.00	\$4,378.75
2019	\$53,392.50	\$4,449.38
2020	\$54,240.00	\$4,520.00
2021	\$55,087.50	\$4,590.63

; and be it further

**RESOLVED**, that under the terms of the lease, the County will also be responsible for its pro rata portion of any increases in operating expenses and property taxes over the base operating year (calendar year 2017) and the base tax year (July 1, 2016 to June 30, 2017) and any increase in electric charges over the initial \$3.00 per square foot charge included in the Annual Fixed Rent, subject to appropriations; and be it further

**RESOLVED**, that the Landlord will be responsible for painting the leased space and cleaning the carpets within the leased space during the new lease term; and be it further

**RESOLVED**, that the County Executive or his duly authorized designee be and hereby is authorized and empowered to execute all appropriate contracts or documents necessary to effectuate the purposes of this resolution in the manner prescribed by law.

Agreement No. 16-939

Account to be Charged/Credited						Dollars
	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	
	101	46	3300-3341	4320		\$51,697.50 (2017)
	101	46	3300-3341	4320		\$52,545.00 (2018)
	101	46	3300-3341	4320		\$53,392.50 (2019)
	101	46	3300-3341	4320		\$54,240.00 (2020)
	101	46	3300-3341	4320		\$55,087.50 (2021)

Budget Funding Year(s) 2017-2021 Start Date 01/01/17 End Date 12/31/21  
 (must match resolution)

Funding Source: Tax Dollars 100% County

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

\$266,962.50 Federal Aid \_\_\_\_\_  
 (must match resolution)

Other \_\_\_\_\_