

110338

DATE: January 22, 2025

TO: Board of Acquisition and Contract

FROM: Blanca P. Lopez, M.S. Christopher D. Steers
Commissioner of Planning Director of Countywide Administrative
Services & Real Estate

SUBJECT: Resolution authorizing the County of Westchester to enter into any and all agreements necessary to purchase and subsequently convey approximately 0.93 acres of real property located at 99 Church Street and 6 Cottage Place in the City of White Plains to create 108 affordable homeownership condominium units that will affirmatively further fair housing and to enter into an Inter-Municipal Developer Agreement with the City of White Plains and WBP Development LLC, its successors and/or assigns, to fund the construction of certain infrastructure improvements through the Housing Implementation Fund II Program located at 99 Church Street in the City of White Plains.

On January 6, 2025, the Westchester County Board of Legislators (“BOL”) approved Act No. 600-2024 authorizing the County of Westchester (the “County”), acting by and through its Department of Planning (the “Department”), to purchase approximately 0.93 acres of real property located at 99 Church Street and 6 Cottage Place in the City of White Plains (the “Property”) from the current owner(s) of record in an amount not to exceed \$10,000,000 and to then convey the Property to WBP Development LLC, its successors or assigns, or any entity created to carry out the purposes of the proposed transaction, (the “Developer”) for ONE (\$1.00) DOLLAR for the purpose of developing one-hundred eight (108) affordable homeownership condominium units that will affirmatively further fair housing (“AFFH”).

Your Honorable Board’s authority is now requested to authorize the County to enter into any and all agreements (collectively the “Agreements”) necessary to purchase the Property from the current owner(s) of record, in an amount not to exceed \$10,000,000, which will be funded from Capital Project BPL30-New Homes Land Acquisition II, and to convey fee title to the Property to the Developer for One (\$1.00) Dollar for the purpose of creating one-hundred eight (108) affordable AFFH homeownership condominium units (the “Affordable AFFH Units”).

Upon acquisition of the Property, and prior to conveyance, the County will file one or more Declarations of Restrictive Covenants against the Property requiring that the Affordable AFFH Units be affordable to eligible households with incomes at or below 100% of the Westchester County Area Median Income ("AMI") as defined by the U.S. Department of Housing and Urban Development and adjusted for family size with the sales price set at 80% of AMI, for a period of affordability of not less than fifty (50) years, and that the Affordable AFFH Units will be marketed and sold pursuant to an approved affirmative fair housing marketing plan.

In addition, on January 6, 2025, the BOL approved Act No. 601-2024 authorizing the County, acting by and through the Department to enter into an Inter-Municipal Developer Agreement (the "IMDA") with the City of White Plains and the "Developer" for the construction of certain infrastructure improvements in support of the affordable housing development to be constructed at 99 Church Street in the City in an amount not to exceed \$4,420,000.00 and the term of this Agreement shall commence upon execution and shall continue for fifteen (15) years, or until the County has retired the Bonds, whichever comes later, and to grant and accept all necessary property rights in connection therewith. The construction shall be of certain infrastructure improvements, including, but not limited to, construction of a new parking level and reconstruction of the existing below grade parking level. This will include new ramps and repairs to existing ramps, concrete flooring, drainage, signage, landscaping, waterproofing, construction management, County administrative costs and other related work from Capital Project BPL1A-Housing Implementation Fund II, and to grant and accept all necessary property rights in connection therewith. The IMDA will commence upon execution and continue for a term that will not exceed fifteen years.

These Agreements will serve a public purpose of providing the Affordable AFFH Units. The goal and objective of these Agreements is to create fair and affordable homeownership condominium units which are safe, secure and energy efficient. The Project will create homeownership opportunities for low and moderate income families who may not otherwise be able to afford to live in Westchester County. It will also enhance the neighborhood through its design and landscaping. Department staff will track and monitor the construction of the project, as well as monitor compliance with the ongoing affordable requirements.

We respectfully recommend approval of the attached Resolution.

BPL/CDS/Ig
Attachment

RESOLUTION

UPON A COMMUNICATION FROM THE COMMISSIONER OF PLANNING AND THE DIRECTOR OF COUNTYWIDE ADMINISTRATIVE SERVICES & REAL ESTATE, BE IT HEREBY

RESOLVED: that the County of Westchester (the "County") is hereby authorized to enter into any and all agreements necessary to purchase approximately 0.93 acres of real property located at 99 Church Street and 6 Cottage Place, in the City of White Plains (the "Property") from the current owner(s) of record in an amount not to exceed TEN MILLION (\$10,000,000.00) DOLLARS and to subsequently convey the Property to WBP Development LLC, its successors or assigns, or any entity created to carry out the purposes of the proposed transaction (collectively the "Developer") for ONE (\$1.00) DOLLAR and to grant and/or accept any and all property rights in connection therewith; and be it further

RESOLVED: that the purchase and conveyance of the Property shall be by such deed as approved by the County Attorney; and be it further

RESOLVED: that following the purchase of the Property, the County will file one or more Declarations of Restrictive Covenants ("DRC") against the Property requiring that the 108 affordable homeownership condominium units that affirmatively further fair housing ("AFFH") to be constructed thereon be marketed and sold to households with incomes at or below 100% of the Westchester County Area Median Income ("AMI") with the sales price set at 80% of AMI and will remain affordable for a period of not less than 50 years; and be it further

RESOLVED, that the County is hereby authorized to enter into an Inter-Municipal Developer Agreement (the "IMDA") with the City of White Plains and the Developer, to fund the construction of certain infrastructure improvements, including but not limited to, construction of a new parking level and reconstruction of the existing below grade parking level. This will include new ramps and repairs to existing ramps, concrete flooring, drainage, signage, landscaping, waterproofing, construction management, County administrative costs and other related work in support of the affordable housing Development to be constructed at 99 Church Street in an amount not to exceed \$4,420,000.00 from Capital Project BPL1A-Housing Implementation Fund II and to grant and accept all necessary property rights in connection therewith for the purpose of creating 108 affordable homeownership condominium units that AFFH; and be it further

RESOLVED, that the an IMDA and the instruments accepting all necessary property rights shall be approved by the County Attorney; and be it further

RESOLVED, that upon execution of the IMDA, the Developer will record a DRC against the Property, in connection with the County's Housing Implementation Program II ("HIF Program") requiring that the 108 affordable homeownership condominium units that AFFH to be constructed thereon be marketed and sold to households with incomes at or below 100% of the AMI with the sales price set at 80% of AMI and will remain affordable for a period of not less than 50 years; and be it further

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

Account to be Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Bond Act	Dollars
318	19	BPL30-40-R	6050	6-2025	\$10,000,000
318	19	BPL1A-19-S	6050	7-2025	\$4,420,000

Budget Funding Year(s) FY 2024 Start Date: Upon Execution End Date: Fifteen years from execution

Funding Source Tax Dollars \$14,420,000
 State Aid _____
\$14,420,000 Federal Aid _____
 (must match resolution) Other _____

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APPROVED BOARD OF ACQUISITION & CONTRACT 01/30/2025 - RAYMOND SCULKY, SECRETARY