

ID 57072

May 16, 2017

TO: Board of Acquisition and Contract

FROM: Kathleen M. O'Connor  
Commissioner, Department of Parks, Recreation and Conservation

RE: Resolution authorizing the County of Westchester to enter into an agreement with the Metropolitan Transportation Authority ("MTA") pursuant to which (1) the MTA will grant to the County a license for the use of approximately 175,000 square feet, more or less, of MTA land located on the westerly side of the MTA's Harlem Line right-of-way, in the City of White Plains; and (2) the County will permit the MTA, its contractors, agents and customers, to cross adjacent County land located at the North White Plains Train Station, west of the railroad tracks and south of Fisher Lane, for the period of January 1, 2017 through December 31, 2021.

Authority is hereby requested for the County of Westchester, acting by and through the Department of Parks, Recreation and Conservation, to enter into an agreement with the Metropolitan Transportation Authority ("MTA") pursuant to which (1) the MTA will grant to the County a license for the use of approximately 175,000 square feet, more or less, of MTA land located on the westerly side of the MTA's Harlem Line right-of-way, in the City of White Plains; and (2) the County will permit the MTA, its contractors, agents and customers to cross adjacent County land located at the North White Plains Train Station, west of the railroad tracks and south of Fisher Lane, for the period of January 1, 2017 through December 31, 2021.

In consideration for the granting of said license to the County, the County will pay to the MTA an annual license fee of Two Hundred Forty Three Thousand Ninety One Dollars and Forty-Two Cents (\$243,091.42) which shall be increased concurrently and proportionally for any future parking fee increase during the term of the agreement. In addition, the County shall also pay to the MTA the sum of \$8,437.17 in the first payment to cover an adjustment relating to an accounting discrepancy concerning the first month of the prior agreement. The County shall continue to permit the MTA, its contractors, agents and customers to cross the adjacent County land identified on the Schedule attached to the proposed Resolution, to access the MTA lot. The County expects to receive in excess of \$1,000,000 in annual revenue from the entire parking lot.

In the agreement, the MTA reserves unto itself the right to utilize twenty-five parking spaces at the southern end of the Licensed Premises for Railroad Purposes including, but not limited to, employee parking, project staging and contractor laydown. The MTA shall also install signage for the twenty-five spaces and will be responsible for enforcement in the case of use by any unauthorized vehicles.

The County shall maintain the licensed premises at its own expense.

The ultimate goal of this agreement will be for the public good as it will allow the County to use an area adjacent to the County-owned portion of the parking lot to continue to provide commuter parking to encourage the use of mass transit, provide overflow parking for County events, provide parking for access to the Bronx River Parkway on weekends while at the same time providing revenue to the County.

The objectives of this agreement will be monitored through revenue reports and site visits from Parks, Recreation and Conservation.

This agreement is exempt from the Westchester County procurement policy pursuant to Section 3(b), thereof.

Accordingly, your favorable action on the annexed Resolution is most respectfully urged and recommended.

APPROVED BOARD OF ACQUISITION & CONTRACT - 16/08/2017 - LISA MIRIJAJ, SECRETARY

## 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 Metropolitan Transportation Authority ("MTA"), 347 Madison Avenue, New York, New York 10017 pursuant to which (1) the MTA will grant to the County a license for the use of approximately 175,000 square feet, more or less, of MTA land located on the westerly side of the MTA's Harlem Line right-of-way, in the City of White Plains; and (2) the County will permit the MTA, its contractors, agents and customers to cross the adjacent County land located at the North White Plains Train Station, west of the railroad tracks and south of Fisher Lane, for the period of January 1, 2017 through December 31, 2021; and be it further

**RESOLVED**, that in consideration for the granting of said license to the County, the County shall pay to the MTA the following license fees:

| <u>Period</u>                        | <u>License Fee</u>              |
|--------------------------------------|---------------------------------|
| January 1, 2017 to December 31, 2017 | \$243,091.42                    |
| January 1, 2018 to December 31, 2018 | \$243,091.42                    |
| January 1, 2019 to December 31, 2019 | \$243,091.42                    |
| January 1, 2020 to December 31, 2020 | \$243,091.42                    |
| January 1, 2021 to December 31, 2021 | \$243,091.42; and be it further |

**RESOLVED**, the County shall also pay to the MTA the sum of \$8,437.17 in the first payment in 2017 to cover an adjustment relating to an accounting discrepancy concerning the first month of the prior agreement; and be it further

**RESOLVED**, that the MTA, reserves unto itself the right to utilize twenty-five parking spaces at the southern end of the Licensed Premises for Railroad Purposes; and be it further

**RESOLVED**, that the MTA shall also install signage for the twenty-five spaces and will be responsible for enforcement in the case of use by any unauthorized vehicles; and be it further

**RESOLVED**, that the County will continue to permit the MTA, its contractors, agents and its customers to cross the adjacent County land identified on the attached Schedule to access the MTA lot; and be it further

**RESOLVED**, that the County, at its sole expense, shall maintain the licensed premises; and be it further

**RESOLVED**, that the annual license fee will be increased concurrently and proportionally to reflect any future parking fee increases made during the term of this 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       \$ 1,223,894.27\*  
 First Amendment       \$  
**This Amendment**       \$  
 TOTAL                   \$ 1,223,894.27\*

Agreement #

Account to be  
 Charged/Credited

| Fund | Dept | Major Program,<br>Program & Phase<br>Or Unit | Object/ Sub-<br>Object | Trust<br>Account | Dollars       |      |
|------|------|--|------------------------|------------------|---------------|------|
| 165  | 42   | 7150   | 4380                   |                  | \$251,528.59* | 2017 |
| 165  | 42   | 7150   | 4380                   |                  | \$243,091.42* | 2018 |
| 165  | 42   | 7150   | 4380                   |                  | \$243,091.42* | 2019 |
| 165  | 42   | 7150   | 4380                   |                  | \$243,091.42* | 2020 |
| 165  | 42   | 7150   | 4380                   |                  | \$243,091.42* | 2021 |
|      |      |  |                        |                  |               |      |

Budget Funding Year(s)   2017-2021   Start Date 1-1-17   End Date 12-31-21  
 (must match resolution)

Funding Source   Tax Dollars             x            
                           State Aid                                       
 \$1,223,894.27\*   Federal Aid                                       
 (must match resolution)  
                           Other

\*Estimated