

111586

TO: Board of Acquisition and Contract

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

DATE: August 5, 2025

SUBJECT: Authority to enter into a Temporary Access Permit with Biggest Fish Westchester, LLC pursuant to which it will allow the County and its contractors to enter upon its properties located at 230 and 224 White Plains Road in Tuckahoe to conduct a Phase I Environmental Audit and to indemnify, defend and hold Biggest Fish Westchester, LLC harmless for any damages incurred in connection with such Audit. (Agreement No. 25-924)

Authority is requested for the County of Westchester (the "County"), acting by and through its Department of Public Works & Transportation (the "Department"), to enter into a Temporary Access Permit (the "Permit" or the "Agreement") with Biggest Fish Westchester, LLC (the "Owner"), pursuant to which the Owner will allow the County and its contractors to enter upon its properties located at 230 and 224 White Plains Road in Tuckahoe, to conduct a Phase I Environmental Audit. The properties, identified by tax map designation as Section 31, Block 3, Lot 13, and Section 31, Block 3, Lot 6, respectively, consist of a two family dwelling, commonly known as the "Ward House", and a vacant residentially-zoned lot, adjacent to the dwelling (the "Premises"). The County intends to purchase the Premises as parkland. The Environmental Audit is a necessary part of the County's "due diligence" to investigate the properties prior to purchase.

In consideration for granting the Permit, the County will pay the Owner the sum of One (\$1.00) dollar. In addition, the County will agree to indemnify, defend and hold the Owner harmless from any damages incurred in connection with its inspection of the Premises. The term of the Permit will commence on August 11, 2025 and expire on September 5, 2025.

The Agreement is exempt from the Westchester County Procurement Policy and Procedures pursuant to Section 3(b) thereof which exempts real property leases, licenses and concessions.

The Agreement will serve a public purpose by allowing the County to inspect the properties it intends to purchase to determine if there is any environmental contamination that must be remediated.

A resolution is herewith attached for your Honorable Board's consideration.

HJG/GK/jpg/nn
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 08/07/2025 - RAYMOND SCULKY, SECRETARY

RESOLUTION

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

RESOLVED, that the County of Westchester (the “County”), acting by and through its Department of Public Works & Transportation (the “Department”), is authorized to enter into a Temporary Access Permit (the “Permit”) with Biggest Fish Westchester, LLC (the “Owner”), pursuant to which the Owner will allow the County and its contractors to enter upon its properties located at 230 and 224 White Plains Road in Tuckahoe, to conduct a Phase I Environmental Audit, for a term commencing on August 11, 2025 and continuing through September 5, 2025; and be it further

RESOLVED, that in consideration for granting the Permit, the County will pay the Owner the sum of One (\$1.00) dollar. In addition, the County will agree to indemnify, defend and hold the Owner harmless from any damages incurred in connection with its inspection of the Premises; and be it further

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

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Bond Act No.	Dollars
						\$1.00

Budget Funding Year(s) 2025

Start Date: August 11, 2025

End Date: September 5, 2025

(must match resolution)

Funding Source: Tax Dollars \$1.00

State Aid _____

\$1.00 **Federal Aid** _____
(must match resolution)

Other _____