



Kenneth W. Jenkins
County Executive

Department of Social Services

Leonard G. Townes
Commissioner

111255

DATE: June 5, 2025

TO: Board of Acquisition and Contract

FROM: Leonard G. Townes
Commissioner, Department of Social Services

SUBJECT: Authority to enter into an agreement with Westhab, Inc. in order to accept the assignment of a lease agreement with 21 Fountain Place, LLC, effective July 1, 2025, with a term that will continue through December 31, 2028, for a total, aggregate fixed rent amount of \$2,806,331.00, plus certain other taxes, assessments, charges, and the like.

Westhab, Inc. ("Westhab") entered into an agreement with 21 Fountain Place, LLC (the "Lessor"), dated March 20, 2019, pursuant to which the Lessor leased to the Westhab the premises at 21 Fountain Place, New Rochelle, New York, (the "Premises") for a period commencing on April 1, 2019 and continuing through December 31, 2028 (the "Lease Agreement").

Westhab now desires to assign to the County of Westchester (the "County"), effective July 1, 2025, all of its right, title, privilege, interest, obligation, and duty of performance in, to, and under the Lease Agreement. Pursuant to Section 12.10 of the Lease Agreement, Westhab can assign the Lease Agreement to the County without the Lessor's permission, and the County desires to accept the assignment of the Lease Agreement from Westhab.

Therefore, the County respectfully requests authority from your Honorable Board to enter into an agreement with Westhab (the "Assignment Agreement," DSS3047-25), pursuant to which Westhab will assign to the County, effective July 1, 2025, all of Westhab's right, title, privilege, interest, obligation, and duty of performance in, to, and under the Lease Agreement (the "Assignment"), and the County will accept the Assignment, and thereafter perform under the Lease Agreement during its remaining term, which will continue through December 31, 2028, with the County being responsible for the payment of certain taxes, assessments, charges, and the like, in addition to a total, aggregate fixed rent amount of \$2,806,331.00, comprised of the

following amounts:

APPROVED BOARD OF ACQUISITION & CONTRACT - 06/12/2025 - RAYMOND SCULKY, SECRETARY

<u>Year</u>	<u>Monthly Fixed Rent</u>	<u>Yearly Total</u>
2025	\$64,941.00	\$389,646.00 (6 months)
2026	\$65,915.00	\$790,981.00
2027	\$67,233.00	\$806,801.00
2028	\$68,242.00	\$818,903.00

Under the proposed Assignment Agreement, the County shall have no liability for anything that occurred, or was required to occur, under or in connection with the Lease Agreement prior to July 1, 2025.

Under Section 104.11(5)(c) of the Laws of Westchester County, "[l]eases of the property of others for County purposes for terms not exceeding five years may be made by and with the approval of the Board of Acquisition and Contracts without action by the Board of Legislators." Accordingly, since the remaining term of the Lease Agreement does not exceed five years, only the approval of your Honorable Board is required for the Assignment Agreement.

The proposed Assignment Agreement will serve a public purpose by helping ensure that the County continues to have the right to use and occupy the Premises.

The goal and objective of the proposed Assignment Agreement is to help ensure that the County continues to have the right to use and occupy the Premises.

The goal and objective of the proposed Assignment Agreement is in the best interests of the County in terms of public welfare, as it will help ensure the County continues to have the right to use and occupy the Premises, which usage and occupancy are intended to advance the welfare of the public.

The goal and objective of the proposed Assignment Agreement will be tracked and monitored by the staff of the Department of Social Services.

I respectfully recommend the adoption of the attached resolution.

LGT/DT/bdm/nn

RESOLUTION

Upon a communication from the Commissioner of Social Services, be it hereby:

RESOLVED, that the County of Westchester (the "County") is hereby authorized to enter into an agreement (the "Assignment Agreement," DSS3047-25) with Westhab, Inc. ("Westhab"), pursuant to which Westhab will assign to the County, effective July 1, 2025, all of Westhab's right, title, privilege, interest, obligation, and duty of performance in, to, and under its agreement (the "Lease Agreement") with 21 Fountain Place, LLC (the "Lessor"), dated March 20, 2019, pursuant to which the Lessor leased to the Westhab the premises at 21 Fountain Place, New Rochelle, New York, (the "Premises") for a period commencing on April 1, 2019 and continuing through December 31, 2028, (the "Assignment"), and the County will accept the Assignment, and thereafter perform under the Lease Agreement during its remaining term, which will continue through December 31, 2028, with the County being responsible for the payment of certain taxes, assessments, charges, and the like, in addition to a total aggregate fixed rent amount of \$2,806,331.00, comprised of the following amounts:

<u>Year</u>	<u>Monthly Fixed Rent</u>	<u>Yearly Total</u>
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2028	\$68,242.00	\$818,903.00

; and be it further

RESOLVED, that the County Executive or his duly authorized designee is hereby authorized to execute any documents and take any actions reasonably necessary and appropriate to effectuate the purposes of this resolution.

1. Account to be Charged/Credited:

Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub- Object	Trust Account	Dollars
101	22	8900	5850		\$2,806,331.00

2. Budget Funding Year(s): 2025-2028

Start Date: July 1, 2025 End Date: December 31, 2028

(must match resolution)

1. Funding Source:

Federal	99%	CFDA#(s)	93 558		
State	%	State ID#(s)			
Operating/Tax Levy	1%				
Capital	N/A				

2. Total NTE: \$2,806,331.00

(must match resolution)