

**ID 66073**

November 15, 2018

To: Honorable Members of the Board of Acquisition and Contract

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

Re: **Request for Authority for the County of Westchester (the "County") to enter into an assignment and assumption agreement with Continental Hosts, Ltd., ("Continental") and Homestyle Hospitality, Inc., ("Homestyle") pursuant to which Continental will assign and Homestyle will assume all of Continental's right, title and interest in and to Continental's lease with the County for the Glen Island Casino.**

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Authority is hereby requested for the County to enter into an assignment and assumption agreement (the "Assignment") with Continental and Homestyle pursuant to which Continental will assign and Homestyle will assume all of Continental's right, title and interest in Continental's lease with the County for Glen Island Casino (a/k/a Glen Island Harbour Club).

As your Honorable Board is aware, Local Law 17-1996 authorized County to enter into a lease agreement (the "Lease") with Continental for a term beginning October 1, 1997 and continuing through September 30, 2007. The Lease was duly executed. Thereafter, Local Law 8-2004 authorized the County to amend and extend the Lease to a new termination date of September 30, 2027. The Lease Amendment was duly executed. Under the terms of the Lease, as amended, effective October 1, 2004, the County was paid a fixed annual rental payment of One Hundred Thousand (\$100,000.00) Dollars, with five (5%) percent annual increases thereafter. Additionally, effective October 1, 2004, Continental paid to the County, as additional rent, 5% of annual gross receipts exceeding \$1,000,000. Every five (5) years thereafter, the additional rent shall be increased by one-half of a percentage point through September 30, 2027. Furthermore, upon execution of the above amendment, but no later than October 1, 2004, the security deposit was increased to One Hundred Thousand (\$100,000.00) Dollars and every five (5) years thereafter, the security deposit amount will be increased to equal the then-current fixed yearly rental payment. All improvements are subject to the approval of the County Department of Parks, Recreation and Conservation and the Department of Public Works and Transportation.

The County has been notified that Continental desires to sell and assign and Homestyle desires to assume all of Continental's assets and assigned interests at Glen Island Casino, including the Lease, as amended. Accordingly, authority of your Honorable Board is hereby requested to enter into the Assignment and Assumption agreement to ensure continued operations of the Glen Island Casino in accordance with the Lease, as amended.

This Assignment agreement is not subject to the operation of the Westchester County Procurement Policy pursuant to Section 3(b) thereof.

Pursuant to Article 13 of the Lease, Continental shall not permit, cause or allow this Lease to inure to the benefit of any corporation without obtaining the prior written consent of the Commissioner of Parks, Recreation and Conservation, which requires approval by the Westchester County Board of Legislators, as to the proposed successor in interest and as to the instrument of assignment. As time is of the essence for getting this Assignment executed, it is necessary to seek the approval of your Honorable Board prior to the approval of the Board of Legislators. The Assignment shall not, however, be effective unless and until the Board of Legislators approves this Assignment. Appropriate legislation is being submitted to the Board of Legislators for consideration at its next meeting.

I urge your favorable action of the proposed Resolution.

KOC/TSA/mg

APPROVED BOARD OF ACQUISITION & CONTRACT - 11/15/2018 - LISA M. B. SECRETARY

RESOLUTION

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

**RESOLVED**, that the County of Westchester (the “County”) is hereby authorized to enter into an assignment and assumption agreement (the “Assignment”) with Continental Hosts, Ltd., (“Continental”) and Homestyle Hospitality, Inc., (“Homestyle”) pursuant to which Continental will assign and Homestyle will assume all of Continental’s interest in its lease with the County for Glen Island Casino which has a termination date of September 30, 2027 (the “Lease”); and be it further

**RESOLVED**, that this Assignment shall be subject to approval by the Westchester County Board of Legislators; and be it further

**RESOLVED**, that all other terms and conditions of the Lease, as amended, shall remain the same and in full force and effect; 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	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	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 \_\_\_\_\_