

59912

November 28, 2017

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
Office of the County Executive

Re: **Resolution authorizing the County of Westchester, acting by and through the Department of Public Works and Transportation to enter into a lease agreement with Steven R. Herman DC PLLC, a New York corporation having its offices at 211 Main Street, New Rochelle, New York 10801 for the use and occupancy of approximately 550 square feet of space located on the ninth floor of the Landlord's building at 100 East First Street, Mount Vernon, New York (Agreement No. 18-901)**

Authority is requested for the County of Westchester (the "County"), acting by and through the Department of Public Works and Transportation to enter into a lease agreement (the "Lease") with Steven R. Herman DC PLLC ("Tenant"), a New York corporation having its offices at 211 Main Street, New Rochelle, New York 10801 for the use and occupancy of approximately 550 square feet of space located on the ninth floor of the County's building at 100 East First Street, Mount Vernon, New York (the "Premises"). The Lease will be for an initial term of five (5) years commencing on February 1, 2018 and terminating on January 31, 2023 with Tenant having the option to renew the lease for an additional five (5) year term commencing on February 1, 2023 and terminating on January 31, 2028. Monthly payments by the Tenant to the County for the first term shall be as follows:

Year 1	\$905.00/monthly;	\$10,860.00/annually
Year 2	\$920.00/monthly;	\$11,040.00/annually
Year 3	\$935.00/monthly;	\$11,220.00/annually
Year 4	\$950.00/monthly;	\$11,400.00/annually
Year 5	\$970.00/monthly;	\$11,640.00/annually.

Board of Acquisition and Contract
Lease Agreement No. 18-901
Steven R. Herman DC PLLC
Space at 100 East First Street, Mount Vernon, New York
Page 2

If the Lease is renewed, monthly payment by the Tenant to the County for the first term shall be as follows:

Year 1	\$ 985.00/monthly;	\$11,820.00/annually
Year 2	\$1,000.00/monthly;	\$12,000.00/annually
Year 3	\$1,020.00/monthly;	\$12,240.00/annually
Year 4	\$1,040.00/monthly;	\$12,480.00/annually
Year 5	\$1,060.00/monthly;	\$12,720.00/annually.

Tenant will be permitted to assign the Lease upon written notice to the County. However the use of the Premises will be solely for the provision of chiropractic services.

The County will provide electricity to the Tenant at a monthly charge of \$137.50 (based upon an annual charge per square foot of \$3.00). However the charge for electricity can be increased upon notice to the Tenant after the first year of the Lease should the actual cost of Tenant's electricity exceed \$3.00 per square foot. The County will not provide the Tenant's telephone or internet service.

The County shall furnish heat and air conditioning to the Premises during the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday (except County holidays). Additional heating/air conditioning service beyond these hours as requested by Tenant shall be billed at \$100.00 per hour to be paid by Tenant within 30 days of such additional service.

The Lease benefits both the County and the public by providing revenue to the County. The Lease will be monitored by the Department of Public Works and Transportation to ensure compliance with the terms of the Agreement. This Lease Agreement is exempt from the Westchester County Procurement Policy and procedures pursuant to Section 3(b) thereof.

Approval of the attached resolution is respectfully recommended.

VFK/AR/jrc
Attachment

RESOLUTION

Lease Agreement No. 18-901

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

RESOLVED, that the County of Westchester (the "County") is authorized to enter into a lease agreement (the "Lease") with Steven R. Herman DC PLLC ("Tenant"), a New York corporation having its offices at 211 Main Street, New Rochelle, New York 10801 for the use and occupancy of approximately 550 square feet of space located on the ninth floor of the County's building at 100 East First Street, Mount Vernon, New York, with the County having the right to terminate upon six (6) months prior written notice; and be it further

RESOLVED, that the Lease will be for an initial term of five (5) years commencing on February 1, 2018 and terminating on January 31, 2023 with Tenant having the option to renew the lease for an additional five (5) year term commencing on February 1, 2023 and terminating on January 31, 2028; and be it further

RESOLVED, that monthly payments by the Tenant to the County for the first term shall be as follows:

Year 1	\$905.00/monthly;	\$10,860.00/annually
Year 2	\$920.00/monthly;	\$11,040.00/annually
Year 3	\$935.00/monthly;	\$11,220.00/annually
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If the Lease is renewed, monthly payment by the Tenant to the County for the first term shall be as follows:

Year 1	\$ 985.00/monthly;	\$11,820.00/annually
Year 2	\$1,000.00/monthly;	\$12,000.00/annually
Year 3	\$1,020.00/monthly;	\$12,240.00/annually
Year 4	\$1,040.00/monthly;	\$12,480.00/annually
Year 5	\$1,060.00/monthly;	\$12,720.00/annually.

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RESOLVED, that Tenant will be permitted to assign the Lease upon written notice to the County. However the use of the Premises will be solely for the provision of chiropractic services; and be it further

RESOLUTION

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RESOLVED, that the County Executive or his authorized designee is hereby authorized to execute all instruments and take all actions reasonably necessary to implement this Resolution.

Lease Agreement No. 18-901

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
	101	46	3300	9274		\$11,467.50 (2018)
	101	46	3300	9274		\$12,675.00 (2019)
	101	46	3300	9274		\$12,855.00 (2020)
	101	46	3300	9274		\$13,035.00 (2021)
	101	46	3300	9274		\$13,270.00 (2022)
	101	46	3300	9274		\$ 1,107.50 (2023)

Budget Funding Year(s) 2018-2023 Start Date 02/01/18 End Date 01/31/23
 (must match resolution)

Funding Source: Tax Dollars _____

State Aid _____

\$64,410.00 Federal Aid _____
 (must match resolution)

Other Revenue _____