

30670

DATE: November 27, 2012

TO: Board of Acquisition and Contract

FROM: Edward Buroughs Mary Mahon
Commissioner of Planning Director of Real Estate

SUBJECT: Request authority for the County to enter into agreements to purchase, convey and construct infrastructure improvements on approximately (0.18) acres of real property located at 525 Ellendale Avenue, Village of Rye Brook, to develop affordable housing on said property that affirmatively furthers fair housing

The County of Westchester (the "County") requests authority to enter into agreements to develop an affordable housing development consisting of four (4) affordable one-bedroom condominium housing units on the real property located at 525 Ellendale Avenue, Village of Rye Brook, (the "Property"), to be known as Ellendale Commons (the "Development") and with said housing units to be made eligible to households with annual incomes at or below eighty (80%) percent of Westchester County Area Median Income ("AMI").

The Development shall affirmatively further fair housing ("AFFH") pursuant to 42 U.S.C. Section 5304(b)(2) and in compliance with the Stipulation and Order of Settlement and Dismissal (the "Settlement Agreement") entered into in connection with a lawsuit titled U.S. ex rel. Anti-Discrimination Center vs. Westchester County, New York.

The proposed agreements are necessary to carry out the following objectives:

- 1) a proposed agreement for the County to purchase approximately eighteen one-hundredths (0.18) of one acre of real property located at 525 Ellendale Avenue, Rye Brook, (the "Property") from Louis Larriza or the current owner(s) of record, for an amount not to exceed Two Hundred Thousand (\$200,000.00) Dollars, to be funded pursuant to a County Bond Act as part of capital project: Fair and Affordable Housing ("BPL50");
- 2) a proposed agreement with Graceland Terrace Housing Development Fund Corporation ("Graceland") and/or Pawling Holdings, LLC (the "LLC"), to convey fee title to the Property for One (\$1.00) Dollar to Graceland in exchange for Graceland

and the LLC (together the “Developers”) developing the Property as aforementioned;
and

- 3) a proposed agreement with Graceland for construction of infrastructure improvements on the Property that shall comprise part of the Development and include, but not be limited to, earthwork, paving, curbing, storm drains, lighting, drainage, landscaping and other related work; for a term commencing upon execution and continuing for a period not exceeding five (5) years; for an amount not to exceed One Hundred Thousand (\$100,000.00) Dollars and funded with Non County funds as part of capital project BPL50. It should be noted that the Infrastructure Improvements will be publicly owned through an easement granted to the County in accordance with regulations implementing the Community Block Development Grant (“CDBG”).

Pursuant to the Settlement Agreement, the County is required to ensure the development of seven hundred fifty (750) affordable housing units within the county that AFFH (“Affordable AFFH Units”). In furtherance of these objectives, the County provides funding to assist in the development or rehabilitation of Affordable AFFH Units that include those in the proposed Development. The proposed units are anticipated to constitute eligible Affordable AFFH Units under paragraph 7(c) of the Settlement Agreement.

Upon the County’s acquisition of the Property and prior to its conveyance, the County shall file a Declaration of Restrictive Covenants against the Property requiring that the Affordable AFFH Units constructed thereon will be made eligible to households with incomes at or below 80% of County AMI for a period of not less than fifty (50) years (the “Period of Affordability”).

On October 15, 2012, the Westchester County Board of Legislators (the “BOL”) authorized the County, through Act No. 145-2012, to purchase and subsequently convey the Property. Additionally on October 15, 2012, the BOL approved, by Act No. 146-2012 a Bond Act which funds the County’s acquisition of the Property.

The goals and objectives of the proposed agreements serve a public purpose as they fulfill the County’s obligations under the Settlement Agreement by supporting the construction of Affordable AFFH Units in accordance with the terms of the Settlement Agreement.

In addition, the aforementioned proposed agreements are in the County’s best interest regarding health and safety as they shall allow for the Development’s construction that shall provide affordable, safe, secure and energy efficient home ownership opportunities for lower and moderate income individuals and families who may not otherwise be able to afford to purchase a home in the County. The Development shall additionally enhance the neighborhood through its design and landscaping. Department of Planning staff will monitor and track construction of the Development, as well as monitor compliance with the period of affordability.

A proposed resolution is accordingly attached herewith for your Honorable Board’s approval.

EB/CP/cji

RESOLUTION

UPON A COMMUNICATION FROM THE COMMISSIONER OF PLANNING AND THE DIRECTOR OF REAL ESTATE, BE IT HEREBY

RESOLVED: that the County of Westchester (the "County") is hereby authorized to enter into an agreement with Louis Larriza, or the current owner(s) of record, to purchase approximately eighteen one-hundredths (0.18) of one acre of real property located at 525 Ellendale Avenue, Rye Brook, New York (the "Property") for a total amount not-to-exceed \$200,000.00 and funded from capital project: Fair and Affordable Housing ("BPL50"); and be it further

RESOLVED: that the County is hereby authorized to enter into an agreement with Graceland Terrace Housing Development Fund Corporation ("Graceland") and/or Pawling Holdings, LLC (the "LLC"), to convey fee title to the Property for One (\$1.00) Dollar to Graceland, in exchange for Graceland and the LLC (together the "Developers") developing four (4) affordable one bedroom condominium housing units on the Property to be made eligible to households having an annual income at or below eighty (80%) percent of County Area Median Income (the "Development"); and be it further

RESOLVED: that the County is hereby authorized to enter into an agreement with Graceland for construction of infrastructure improvements on the Property to comprise part of the Development and include, but not be limited to, earthwork, paving, curbing, storm drains, lighting, drainage, landscaping and other related work which shall be publicly owned through an easement to the extent required by the CDBG regulations; for a term commencing upon execution and continuing for a period not exceeding five (5) years; for an amount not-to-exceed One Hundred Thousand (\$100,000.00) Dollars and funded with Non County funds from capital project BPL50; with it being noted that the Infrastructure Improvements will be publicly owned through an easement granted to the County in accordance with regulations implementing the Community Block Development Grant ("CDBG"); and be it further

RESOLVED: that the Development shall affirmatively further fair housing pursuant to 42 U.S.C. Section 5304(b)(2) and in compliance with the Stipulation and Order of Settlement and Dismissal entered into in connection with a lawsuit titled U.S. ex rel. Anti-Discrimination Center vs. Westchester County, New York, as it shall comprise the four (4) affordable one bedroom condominium housing units that shall be made eligible to households with annual incomes at or below eighty (80%) percent of County Area Median Income for a period of not less than fifty (50) years (the "Period of Affordability"); and be it further

RESOLVED: that the County shall file a Declaration of Restrictive Covenants against the Property to enforce the Period of Affordability; and be it further

RESOLVED: that the County Executive or his duly authorized designee is authorized to execute any documents and take any actions necessary to effectuate purposes hereof.

Account to be
Charged/Credited

		Major Program, Program & Phase	Object/ Sub Object	Trust Account	Dollars
Fund	Dept	Or Unit			
19	318	BPL50-10-S	6050	N/A	\$300,000.00

Budget Funding Year(s) FY 2012

Purchase and Sale Contracts Start Date: Upon Execution End Date: No Greater than Five (5) Years from
the Date of Execution

Funding Source

Tax Dollars \$300,000.00

State Aid _____

\$300,000.00
(must match resolution)

Federal Aid _____

Other _____

APPROVED BOARD OF ACQUISITION & CONTRACT - 12/20/2012 JOMARY VERA, SECRETARY