

70159

DATE: June 11, 2019

TO: Board of Acquisition and Contract

FROM: Norma V. Drummond
Commissioner of Planning

SUBJECT: Resolution authorizing the County of Westchester to execute an amendment to the AFFH Development Subsidy Agreement with Migi Asset Acquisition, LLC to purchase and subsequently convey +/- 0.17 acre of real property located at 98 Washington Avenue, Village of Pleasantville, and to provide development financing all in support of the fair and affordable housing development to be constructed in order to change the expiration date and change to scope of services.

On November 23, 2016, your Honorable Board approved a Resolution authorizing the County of Westchester ("County"), to enter into agreements to (i) purchase +/-0.17 acre of real property located at 98 Washington Avenue, Village of Pleasantville, identified on the tax maps Section: 106.6, Block: 1, Lot: 44 (the "Property") from Migi Asset Acquisition, LLC, its successors or assigns (collectively the "Developer") or the current owner(s) of record for an amount not to exceed \$1,800,000 which will be funded from Capital Project BPL10 - New Homes Land Acquisition II, and (ii) convey fee title to the Property to the Developer, their successors or assigns, for One (\$1.00) Dollar all in support of the construction of 14 affordable affirmatively further fair housing ("AFFH") rental units (the "Affordable AFFH units") to be constructed thereon (the "Development") and to grant and accept all necessary property rights in connection therewith. The 14 units will be affordable for households with incomes at or below 50% and 60% of the Westchester County Area Median Income ("AMI"). The term of the agreement beginning on December 2, 2016 and ending on December 1, 2018.

The parties now desire to amend the Agreement in order to change the scope of services and the expiration date from December 1, 2018 to June 30, 2020. The additional time is needed as the original contractor couldn't complete the required work and was terminated. The developer requested new bids and a new contractor was recently hired. Additionally, the developer needed to seek additional funds to correct some unforeseen structural conditions exposed during the construction process. The additional funds have been secured and construction can now resume.

The goal and objective of this agreement remains to carry out the County's obligations under the Settlement Agreement by constructing affordable AFFH units in accordance with the terms of said Settlement Agreement. In addition, the Development, which will be safe, secure and energy

efficient, will provide rental opportunities for lower and moderate income individuals and families who may not otherwise be able to afford to live in Westchester County. Department of Planning staff will monitor and track construction of the Development.

I recommend approval of this amendment.

NVD//cp/
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 07/03/2019 - LISA MRIJAJ, SECRETARY

RESOLUTION

UPON A COMMUNICATION FROM THE COMMISSIONER OF PLANNING BE IT HEREBY

RESOLVED, that the County of Westchester is hereby authorized to amend the agreement with Migi Asset Acquisition, LLC to provide funding in an amount not to exceed \$993,000.00 in Capital Project BPL50 – Fair and Affordable Housing funds to finance construction of development located at 98 Washington in the Village of Pleasantville, in order to change scope of services and to change the expiration date from December 1, 2018 to June 30, 2020; and be it further

RESOLVED, that except as specifically amended hereby, all the other terms and conditions of the Agreement will remain the same; and it is further

RESOLVED, that the County Executive or his duly authorized designee is authorized to execute any documents and take any actions necessary to effectuate purposes hereof.

Original Agreement \$993,000
 This Amendment \$ 0

 TOTAL \$993,000

AGREEMENT NUMBER C-FAH-16-83

Account to be
 Charged/Credited

Account to be
 Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
19	318	BPL50-57-S Bond Act 175-2016	6050	N/A	\$0

Budget Funding Year(s) FY 2016

FAH Development Agreement: Start Date: December 2, 2016 End Date: June 30, 2020

Funding Source Tax Dollars \$0
 State Aid _____
\$0 Federal Aid _____
 (must match resolution) Other _____