

48242

Date: September 1, 2015

To: The Honorable Board of Acquisition and Contract

From: Mary J. Mahon  
Director of Real Estate

Jay T. Pisco, P.E.  
Commissioner of Public Works and Transportation

Re: **Resolution Authorizing the County of Westchester to enter into a License Agreement with Algonquin Gas Transmission, LLC, for the use of vacant property located at Crompond Road at the intersection of Routes 202/35 in the Town of Yorktown, for the period of September 1, 2015 through December 31, 2017. (License Agreement No. 15-946)**

The attached Resolution, if approved by your Honorable Board, would authorize the County of Westchester (the "County") to enter into a license agreement with Algonquin Gas Transmission, LLC ("Algonquin"), for the use of a portion of those certain plots, pieces or parcels of land which are part of Section 3.9, Lot 42.1 on the tax assessment map of the Town of Yorktown, also known as Lots "A" and "B" as described and marked specifically in Schedule "A" which is attached hereto and made a part hereof, located at Crompond Road at the intersection of Routes 202/35 in the Town of Yorktown, to be used for the storing, welding and testing of pipe and valve assembly operations, and for the storing of other pipeline related materials including construction equipment, in connection with the construction of a new underground gas pipeline. The term of this license agreement will be September 1, 2015 through December 31, 2017.

As compensation for the privilege of operating this license, Algonquin shall pay the County the following license fees:

<u>Period</u>	<u>License Fees</u>
September 1, 2015 through August 31, 2016	\$167,972.77; and
September 1, 2106 through December 31, 2017	\$200,000.00.

These license fees shall be paid in two (2) installments: the first payment of \$167,972.77 shall be payable on the first day of occupancy and the second payment of \$200,000.00 shall be payable on or before September 1, 2016. In addition, it shall be Algonquin's sole responsibility to obtain all necessary permits and approvals for any contemplated uses of the Licensed Premises from all Federal, State, County and municipal governments and authorities. It should be noted by Your Honorable Board, that if Algonquin requires further use of the licensed property at the termination of this license, the parties will negotiate the terms of a new license agreement at that time.

Board of Acquisition and Contract  
License Agreement No. 15-946  
Algonquin Gas Transmission, LLC  
Use of Vacant Property Located at Crompond Road  
Town of Yorktown  
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The objective of this license agreement is in the County's best interest as it meets a public need by facilitating the development of a larger gas line transmission system while providing significant revenue to the County for the use of vacant property. The Licensee's work within the licensed area will be monitored by the County's Department of Public Works and Transportation personnel.

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

A resolution is attached for your favorable consideration.

MJM/JTP/JPI  
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 09/24/2015 JOHN MOCCIARDI, SECRETARY

# RESOLUTION

Upon a communication from the Director of Real Estate and the Commissioner of Public Works and Transportation, be it hereby

**RESOLVED**, that the County of Westchester is hereby authorized to enter into a license agreement with Algonquin Gas Transmission, LLC for the use of a portion of those certain plots, pieces or parcels of land which are part of Section 3.9, Lot 42.1 on the tax assessment map of the Town of Yorktown, also known as Lots "A" and "B" as described and marked specifically in Schedule "A" which is attached hereto and made a part hereof, and located at Crompond Road at the intersection of Routes 202/35 in the Town of Yorktown, for the period of September 1, 2015 through December 31, 2017; and be it further

**RESOLVED**, that as compensation for the privilege of operating this license, Algonquin Gas Transmission, LLC shall pay the County the following license fees:

<u>Period</u>	<u>License Fee</u>
September 1, 2015 through August 31, 2016	\$167,972.77; and
September 1, 2106 through December 31, 2017	\$200,000.00; and be it further

**RESOLVED**, that these license fees shall be paid in two (2) installments: the first payment of \$167,972.77 shall be payable on the first day of occupancy and the second payment of \$200,000.00 shall be payable on or before September 1, 2016; and be it further

**RESOLVED**, that it shall be Algonquin Gas Transmission, LLC's sole responsibility to obtain all necessary permits and approvals for any contemplated uses of the Licensed Premises from all Federal, State, County and municipal governments and authorities; and be it further

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

License Agreement No. 15-946

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
	101	46	3300	9274		\$167,972.77 (2015)
	101	46	3300	9274		\$200,000.00 (2016)

Budget Funding Year(s) 2015 - 2016 Start Date 09/01/15 End Date 12/31/17  
 (must match resolution)

Funding Source: Tax Dollars \_\_\_\_\_  
 State Aid \_\_\_\_\_  
\$367,972.77 Federal Aid \_\_\_\_\_  
 (must match resolution) Other Revenue \_\_\_\_\_