

68753

TO: Board of Acquisition and Contract

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

DATE: March 26, 2019

SUBJECT: AGREEMENT NO. 19-803
Resolution authorizing the County of Westchester to enter into an agreement with Francis Hagenah to obtain access to and for construction staging on property located adjacent to the North County Trailway.

Authority is requested for the County of Westchester (the "County"), acting by and through its Department of Public Works and Transportation (the "Department"), to enter into an access agreement with Francis Hagenah, for property located at 690 Saw Mill River Road, Yorktown Heights, New York ("Hagenah Property") in order to obtain access to and for construction staging on the Hagenah Property which is located adjacent to the North County Trailway. The agreement will be for a term from June 3, 2019 through December 3, 2019. No funds will be exchanged between the parties during the term of the agreement. Pursuant to the terms of the agreement, the County will indemnify, defend and hold Francis Hagenah harmless from and against any liability, injury, loss or damage arising directly out of, and to the extent attributable to, the negligent acts or omissions hereunder by the County.

The Department has advised that a slope of the North County Trailway has been washed out. The repair work will include installation of two culverts and associated stream bank lining as well as installation of temporary stream crossing structure, stabilized stone pad and gravel roadway. During the construction activity, landscaping on the adjacent property may be damaged by construction equipment needed to complete the slope rehabilitation. Pursuant to the terms of the agreement, the County will remove all temporary structures and restore the landscaping after the completion of the rehabilitation project.

The agreement is necessary for the rehabilitation of the slope to allow the County access to the construction site and for staging during the project. This project is in the public's best interest in that successful completion of the repairs will increase safety for pedestrians and bicyclists who use the North County Trailway.

The goal and objective of the agreement is to provide access and construction staging to repair the North County Trailway washed out slope.

The agreement is exempt from the County of Westchester Procurement Policy and Procedures pursuant to Section 3(b), which states that this policy shall not apply to real property leases, licenses and concessions.

I recommend the approval of the attached proposed Resolution.

HJG/DLV
Attachment

