

ID76716

TO: Honorable Members of the Board of Acquisition and Contract

FROM: Kathleen O'Connor
Commissioner of Parks, Recreation & Conservation

DATE: May 12, 2020

SUBJECT: Authority for the County of Westchester (the "County") to enter into an agreement with the City of New York (the "City"), acting by and through its Department of Environmental Protection ("NYCDEP"), pursuant to which the NYCDEP will grant the County a Revocable Land Use Permit to enable the County's Department of Parks, Recreation & Conservation to construct a small section of trail on City-owned property at Ward Pound Ridge Reservation.

The County, acting by and through its Department of Parks, Recreation & Conservation (the "Department"), is requesting authority to enter into an agreement with the NYCDEP, pursuant to which the NYCDEP will grant to the County a Revocable Land Use Permit (the "Permit") to enable the Department to construct a small section of trail on City-owned property at Ward Pound Ridge Reservation for the purpose of shifting public traffic off of a park road/driveway. The Permit will have an initial term of up to five (5) years commencing on the date of execution thereof by both parties and approval of same by the Office of the Westchester County Attorney, and will automatically renew for successive five (5) year terms unless and until the Permit is terminated in writing. In addition, because the Permit is for a recreational use trail, NYCDEP has agreed to waive all application and permit fees.

Pursuant to the terms of the proposed Permit, the County will agree to "indemnify and hold the City, and the City Water Board harmless from and defend against claims for any and all personal injury and property damage to persons or property arising from the use of City land or improvements thereon under the Permit".

The Permit is exempt from the requirements of the Westchester County Procurement Policy pursuant to Section 3(b) thereof.

The Permit will serve a public purpose by enabling the Department to construct a trail that will divert public traffic off of a park road/driveway.

Accordingly, I most respectfully recommend the adoption of the annexed Resolution.

KOC/LK/jpg
Attachment

RESOLUTION

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

RESOLVED, that the County of Westchester (“County”), acting by and through its Department of Parks Recreation & Conservation (the “Department”), is hereby authorized to enter into an agreement with the City of New York (the “City”), acting by and through its Department of Environmental Protection (“NYCDEP”), pursuant to which the NYCDEP will grant the County a Revocable Land Use Permit to enable the Department to construct a small section of trail on City-owned property at Ward Pound Ridge Reservation, for the purpose of shifting public traffic off of a park road/driveway (the “Permit”); and be it further

RESOLVED, that the Permit shall have an initial term of up to five (5) years commencing on the date of execution thereof by both parties and approval of same by the Office of the Westchester County Attorney, and shall automatically renew for successive five (5) year terms unless and until the Permit is terminated in writing by the parties; and be it further

RESOLVED, that because the Permit is for a recreational use trail, NYCDEP has agreed to waive all application and permit fees; and be it further

RESOLVED, that pursuant to the terms of the Permit, the County will agree to “indemnify and hold the City, and the City Water Board harmless from and defend against claims for any and all personal injury and property damage to persons or property arising from the use of City land or improvements thereon under the Permit”; and be it further

RESOLVED, that the County Executive or his authorized designee is authorized and empowered to execute and deliver all instruments and take all actions necessary or appropriate to effectuate the purposes hereof.

Account to be Charged/credited

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

Budget Funding Year(s) _____ Start Date _____ End Date _____
 (must match resolution)

Funding Source _____ Tax Dollars _____

State Aid _____

n/a Federal Aid _____

(must match resolution) Other _____