

80908

DATE: November 19, 2020

TO: Board of Acquisition and Contract

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

Sherlita Amler, MD
Commissioner of Health

Gary A. Friedman, Esq.
Director of Real Estate
Office of the County Executive

RE: **Authorization to enter into a Lease with Yonkers Center, LLC for approximately 12,090 square feet of space at 20 South Broadway, Yonkers, to be utilized as a Westchester County Department of Health (“DOH”) District Office for a term commencing on January 1, 2021 and expiring on December 31, 2025 for a total fixed minimum rent amount not to exceed \$1,269,450.00. (Lease Agreement No. 20-931)**

Authority is respectfully requested from your Honorable Board for the County of Westchester (the “County”) to enter into a lease agreement (the “Lease”) with Yonkers Center, LLC (the “Landlord”) for approximately 12,090 square feet of space at 20 South Broadway, Yonkers (the “Premises”), to be utilized as a Westchester County Department of Health (“DOH”) District Office for a term commencing on January 1, 2021 and expiring on December 31, 2025 for a total fixed minimum rent amount not to exceed \$1,269,450.00.

The DOH has occupied the Premises since 1995, with the current lease to expire on December 31, 2020. The Terms of the New Lease will be consistent with those of the Current Lease; however, there will be a significant decrease in the fixed minimum rent which is currently \$279,883.56 per annum. Under the proposed Lease, the fixed minimum rent shall be payable at the following rates:

<u>Period</u>	<u>Fixed Minimum Rent</u>	<u>Monthly Installment</u>
January 1, 2021 - December 31, 2021	\$241,800.00	\$20,150.00
January 1, 2022 - December 31, 2022	\$247,845.00	\$20,653.75
January 1, 2023 - December 31, 2023	\$253,890.00	\$21,157.50
January 1, 2024 - December 31, 2024	\$259,935.00	\$21,661.25
January 1, 2025 - December 31, 2025	\$265,980.00	\$22,165.00

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Yonkers Center, LLC
Space at 20 South Broadway, Yonkers, New York
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The County shall be responsible to pay its proportionate share of any increase in taxes exceeding the amount of taxes paid during the "Tax Base Year" which is defined as the calendar year 2021 for Westchester County Taxes/City of Yonkers taxes, and the fiscal tax year commencing on July 1, 2020 and ending on June 30, 2021 for City of Yonkers school taxes. As with the current and prior leases, the County shall also pay its proportionate share of increases, if any, in the Landlord's cost of operations (including expenses incurred in operation, maintenance and repair of the building, etc.), to be computed each year after the 2021 calendar year. The County shall also be responsible to pay for all electricity consumed in the Premises.

The Landlord shall, at its own expense, perform agreed-upon alterations for the County's benefit (the "Landlord's Work") to the Premises in the amount of \$77,763.00. If the County should request any changes in or additions to Landlord's Work after Landlord's commencement thereof, the County shall be billed for those changes at cost plus 1¼% for insurance, 5% for overhead and 5% for general conditions.

The public purpose of this agreement is to provide for the continuation of the operation of the DOH District office in Yonkers. This agreement will be monitored by DOH and the Department of Public Works and Transportation 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.

HJG/SA/GAF/jrc
Attachment

RESOLUTION

Upon a communication from the Commissioners of the Westchester County Departments of Public Works and Transportation and Health, and the Director of Real Estate, be it hereby:

RESOLVED, that the County of Westchester (the "County") is hereby authorized to enter into a lease agreement (the "Lease") with Yonkers Center, LLC (the "Landlord") for approximately 12,090 square feet of space at 20 South Broadway, Yonkers (the "Premises"), to be utilized as a Westchester County Department of Health ("DOH") District Office for a term commencing on January 1, 2021 and expiring on December 31, 2025 for a total fixed minimum rent amount not to exceed \$1,269,450.00; and be it further

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RESOLVED, that the County shall also pay its proportionate share of increases, if any, in the Landlord's cost of operations (including expenses incurred in operation, maintenance and repair of the building, etc.), to be computed each year after the 2021 calendar year. The County shall also be responsible to pay for all electricity consumed in the Premises; and be it further

RESOLVED, that the Landlord shall, at its own expense, perform agreed-upon alterations for the County's benefit (the "Landlord's Work") to the Premises in the amount of \$77,763.00. If the County should request any changes in or additions to Landlord's Work after Landlord's commencement thereof, the County shall be billed for those changes at cost plus 1¼% for insurance, 5% for overhead and 5% for general conditions; 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 to execute and deliver all instruments as are necessary and appropriate to effectuate the purposes of this Resolution

Lease Agreement No. 20-931

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
	101	46	3300/3365	4320		\$ 241,800.00 (2021)
	101	46	3300/3365	4320		\$247,845.00 (2022)
	101	46	3300/3365	4320		\$253,890.00 (2023)
	101	46	3300/3365	4320		\$259,935.00 (2024)
	101	46	3300/3365	4320		\$265,980.00 (2025)

Budget Funding Year(s): 2021-2025 Start Date: 01/01/2021 End Date: 12/31/2025
 (must match resolution)

Funding Source: Tax Dollars 100% County
 State Aid _____
\$1,269,450.00 Federal Aid _____
 (must match resolution) Other _____