

45738

DATE: March 31, 2015

TO: Board of Acquisition and Contract

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

SUBJECT: Resolution authorizing the County of Westchester to enter into two (2) Agreements with Metropolitan Transportation Authority by and through Metro-North Commuter Railroad Co. 1) to grant a permanent easement and to amend an existing easement to permit the construction of an access road and to relocate and operate drainage pipes over certain real property of the County of Westchester in the Village of Croton-on-Hudson and 2) to amend an existing easement to allow the construction of a portion of a new electric substation on the southeasterly corner of this property.

On September 29, 2005, your Honorable Board approved a resolution to: 1) enter into temporary and permanent easement agreement with the Metro-North Commuter Railroad Co. over certain real property in the Village of Croton-on-Hudson in the vicinity of the Metro North Croton River Bridge; and 2) to enter into an amended easement agreement with Metro North at another location adjacent to the Croton Point Park.

The attached resolution authorizes the County of Westchester to enter into two (2) Agreements with Metropolitan Transportation Authority by and through Metro-North Commuter Railroad Co. The first agreement will authorize the County of Westchester to grant a permanent easement and to amend an existing easement to permit the construction of an access road and to relocate and operate drainage pipes in the vicinity of the Metro North Croton River Bridge (section 90.5 block 1 lot 1, also known as Midtown Tracking Ventures) in Croton-on Hudson, NY. The second easement agreement will amend an existing easement to allow the construction of a portion of a new electric substation on the southeasterly corner of this property. Metro North will be required to pay One Dollar (\$1.00) to the County as consideration for the amended easement. In addition, Metro North will indemnify and defend the County for any property damage or personal injury that takes place in the course of Metro North utilizing its rights under both of these easements.

On March 9, 2015 the Westchester County Board of Legislators authorized the County through ACT 2015-32 to grant a permanent easement and to amend an existing easement to Metro-North Railroad over certain real property in the Village of Croton-on-Hudson in the vicinity of the Metro North Croton River Bridge.

On March 9, 2015 the Westchester County Board of Legislators authorized the County through ACT 2015-33 to amend a permanent easement to Metro-North Railroad over certain real property in the Village of Croton-on-Hudson in the vicinity of the Metro North Croton River Bridge.

The goal and objective of these proposed easements is to provide rail services during and after storm events. This is vital to the health, safety and general welfare of County and metropolitan area residents. The project will be monitored by County staff from the following departments; Law, Planning and the Real Estate Director who will be involved in monitoring compliance with the terms of the easement agreements.

We recommend approval of these easement agreements.

EB/MM/cp
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 04/23/2015 - JOMAR VERA, SECRETARY

R E S O L U T I O N

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

RESOLVED, that the County of Westchester is hereby authorized to enter into an Agreement with Metropolitan Transportation Authority by and through Metro-North Commuter Railroad Co. The first agreement will authorize the County of Westchester to grant a permanent easement and to amend an existing easement to permit the construction of an access road and to relocate and operate drainage pipes in the vicinity of the Metro North Croton River Bridge (section 90.5 block 1 lot 1, also known as Midtown Tracking Ventures) in Croton-on Hudson, NY. Metro North will be required to pay One Dollar (\$1.00) to the County as consideration for this easement; and be it further

RESOLVED, that the second easement agreement will amend an existing easement to allow the construction of a portion of a new electric substation on the southeasterly corner of this property noted in the above agreement; and be it further

RESOLVED, that Metro North will indemnify and defend the County for any property damage or personal injury that takes place in the course of Metro North utilizing its rights under both easements; 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.

Original Agreement \$0.00
 Amendment \$1.00
 TOTAL \$1.00

AGREEMENT NUMBER C-CAP-05-100 & C-CAP-15-221

Account to be Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
101	19	0100	9856	N/A	\$1.00

Budget Funding Year(s) FY 2005 Start Date Upon Execution End Date N/A
 (must match resolution)

Funding Source Tax Dollars _____
 State Aid _____
\$1.00 Federal Aid _____
 (must match resolution) Other \$1.00