



Robert P. Astorino
County Executive

60180

DATE: December 7, 2017

TO: Board of Acquisition and Contract

FROM: Robert P. Astorino
County Executive

RE: Authority to enter into an agreement with Nelson Peltz and Claudia Peltz, pursuant to which Mr. Peltz and Mrs. Peltz will be given a revocable license for a portion of the northeastern corner of the Westchester County park known as Merestead, for the purpose of facilitating travel between two parcels owned by Mr. Peltz and Mrs. Peltz.

Authority is hereby requested from your Honorable Board for the County of Westchester (the "County") to enter into an agreement (the "License Agreement") with Nelson Peltz and Claudia Peltz, pursuant to which Mr. Peltz and Mrs. Peltz will be given a revocable license (the "License") to enter upon and use a portion of the northeastern corner of the Westchester County park known as Merestead, (the "Licensed Site") for the purpose of facilitating direct travel between two parcels owned by Mr. Peltz and Mrs. Peltz (the "Two Peltz Parcels").

The License would allow use of the Licensed Site, to travel between the Two Peltz Parcels, by Mr. Peltz, Mrs. Peltz, children of either Mr. Peltz or Mrs. Peltz; and grandchildren of either Mr. Peltz or Mrs. Peltz; Mr. Peltz's and Mrs. Peltz's employees, agents, and contractors; and Mr. Peltz's and Mrs. Peltz's other licensees of, and/or invitees to, the Two Peltz Parcels.

The License Agreement would be for a term of five (5) years, commencing on December 1, 2017, (the "Initial Term") with Mr. Peltz and Mrs. Peltz having the option to renew the License under the License Agreement for an additional term of five (5) years, commencing upon the conclusion of the initial five (5) year term (the "Option Term").

Under the License Agreement, Mr. Peltz and Mrs. Peltz would pay to the County \$10,000.00 per year for the License, for a total of \$50,000.00 during the Initial Term and a total of \$50,000.00 during the Option Term, if the Option Term is exercised.

It should be noted that the Two Peltz Parcels are separated by both a portion of Merestead and other real property owned by The Nature Conservancy, a not-for-profit corporation of the District of Columbia ("TNC"). Accordingly, Mr. Peltz and Mrs. Peltz are seeking a similar agreement with TNC (a "TNC Agreement"), with the goal of having the proposed License Agreement and a TNC Agreement collectively facilitate direct travel between the Two Peltz Parcels as described above.

The proposed License Agreement will serve a public purpose by providing revenue for the County.

The goal and objective of the proposed License Agreement is to provide revenue for the County.

The goal and objective of the proposed License Agreement is in the best interests of the County in terms of fiscal responsibility, as it will provide revenue for the County.

The goal and objective of the proposed License Agreement will be tracked and monitored by the staff of the Department of Parks, Recreation and Conservation.

The proposed License Agreement is exempt from the Westchester County Procurement Policy pursuant to Section 3(b) thereof.

I respectfully recommend the adoption of the attached Resolution.

APPROVED BOARD OF ACQUISITION & CONTRACT ADMINISTRATION 12/14/2017 - JOHN COCCARDI, SECRETARY

RESOLUTION

Upon a communication from the County Executive, be it hereby

RESOLVED, that the County of Westchester (the “County”) is hereby authorized to enter into an agreement (the “License Agreement”) with Nelson Peltz and Claudia Peltz, pursuant to which Mr. Peltz and Mrs. Peltz will be given a revocable license (the “License”) to enter upon and use a portion of the northeastern corner of the Westchester County park known as Merestead, (the “Licensed Site”) for the purpose of facilitating direct travel between two parcels owned by Mr. Peltz and Mrs. Peltz (the “Two Peltz Parcels”); and be it further

RESOLVED, that the License would allow use of the Licensed Site, to travel between the Two Peltz Parcels, by Mr. Peltz, Mrs. Peltz, children of either Mr. Peltz or Mrs. Peltz; and grandchildren of either Mr. Peltz or Mrs. Peltz; Mr. Peltz’s and Mrs. Peltz’s employees, agents, and contractors; and Mr. Peltz’s and Mrs. Peltz’s other licensees of, and/or invitees to, the Two Peltz Parcels; and be it further

RESOLVED, that the License Agreement shall be for a term of five (5) years, commencing on December 1, 2017, (the “Initial Term”) with Mr. Peltz and Mrs. Peltz having the option to renew the License under the License Agreement for an additional term of five (5) years, commencing upon the conclusion of the initial five (5) year term (the “Option Term”); and be it further

RESOLVED, that under the License Agreement, Mr. Peltz and Mrs. Peltz shall pay to the County \$10,000.00 per year for the License, for a total of \$50,000.00 during the Initial Term and a total of \$50,000.00 during the Option Term, if the Option Term is exercised; 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 appropriate to effectuate the purposes of this Resolution.

Account to be charged/credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
278	42	5511	9289		\$ 833 (2017)
278	42	5511	9289		\$10,000 (2018)
278	42	5511	9289		\$10,000 (2019)
278	42	5511	9289		\$10,000 (2020)
278	42	5511	9289		\$10,000 (2021)
278	42	5511	9289		\$ 9,167 (2022)

Budget Funding Years: 2017 Start Date: 12/1/17 End Date: 11/30/22 (initial term)
11/30/27 (option term, if exercised)

Funding Source Tax Dollars: _____

\$50,000.00
(must match resolution)

State Aid: _____
Federal Aid: _____
Other: REVENUE

APPROVED BOARD OF ACQUISITION & CONTRACT - 12/14/2017 - JOAN COCCIARDI, SECRETARY