

**52886**

DATE: October 5, 2016

TO: Board of Acquisition and Contract

FROM: Edward Buroughs                      Adam Rodriguez  
Commissioner of Planning              Director of Real Estate

SUBJECT: Amend a Resolution that authorized the County of Westchester to enter into any and all agreements necessary to purchase +/- 0.23-acre of real property developed with a single-family house at 6 Myrtle Drive, Town of Somers, from the current owner(s) of record and to subsequently convey the Property to an eligible buyer to create an affordable home that will Affirmatively Further Fair Housing, in order to increase the purchase price from \$375,000 to \$389,000

On September 12, 2016, the Westchester County Board of Legislators adopted Act 287-2016 amending Act 156-2006, which authorized the County to purchase +/- 0.23-acre of real property developed with a single-family house, located at 6 Myrtle Drive, Town of Somers, (the "Property") from the current owner(s) of record in an amount not to exceed \$375,000 with funding from Capital Project BPL50, so as to increase the purchase price of the Property from \$375,000 to \$389,000. All other terms and conditions of Act 156-2006 remain in full force and affect. Therefore, authority was given for the County to grant and accept any property rights necessary to purchase the Property, including entering into a Contract of Sale for the Property and to subsequently convey the Property to an eligible buyer to create an affordable ownership home that Affirmatively Furthers Fair Housing ("AFFH") as set forth in 42 U.S.C. Section 5304(b)(2) and in accordance with the settlement of a lawsuit titled United States of America ex rel. Anti-Discrimination Center of Metro New York, Inc. v. Westchester County, New York (the "Settlement Agreement"). In addition, on September 12, 2016, the Westchester County Board of Legislators approved Bond Act No. 286-2016 amending Bond Act No. 155-2016 in order to authorize the issuance of \$409,000 in bonds from Capital Project BPL50 to purchase the property, including acquisition and settlement costs, and \$14,000 in marketing and property management costs while the County holds title.

Action is now requested to amend a resolution adopted by your Honorable Board on June 30, 2016 which authorized the County to enter into any and all agreements necessary to purchase the Property from the current owner(s) of record in an amount not to exceed \$375,000, plus an additional \$6,000 in expected settlement costs such as title insurance and real estate taxes, for a

total amount not to exceed \$381,000 , in order to increase the purchase price by \$14,000 to a new purchase price of \$389,000, plus an additional \$6,000 in expected settlement costs, for a new total amount not to exceed \$395,000.

This amendment is necessary because, after the adoption of the original Land Acquisition Act by the Board of Legislators, the accepted bid by the bank holding the mortgage that was in default was higher than originally anticipated and the current owner of the Property advised that it would only convey the Property to the County at the increased amount.

All other terms and conditions of the Resolution shall remain in full force and effect.

For all the foregoing reasons, we recommend that your Honorable Board approve the attached resolution amending a resolution adopted on June 30, 2016.

EB/DI/nvd  
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 10/19/2016 - LISA M. P. J. SECRETARY

**RESOLUTION**

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

**RESOLVED**, that the County of Westchester amends a Resolution adopted on June 30, 2016 which authorized the County to purchase +/-0.23-acre of real property developed with a single-family house located at 6 Myrtle Drive, Town of Somers in order to increase the purchase price of the Property from \$375,000 to \$389,000; therefore the first “**RESOLVED**” clause of the June 30, 2016 Resolution is deleted in its entirety and replaced with the following:

“**RESOLVED**, the County of Westchester (the “County”) is hereby authorized to enter into any and all agreements necessary to purchase +/- 0.23-acre of real property developed with a single-family house located at 6 Myrtle Drive, Town of Somers (the “Property”) from the current owner(s) of record for an amount not to exceed \$389,000, plus an additional \$6,000 in expected settlement costs for a total amount not to exceed \$395,000, and to grant and accept any and all property rights in connection therewith including, but not limited to, entering into a contract of sale with the current owner(s) of record”; and be it further

**RESOLVED**, that all other terms and conditions of the Resolution shall remain in full force and effect; and be it further

**RESOLVED**, that the County Executive or his duly authorized designee is authorized to execute any agreements, documents and take any actions necessary to effectuate purposes hereof.

Account to be Charged/Credited

		Major Program, Program & Phase	Object/	Trust	
Fund	Dept	Or Unit	Sub Object	Account	Dollars
318	19	BPL50-55-R	6050	N/A	\$14,000
		Bond Act 287-2016			

Budget Funding Year(s) FY 2016

Purchase and Sale Contracts Start Date: \_\_\_\_\_ End Date: \_\_\_\_\_

Funding Source Tax Dollars \$14,000

State Aid \_\_\_\_\_

**\$14,000** Federal Aid \_\_\_\_\_

(must match resolution)

Other \_\_\_\_\_