

Department of Parks, Recreation
& Conservation

July 21, 2021

ID 86508

TO: Board of Acquisition and Contract

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

SUBJECT: Authority to amend an agreement with 280 Ferris Avenue LLC and MIB 1031 LLC (the "Purchasers"), pursuant to which the County will sell a certain County-owned residual parcel of property (the "Property") consisting of approximately 0.36 acres located at the Southwest corner of Ferris Avenue and Cemetery Road, City of White Plains, New York, in order to extend the due diligence period for the Purchasers' agent to conduct soil testing on the Property.

By resolution approved on February 24, 2020, your Honorable Board authorized the County of Westchester (the "County"), acting by and through its Department of Parks, Recreation and Conservation to enter into any and all agreements necessary to convey certain County-owned residual parcel of property consisting of approximately 0.36 acres located at the Southwest corner of Ferris Avenue and Cemetery Road, City of White Plains, New York (the "Property") to 280 Ferris Avenue LLC and MIB 1031 LLC (the "Purchasers"), as tenants in common, for a purchase price of \$260,000.00. On or about April 23, 2021, the County entered into an agreement with the Purchasers for the sale of the Property (the "Sale Agreement").

Pursuant to the Agreement, the Purchasers have a period of ninety (90) days (the "Due Diligence Period") from the execution of the Agreement to obtain necessary approvals and to perform inspections and examinations necessary to determine that it is feasible and permissible for the Purchaser to improve and use the premises as a vehicle parking lot. The inspections include the hiring, by the Purchaser, of a licensed professional ("Purchaser's Agent") to conduct test hole digging or excavation on the Property ("Soil Testing"). The Due Diligence Period is scheduled to expire on August 3, 2021. The Purchaser's Agent has provided notice of its intent to conduct the Soil Testing to the New York State Public Service Commission (the "Commission") pursuant to Commission's "Dig Safely" regulations in order to schedule the marking of the underground facilities at the site but was unable to schedule an appointment in time for the Soil Testing to be completed before the expiration of the Due Diligence Period. Therefore, the Purchasers have requested an extension of the Due Diligence Period to September 3, 2021.

Accordingly, authority of your Honorable Board is respectfully requested for the County to amend the Sale Agreement in order to extend the Due Diligence Period to September 3, 2021.

The goal and objective of this conveyance is for the County to obtain revenue by divesting itself of a parcel of real property for which it has no use.

Approval of the attached resolution is respectfully recommended.

KOC/CDS/jrc
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 07/29/2021 - JOAN COCCIARDI, SECRETARY

RESOLUTION

UPON A COMMUNICATION FROM THE COMMISSIONER OF PARKS, RECREATION AND CONSERVATION AND THE DIRECTOR OF REAL ESTATE, BE IT HEREBY

RESOLVED, that the County of Westchester is hereby authorized amend an agreement with 280 Ferris Avenue LLC and MIB 1031 LLC (the "Purchasers"), pursuant to which the County will sell a certain County-owned residual parcel of property (the "Property") consisting of approximately 0.36 acres located at the Southwest corner of Ferris Avenue and Cemetery Road, City of White Plains, New York, in order to extend the due diligence period for the Purchasers' agent to conduct soil testing on the Property to September 3, 2021; and be it further

RESOLVED, that the County Executive or his duly authorized designee is authorized to execute any agreements, documents and take any actions necessary to effectuate purposes hereof.

Account to be
Charged/Credited

		Major Program, Program & Phase Or Unit & Bond Act	Object/ Sub Object	Trust Account	
Fund	Dept				Dollars

Budget Funding Year(s) Purchase and Sale Contracts Start Date: _____ End Date: _____

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

APPROVED BOARD OF ACQUISITION & CONTRACT - 07/29/2021 - JOHN COCCOPOLI SECRETARY