

**76155**

Date: April 21, 2020

To: The Honorable Board of Acquisition and Contract

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

Gary A. Friedman, Esq.  
Director of Real Estate

Re: **Request for authority for the County of Westchester ("County") to enter into a five (5) year lease agreement ("Lease") with the City of Yonkers ("City") for 3,747 square feet of space at the City's Cacace Justice Center, 104 South Broadway, Yonkers, New York for the period December 1, 2020 through November 30, 2025 for a rental amount of \$115,107.84 per year. (Lease Agreement No. 20-918)**

As your Honorable Board may know, in 1990, the County entered into a five (5) year lease agreement with the City for 3,747 square feet of space at the City's Cacace Justice Center, located at 104 South Broadway, Yonkers, New York ("Premises"). Since then, subsequent five year lease agreements have been executed and the current lease is due to expire on November 30, 2020. The District Attorney uses the Cacace Justice Center as its Yonkers District Office and wishes to maintain this facility in Yonkers. Accordingly, authority is hereby requested for the County to enter into a five (5) year Lease with the City for 3,747 square feet of space at the Cacace Justice Center, 104 South Broadway, Yonkers, New York, for a term commencing on December 1, 2020 and terminating on November 30, 2025 at a rental rate as follows:

<u>Year</u>	<u>Monthly Rent</u>	<u>Annual Rent</u>
1 (12/01/20-11/30/21)	\$9,592.32	\$115,107.84
2 (12/01/21-11/30/22)	\$9,592.32	\$115,107.84
3 (12/01/22-11/30/23)	\$9,592.32	\$115,107.84
4 (12/01/23-11/30/24)	\$9,592.32	\$115,107.84
5 (12/01/24-11/30/25)	\$9,592.32	\$115,107.84

This gross rent includes cleaning, maintenance, heat and air conditioning services. The County will be required to pay for its electric service. The Lease will require the City to complete certain improvements to the Premises, including replacement of floor tile, carpet, painting and installation of new window blinds.

It should be noted that the rent for the new lease will be the same as the rent for the last year of the existing lease.

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Lease Agreement No. 20-918  
City of Yonkers  
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It should be further noted that pursuant to the terms of the Lease, the County shall agree to “indemnify and save the City and its designee harmless from and against any and all claims against the City arising solely out of the wrongful acts or negligence of the County, its agents, employees or contractors during the term of this lease for damage or injuries to goods, wears, merchandise and property and/or for any personal injury or loss of life in, upon or about the demised premises or the building, or on the sidewalks adjoining the building, provided that the County shall receive prompt notice from the City of any such claim and shall be entitled to defend any such claim at the County’s cost and expense with attorneys selected by the County.”

The public purpose of this agreement is to provide for the continuation of the operation of the District Attorney’s Office in Yonkers so that essential services can be provided to Westchester residents in this area.

This agreement will be monitored by the Department of Public Works and Transportation.

This Lease is exempt from the County’s Procurement Policy pursuant to Section 3(b) thereof.

Accordingly, attached for your consideration is a resolution which, if approved, would authorize the County to enter into a new five (5) year lease with the City for space at the Cacace Justice Center. Approval of the attached resolution is most respectfully recommended.

Attachment

APPROVED BOARD OF ACQUISITION & CONTRACTS  
04/20/2020  
LESLIE RIJAJ, SECRETARY

# RESOLUTION

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

**RESOLVED**, that the County of Westchester (“County”) is authorized to enter into a five (5) year Lease Agreement, subject to appropriations, with the City of Yonkers (“City”), for 3,747 square feet of space at the City’s Cacace Justice Center, 104 South Broadway, Yonkers, New York (“Premises”), for the term commencing on December 1, 2020 and terminating on November 30, 2025 (the “Lease”), at rental rates as follows:

<u>Year</u>	<u>Monthly Rent</u>	<u>Annual Rent</u>
1 (12/01/20-11/30/21)	\$9,592.32	\$115,107.84
2 (12/01/21-11/30/22)	\$9,592.32	\$115,107.84
3 (12/01/22-11/30/23)	\$9,592.32	\$115,107.84
4 (12/01/23-11/30/24)	\$9,592.32	\$115,107.84
5 (12/01/24-11/30/25)	\$9,592.32	\$115,107.84

and be it further

**RESOLVED**, that the rental amount includes cleaning, maintenance, heat and air conditioning services. The County will be required to pay for its electric service; and be it further

**RESOLVED**, that the Lease will require the City to complete certain improvements to the Premises, including replacement of floor tile, carpet, painting and installation of new window blinds; and be it further

**RESOLVED**, that pursuant to the terms of the Lease, the County shall agree to “indemnify and save the City and its designee harmless from and against any and all claims against the City arising solely out of the wrongful act or negligence of the County, its agents, employees or contractors during the term of the lease for damage or injuries to goods, wears, merchandise and property and/or for any personal injury or loss of life in, upon or about the demised premises or the building, or on the sidewalks adjoining the building, provided that the County shall receive prompt notice from the City of any such claim and shall be entitled to defend any such claim at the County’s cost and expense with attorneys selected by the County”; and be it further

**RESOLVED**, that the County Executive or his duly authorized designee, is hereby authorized and empowered to execute any and all documents necessary and appropriate to effectuate the purposes hereof.

### Lease Agreement No. 20-918

Account to be Charged/credited	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
	101	46	3300/3345	4320		\$ 9,592.32 (2020)
	101	46	3300/3345	4320		\$115,107.84 (2021)
	101	46	3300/3345	4320		\$115,107.84 (2022)
	101	46	3300/3345	4320		\$115,107.84 (2023)
	101	46	3300/3345	4320		\$115,107.84 (2024)
	101	46	3300/3345	4320		\$105,515.52 (2025)

Budget Funding Year(s) 2020-2025 Start Date 12/01/2020 End Date 11/30/2025  
 (must match resolution)

Funding Source Tax Dollars 100% County  
 State Aid \_\_\_\_\_  
 Federal Aid \_\_\_\_\_  
\$575,539.20  
 (must match resolution) Other \_\_\_\_\_