

66280

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

DATE: November 27, 2018

SUBJECT: Resolution authorizing the County of Westchester (the "County") to enter into agreements with Ronarita Realty Company, Inc. (Agreement No. 14-943) and Elm Street, LLC (Agreement No. 14-944) pursuant to which the County will release each organization from temporary easements granted by them to the County in connection with the County's project to rehabilitate the Ashford Avenue Bridge (the "Project").

As you may recall, on December 16, 2013, the Westchester County Board of Legislators ("BOL") approved Act No. 2013-204 which authorized the County of Westchester ("County") to accept appraisals, establish just compensation, and make written offers to four (4) property owners, Ronarita Realty Company, Inc. ("Ronarita"), Elm Street, LLC ("Elm"), the Village of Ardsley (the "Village") and C.A.N.T. Realty, LLC ("C.A.N.T.") (collectively the "Property Owners") and enter into temporary easements with each Property Owner, in connection with the Project. On October 23, 2014 your Honorable Board approved a resolution (the "2014 Resolution") which authorized the County to enter into temporary easement agreements with each Property Owner in connection with the Project (collectively the "Easement Agreements").

Thereafter, the County appraised each property and offers of just compensation were made to each of the four (4) Property Owners. While Elm, the Village and C.A.N.T. were satisfied with the offers that the County made, Ronarita requested a re-analysis of the appraisals made for its property (i.e., Parcels 1 and 2). In response to Ronarita's request, the County retained an appraiser to conduct a re-analysis of appraisal data and the resulting conclusions. Based upon this re-analysis, the approved appraised value of Parcels 1 and 2 was increased from \$27,500.00 to \$35,000.00.

Thereafter, by Act No. 11-2015, approved on February 9, 2015, the BOL authorized the County to: (i) accept a revised appraisal review for Parcels 1 and 2 and increase the appraised value of Parcels 1 and 2 from \$27,500.00 to \$35,000.00; (ii) revise its offer of just compensation to Ronarita by increasing the offer of just compensation from \$27,500.00 to \$35,000.00; and (iii) enter into a temporary easement agreement with Ronarita based on the revised offer of just compensation. On February 12, 2015 your Honorable Board approved a resolution (the "2015 Resolution") which authorized the County to amend the 2014 Resolution in order to increase the amount to be paid to Ronarita for the temporary easement rights to Parcels 1 and 2 from \$27,500.00 to an amount not to exceed \$35,000.00, based on the revised offer of just compensation.

Board of Acquisition and Contract
Agreement No's 14-943 and 14-944
Ronarita Realty Company, Inc. and Elm Street, LLC
Release from Temporary Easements Granted by Them to the County
Ashford Avenue Bridge Project
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The Easement Agreements with each of the four (4) Property Owners were thereafter executed for terms commencing on August 15, 2015 through August 14, 2019.

The Project has been completed earlier than expected and the County no longer requires the temporary easement rights granted by Ronarita and Elm. It is important that the temporary easements be released in order to minimize the County's responsibility for the affected properties. Accordingly, authority is respectfully requested to enter into separate agreements with both Ronarita and Elm, pursuant to which the County will release each organization from the temporary easements granted by them to the County in connection with the Project, effective upon full execution of each agreement. In addition, each agreement will require Ronarita and Elm to release the County from any and all liability related to the Project and the Easement Agreements.

It should be noted that the County will not be seeking early termination of the Village or C.A.N.T. easements. The Village parcel is grass, a parking area for the County's South County Trailway, and an access path to the Trailway. The public has been using the parking area since it was paved in December 2017 and always had access via the path onto the Trailway during construction. As such, a release is not necessary. In addition, the C.A.N.T. property is not being used by anyone as it is in an inaccessible back yard.

A Resolution to accomplish the foregoing is attached hereto.

HG/KMR/JPG

RESOLUTION

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

RESOLVED, that the County of Westchester (“County”) is authorized to enter into agreements with Ronarita Realty Company, Inc. (“Ronarita”) and with Elm Street, LLC (“Elm”) (the “Agreements”), pursuant to which the County will release these organizations from temporary easements granted by them to the County in connection with the County’s project to rehabilitate the Ashford Avenue Bridge (the “Project”); and be it further

RESOLVED, that the Agreements shall also require both Ronarita and Elm to release the County from any and all liability related to the Project and the temporary easements; and be it further

RESOLVED, that each Agreement shall become effective upon full execution of each Agreement; and be it further

RESOLVED, that the County Executive or his duly appointed designee be, and hereby is, authorized to take such actions and execute such documents as may be necessary and appropriate to effect the purposes hereof.

Agreement No. s 14-943 and 14-944

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Bond Act No.	Dollars
			N/A			N/A

Budget Funding Year(s) _____ Start Date _____ End Date _____
(must match resolution)

Funding Source: Tax Dollars _____ N/A _____
 State Aid _____
 \$ _____ Federal Aid _____
(must match resolution) Other _____