

ID58925

TO: Board of Acquisition and Contract

FROM: Kathleen M. O'Connor
Commissioner of Parks, Recreation and Conservation

Adam Rodriguez
Director of Real Estate

DATE: September 11, 2017

SUBJECT: Authorization for the County of Westchester to enter into a Declaration of Preservation Covenant and Restrictions with the State of New York, acting by and through the Commissioner of Parks, Recreation and Historic Preservation, and the Jay Heritage Center, a not-for-profit educational corporation located in Rye, New York, containing restrictions against the Historic Jay Gardens and the Palmer Tennis House.

Authorization is requested for the County of Westchester ("County") to enter into a Declaration of Preservation Covenant and Restrictions ("Declaration") with the State of New York, acting by and through the Commissioner of Parks, Recreation and Historic Preservation ("NYS Parks"), and the Jay Heritage Center ("JHC"), a not-for-profit educational corporation located in Rye, New York, containing restrictions against the Historic Jay Gardens and the Palmer Tennis House.

As your Honorable Board may recall, by Deed dated July 7, 1997, the County granted NYS Parks an undivided 90% interest as tenant in common in and to approximately 21.5 acres in the City of Rye known as the "Jay Property". The County and NYS Parks simultaneously entered into a Cooperative Agreement that governs the respective rights privileges, liabilities and responsibilities of each with respect to such tenancy.

Thereafter, on November 26, 2012 by Act No. 173-2012, your Honorable Board authorized the County to enter into a three-party Cooperative Operation and Maintenance Agreement with NYS Parks and the JHC pursuant to which the County and NYS Parks granted JHC a license to develop, manage, operate, maintain, secure and administer the Jay Property for park and recreational uses for a ten (10) year term ("2012 Cooperative Agreement"). One of the basic tenets of the 2012 Cooperative Agreement is the recognition by the County and NYS Parks that creative solutions must be considered to continue the public's ability to enjoy the full potential of park resources during financially challenging times. The 2012 Cooperative Agreement allows JHC to apply for grant funds for projects on the Jay Property.

Recently, JHC applied for and was awarded two grants, one is a \$500,000 Environmental Protection Fund grant for the restoration of the Historic Jay Gardens and the other is a \$391,056 Hurricane Sandy Disaster Relief Grant for Historic Properties towards the rehabilitation of the Palmer Tennis House. Your Honorable Board authorized the County to enter into both grant agreements at a meeting duly held on July 6, 2017. Both grants additionally require the County, NYS Parks and JHC to execute and record a Declaration of Preservation Covenant and Restrictions (“Declaration”) against the Historic Jay Gardens and the Palmer Tennis House. The Declaration shall be binding against the parties for a minimum of 25 years and constitute a covenant running with the land.

On August 7, 2017, by Act No. 2017-154, the County Board of Legislators authorized the County to execute and record the Declaration. The proposed resolution seeks further authority for the County to enter into the Declaration.

Based upon the foregoing, I recommend approval of the attached resolution.

KMO/AQR/TSA

APPROVED BOARD OF ACQUISITION & CONTRACTS 09/28/2017 JOHN J. COUGHLIN SECRETARY

RESOLUTION

Upon a communication from the Commissioner of Parks, Recreation and Conservation, and the Director of Real Estate be it hereby

RESOLVED, that the County of Westchester (“County”) is hereby authorized to enter into a Declaration of Preservation Covenant and Restrictions (“Declaration”) with the State of New York, acting by and through the Commissioner of Parks, Recreation and Historic Preservation (“NYS Parks”) and the Jay Heritage Center (“JHC”), against the Historic Jay Gardens and the Palmer Tennis House in substantially similar to the form of agreement annexed hereto and made a part hereof. The Declaration shall be binding against the parties for a minimum of 25 years and constitute a covenant running with the land; and be it further

RESOLVED, that the County Executive is hereby authorized to execute any instruments and to take any action necessary and appropriate to effectuate the purposes hereof.

Account to be Charged/credited	Fund	Agency	Capital Project Or Org	Object/ Sub Object	Trust Account	Activity	Dollars
							N/A

Budget Funding Year(s) _____ Start Date _____ End Date _____
 (must match resolution)

Funding Source _____ Tax Dollars _____

State Aid _____

N/A _____ Federal Aid _____

(must match resolution) Other _____

APPROVED BOARD OF ACQUISITION & CONTRACT - 09/16/2017 JOHN BOCCIAPI, SECRETARY