

**ID 87040**

DATE: August 11, 2021

TO: Honorable Board of Acquisition and Contract

FROM: Kathleen M. O'Connor  
Commissioner

RE: Authority to enter into a Second Amendment to the license agreement with the City of New York, acting by and through the City of New York Department of Environmental Protection, pursuant to which the NYCDEP was granted permission to construct an access road over approximately 0.022 acres of real property located in the Village of Pleasantville designated as Section, Block and Lot No. 99.14-1-1 on the Tax Maps for the Village of Pleasantville, in order to extend the term of the license agreement for an additional one (1) year term from September 23, 2021 to September 22, 2022.

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Your Honorable Board by a resolution approved on March 21, 2019 authorized the County of Westchester (the "County"), acting by and through its Department of Parks, Recreation and Conservation (the "Department"), to enter into a license agreement with the City of New York (the "City"), acting by and through its Department of Environmental Protection ("NYCDEP"), pursuant to which the NYCDEP, was granted permission to construct, at its sole cost and expense, an access road over approximately 0.022 acres of County-owned real property located in the Village of Pleasantville designated as Section, Block and Lot No. 99.14-1-1 on the Tax Maps for the Village of Pleasantville (the "County Parcel"), for a one (1) year term (the "License Agreement"). Under the License Agreement, the City agreed to grant rights to the County over a portion of the City parcel adjacent to the County Parcel located at Section Block and Lot No. 99.14-1-14 on the Tax Maps for the Village of Pleasantville (the "City Parcel") for County sanitary sewer purposes. In addition, in the License Agreement, the parties agreed to enter into an easement agreement granting each other reciprocal easement rights over each other's parcels upon the expiration of the License Agreement. The License Agreement was executed on March 22, 2019.

Your Honorable Board by a resolution approved on February 13, 2020 authorized the County, acting through the Department, to amend the License Agreement to extend the term for 18 months and change the termination date from March 22, 2020 to September 22, 2021 (the "First Amendment"). The First Amendment was executed on February 25, 2020.

The License Agreement and the First Amendment are collectively referred to as the "Agreement."

The NYCDEP recently informed the County that, while it has completed construction of the access road, it has not completed the final "as built" drawings for the access road. The "as built" drawings are needed for the parties to finalize the reciprocal Easement Agreement. The City anticipates the as built drawings being completed by next spring. Therefore, the City has requested an extension of the Agreement for one year to give it time to prepare the "as built" drawings and the parties time to finalize the Easement Agreement. The County is amenable to granting this extension.

All other terms and conditions of the Agreement shall remain the same and in full force and effect.

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

Accordingly, approval of the attached resolution by your Honorable Board is most respectfully requested.

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APPROVED BOARD OF ACQUISITION & CONTRACT - 09/16/2021 - JOAN COCCIARDI SECRETARY

## RESOLUTION

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

**RESOLVED**, that the County of Westchester (the “County”) is hereby authorized to amend a license agreement with the City of New York (the “City”), acting by and through the City Department of Environmental Protection (the “NYCDEP”), dated March 22, 2019, as amended by the first Amendment to the license agreement, dated February 25, 2021 (collectively, the “Agreement”) pursuant to which the NYCDEP was granted permission to construct, at its sole cost and expense, an access road over approximately 0.022 acres of County-owned real property located in the Village of Pleasantville designated as Section, Block and Lot No. 99.14-1-1 on the Tax Maps for the Village of Pleasantville in order to extend the term thereof by one (1) year and the termination date from September 23, 2021 to September 22, 2022; and be it further

**RESOLVED**, all other terms and conditions of the Agreement shall remain the same and in full force and effect; and be it further

**RESOLVED**, that the County Executive or his authorized designee is hereby authorized to execute all instruments necessary to implement this Resolution.

Account to be  
Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
		n/a			

Budget Funding Year(s) \_\_\_\_\_ Start Date \_\_\_\_\_ End Date \_\_\_\_\_  
(must match resolution)

Funding Source Tax Dollars \_\_\_\_\_  
State Aid \_\_\_\_\_  
\$ n/a Federal Aid \_\_\_\_\_  
(must match resolution) Other \_\_\_\_\_

APPROVED BOARD OF ACQUISITION & CONTRACT - 09/16/2021 - HOANOCORP'S SECRETARY