

ID69942

Date: May 28, 2019

To: Honorable Members of the  
Board of Acquisition and Contract

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

Re: Request Authority for the County of Westchester to retroactively amend an agreement with the New York State Department of Environmental Conservation, in order to exercise the first (1<sup>st</sup>) of the County's three (3) options to renew the term of the Agreement for ten (10) years, which ten (10) year term is to commence retroactive to February 2, 2016 and to expire on February 1, 2026, for the purpose of continuing to maintain and operate certain amenities at the Montrose Point Unique Area for the safe and enjoyable use of the public.

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By resolution approved on December 22, 2005 ("2005 Resolution"), your Honorable Board authorized the County of Westchester ("County"), acting by and through its Department of Parks, Recreation and Conservation ("Department") to enter into an agreement ("Agreement") with the New York State Department of Environmental Conservation ("NYSDEC"), pursuant to which the County manages and operates certain amenities at the property owned by NYSDEC known as the Montrose Point Unique Area ("Site") located next to the Hudson River, for the safe and enjoyable use of the public. The Site connects to the County's Georges Island Park and furthers the development of an extended Hudson River Greenway Trail. The Agreement provides for a term of ten (10) years, commencing on February 2, 2006, with three (3) options to renew the term of the Agreement for three (3) additional terms of ten (10) years each. The Agreement was duly executed on February 2, 2006.

Since the term of the Agreement expired on February 1, 2016, without the County exercising its right to renew the term of the Agreement, the County now seeks the authority of your Honorable Board to retroactively amend the Agreement with NYSDEC in order to exercise the first (1<sup>st</sup>) of the County's three (3) options to renew the term of the Agreement for an additional term of ten (10) years, to commence retroactive to February 2, 2016 and to expire on February 1, 2026.

Except as specifically amended as described herein, all other terms and conditions set forth in the Agreement shall remain unchanged and in full force and effect.

Accordingly, I recommend and urge your Honorable Board's approval of the annexed Resolution.  
KMO/CMC

**RESOLUTION**

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

**RESOLVED**, that the County of Westchester (“County”) is hereby authorized to retroactively amend the agreement (“Agreement”) with the New York State Department of Environmental Conservation, in order to exercise the first (1<sup>st</sup>) of the County’s three (3) options to renew the term of the Agreement for a term of ten (10) years, to commence retroactive to February 2, 2016 and to expire on February 1, 2026, upon the same terms and conditions; and be it further

**RESOLVED**, that, except as specifically amended hereby, all other terms and conditions set forth in the Agreement shall remain unchanged 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.

Agreement TOTAL     \$0.00

Agreement #  
Account to be  
Charged/Credited

Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub- Object	Trust Account	Dollars

Budget Funding Year(s) 2016-2026 Start Date 02/02/16 Date 02/01/26  
(must match resolution)

Funding Source                      Tax Dollars \_\_\_\_\_

State Aid \_\_\_\_\_

\$ 0.00                                      Federal Aid \_\_\_\_\_  
(must match resolution)

Other \_\_\_\_\_