



# Westchester Community College

State University of New York

**77011**

**TO:** Board of Acquisition and Contract

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

Gary A. Friedman  
Director of Real Estate

**DATE:** April 14, 2020

**SUBJECT:** Authority to amend the lease agreement (the "Lease"), with Brooks Shopping Centers, LLC for 12,165 square feet of space located at the Cross County Shopping Center, Yonkers for use by the Westchester Community College Yonkers Extension Center, the term of which commenced on May 1, 2010 and expires on April 30, 2020, in order to extend the term of the Lease by eight months from May 1, 2020 to December 31, 2020 and to increase the amount of the Lease by \$405,500.00 for a total amount not to exceed \$6,005,405.88.

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By Local Law enacted on May 4, 2020, the County Board of Legislators authorized the County of Westchester, acting by and through the Westchester Community College ("WCC") to amend the lease agreement (the "Lease") with Brooks Shopping Centers, LLC (the "Landlord") for 12,165 square feet of space located at the Cross County Shopping Center, Yonkers (the "Leased Premises") for use by WCC's Yonkers Extension Center (the "Extension Center"), the term of which commenced on May 1, 2010 and expires on April 30, 2020 (the "Original Term"), in order to extend the term of the Lease by eight months from May 1, 2020 to December 31, 2020 (the "Extension Term"). WCC already operates an extension center in another location at the Center under a lease executed in 2010. Pursuant to the Lease, the County shall have paid fixed minimum rent in an amount not to exceed \$5,599,905.88 by the expiration of the Original Term, with the monthly rent at \$50,725.43 during the final four month period of the Original Term. Under this proposed amendment (the "First Amendment"), the County shall pay

the Landlord rent of \$50,687.50 per month for a total amount not to exceed \$405,500.00 for the Extension Term, bringing the total amount of fixed rent that the County will pay to the Landlord under the Lease and the First Amendment combined to an amount not to exceed \$6,005,405.88.

The Yonkers Extension Center, located in the Cross County Shopping Center, opened in fall 2001. In 2010, WCC moved the center to its current 2<sup>nd</sup> floor location, a 12,000 square foot space at 1 Mall Walk. Since 2010, enrollments at the Yonkers Extension have grown from just under 2000 enrollments to an average of 3000 per semester, making this location the highest enrolled of all extension centers. Instructional space is used 12 – 14 hours/ 6 days weekly, bringing usage to full capacity.

WCC is seeking to eventually increase the amount of space to be used by the Extension Center. The Landlord has proposed that WCC lease a large space in the building at the Cross County Shopping Center owned by the Landlord that was formerly occupied by the Sears department store once that space is renovated for this purpose. While WCC is considering this proposal and negotiating the details, an extension of the current Lease is needed to bridge the gap between the expiration of the Original Term and commencement of any future lease with the Landlord.

The goal and objective of this proposed First Amendment is to continue to provide a satellite location in Yonkers for WCC until such time as a new lease for a larger space can be entered into which would allow WCC to expand its Yonkers Extension Center. It is in the best interests of the County to enter into this First Amendment as it serves a public purpose by benefiting the welfare of the residents of Westchester County utilizing this satellite location which is centrally located for mass transit use. The First Amendment will be monitored by the staff at WCC to ensure that there is compliance with all of the lease terms. It should be noted that this lease agreement is exempt from the County's Procurement Policy pursuant to Section 3(b) therein.

Accordingly, attached for your consideration is a resolution which, if approved, would authorize the County to enter into this First Amendment. Approval of the attached resolution is recommended.

BSM/GAF/jrc

## RESOLUTION

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

**RESOLVED**, that the County of Westchester is authorized to amend the lease agreement (the "Lease"), with Brooks Shopping Centers, LLC for 12,165 square feet of space located at the Cross County Shopping Center, Yonkers for use by the Westchester Community College Yonkers Extension Center, the term of which commenced on May 1, 2010 and expires on April 30, 2020, in order to extend the term of the Lease by eight months from May 1, 2020 to December 31, 2020 and to increase the amount of the Lease by \$405,500.00 for a total amount not to exceed \$6,005,405.88; and be it further

**RESOLVED**, that this Agreement is subject to appropriations; 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.

(Agreement No. \_\_\_\_\_)

Year	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
WCC FY 19/20	701	8216		4320		\$ 202,750
WCC FY 20/21	701	8216		4320		\$202,750

Budget Funding Year(s) Start Date: May 1, 2020 End Date: December 31, 2020  
 (must match resolution)

Funding Source: Tax Dollars \_\_\_\_\_ Contractor Federal I.D. No./  
 Social Security No.: \_\_\_\_\_  
 State Aid \$182,475 \_\_\_\_\_

\$405,500 Federal Aid \_\_\_\_\_ Vendor No.: \_\_\_\_\_  
 (must match resolution) Other \$223,025 (Tuition) \_\_\_\_\_ Encumbrance No.: \_\_\_\_\_