

ID65885

November 2, 2018

To: Honorable Members of the Board of Acquisition and Contract

From: Kathleen O'Connor
Commissioner of Parks, Recreation and Conservation

Re: Authority for the County of Westchester to enter into a lease agreement with the State of New York for the use of real property consisting of approximately 20.8 miles with varying widths in the Towns of Mount Pleasant, New Castle, Yorktown and Somers to operate the North County Trailway for a 25-year term.

Authority is requested for the County of Westchester to enter into a lease agreement with the State of New York (the "State") for the use of real property consisting of approximately 20.8 miles with varying widths in the Towns of Mount Pleasant, New Castle, Yorktown and Somers (the "Property") to operate the North County Trailway (the "Trailway") for a 25-year term.

The Property runs from Eastview to the Putnam County line, and has been leased from the State since 1994 under a 25-year lease agreement. It is proposed that the parties enter into a new lease for a term of 25 years. Under the lease agreement, the County will be responsible for all maintenance of and improvements to the Property. The rent will be \$1.00. The County will be required to defend and indemnify the State against any claims arising from the use of the Property, including personal injury, property damage, death or contamination to the environment.

The Trailway was constructed in sections beginning in the 1980s and has not had any capital projects or major work done since that time. The Trailway is a very popular recreational and transportation facility and is heavily used. The County has begun designing improvements to continue providing a safe and enjoyable experience to Trailway users. This lease agreement is required before the County may commence construction of the improvements.

The Board of Legislators authorized this lease pursuant to Local Law Intro No. 11174-2018 on October 1, 2018.

This lease is exempt from the operation of the Westchester County Procurement Policy pursuant to Section 3 (b) thereof.

I recommend the adoption of the annexed Resolution.

KOC/DLV/dv

RESOLUTION

Upon a communication from the Commissioner of Parks, Recreation and Conservation, be it

RESOLVED, that the County of Westchester (the "County") is authorized to enter into a lease agreement with the State of New York (the "State") for the use of real property consisting of approximately 20.8 miles with varying widths in the Towns of Mount Pleasant, New Castle, Yorktown and Somers (the "Property") to operate the North County Trailway for a 25-year term; and be it further

RESOLVED, that under the lease agreement, the County shall be responsible for all maintenance of and improvements to the Property. The rent shall be \$1.00; and be it further

RESOLVED, that the lease agreement shall provide that the County shall defend and indemnify the State against any claims arising from the use of the Property, including personal injury, property damage, death or contamination to the environment; and be it further

RESOLVED, that the County Executive or his authorized designee is hereby authorized to execute any documents and take any actions reasonably necessary and appropriate to effectuate the purposes of this Resolution.

Account to be Charged/credited	Fund	Agency	Capital Project Or Org	Object/ Sub Object	Trust Account	Activity	Dollars
	165	42	1100	4380			\$1.00

Budget Funding Year(s) 2018 Start Date upon execution End Date 25 years from execution
 (must match resolution)

Funding Source Tax Dollars _____ x _____
 State Aid _____
 Federal Aid _____
 Other _____

APPROVED BOARD OF ACQUISITION & CONTRACT - 1/29/2018 - JONATHAN SCIARDI, SECRETARY