

18854

April 21, 2011

TO: Board of Acquisition and Contract

FROM: John J. Hsu, P.E.  
Commissioner of Public Works and Transportation

Mary J. Mahon  
Director of Real Estate

RE: **Authority to enter into a five (5) year Lease Agreement with the City of Yonkers for 3,747 square feet of space at the Cacace Justice Center, 104 South Broadway, Yonkers, New York for the period December 1, 2010 through November 30, 2015 for a rental amount of \$93,675.00 for the first year. (Lease Agreement No. 11-908)**

In 1990, the County of Westchester (the "County") entered into a five (5) year lease agreement with the City of Yonkers for 3,747 square feet of space at the Cacace Justice Center, 104 South Broadway, Yonkers, New York. Since then, subsequent five (5) year lease agreements have been executed, and the current lease terminated on November 30, 2010. The District Attorney utilizes the Cacace Justice Center as its Yonkers District Office and wishes to maintain this facility in Yonkers.

The County was able to negotiate rental rates for the new lease that include a slight reduction from the last year of the prior lease, and the second year includes no increase. The negotiated rental rates are as follows:

	<u>Year</u>	<u>Monthly Rent</u>	<u>Annual Rent</u>
1	(12/01/10 – 11/30/11)	\$7,806.25	\$ 93,675.00
2	(12/01/11 – 11/30/12)	\$7,806.25	\$ 93,675.00
3	(12/01/12 – 11/30/13)	\$8,077.91	\$ 96,934.89
4	(12/01/13 – 11/30/14)	\$8,362.06	\$100,344.66
5	(12/01/14 – 11/30/15)	\$8,655.57	\$103,866.84

This gross rent includes cleaning, maintenance, heat and air conditioning services. The County will be required to pay for its electric utilization. In addition, the City of Yonkers has agreed to re-paint and repair and replace any damaged or missing floor tiles throughout the premises within nine (9) months of the commencement of the lease term.

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Lease Agreement No. 11-908  
City of Yonkers  
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104 South Broadway, Yonkers, New York  
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The public purpose of this agreement is to provide for the continuation of the operation of the District Attorney's District Office in Yonkers so that essential services can be provided to Westchester residents in this area. There are no energy or environment components associated with this agreement.

This agreement will be monitored by the Department of Public Works and Transportation to insure that the lease responsibilities are met by the owner.

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

Accordingly, attached for your consideration is a resolution which, if approved, would authorize the County to enter into a new five (5) year lease agreement with the City of Yonkers for space at the Cacace Justice Center. Approval of the attached resolution is recommended.

JJH/MM/DI/ml  
Attachment

# RESOLUTION

## Lease Agreement No. 11-908

Upon a communication from the Commissioner of Public Works and Transportation and the Director of Real Estate, be it hereby:

**RESOLVED**, that the County of Westchester (the "County") is hereby authorized to enter into a five (5) year Lease Agreement, subject to appropriation, with the City of Yonkers for 3,747 square feet of space at the Cacace Justice Center, 104 South Broadway, Yonkers, New York, for the term commencing on December 1, 2010 and terminating on November 30, 2015 (the "Lease"), at rental rates as follows:

	<u>Year</u>	<u>Monthly Rent</u>	<u>Annual Rent</u>
1	(12/01/10 – 11/30/11)	\$7,806.25	\$ 93,675.00
2	(12/01/11 – 11/30/12)	\$7,806.25	\$ 93,675.00
3	(12/01/12 – 11/30/13)	\$8,077.91	\$ 96,934.89
4	(12/01/13 – 11/30/14)	\$8,362.06	\$100,344.66
5	(12/01/14 – 11/30/15)	\$8,655.57	\$103,866.84; and be it further

**RESOLVED**, that the rental amount includes cleaning, maintenance, heat and air conditioning services as well as the repair and replacement of damaged or missing floor tiles and the re-painting of the entire premises within nine (9) months of the commencement of the Lease. The County will be required to pay for its electric utilization; and be it further

**RESOLVED**, that the County Executive or his duly authorized designee is hereby authorized and empowered to execute any and all documents necessary and 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
	101	46	3345	4320		\$ 7,806.25 (2010)
	101	46	3345	4320		\$ 93,675.00 (2011)
	101	46	3345	4320		\$ 93,946.66 (2012)
	101	46	3345	4320		\$ 97,219.07 (2013)
	101	46	3345	4320		\$100,638.23 (2014)
	101	46	3345	4320		\$ 95,211.18 (2015)

Budget Funding Year(s) 2010-2015      Start Date 12/01/2010      End Date 11/30/2015  
 (must match resolution)

Funding Source      Tax Dollars      100% County  
                                  State Aid      \_\_\_\_\_  
                                  Federal Aid      \_\_\_\_\_  
\$488,496.39  
 (must match resolution)      Other      \_\_\_\_\_