

**46908**

Date: June 19, 2015

To: Board of Acquisition and Contract

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

Re: Authority to enter into a license agreement with Algonquin Gas Transmission, LLC ("Licensee") to provide Licensee access to and use of certain property in Blue Mountain Reservation for a term of one year commencing on or about November 1, 2015 for a license fee of \$2,000,000.

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Authority is hereby requested for the County of Westchester (the "County") to enter into a license agreement with Algonquin Gas Transmission, LLC ("Licensee") to provide Licensee access to and use of certain property in Blue Mountain Reservation for a term of one year commencing on or about November 1, 2015 for a license fee of \$2,000,000.

In 1952, the County granted an easement and license for the construction, maintenance and operation of a below-grade interstate natural gas pipeline by Licensee in Blue Mountain Reservation. The easement, based on as-built drawings recorded with the Westchester County Clerk pursuant to an Indenture dated March 30, 1966, provides for a permanent right-of-way of three feet on either side of the centerline of the existing natural gas pipeline and a temporary construction and maintenance easement of 37.5 feet on either side of the centerline of the existing pipeline (the 1952 easement and 1966 Indenture together referred to as the "Easement" and the 75-foot-wide temporary construction and maintenance right-of-way authorized under the Easement, the "Easement Area").

On March 3, 2015, Licensee received a Certificate of Public Convenience and Necessity from the Federal Energy Regulatory Commission ("FERC") for the Algonquin Incremental Market Project (the "AIM Project") that authorizes the replacement of the existing 26-inch diameter natural gas pipeline with a new 42-inch diameter natural gas pipeline within Licensee's permanent right-of-way that crosses Blue Mountain Reservation.

For initial construction of the replacement pipeline, Licensee requires additional temporary work space beyond the Easement Area of approximately 4.38 acres and the use of Montrose Station Road. The proposed License Agreement grants Licensee access to the

licensed area for the purposes of: (a) clearing of trees and other vegetation to allow for pipeline construction activity; (b) constructing a new 42-inch diameter natural gas pipeline that will replace the existing 26-inch diameter natural gas pipeline in compliance with the FERC Certificate, the Easement, and all other governmental approvals for the AIM Project and (c) restoring the licensed area after pipeline construction is complete in accordance with the requirements of the FERC Certificate, the Easement and other governmental approvals for the AIM Project.

The License contains a Workplan that, among other things, identifies certain specimen trees that will be protected during the construction and a site restoration plan.

This License is exempt from the County's Procurement Policy pursuant to Section 3(b) therein.

The objective of this Agreement is in the County's best interest as it meets a public need by assisting in the development of a larger gas line transmission system while providing significant revenue to the County. The Licensee's work within the licensed area will be monitored by the County Department of Parks, Recreation and Conservation.

Approval of the attached resolution is respectfully requested.

KO/MJM/dm

APPROVED BOARD OF ACQUISITION & CONTRACT - 07/02/2016 - JOAN COQUANIL SECRETARY

## RESOLUTION

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

**RESOLVED**, that the County of Westchester (the "County") is authorized to enter into a license agreement with Algonquin Gas Transmission, LLC ("Licensee") to provide Licensee access to and use of certain property in Blue Mountain Reservation consisting of approximately 4.38 acres and the use of Montrose Station Road for a term of one year commencing on or about November 1, 2015 for a license fee of \$2,000,000.00 in the form attached hereto; and be it further

**RESOLVED**, that the County Executive or his authorized designee is hereby authorized to execute all instruments and take all actions reasonably necessary to implement this Resolution.

Account to be Charged/credited	Fund	Dept	Major Program, Program & Phase Or Unit	Sub Unit	Object/ Sub Object	Trust Account	Dollars
	165	42	1100		9542		\$2,000,000

Budget Funding Year(s) 2015 Start Date 11-1-2015 End Date 10-31-2016  
 (must match resolution)

Funding Source Tax Dollars \_\_\_\_\_  
 State Aid \_\_\_\_\_  
 \$ 2,000,000 Federal Aid \_\_\_\_\_  
 (must match resolution) Other \_\_\_\_\_ Revenue \_\_\_\_\_

APPROVED BOARD OF ACQUISITION & CONTRACTS 7/02/2015 COUNTY OF WESTCHESTER COUNTY CLERK SECRETARY