

Date: March 24, 2010

To: The Honorable Board of Acquisition and Contract

From: Thomas J. Lauro, PE
Commissioner of Environmental Facilities

Re: **Authority for the County to enter into an Easement Agreement with the City of New York in order to facilitate construction of certain water system distribution improvements to supply water to County Water District No. 3 during the impending long-term Catskill Aqueduct shutdown(s).**

Attached for your consideration is a Resolution which, if approved, will authorize the County of Westchester (the "County"), to enter into an easement agreement (the "Easement") with the City of New York (the "City"), whereby the City will grant the County certain property rights for the purpose of constructing, operating and maintaining certain water system distribution improvements in order to supply water to County Water District No. 3 (the "District") during the impending long-term Catskill Aqueduct shutdown(s). County Water District No. 3 serves the Grasslands Campus, which is the site of many critical County facilities including the Medical Center, the County Correctional Facility, and the County's Fire Training Center.

Pursuant to the terms of the proposed Easement, the City will grant the County a permanent, non-exclusive easement and right-of-way in, on, over, under and through that certain parcel of real property located along the Catskill Aqueduct within the Gate of Heaven Cemetery in the Town of Mount Pleasant, County of Westchester, State of New York. Please note that by **Act No. 215-2009** acceptance of the property rights granted in the Easement has been approved by the Board of Legislators. In consideration therefore, the City has requested that the County convey a comparable easement over County property some time in the future at a location to be determined, subject to receipt of all necessary approvals. Approval of the Board of Legislators will be sought to authorize conveyance of such easement once the exact property has been identified.

The objective of this Easement is to provide an alternate water source to continue to meet the needs of the District during the planned shutdowns of the Catskill Aqueduct. The public purpose is to protect the health and welfare of the residents of the County. The project shall be tracked and monitored by the Department of Environmental Facilities, which will have on-going oversight of the work being performed.

Based on the benefit to the County, I recommend approval of this Resolution.

TJL/KAR/eos

RESOLUTION

Upon a communication from the Commissioner of Environmental Facilities, be it hereby

RESOLVED, that the County of Westchester (the “County”) is authorized to enter into an easement agreement (the “Easement”) with the City of New York (the “City), whereby the City will grant the County certain property rights for the purpose of constructing, operating and maintaining certain water supply improvements in order to supply water to County Water District No. 3 (the “District”) during the impending long-term Catskill Aqueduct shutdown(s); and be it further

RESOLVED, that that the County Executive or his duly authorized designee is authorized to execute all documents necessary and appropriate to carry out the purpose of this Resolution.

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
N/A						

Budget Funding Year(s) _____ Start Date: Upon Execution End Date: this is a permanent agreement

Funding Source: Tax Dollars _____ Contractor Federal I.D. No./ Social Security No.: _____
 State Aid _____
 Federal Aid _____ Vendor No.: _____
 Other _____ Encumbrance No.: _____
(must match resolution)

APPROVED BOARD OF ACQUISITION CONTRACT - 4-15-2010 JOMARY VIEIRA SECRETARY