

66234

November 27, 2018

To: Board of Acquisition and Contract

From: Hugh J. Greechan, Jr., P.E.
Commissioner of Public Works and Transportation

Gary A. Friedman, Esq.
Director of Real Estate
Office of the County Executive

Re: **Resolution authorizing the County of Westchester to enter into a License Agreement with Algonquin Gas Transmission, LLC, for the use of vacant property located at Crompond Road at the intersection of Routes 202/35 in the Town of Yorktown, for the period of January 1, 2019 through December 31, 2019. (License Agreement No. 18-934)**

The attached Resolution, if approved by your Honorable Board, would authorize the County of Westchester (the "County") to enter into a license agreement (the "Agreement") with Algonquin Gas Transmission, LLC ("Algonquin"), for the use of a portion of those certain plots, pieces or parcels of land which are part of Section 3.9, Lot 42.1 on the tax assessment map of the Town of Yorktown, also known as Lots "A" and "B", as described and marked specifically in Schedule "A" which is attached hereto and made a part hereof, located at Crompond Road at the intersection of Routes 202/35 in the Town of Yorktown, to be used for the storing, welding and testing of pipe and valve assembly operations, and for the storing of other pipeline related materials including construction equipment, in connection with the construction of a new underground gas pipeline. The term of this license agreement will be January 1, 2019 through December 31, 2019 with the County having the sole option to renew the Agreement for one one-year period. As compensation for the privilege of operating this license for said term, Algonquin shall pay the County a license fee in the amount of \$175,000.00.

It shall be Algonquin's sole responsibility to obtain all necessary permits and approvals for any contemplated uses of the Licensed Premises from all Federal, State, County and municipal governments and authorities. It should be noted by your Honorable Board, that if Algonquin requires further use of the licensed property at the termination of this license, the parties will negotiate the terms of a new license agreement at that time.

Board of Acquisition and Contract
License Agreement No. 18-934
Algonquin Gas Transmission, LLC
Use of Property at Crompond Road a/k/a Routes 202/35
Town of Yorktown, New York
Page 2

The objective of this license agreement is in the County's best interest as it meets a public need by facilitating the development of a larger gas line transmission system while providing significant revenue to the County for the use of vacant property. The Licensee's work within the licensed area will be monitored by the County's Department of Public Works & Transportation personnel.

This agreement is exempt from the Westchester County Procurement Policy and Procedures pursuant to Section 3(b) thereof.

A resolution is attached for your favorable consideration.

HJG/GAF/jrc
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 11/25/2018 JOAN COCCIARDI, SECRETARY

RESOLUTION

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

RESOLVED, that the County of Westchester is hereby authorized to enter into a license agreement with Algonquin Gas Transmission, LLC for the use of a portion of those certain plots, pieces or parcels of land which are part of Section 3.9, Lot 42.1 on the tax assessment map of the Town of Yorktown, also known as Lots "A" and "B" as described and marked specifically in Schedule "A" which is attached hereto and made a part hereof, and located at Crompond Road at the intersection of Routes 202/35 in the Town of Yorktown (the "Premises"), for the period of one year from January 1, 2019 through December 31, 2019, with the County having the sole option to renew the Agreement for one one-year period; and be it further

RESOLVED, that as compensation for the privilege of operating this license, Algonquin Gas Transmission, LLC shall pay the County a license fee in the amount of \$175,000.00; and be it further

RESOLVED, that it shall be the sole responsibility of Algonquin Gas Transmission, LLC to obtain all necessary permits and approvals for any contemplated uses of the Licensed Premises from all Federal, State, County and municipal governments and authorities; and be it further

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

License Agreement No. 18-934

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
	101	46	3300	9274		\$175,000.00

Budget Funding Year(s) 2019 Start Date 01/01/19 End Date 12/31/19
 (must match resolution)

Funding Source: Tax Dollars _____
 State Aid _____
\$175,000.00 Federal Aid _____
 (must match resolution) Other Revenue _____