

**49537**

DATE: November 18, 2015

TO: Board of Acquisition and Contract

FROM: Edward Buroughs  
Commissioner of Planning

Adam Rodriguez, Esq  
Acting Director of Real Estate

SUBJECT: Resolution authorizing the County of Westchester to enter into any and all agreements necessary to purchase and subsequently convey approximately 53.2+/- acres of real property located at Clayton Boulevard/US Route 6 in the Hamlet of Baldwin Place, Town of Somers all in support of the affordable rental complex that will Affirmatively Further Fair Housing (“AFFH”).

On November 9, 2015, the Westchester County Board of Legislators approved (1) Act No. 2015-237 authorizing the County to purchase approximately 0.53.2+/- acres of real property located at Clayton Boulevard/US Route 6 in the Hamlet of Baldwin Place, Town of Somers (the “Property”) from the Avalon Somers, LLC, its successor or assigns (hereinafter collectively “Avalon”) and to re-convey the property back to Avalon for the purpose of developing ten (10) affordable AFFH rental units in the 152 unit complex; and (2) Bond Act No. 2015-238 to finance the acquisition of the Property in an amount not to exceed of \$838,000.

Your Honorable Board’s authority is now requested to authorize the County to enter into any and all agreements necessary to purchase the Property from Avalon for an amount not to exceed of \$838,000 which will be funded from Capital Project BPL10, and to accept and/or release property rights in connection therewith, and to re-convey the Property to back to Avalon for the purpose of creating ten (10) affordable rental units that will AFFH.

Upon acquisition of the Property and prior to conveyance, the County will file a Declaration of Restrictive Covenants against the Property requiring that the AFFH rental units will AFFH as set forth in 42 U.S.C. Section 5304(b)(2). The units will be affordable to eligible households with incomes at or below 50% and up to 60% of the Westchester County Area Median Income (“AMI”) for a period of affordability of not less than 50 years.

Pursuant to the Settlement Agreement between the United States and the County, the County is required to ensure the development of 750 affordable AFFH units. In furtherance of these objectives, the County provides funding to assist in the development or rehabilitation of affordable AFFH housing units, including the affordable AFFH unit proposed herein. The

proposed affordable AFFH unit will be located in a census block that conforms to Paragraph 7(a) of the Settlement Agreement.

The goal and objective of this agreement is to provide affordable housing units in Westchester County to low and moderate income households. Department of Planning staff will monitor the compliance with the ongoing affordable housing requirements.

EB/cp/jp  
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 12/10/2015 - JOAN COCCARDI, SECRETARY

**RESOLUTION**

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

RESOLVED: that the County of Westchester is hereby authorized to enter into any and all agreements necessary to purchase approximately 53.2+/- acres of real property located at Clayton Boulevard/US Route 6 in the Hamlet of Baldwin Place, Town of Somers (the "Property") from Avalon Somers, LLC, its successor or assigns (hereinafter collectively "Avalon") for a total not to exceed amount of \$838,000 and to re-convey the Property back to Avalon for one Dollar (\$1.00) and to accept and/or release any and all property rights in connection therewith. All County funds will be allocated from Capital Project BPL10; and be it further

RESOLVED: that the County is hereby authorized to enter into any and all agreements to purchase from and re-convey the Property to Avalon and to accept and/or release any and all property rights in connection therewith; and be it further

RESOLVED: that the purchase and re-conveyance of the Property shall be by such deeds as approved by the County Attorney; and be it further

RESOLVED: that following the purchase, the County will file a Declaration of Restrictive Covenants against the Property requiring that ten (10) fair and affordable rental units constructed thereon will have rents that are affordable to households with incomes at or below 50% and up to 60% of the Westchester County Area Median Income for a period of affordability of not less than 50 years; and be it further

RESOLVED: that this will create ten (10) one and two bedroom units in this 152 unit complex that will Affirmatively Further Fair Housing as set forth in 42 U.S.C. Section 5304(b)(2) and in accordance with the settlement of a lawsuit entitled United States of America ex rel. Anti-Discrimination Center of Metro New York, Inc. v. Westchester County, New York (the "Settlement Agreement") and the Westchester County Affordable Housing Plan Statement of Need adopted by Resolution No. 107-1992; and be it further; 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 the purposes hereof.

Account to be Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
318	19	BPL10-52-S Bond Act 238-2015	6050	N/A	\$838,000

Budget Funding Year(s) FY 2015

Purchase and Sale Contracts Start Date: December 18, 2015 End Date: \_\_\_\_\_

Funding Source Tax Dollars \$838,000  
 State Aid \_\_\_\_\_  
\$838,000 Federal Aid \_\_\_\_\_  
 (must match resolution) Other \_\_\_\_\_