

**72671**

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

**FROM:** Hugh J. Greechan, Jr., PE  
Commissioner of Public Works and Transportation

**DATE:** November 19, 2019

**SUBJECT:** Authority to enter into a use and occupancy Permit Agreement No. 82565 with the State of New York Department of Transportation to use approximately 15,321 square feet of land in the Cross County Parkway Right-of-Way near the intersection with the Bronx River Parkway commencing March 1, 2020 and renewing yearly for an indefinite term, for an annual fee of \$1.00.

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Authority of your Honorable Board is requested for the County of Westchester (the "County") acting by and through its Department of Public Works and Transportation (the "Department") to enter into a use and occupancy Permit Agreement No. 82565 with the State of New York Department of Transportation (the "State") to use approximately 15,321 square feet of land in the Cross County Parkway Right-of-Way near the intersection with the Bronx River Parkway (the "Premises") commencing March 1, 2020 and renewing yearly for an indefinite term, for an annual fee of \$1.00 (the "Agreement").

The County requires the use of the Premises to facilitate the Bronx River Reservation Renovation Contract No. 15-537. The Agreement requires the County to perform any necessary maintenance on the Premises. The Agreement also requires the County to indemnify and hold harmless the State from any claims or loss including legal expenses by reason of the use or misuse of the Premises and/or any claim or loss by reason of any accident or damage to any person or property on the Premises caused by the County, its employees, agents or invitees.

The objective of this project is to renovate the Bronx River Reservation Pathway, from Oak Street Loop to Midland Avenue. The project includes resurfacing the existing pathway and constructing a new pathway from the northern terminus of the Oak Street Loop to Midland Avenue.

This project will benefit the public by enhancing the use of the Bronx River Reservation Pathway, improving public access and providing a variety of settings for passive and active use.

I recommend adoption of the attached proposed Resolution.

HJG/DLV/dlv  
Attachment

# RESOLUTION

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

RESOLVED, that the County of Westchester (the "County") acting by and through its Department of Public Works and Transportation (the "Department") is authorized to enter into a use and occupancy Permit Agreement No. 82565 with the State of New York Department of Transportation (the "State") to use approximately 15,321 square feet of land in the Cross County Parkway Right-of-Way near the intersection with the Bronx River Parkway (the "Premises") commencing March 1, 2020 and renewing yearly for an indefinite term, for an annual fee of \$1.00 (the "Agreement"); and be it further

RESOLVED, that the Agreement shall require the County to perform any necessary maintenance on the Premises; and be it further

RESOLVED, that the Agreement shall also require the County to indemnify and hold harmless the State from any claims or loss including legal expenses by reason of the use or misuse of the Premises and/or any claim or loss by reason of any accident or damage to any person or property on the Premises caused by the County, its employees, agents or invitees; and be it further

RESOLVED, that the County Executive or his duly authorized designee is authorized to execute any instruments and to take any actions reasonably necessary to implement this Resolution.

## Permit Agreement No. 82565

Account to be Charged/Credited	Major Program, Program & Phase Or Unit		Object/ Sub Object	Trust Account	Dollars
	Fund	Dept.			
	101	46	3300	4320	\$1.00

Budget Funding Year(s) N/A Start Date 03/01/20 End Date Indefinite  
(must match resolution)

Funding Source: Tax Dollars N/A  
State Aid \_\_\_\_\_  
\$1.00 Federal Aid \_\_\_\_\_  
(must match resolution) Other \_\_\_\_\_