

89278

**TO:** Board of Acquisition and Contract

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

Thomas Gleason, Commissioner/Sheriff  
Department of Public Safety

**DATE:** December 2, 2021

**RE:** Authority to consent to assignment of License Agreement No. 18-911 with Mark's Towing, Inc. for Towing and Emergency Repair Services for Zone 2, Westchester County, New York for the period that commenced October 1, 2018 and will terminate on September 30, 2023, to RJB Service Station, Inc.

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By resolution approved on July 19, 2018, your Honorable Board authorized the County of Westchester (the "County"), acting by and through its Department of Public Works and Transportation ("DPWT"), to enter into a license agreement (the "License Agreement") with Mark's Towing, Inc., ("Mark's") pursuant to which the County granted Mark's a license to provide towing and emergency repair services for Zone 2, Westchester County, New York, for a five (5) year term commencing October 1, 2018 and terminating September 30, 2023 (the "Term"). The License Agreement was duly executed. The License Agreement further provided that in consideration for the grant of license, Mark's Towing, Inc. would pay the County an annual license fee of Fifty Six Thousand (\$56,000.00) Dollars over the five (5) year term, payable quarterly.

Mark's recently notified the County that Mark's will be closing its business and intends to enter into an agreement with RJB Service Station, Inc. ("RJB"), pursuant to which RJB will acquire substantially all of the assets of Mark's. Mark's has informed the County that pursuant to its acquisition by RJB, it intends to assign its rights and responsibilities under the License Agreement, subject to the County's consent. Pursuant to the License Agreement, Mark's may not assign or otherwise dispose of the License Agreement without prior written consent of the Commissioners of DPWT and the Commissioner of the Department of Public Safety ("DPS"). Accordingly, authority is respectfully requested for the County to consent to assignment of the License Agreement from Mark's to RJB. The assignment will be effective upon execution of an assignment agreement between Mark's and RJB with consent and acknowledgment of the County and will remain in effect for the remainder of the Term.

The goal and objective of this assignment is to continue to provide emergency towing and repair services to the public on County property and for County vehicles in the Northerly part of the County (Zone 2). DPWT will track the usage of the License Agreement and RJB's compliance with all terms and conditions of the License Agreement.

Approval of the attached resolution is respectfully recommended.

HJG/TG/jrc  
Attachment

# RESOLUTION

Upon communication from the Commissioners of Public Works and Transportation and Public Safety, be it hereby

**RESOLVED**, that the County of Westchester (the "County") is authorized to consent to assignment of License Agreement No. 18-911 with Mark's Towing, Inc. for Towing and Emergency Repair Services for Zone 2, Westchester County, New York for the period that commenced October 1, 2018 and will terminate on September 30, 2023 (the "License Agreement"), to RJB Service Station, Inc.; and be it further

**RESOLVED**, that the assignment of License Agreement will be effective upon execution of an assignment agreement between Mark's and RJB with consent and acknowledgment of the County and will remain in effect for the remainder of the Term; and be it further

**RESOLVED**, that the County Executive or his authorized designee is hereby authorized and empowered to execute and deliver all instruments and take all actions necessary or appropriate to effectuate the purposes of this Resolution.

License Agreement No. 18-911

Account to be Charged/Credited

Fund	Dept.	Major Program, Program & Phase or Unit	Object/ Sub Object	Trust Account	Dollars
101	46	6500	9293		\$56,000.00 (2022)
101	46	6500	9293		\$42,000.00 (2023)

Budget Funding Year(s): 2022-2023      Start Date: Upon Execution      End Date: September 30, 2023  
 (must match resolution)

Funding Source:      Tax Dollars           N/A            
                                  State Aid           N/A            
\$98,000.00      Federal Aid           N/A            
 (must match resolution)      Other           Revenue          

APPROVED BOARD OF ACQUISITION & CONTRACT - 12/16/2021 BY RAYMOND S. BUKA SECRETARY