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Date: December 8, 2015

To: Board of Acquisition and Contract

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

RE: Authority to enter into an agreement with the City of White Plains, pursuant to which the City will grant the County special use authorization on the City's public right-of-way property fronting or abutting 112 East Post Road, on the Grand Street side, in order to install drain cleanouts and PVC pipes, for a term commencing upon execution and continuing until revoked by the City's Commissioner of Public Works in his sole discretion. (Agreement No. 15-957)

Authority is respectfully requested from your Honorable Board for the County of Westchester (the "County") to enter into an agreement (the "Agreement") with the City of White Plains (the "City"), pursuant to which the City will grant the County special use authorization on the City's public right-of-way ("ROW") property fronting or abutting 112 East Post Road, on the Grand Street side, in order to install two (2) drainage cleanouts and two (2) 6-inch PVC drainage pipes below the sidewalk adjacent to the Grand Street parking entrance for the County's building at 112 East Post Road, (the "Authorization") for a term commencing upon execution and continuing until revoked by the City's Commissioner of Public Works in his sole discretion.

In consideration for the Authorization, the County will use City ROW property solely for County benefit, and will not pay any cash fee. However, the County will agree:

- 1.) That the City will "be saved harmless and indemnified by the [County] against any claims, action, loss, injury, damage, liability, cost and expense of any nature whatsoever arising out of either this authorization or the installation, use and the on-going presence of the cleanouts & PVC pipes on the City's property", and
- 2.) "To hold the City harmless, in the event of any damage removal, change, or alteration in any way caused by the City, its workers or agents, to any portion of the cleanouts & PVC pipes installed on the City's Right-of-Way."

The Agreement will serve a public purpose by enabling the County to install the drainage cleanouts and PVC drainage pipes that will facilitate drainage and allow proper maintenance of the roof leader drainage for the County's building at 112 East Post Road.

The goal and objective of the Agreement is to enable the County to install the drainage cleanouts and PVC drainage pipes that will facilitate drainage and allow proper maintenance of the roof leader drainage for the County's building at 112 East Post Road. The typical solution would be to locate this storm water drainage system entirely on County property. In this particular case, the County building is positioned right on the edge of the property line and it would be prohibitively expensive and invasive to the structure's foundation to have this new drainage conveyance placed behind the line.

Board of Acquisition and Contract
Agreement No. 15-957
City of White Plains
Special Use Authorization on the City's Public Right-of-Way Property
Fronting or Abutting 112 East Post Road, on the Grand Street Side, to
Install Drain Cleanouts and PVC Pipes
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The goal and objective of the Agreement is in the best interests of the County in terms of fiscal responsibility, as facilitating drainage and allowing proper maintenance of the roof leader drainage for the County's building at 112 East Post Road now will ultimately avoid the need for more costly drainage-related repairs in the future.

The goal and objective of the Agreement will be tracked and monitored by the Department of Public Works and Transportation.

I respectfully recommend the adoption of the attached Resolution.

JTP/bdm/nn

APPROVED BOARD OF ACQUISITION & CONTRACT - 01/27/2016 JON COCCIARDI, SECRETARY

RESOLUTION

Upon a communication from the Commissioner of Public Works and Transportation, be it hereby:

RESOLVED, that the County of Westchester (the "County") is authorized to enter into an agreement (the "Agreement") with the City of White Plains (the "City"), pursuant to which the City will grant the County special use authorization on the City's public right-of-way ("ROW") property fronting or abutting 112 East Post Road, on the Grand Street side, in order to install two (2) drainage cleanouts and two (2) 6-inch PVC drainage pipes below the sidewalk adjacent to the Grand Street parking entrance for the County's building at 112 East Post Road, (the "Authorization") for a term commencing upon execution and continuing until revoked by the City's Commissioner of Public Works in his sole discretion; and be it further

RESOLVED, that in consideration for the Authorization, the County will use City ROW property solely for County benefit, and will not pay any cash fee. However, the County will agree:

- 1.) That the City will "be saved harmless and indemnified by the [County] against any claims, action, loss, injury, damage, liability, cost and expense of any nature whatsoever arising out of either this authorization or the installation, use and the on-going presence of the cleanouts & PVC pipes on the City's property", and
- 2.) "To hold the City harmless, in the event of any damage removal, change, or alteration in any way caused by the City, its workers or agents, to any portion of the cleanouts & PVC pipes installed on the City's Right-of-Way."

; 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.

Agreement No. 15-957

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
			N/A			N/A

Budget Funding Year(s): N/A Start Date: upon execution End Date: Until Revoked by the City's Commissioner of Public Works in his Sole Discretion

Funding Source: Tax Dollars _____
 State Aid _____
 \$N/A Federal Aid _____
 (must match resolution) Other _____