

**76293**

**DATE:** April 27, 2020

**TO:** Board of Acquisition and Contract

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

Sherlita Amler, MD  
Commissioner of Health

Gary A. Friedman, Esq.  
Director of Real Estate  
Office of the County Executive

**RE: Authorization to enter into a Lease with Yonkers Center, LLC for approximately 12,090 square feet of space at 20 South Broadway, Yonkers, New York, to be utilized as a Westchester County Department of Health (“DOH”) District Office for a term of eight months commencing on May 1, 2020 and expiring on December 31, 2020 at a monthly fixed minimum rent amount of \$23,323.63 for a total fixed minimum rent amount not to exceed \$186,589.04. (Lease Agreement No. 20-920)**

---

Authority is respectfully requested from your Honorable Board for the County of Westchester (the “County”) to enter into a lease agreement (the “New Lease”) with Yonkers Center, LLC (the “Landlord”) for approximately 12,090 square feet of space at 20 South Broadway, Yonkers (the “Premises”), to be utilized as a Westchester County Department of Health (“DOH”) District Office for a term of eight months commencing on May 1, 2020 and expiring on December 31, 2020 at a monthly fixed minimum rent amount of \$23,323.63 for a total fixed minimum rent amount not to exceed \$186,589.04.

The DOH has occupied the Premises since 1995. Pursuant to Local Law 2011-3, the County Board of Legislators authorized the County of Westchester to enter into a ten (10) year lease agreement from May 1, 2010 through April 30, 2020 (the “Current Lease”) with VIF 20 South Broadway, LLC, the prior owner of the Premises, for approximately sixteen thousand three hundred (16,300) square feet of space. The premises in the Current Lease consists of two separate spaces: Space A consists of approximately twelve thousand ninety (12,090) square feet located on the second floor of the Building and Space B consists of approximately four thousand two hundred ten (4,210) square feet located on the third floor of the building. The use of Space B was at the County’s option. DOH had opted not to utilize space B under the Current Lease. The Premises under the New Lease consists only of Space A. WCC anticipates entering into a new long-term lease with the Landlord for the Premises once all the terms have been negotiated. With the Current Lease expiring this month, the New Lease is required for DOH to continue to utilize the Premises until December 31, 2020, by which time the details of the long term occupancy will be negotiated and further approval of the Board of Legislators and your Honorable Board will be requested.

Board of Acquisition and Contract  
Lease Agreement No. 20-920  
Yonkers Center, LLC  
Space at 20 South Broadway, Yonkers, New York  
Department of Health  
Page 2

The Landlord has agreed that the terms of the New Lease will be consistent with those of the Current Lease. The fixed minimum rent stated above is at the same annual rate (\$279,883.56 per annum) as the final year of the Current Lease. The County shall be responsible to pay its proportionate share of any increase in taxes exceeding the amount of taxes paid during the tax year 2009/2010 under the Current Lease. The County shall also pay for increases in the cost of operations (including expenses incurred in operation, maintenance and repair of the building) incurred by the Landlord. If the Landlord's costs of operating the building are greater than the costs of operation for the year 2010 under the Current Lease, the County shall pay its proportionate share of the increase over the year 2010. The County shall also be responsible to pay for all electricity consumed in the Premises.

The public purpose of this agreement is to provide for the continuation of the operation of the DOH District office in Yonkers. This agreement will be monitored by DOH and the Department of Public Works and Transportation to insure that the lease responsibilities are met by the owner.

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

Your approval of the attached resolution is respectfully requested.

HJG/BSM/GAF/jrc  
Attachment

# RESOLUTION

Upon a communication from the Commissioners of the Westchester County Departments of Public Works and Transportation and Health and the Director of Real Estate, be it hereby:

**RESOLVED**, that the County of Westchester (the "County") is hereby authorized to enter into a lease agreement (the "Agreement") with Yonkers Center, LLC (the "Landlord") for approximately 12,090 square feet of space at 20 South Broadway, Yonkers (the "Premises"), to be utilized as a Westchester County Department of Health District Office for a term of eight months commencing on May 1, 2020 and expiring on December 31, 2020 at a monthly fixed minimum rent amount of \$23,323.63 for a total fixed minimum rent amount not to exceed \$186,589.04; and be it further

**RESOLVED**, that the County shall be responsible to pay its proportionate share of any increase in taxes exceeding the amount of taxes paid during the tax year 2009/2010; and be it further

**RESOLVED**, that the County shall also pay for increases in the cost of operations (including expenses incurred in operation, maintenance and repair of Building) incurred by the Landlord. If the Landlord's costs of operating the building are greater than the costs of operation for the year 2010, the County shall pay its proportionate share of the increase over the year 2010. The County shall also be responsible to pay for all electricity consumed in the Premises; and be it further

**RESOLVED**, that this Agreement is subject to appropriations; and be it further

**RESOLVED:** The County Executive or his duly authorized designee, is hereby authorized to execute and deliver all instruments as are necessary and appropriate to effectuate the purposes of this Resolution.

Lease Agreement No. 20-920

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
	101	46	3300/3365	4320		\$186,589.04

Budget Funding Year(s) 2020 Start Date 05/01/2020 End Date 12/31/2020  
 (must match resolution)

Funding Source: Tax Dollars 100% County  
 State Aid \_\_\_\_\_  
\$186,589.04 Federal Aid \_\_\_\_\_  
 (must match resolution) Other \_\_\_\_\_