

ID 79287

Date: September 9, 2020

To: The Honorable Board of Acquisition and Contract

From: Kathleen M. O'Connor
Commissioner of Parks, Recreation and Conservation

Re: **Resolution authorizing the County of Westchester to execute an Agreement For Advance Payment with the Commissioner of Transportation for the People of the State of New York in connection with the State's taking, by eminent domain, of a permanent easement over certain County-owned property situated in the City of Mount Vernon in the vicinity of the Hutchinson River Parkway and Lincoln Avenue, for the purpose of construction, reconstruction and maintaining thereon drainage system culverts and appurtenances.**

Transmitted herewith is a proposed Resolution which, if adopted by your Honorable Board, would authorize the County of Westchester (the "County") to execute an Agreement For Advance Payment with the Commissioner of Transportation for the People of the State of New York ("State") and related documents in connection with the State's taking, by eminent domain, of a permanent easement over certain County-owned property situated in the City of Mount Vernon in the vicinity of the Hutchinson River Parkway and Lincoln Avenue, for the purpose of construction, reconstruction and maintaining thereon drainage system culverts and appurtenances.

In accordance with Section 30 of the New York State Highway Law and the Eminent Domain Procedure Law, the State Department of Transportation has advised the County that in connection with the planned project known as "Hutchinson River Parkway from New York City Lie to S.H. No. 901 (NYSDOT Project No. 14793)," a permanent easement over the following parcel of County-owned property is required:

Map 1086; Parcel 1111; (0.031 +/- acre), (hereinafter, the "Property").

It should be noted that on March 5, 2020 the State filed the requisite map in the Office of the Westchester County Clerk.

In consideration for the appropriation of the Property, the State will pay the County the sum of \$40,500.00 ("Advance Payment"), an amount determined by the State Commissioner of Transportation to be the value of all claims for the property appropriated and legal damages caused by said appropriation. As a prerequisite to such Advance Payment, the County will be required to provide a full release of all claims by reason of the appropriation, including claims by reason of any estate or interest in the streams, lakes, drainage and irrigation ditches or channels, streets, road, highways, or public or private rights of way, if any, adjacent to or abutting the Property, required for the purposes of the project. However, the County reserves the right to file a claim with the Court of Claims within the time period set forth in the Eminent Domain Procedure Law. If no such claim is filed, then the Agreement For Advance Payment shall automatically become an Agreement of Adjustment in full and complete settlement of all claims in connection with the appropriation of the subject property.

This agreement is not subject to the County Procurement Policy.

A resolution for your consideration is attached.

KMC/jpi

APPROVED BOARD OF ACQUISITION & CONTRACT - 03/11/2010 USA AREA SECRETARY

RESOLUTION

Upon a communication from Commissioner of Parks, Recreation and Conservation, be it hereby

RESOLVED, that the County of Westchester (the "County") is authorized to execute an Agreement For Advance Payment with the Commissioner of Transportation for the People of the State of New York ("State") and related documents in connection with the State's taking, by eminent domain, of a permanent easement over the below listed parcel situated in the City of Mount Vernon in the vicinity of the Hutchinson River Parkway and Lincoln Avenue, for the purpose of construction, reconstruction and maintaining thereon drainage system culverts and appurtenances:

Map 1086; Parcel 1111 (0.031 +/- acre)(the "Property"); and be it further

RESOLVED, that in consideration for the appropriation of the permanent easement upon the Property, the State will pay the County the sum of \$40,500.00 ("Advance Payment"), an amount determined by the State Commissioner of Transportation to be the value of all claims for the Property appropriated and legal damages caused by said appropriation; and be it further

RESOLVED, that as a prerequisite to such Advance Payment, the County will be required to provide a full release of all claims by reason of the appropriation, including claims by reason of any estate or interest in the streams, lakes, drainage and irrigation ditches or channels, streets, road, highways, or public or private rights of way, if any, adjacent to or abutting the property required for the purposes of the project. However, the County reserves the right to file a claim with the Court of Claims within the time period set forth in the Eminent Domain Procedure Law. If no such claim is filed, then the Agreement For Advance Payment shall automatically become an Agreement of Adjustment in full and complete settlement of all claims in connection with the appropriation of the subject property; 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 purpose hereof.

Original Agreement \$40,500
 First Amendment \$
 This Amendment \$
 TOTAL \$40,500

Agreement #

Account to be Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
263	42	776V	9856	T776	\$40,500

Budget Funding Year(s) 2020 Start Date upon execution End Date 3 years from execution
 (must match resolution)

Funding Source Tax Dollars _____
 State Aid _____
\$40,500 Federal Aid _____
 (must match resolution) Other REVENUE _____

APPROVED BOARD OF ACQUISITION & CONTRACTS - 09/17/2020 USA MRIJAJ, SECRETARY