

45372

March 16, 2015

TO: Board of Acquisition and Contract

FROM: Kathleen M. O'Connor  
Commissioner, Department of Parks, Recreation and Conservation

RE: Authority to enter into an agreement with Tudor III Realty, LLC, 200 Madison Avenue, 24<sup>th</sup> Floor, New York, New York 10016 to operate and maintain an access entry drive across lands of the Briarcliff Peekskill Parkway, Parcel 11, Sheet 18 between Route 9A and the Licensee's shopping center in the Village of Briarcliff Manor from November 1, 2014 through October 31, 2019 with the sole option of the County to renew the agreement for a license fee to be negotiated.

Authority is requested to enter into an agreement with Tudor III Realty, LLC, ("Tudor") 200 Madison Avenue, 24<sup>th</sup> Floor, New York, New York 10016 to operate and maintain an access entry drive across lands of the Briarcliff Peekskill Parkway, Parcel 11, Sheet 18 between Route 9A and the Licensee's shopping center in the Village of Briarcliff Manor from November 1, 2014 through October 31, 2019 with the sole option of the County to renew the agreement for a license fee to be negotiated.

Tudor shall pay to the County the following license fees for the privilege of using the driveway:

| <u>Period</u>    | <u>License Fee</u> |
|------------------|--------------------|
| 11/1/14-10/31/15 | \$4,799            |
| 11/1/15-10/31/16 | \$4,943            |
| 11/1/16-10/31/17 | \$5,091            |
| 11/1/17-10/31/18 | \$5,244            |
| 11/1/18-10/31/19 | \$5,401            |

The public purpose of this agreement is to allow Tudor to operate and maintain an access entry drive to promote economic activity and generate tax revenue. The goal of this agreement is to provide revenue to the County. The objective of this agreement will be tracked and monitored by site visits and revenue reports.

This agreement is exempt from the Westchester County procurement policy pursuant to Section 3(b), thereof.

Accordingly, your favorable action on the annexed Resolution is most respectfully urged and recommended.

KMOC/JMC  
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 04/16/2015 - JOMMY VIENA, SECRETARY

## RESOLUTION

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

**RESOLVED**, that the County of Westchester is hereby authorized to enter into an agreement with Tudor III Realty, LLC, 200 Madison Avenue, 24<sup>th</sup> Floor, New York, New York 10016 (“Tudor”) whereby Tudor will operate and maintain an access entry drive across lands of the Briarcliff-Peekskill Parkway (Parcel 11, Sheet 18) and between Route 9A and the Licensee’s shopping center on County-owned real property at Route 9A and North State Road in the Village of Briarcliff Manor for the period November 1, 2014 through October 31, 2019 with the sole option of the County to renew the agreement for an additional period of five years for a license fee to be negotiated; and be it further

**RESOLVED**, that Tudor shall pay to the County the following license fees for the privilege of using the driveway access:

| <u>Period</u>    | <u>License Fee</u>         |
|------------------|----------------------------|
| 11/1/14-10/31/15 | \$4,799                    |
| 11/1/15-10/31/16 | \$4,943                    |
| 11/1/16-10/31/17 | \$5,091                    |
| 11/1/17-10/31/18 | \$5,244                    |
| 11/1/18-10/31/19 | \$5,401; and be it further |

**RESOLVED**, that the County Executive or his duly authorized designee is hereby authorized to take such action and execute such documents as may be necessary and proper to effect the purposes hereof.

Original Agreement       \$  
 First Amendment       \$  
**This Amendment**       \$  
 TOTAL                     \$25,478

Agreement #

Account to be  
 Charged/Credited

| Fund | Dept | Major Program,<br>Program & Phase<br>Or Unit | Object/ Sub-<br>Object | Trust<br>Account | Dollars |      |
|------|------|--|------------------------|------------------|---------|------|
| 165  | 42   | 1100   | 9542                   |                  | \$9,742 | 2015 |
| 165  | 42   | 1100   | 9542                   |                  | \$5,091 | 2016 |
| 165  | 42   | 1100   | 9542                   |                  | \$5,244 | 2017 |
| 165  | 42   | 1100   | 9542                   |                  | \$5,401 | 2018 |
|      |      |  |                        |                  |         |      |

Budget Funding Year(s) 2015-2018 Start Date 11-01-14 End Date 10-31-19  
 (must match resolution)

Funding Source       Tax Dollars \_\_\_\_\_  
                               State Aid \_\_\_\_\_  
**\$25,478**               Federal Aid \_\_\_\_\_  
 (must match resolution)       Other   PRC Revenue  

APPROVED BOARD OF ACQUISITION & CONTRACT - 04/18/2015 - JOHANNY VIEIRA, SECRETARY