

LOCAL LAW NO. ____ - 2009

A LOCAL LAW authorizing the County of Westchester to enter into an intermunicipal agreement with the City of New Rochelle whereby the County will lease property from the City and will contribute funds toward the design, construction and construction management of improvements thereon, to be operated and maintained by the City and accessible to all County residents.

NOW, THEREFORE, BE IT ENACTED by the Board of Legislators of the County of Westchester as follows:

Section 1. The County of Westchester (“County”) is hereby authorized to enter into an intermunicipal agreement (“IMA”) with the City of New Rochelle (“City”) whereby the County will lease property from the City and will contribute funds toward the design, construction and construction management of improvements thereon, to be operated and maintained by the City and accessible to all County residents. The parcel to be leased to the County is known as City (Flowers) Park, is located on Fifth Avenue in the City and comprises approximately 21 acres.

§2. Pursuant to the IMA, the City shall undertake design and construction of the improvements and the County shall reimburse the City up to \$9,800,000 of the design, construction and construction management costs. Following construction, the City shall

be responsible for the operation, maintenance, scheduling and security of the facility at its own expense. The facility shall be operated by the City, but shall be available to all Westchester County residents. All fees shall be subject to prior County approval. To the extent any fees are charged for the use of any part of the facility, the fees charged to non-residents of the City shall not exceed double the fees charged to the City's residents.

§3. The IMA shall also provide that, as further consideration for the County's investment, the City shall accept the transfer "as is", upon execution of the IMA, ownership of the following County roads and any related right-of-way totaling approximately 5.67 miles (collectively, the "Roads"). The Transferred Roads are: CR 65 - Pelham Road from Pelham Manor Line to Echo Avenue; CR 65 - Echo Avenue from Pelham Road to Main Street; CR 65 - Main Street from Echo Avenue to Mamaroneck Town Line; CR 67II - Palmer Avenue from LaSalle Drive to Mamaroneck Town Line; CR 82 - Mill Road from Eastchester Line to North Avenue; CR 113 - Wilmot Road from Eastchester Line to Old Wilmot Road (South); CR 129 - Weaver Street from Hutchinson Avenue to Mamaroneck Town Line; and CR 139 - Quaker Ridge Road from North Avenue to Weaver Street. The County shall remove the all of the Roads from the County road system in the manner prescribed by Section 115-b of the Highway Law.

§4. As further consideration for the County's contribution toward the park rehabilitation, the IMA shall require the City to construct a total of 185 fair and affordable housing units. These units must be approved, under construction or completed as of December 31, 2014. The County, in its sole discretion, may extend this

period to June 30, 2015 and shall consider tangible efforts made by the City in pursuing the construction of the units in determining whether to grant the aforesaid extension. In the event that the units have not been approved, reached construction, or have not been completed by December 31, 2014, or by June 30, 2015, if extended by the County, then the City shall repay the County a pro-rata share (based on the percentage of the 185 units that have been approved, under construction or completed) of the \$9,800,000 bonded for the park rehabilitation, the interest paid on the bonds to that date, and County “soft costs” incurred to access and manage the City’s repayment. For purposes of IMA, the fair and affordable housing units shall mean units approved by the City, under construction, or completed, which have received or will receive a certificate of occupancy, are deed restricted

for a minimum of 50 years or longer, and shall be sold or leased to income eligible occupants who pay no more than 30% of income for housing costs. The City shall be given a credit toward the 185 affordable housing unit goal for the reconstructed units of Hartley House at the rate of 50% of the reconstructed units.

§5. The term of the IMA shall be fifteen (15) years.

§6. The County Executive or his authorized designee is hereby authorized to execute any instruments and to take any action necessary and appropriate to effectuate the purposes hereof.

§7. This Local Law shall take effect immediately.

