

ID 95561

DATE: August 22, 2022

TO: Honorable Board of Acquisition and Contract

FROM: Kathleen M. O'Connor
Commissioner

RE: Authority to enter into a Third 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 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 of the license agreement an additional three (3) months from September 22, 2022 to December 22, 2022.

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"), with a one (1) year term (the "License Agreement").

Under the terms of the License Agreement, the City agreed to grant reciprocal rights to the County over a portion of the City-owned 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 the County to access the County Parcel and 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 its term by 18 months and, thereby, change the termination date from March 22, 2020 to September 22, 2021 (the "First Amendment"). The First Amendment was duly executed on February 25, 2020.

Your Honorable Board by a resolution approved on September 16, 2021 authorized the County, acting through the Department, to further amend the license agreement to extend the term an additional one (1) year and, thereby, change the termination date from September 22, 2021 to September 22, 2022 (the "Second Amendment"). The Second Amendment was duly executed on September 15, 2021.

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

The NYCDEP recently requested an additional three (3) month extension of the Agreement in order to obtain the as-built drawings for the access road and finalize and execute the Easement Agreement. The County is amenable to granting this extension. Therefore, authorization is now sought to amend the Agreement to extend its term for an additional three (3) months, changing the termination date from September 22, 2022 to December 22, 2022.

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.

KQ/ran

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, and the second amendment to the license agreement, dated September 15, 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 of the Agreement for an additional three (3) months and amend the termination date from September 22, 2022 to December 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 _____