

73392

TO: Board of Acquisition and Contract

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

DATE: December 17, 2019

SUBJECT: Authorization to extend the term of Agreement No. 19-803 with Francis Hagenah to obtain access to and for construction staging on property located adjacent to the North County Trailway, retroactively from December 3, 2019 until June 30, 2020.

By Resolution approved on April 18, 2019 your Honorable Board authorized 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 term of the agreement was from June 3, 2019 through December 3, 2019, with no funds being 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 all 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 agreement was subsequently executed.

Contract completion for the North County Trailway slope repair has been delayed due to field issues that were encountered and Department of Environmental Protection involvement. Therefore, the County is requesting an extension of Agreement No. 19-803 retroactively from December 3, 2019 to June 30, 2020. All other terms and conditions of Agreement No. 19-803 will remain in full force and effect and unchanged.

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.

I recommend the approval of the attached proposed Resolution.

HJG/ku

RESOLUTION

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

RESOLVED, that the County of Westchester (the "County"), acting by and through its Department of Public Works and Transportation (the "Department"), be and is hereby authorized to amend Agreement No. 19-803 (the "Agreement") with Francis Hagenah, 690 Saw Mill River Road, Yorktown Heights, New York 10598 (the "Hagenah Property"), for access to and for construction staging on the Hagenah Property in order to facilitate the construction completion of the North County Trailway slope repair project, by extending the term retroactively from December 3, 2019 to June 30, 2020; and be it further

RESOLVED, that all other terms and conditions of the Agreement will remain in full force and effect and unchanged; and be it further

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

Agreement No. 19-803

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): N/A **Start Date:** June 3, 2019 **End Date:** June 30, 2020
(must match resolution)

Funding Source: **Tax Dollars** N/A

State Aid _____

_____ **Federal Aid** _____

(must match resolution)

Other _____