

DATE: April 15, 2010

TO: Board of Acquisition and Contract

FROM: Edward Buroughs
Acting Commissioner

SUBJECT: Resolution Authorizing the Agreement Between the County of Westchester, The Town of Somers, The Housing Action Council, Inc., and The Kearney Realty & Development Group, a Joint Venture, Somers Realty Corp., and Somers Housing Development Fund Company, Inc. as nominee for Somers Senior LP, their Designees, Successors or Assigns to Construct or Develop Infrastructure Improvements Associated with the Mews at Baldwin Place, a Fair and Affordable Housing Development for Senior Citizens in the Town of Somers.

The attached resolution authorizes the County of Westchester to enter into an Agreement (the "Agreement") with the Town of Somers (the "Town"), Housing Action Council, Inc. and The Kearney Realty & Development Group (the "Joint Venture/Developer"), Somers Realty Corp. (the "Current Owner"), and Somers Housing Development Fund Company, Inc. as nominee for Somers Senior LP, (the "Proposed Owner") their designees, successors or assigns to provide a grant from the Housing Implementation Fund (HIF) which will be used for the construction or development of infrastructure improvements associated with the Mews at Baldwin Place, a Fair and Affordable Housing Development for Senior Citizens (the "Development"). This Development will be located at Mahopac Avenue and Route 6 in the Town of Somers and will provide seventy two (72) fair and affordable rental apartments (the "Units") for senior citizen households age 62 and older and one (1) Unit for a superintendent. The term of the agreement is April 6, 2010, to April 30, 2013, and the amount of the grant is not to exceed One Million, One Hundred Thousand Dollars (\$1,100,000.00.)

The Agreement will be executed pursuant to the Housing Implementation Fund Program, which was established to stimulate the production of fair and affordable housing.

On April 5, 2010 the County Board of Legislators, pursuant to Act No. 27-2010, authorized the County of Westchester to enter into this Agreement for the construction or development of infrastructure improvements associated with the fair and affordable housing units in the Development. The improvements will include but are not limited to earthwork, curbing, sidewalks, landscaping, roadways/pavements, storm water drainage system, sanitary sewer system, water main and fire hydrants, lighting, related Town legal and engineering costs and related improvements. In addition, on April 5, 2010 the County was authorized by the Westchester County Board of Legislators pursuant to Bond Act No. 28-2010 to issue up to \$1,265,000 in bonds of the County to finance \$1,100,000 for the cost of infrastructure improvements and \$165,000 to fund all related County soft costs.

Under the terms of the Agreement, the County will provide the Town of Somers with funds from the Housing Implementation Fund to construct or develop the necessary infrastructure improvements serving the development, thus lowering construction costs. All of the seventy-two (72) fair and affordable rental apartments in the Development will be made available for senior citizen households, age 62 and older with a range of incomes not to exceed 60% AMI for Westchester County, plus one (1) unit for the superintendent. The development will have an affordability period of a minimum of 50 years.

The Agreement will serve the public purpose of providing fair and affordable housing units in Westchester County to eligible senior citizen households.

The goal and objective of this agreement is the creation of fair and affordable housing which will relieve senior citizen households from the burden of high costs of housing in the County. The infrastructure improvements as a result of the Agreement will increase the health, safety and security of the residents by providing water, sewer, drainage and sustainable development including access to sidewalks and roads to public spaces. The Agreement will assist in meeting the objective contained in the 2004 Housing Needs Assessment which states that 10,768 affordable units must be created between the years 2000 and 2015. The Department of Planning staff will track the construction during monthly site visits in conjunction with payment requests for this work from the Town and will monitor continued compliance with affordable housing requirements.

Should this agreement not be approved, the financial viability of the Development may be jeopardized, and the creation of seventy two (72) fair and affordable rental units for senior citizen households age 62 and older and one (1) unit for the superintendent will not be realized. Also, the residents will not be relieved from the burden of high costs of rental housing in Westchester County.

EB/sm
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 4-22-2010 - JOMARY VEIRA, SECRETARY

RESOLUTION

UPON A COMMUNICATION FROM THE ACTING COMMISSIONER OF PLANNING, BE IT HEREBY

RESOLVED, that the County of Westchester is hereby authorized to enter into an Agreement between the County of Westchester, The Town of Somers (the "Town"), Housing Action Council, Inc. and The Kearney Realty & Development Group, Inc. (the "Joint Venture/Developer") Somers Realty Corp.(the "Current Owner"), and Somers Housing Development Fund Company, Inc. as nominee for Somers Senior LP (the "Proposed Owner"), their designees, successors or assigns, for a period of 3 years commencing as of April 6, 2010 in an amount not to exceed \$1,100,000 to construct or develop infrastructure improvements associated with the fair and affordable housing known as The Mews at Baldwin Place, a Fair and Affordable Housing Development for Senior Citizens (the "Development"). The improvements include but are not limited to earthwork, curbing, sidewalks, landscaping, roadways/pavements, storm water drainage system, sanitary sewer system, water main and fire hydrants, lighting, related Town legal and engineering costs and related improvements, and be it further

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

Account to be Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
318	19	BPL01-75-S	6050	N/A	\$1,100,000.00

Budget Funding Year(s) FY 2010 Start Date April 6, 2010 End Date April 30, 2013
(must match resolution)

Funding Source Tax Dollars \$1,100,000.00
State Aid _____
\$1,100,000.00 Federal Aid _____
(must match resolution) Other _____

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APPROVED BOARD OF ACQUISITION & CONTRACTS 4-22-2010 - JOHANNY VIERA, CLERK