



Westchester Community College

State University of New York

TO: Board of Acquisition and Contract

FROM: Dr. Belinda S. Miles
President, Westchester Community College

Gary A. Friedman
Director of Real Estate

DATE: April 27, 2020

RE: Authorization to enter into a Lease with Yonkers Center, LLC for approximately 33,672 square feet of space at 20 South Broadway, Yonkers, for the Westchester Community College's Educational Opportunity Center for a term of eight months commencing on May 1, 2020 and expiring on December 31, 2020 at a monthly fixed minimum rent amount of \$64,958.90 for a total fixed minimum rent amount not to exceed \$519,671.20.

Authority is respectfully requested from your Honorable Board for the County of Westchester (the "County"), acting by and through the Westchester Community College ("WCC") to enter into a lease agreement (the "New Lease") with Yonkers Center, LLC (the "Landlord") for approximately 33,672 square feet of space at 20 South Broadway, Yonkers (the "Premises"), for the Westchester Community College's Educational Opportunity Center ("EOC") for a term of eight months commencing on May 1, 2020 and expiring on December 31, 2020 at a monthly fixed minimum rent amount of \$64,958.90 for a total fixed minimum rent amount not to exceed \$519,671.20.

The EOC has occupied the Premises since 1995. Pursuant to Local Law 2011-2, the County Board of Legislators authorized the County to enter into a ten (10) year lease agreement (the "Current Lease") with VIF 20 South Broadway, LLC, the prior owner of

the Premises, from May 1, 2010 through April 30, 2020. Ownership has since changed hands twice with the Landlord being the owner since 2018. WCC anticipates entering into a new long-term lease with the Landlord for the Premises once all of the terms have been negotiated. With the Current Lease expiring this month, the New Lease is required for WCC to continue to utilize the Premises for the EOC until December 31, 2020, by which time the details of the long term occupancy will be negotiated and further approval of the Board of Legislators and your Honorable Board will be requested.

The Landlord has agreed that the terms of the New Lease will be consistent with those of the Current Lease. The fixed minimum rent stated above is at the same annual rate (\$779,506.80 per annum) as the final year of the Current Lease. The County shall be responsible to pay its proportionate share of any increase in taxes exceeding the amount of taxes paid during the tax year 2009/2010 under the Current Lease. The County shall also pay for increases in the cost of operations (including expenses incurred in operation, maintenance and repair of the building) incurred by the Landlord. If the Landlord's costs of operating the building are greater than the costs of operation for the year 2010 under the Current Lease, the County shall pay its proportionate share of the increase over the year 2010. The County shall also be responsible to pay for all electricity consumed in the Premises.

The public purpose of this agreement is to provide for the continuation of the operation of the EOC in Yonkers in order to provide essential educational services to Westchester residents in this area. This agreement will be monitored by WCC to insure that the lease responsibilities are met by the owner.

This lease is exempt from the Westchester County Procurement Policy and Procedures pursuant to Section 3(b) thereof.

Your approval of the attached resolution is respectfully requested.

BSM/GAF/jrc
Attachment

RESOLUTION

Upon a communication from the President of the Westchester Community College and the Director of Real Estate, be it hereby:

RESOLVED, that the County of Westchester is hereby authorized to enter into a lease agreement (the "New Lease") with Yonkers Center, LLC (the "Landlord") for approximately 33,672 square feet of space at 20 South Broadway, Yonkers (the "Premises"), for the Westchester Community College's Educational Opportunity Center ("EOC") for a term of eight months commencing on May 1, 2020 and expiring on December 31, 2020 at a monthly fixed minimum rent amount of \$64,958.90 for a total fixed minimum rent amount not to exceed \$519,671.20; and be it further

RESOLVED, that the County shall be responsible to pay its proportionate share of any increase in taxes exceeding the amount of taxes paid during the tax year 2009/2010; and be it further

RESOLVED, that the County shall also pay for increases in the cost of operations (including expenses incurred in operation, maintenance and repair of Building) incurred by the Landlord. If the Landlord's costs of operating the Building are greater than the costs of operation for the year 2010, the County shall pay its proportionate share of the increase over the year 2010. The County shall also be responsible to pay for all electricity consumed in the Premises; and be it further

RESOLVED, that this Agreement is subject to appropriations; and be it further

RESOLVED: The County Executive or his duly authorized designee, is hereby authorized to execute and deliver all instruments as are necessary and appropriate to effectuate the purposes of this Resolution.

Account to be Charged/Credited

		Major Program, Program & Phase	Object/ Sub Object	Trust Account	Dollars
Fund	Dept	Or Unit			
703	9997	9110	4320	T110	\$519,671.20

Budget Funding Year(s) 2020 Start Date 5/1/20 End Date 12/31/20
 (must match resolution)

Funding Source

Tax Dollars _____

State Aid _____

\$ 519,671.20
 (must match resolution)

Federal Aid _____

Other \$519,671.20 (Grant Funds)

APPROVED BOARD OF ACQUISITION & CONTRACT - 04/30/2020 - LISA MRIJAJ, SECRETARY