

April 27, 2020

ID76240

TO: Board of Acquisition and Contract

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

SUBJECT: Resolution authorizing the County of Westchester to enter into any and all agreements necessary to convey certain County-owned property consisting of approximately 0.36 acres located at the Southwest corner of Ferris Avenue and Cemetery Road, City of White Plains, New York to 280 Ferris Avenue LLC and MIB 1031 LLC, as tenants in common, for a purchase price of \$260,000.00.

On February 24, 2020, the Westchester County Board of Legislators adopted Act # 2020-15 which authorized the County to convey certain County-owned property consisting of approximately 0.36 acres located at the Southwest corner of Ferris Avenue and Cemetery Road, City of White Plains, New York (the "City") currently designated as Section 125.34, Block 1 and Lot 2 (formerly designated as Lot 125.34-2-1) on the Official Tax Maps for the City and being Lot No. 6 as shown on the Westchester County Park Commission "Map of Lands To Be Acquired for the Tarrytown-White Plains Parkway", Sheet No. 10, filed in The Office of the County Clerk, Division of Land Records, formerly the Office of the Register of Westchester County, New York on April 15, 1929 as Map No. 3411 (the "Property") to 280 Ferris Avenue LLC and MIB 1031 LLC (the "Purchasers"), as tenants in common, for a purchase price of \$260,000.00.

Your Honorable Board's authority is now requested to authorize the County to enter into any and all agreements necessary to convey the Property to the Purchasers, as tenants in common, for a purchase price of \$260,000.00

This Property was originally acquired for the construction of a parkway, a project which was later abandoned. The County has no plans to utilize this Property for any County or park purpose. The Property was recently appraised at a market valuation of \$200,000.00.

Pursuant to Section 209.101(8)(b) of the Laws of Westchester County ("LWC"), before the County can convey the Property to the Purchasers it has to offer a right of first refusal to the City based upon certain conditions set forth in said law. In a letter, dated August 12, 2019 from the Director of Real Estate, the aforementioned right of first refusal was offered to the City for the Property with a 90-day period to respond. The Director of Real Estate has advised that there has been no response from the City.

In addition, in accordance with LWC Section 134.51(6) and 249.111(1), on November 21, 2019, the Westchester County Parks, Recreation and Conservation Board (the "Parks Board"), adopted a resolution recommending that the Property be deemed no longer needed for park purposes, that the Property be sold in accordance with the provisions of the County Charter and Administrative Code, and that the proceeds from the sale or conveyance of the Property be set aside in a segregated fund, dedicated solely for the use by the County for the purposes of improvements to County parks and park facilities and programs.

It should be noted that, subsequent to the adoption of the aforementioned Parks Board resolution, the City of White Plains Assessor's Office changed the tax lot designation of the Property from Lot 125.34-2-1 to Lot 125.34-1-2 to distinguish the Property from a separate parcel across the street from the Property erroneously bearing the same original lot designation.

The goal and objective of this conveyance is for the County to obtain revenue by divesting itself of a parcel of real property for which it has no use.

KOC/GAF/jrc
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 05/14/2020 - LISA M. PIAJAS, 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 any and all agreements necessary to convey certain County-owned property consisting of approximately 0.36 acres located at the Southwest corner of Ferris Avenue and Cemetery Road, City of White Plains, New York to 280 Ferris Avenue LLC and MIB 1031 LLC, as tenants in common, for a purchase price of \$260,000.00; and be it further

RESOLVED, that the conveyance of the Property shall be by Bargain and Sale Deed without Covenants against Grantor's Acts; and be it further

RESOLVED, that the County Executive or his duly authorized designee is authorized to execute any agreements, documents and take any actions necessary to effectuate purposes hereof.

Account to be Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit & Bond Act	Object/ Sub Object	Trust Account	Dollars
263	42	76V	9856	T776	\$260,000

Budget Funding Year(s) Purchase and Sale Contracts Start Date: 5/21/2020 End Date: _____

Funding Source

Tax Dollars _____

State Aid _____

Federal Aid _____

Other revenue _____

\$260,000
(must match resolution)

APPROVED BOARD OF ACQUISITION & CONTRACT - 5/21/2020 - LISA M. JAMES SECRETARY