

53832

December 13, 2016

To: Board of Acquisition and Contract

From: Vincent F. Kopicki, P.E.
Commissioner of Public Works and Transportation

Adam Rodriguez, Esq.
Director of Real Estate

Re: **Authority to enter into a five (5) year License Agreement along the Putnam Right-of-Way with Consolidated Edison Company of New York, Inc. ("Con Ed") for the period January 1, 2017 through December 31, 2021. (License Agreement No. 16-940)**

The attached resolution authorizes the County of Westchester to enter into a license agreement along the Putnam Right-of-Way (hereinafter referred to as "PROW") with Consolidated Edison Company of New York, Inc. (hereinafter referred to as "Con Ed") for the period January 1, 2017 through December 31, 2021 at the following license fee rates:

01/01/17 – 12/31/17	\$7,408.00
01/01/18 – 12/31/18	\$7,630.00
01/01/19 – 12/31/19	\$7,859.00
01/01/20 – 12/31/20	\$8,095.00
01/01/21 – 12/31/21	\$8,338.00

Westchester County acquired 14.1 miles of the PROW in the early 1990's as a continuous corridor from the New York City boundary in Yonkers to Eastview in the Town of Mount Pleasant to be used for recreational, utility or other general municipal purposes. The acquisition included leases and licenses that were in effect, which were subsequently assigned to the County. The County has recently renegotiated a new license with Con Ed for its utilities that cross the PROW in six (6) different locations.

The County has determined that this license does not encroach on those portions of the PROW used for railway purposes and does not conflict with current County plans.

This license agreement serves a public purpose as it will accommodate the public utility while providing revenue to the County. The new license fees have been increased to conform to current market rates. The goals and objectives of the proposed agreement will be monitored by the Department of Public Works and Transportation to insure compliance with the terms of the license agreement.

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

Your approval of the attached resolution is respectfully requested.

RESOLUTION

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

RESOLVED, that the County of Westchester is authorized to enter into a five (5) year License Agreement commencing January 1, 2017 with Consolidated Edison Company of New York, Inc. for six (6) utility crossings along the Putnam Right-of-Way, at the following annual license fee rates:

01/01/17 – 12/31/17	\$7,408.00
01/01/18 – 12/31/18	\$7,630.00
01/01/19 – 12/31/19	\$7,859.00
01/01/20 – 12/31/20	\$8,095.00
01/01/21 – 12/31/21	\$8,338.00

; and be it further

RESOLVED, that the County Executive or his duly authorized designee is authorized to execute all documents necessary and appropriate to carry out the purpose of this resolution.

Agreement No. 16-940

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Revenue	Trust Account	Dollars
	101	19	0100	9295		\$7,408.00 (2017)
	101	19	0100	9295		\$7,630.00 (2018)
	101	19	0100	9295		\$7,859.00 (2019)
	101	19	0100	9295		\$8,095.00 (2020)
	101	19	0100	9295		\$8,338.00 (2021)

Budget Funding Year(s) 2017-2021 Start Date 01/01/17 End Date 12/31/21
 (must match resolution)

Funding Source: Tax Dollars _____

State Aid _____

\$39,330.00 Federal Aid _____
 (must match resolution)

Other Revenue _____