

**ID57065**

May 18, 2017

**TO:** Honorable Board of Acquisition and Contract

**FROM:** Kathleen M. O'Connor  
Commissioner

**RE:** Authority to enter into a license agreement with the Village of Briarcliff Manor pursuant to which the Village will, at its sole cost, maintain two (2) gardens adjacent to Route 9A in the Village for a term from May 4, 2017 through May 3, 2022.

Authority is hereby requested for the County of Westchester, acting by and through the Department of Parks, Recreation and Conservation, to enter into a license agreement with the Village of Briarcliff Manor (the "Village") by which the Village will, at its sole cost, maintain two (2) gardens on County owned parkland adjacent to Route 9A at the intersection of North State Road located in the Village for a term from May 4, 2017 through May 3, 2022.

The Village will maintain, at its own cost and expense, the gardens, including but not limited to, trimming, pruning, cutting, watering, feeding, fertilizing, etc. the trees, shrubs, plantings, and grass so as to keep the gardens presentable and aesthetically pleasing for public view. The Village will assume all risks associated with the maintenance of the gardens and will defend and indemnify the County for any and all claims, demands or causes of action directly or indirectly arising out of the license.

The subject property is part of land acquired by the Westchester County Park Commission in 1927 for the Briarcliff-Peekskill Parkway. The parkway was never constructed by the Park Commission, but in later years the State Department of Transportation "took" the land to construct NY Route 9A. The land not used for the highway was returned to the County.

The ultimate benefit of this agreement will be for the public good by the beautification of County property by the Village, providing a visual interest to motorists and pedestrians that enter and leave the Village from the 9A parkway. This license will be monitored by the Parks Department to ensure compliance with all the terms of the license.

This license agreement is exempt from the County Procurement Policy and Procedures pursuant to Section 3(b) thereof.

Accordingly, approval of the attached resolution by your Honorable Board is most respectfully requested.

## RESOLUTION

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

**RESOLVED**, that the County of Westchester is hereby authorized to enter into a license agreement with the Village of Briarcliff Manor (the "Village") pursuant to which the Village, at its sole cost, will maintain two (2) gardens adjacent to Route 9A in the Village (the "Gardens") for a term from May 4, 2017 through May 3, 2022; and be it further

**RESOLVED**, that the Village shall assume all risks associated with the maintenance of the Gardens and will defend and indemnify the County for any and all claims, demands or causes of action directly or indirectly arising out of the license; 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.

Original Agreement	\$	
First Amendment	\$	
<b>This Amendment</b>	\$	
TOTAL	\$n/a	

Account to be Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
n/a					

Budget Funding Year(s) \_\_\_\_\_ Start Date 5/4/17 End Date 5/3/22  
 (must match resolution)  
 Funding Source      Tax Dollars \_\_\_\_\_  
                                  State Aid \_\_\_\_\_  
 \$ n/a                      Federal Aid \_\_\_\_\_  
 (must match resolution)      Other \_\_\_\_\_