

73191

December 10, 2019

To: Honorable Board of Acquisition and Contract

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

Re: Authority for the County of Westchester to amend a lease agreement with 130 Modern Commercial, LLC for 9,327 square feet of space located at 130 Mount Vernon Avenue, Mount Vernon, New York for a term commencing March 1, 2018 and expiring January 31, 2023, in order to extend the term of the lease for an additional twenty years to January 31, 2043. (Lease Agreement No. 18-900)

On December 7, 2017, your Honorable Board approved a Resolution authorizing the County of Westchester (the "County") to enter into a lease agreement (the "Lease") with 130 Modern Commercial, LLC (the "Landlord") for 9,327 square feet of space located at 130 Mount Vernon Avenue, Mount Vernon, New York (the "Leased Premises") for a term commencing February 1, 2018 and expiring January 31, 2023 (the "Original Term"). The County entered into the Lease on the same day. On January 18, 2018, the County and the Landlord entered into an amendment of the Lease (the "First Amendment"), to change the commencement date of the Lease from February 1, 2018 to March 1, 2018.

Authority is requested for the County to extend the term of the Lease for an additional twenty (20) years to January 31, 2043. Pursuant to the Lease, the County is paying fixed rent in an amount not to exceed \$886,071.00 over the Original Term. Under this proposed amendment (the "Second Amendment"), the Lease term is being extended for twenty (20) years through January 31, 2043 (the "Extension Term"). For the Extension Term, the County will pay the Landlord fixed rent in an amount not to exceed \$5,002,568.18 in monthly installments, at the rates set forth in the proposed Second Amendment, bringing the total amount of fixed rent that the County will pay to the Landlord under the Lease and the Second Amendment to \$5,888,639.18. Under the Lease the County also pays, and will continue to pay for the Extension Term, additional rent at the rate of \$2,331.75 per month, which covers operating and service expenses associated with the County's use of the Leased Premises.

Board of Acquisition and Contract
Second Amendment to Lease Agreement No. 18-900
130 Modern Commercial, LLC
Space at 130 Mount Vernon Avenue, Mount Vernon, New York
One Stop Employment Center
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The Leased Premises are occupied by one of the County's One Stop Employment Centers ("One Stop Center(s)"). The Lease has enabled the reorganization of the One Stop Centers. This One Stop Center at the Leased Premises successfully combined the Mount Vernon One Stop and the White Plains One Stop. In terms of location, the Leased Premises are a very short walk to the Mount Vernon train station and there are a number of bus lines in the vicinity. Additionally, because the location straddles the border with Yonkers, the Yonkers population is also being served. By relocating portions of the White Plains office and the entire Mount Vernon office, and co-locating Department of Social Services employment staff there, the County has a major One Stop Employment Center convenient to where 60% of the potential client base resides: in Yonkers and Mount Vernon.

On December 3, 2019, the Board of Legislators adopted Local Law Intro 12242-2019 authorizing the Second Amendment to the Lease. This lease agreement is exempt from the operation of the Westchester County Procurement Policy pursuant to Section 3(b) thereof.

Approval of the attached Resolution by your Honorable Board is requested.

HJG/DLV/dlv

RESOLUTION

Lease Agreement No. 18-900, Second Amendment

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

RESOLVED, that the County of Westchester (the "County") is hereby authorized to amend the lease agreement (the "Lease") with 130 Modern Commercial, LLC (the "Landlord"), the term of which commenced on March 1, 2018 and expires on January 31, 2023 (the "Original Term") for 9,327 square feet of space located at 130 Mount Vernon Avenue, Mount Vernon, New York (the "Leased Premises"), in order to extend the term of the Lease for an additional twenty (20) years to January 31, 2043 (the "Extension Term"); and be it further

RESOLVED, that for the Extension Term, the County shall pay the Landlord fixed rent in an amount not to exceed \$5,002,568.18 in monthly installments at the rates set forth in the proposed amendment, for an aggregate fixed rent payable under the Lease and the amendment not to exceed \$5,888,639.18; and be it further

RESOLVED, that all other terms and conditions of the Lease, as previously amended, shall remain unchanged; 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.

RESOLUTION

Lease Agreement No. 18-900, Second Amendment

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
	101	22	4000	4380		\$89,772.37 (2018)
	275	22	9119	5280	T-911	\$89,772.38 (2018)
	101	46	3300	4320		\$200,150.00 (2019)
	101	46	3300	4320		\$204,805.75 (2020)
	101	46	3300	4320		\$209,470.25 (2021)
	101	46	3300	4320		\$214,132.50 (2022)
	101	46	3300	4320		\$219,650.63 (2023)
	101	46	3300	4320		\$225,400.70 (2024)
	101	46	3300	4320		\$231,323.29 (2025)
	101	46	3300	4320		\$237,423.42 (2026)
	101	46	3300	4320		\$243,707.12 (2027)
	101	46	3300	4320		\$250,179.30 (2028)
	101	46	3300	4320		\$256,845.20 (2029)
	101	46	3300	4320		\$263,711.42 (2030)
	101	46	3300	4320		\$270,783.36 (2031)
	101	46	3300	4320		\$278,067.40 (2032)
	101	46	3300	4320		\$283,272.01 (2033)
	101	46	3300	4320		\$288,377.82 (2034)
	101	46	3300	4320		\$293,585.70 (2035)
	101	46	3300	4320		\$298,897.80 (2036)
	101	46	3300	4320		\$304,316.17 (2037)
	101	46	3300	4320		\$309,842.85 (2038)
	101	46	3300	4320		\$315,480.10 (2039)
	101	46	3300	4320		\$321,227.09 (2040)
	101	46	3300	4320		\$327,094.11 (2041)
	101	46	3300	4320		\$333,077.38 (2042)
	101	46	3300	4320		\$ 27,798.06 (2043)

Budget Funding Year(s) 2018-2043 Start Date 02/01/2018 End Date 01/31/2043
 (must match resolution)

Funding Source: Tax Dollars \$6,498,391.80

State Aid _____

\$6,588,164.18 Federal Aid _____
 (must match resolution)

Other \$89,772.38 (WIA)