

23114

November 17, 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: **Authorization to enter into a lease agreement with Westchester Avenue Associates LLC for space located at 3010 Westchester Avenue, Purchase, New York for a five (5) year term commencing on January 1, 2012. (Lease Agreement No. 11-936)**

Authority is hereby requested for the County of Westchester (the "County") to enter into a lease agreement with Westchester Avenue Associates LLC (the "Landlord") for space located at 3010 Westchester Avenue, Purchase, New York, for a five (5) year term commencing January 1, 2012. The County has occupied this space since 2002. The space consists of approximately 1,695 square feet and will continue to be utilized by the Office of the Westchester County District Attorney. The annual fixed rental payments, which includes the initial cost of electricity at \$3.00 per square foot, will be subject to appropriation and will be payable in advance in equal monthly installments as follows:

<u>Calendar Year</u>	<u>Annual Fixed Rent</u>
2012	\$49,155.00
2013	\$50,850.00
2014	\$52,545.00
2015	\$54,240.00
2016	\$55,935.00

Under the terms of the lease, the County will also be responsible for its pro rata portion of any increases in operating expenses and property taxes over the base operating year and the base tax year and any increase in electric charges over the initial \$3.00 per square foot charge included in the Annual Fixed Rent. The Landlord will be responsible for painting the leased space and cleaning the carpets within the leased space during the new lease term.

The public purpose of this agreement is to provide for the continuation of the operation of the District Attorney's Office so that essential services can be provided to Westchester residents. 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 Landlord.

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

Your approval of the attached resolution is respectfully requested.

RESOLUTION

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 Lease Agreement No. 11-936 with Westchester Avenue Associates LLC for space consisting of approximately 1,695 square feet located at 3010 Westchester Avenue, Purchase, New York, for a five (5) year term commencing January 1, 2012, to be used by the Office of the Westchester County District Attorney; and be it further

RESOLVED, that Annual Fixed Rent, which includes the initial cost of electricity at \$3.00 per square foot, will be subject to appropriation and will be payable in advance in equal monthly installments as follows:

<u>Calendar Year</u>	<u>Annual Fixed Rent</u>
2012	\$49,155.00
2013	\$50,850.00
2014	\$52,545.00
2015	\$54,240.00
2016	\$55,935.00

; and be it further

RESOLVED, that under the terms of the lease the County will be responsible for its pro rata share in any increases in operating expenses and property taxes over the base operating year and the base tax year and any increase in electric charges over the initial \$3.00 per square foot charge included in the Annual Fixed Rent, subject to budget appropriations, and be it further

RESOLVED, that the County Executive or his duly authorized designee be and hereby is authorized and empowered to execute all appropriate contracts or documents necessary to effectuate the purposes of this resolution in the manner prescribed by law.

Lease Agreement No. 11-936

Account to be Charged/credited	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
	101	46	3341	4320		\$49,155.00 (2012)
	101	46	3341	4320		\$50,850.00 (2013)
	101	46	3341	4320		\$52,545.00 (2014)
	101	46	3341	4320		\$54,240.00 (2015)
	101	46	3341	4320		\$55,935.00 (2016)

Budget Funding Year(s) 2012-2016 Start Date January 1, 2012 End Date December 31, 2016
 (must match resolution)

Funding Source	Tax Dollars	<u>100% County</u>
	State Aid	_____
	Federal Aid	_____
<u>\$262,725.00</u> (must match resolution)	Other	_____