

109598

DATE July 23, 2024

TO: Board of Acquisition and Contract

FROM: Blanca P. Lopez, M.S.
Commissioner of Planning

SUBJECT: Resolution authorizing an amendment to the Intermunicipal Developer Agreement (IMDA) made by the County of Westchester, City of Yonkers, La Mora, LLC, its successors or assigns, and the Municipal Housing Authority for the City of Yonkers, in order to amend the description in the easement, the plans and the budget for the infrastructure improvements, and to ratify the IMDA to include the Municipal Housing Authority for the City of Yonkers as a signatory in connection with an Affordable AFFH Development located at 23 Mulberry Street, Yonkers.

On May 19, 2022 your Honorable Board approved a resolution authorizing the County of Westchester (the "County") to enter into an Intermunicipal Developer Agreement (the "IMDA") with the City of Yonkers ("City") and La Mora, LLC (the "Developer"), its successors or assigns, to finance the construction of certain infrastructure improvements ("Infrastructure Improvements") in support of an affordable housing development to be constructed at 23 Mulberry Street in the City of Yonkers (the "Development") in an amount not to exceed \$3,500,000 from Capital Project BPL 1A-Housing Implementation Fund II and to grant and accept all necessary property rights in connection therewith. The IMDA was subsequently executed.

During construction, it was determined that the foundation for the building was constructed in the wrong location, approximately ten (10) feet both south and west of the location shown on the plans for the Development that were approved and attached to the IMDA. It was determined that it would be cost prohibitive to remove and relocate the foundation in the proper location. Therefore, the Developer, with the approval of the City of Yonkers, modified the plans to reflect the current location of the foundation. Further, the Municipal Housing Authority for the City of Yonkers ("MHACY") was a signatory to the IMDA, although the Resolution approved by your Honorable Board on May 19, 2022 did not include MHACY as a party to the IMDA, it is a related party to the Developer.

On March 18, 2024, the County Board of Legislators ("BOL"), by Act No. 42-2024, approved an amendment to the IMDA to amend the description in the easement, the plans and the budget. Further by Act No 42-2024, the Board ratified the IMDA to include MHACY as a signatory.

Based upon the foregoing, it is requested that your Honorable Board approve an amendment to the IMDA in order to amend the description in the easement, the plans and the budget for the Infrastructure Improvements, and to ratify the IMDA to add MHACY as a signatory. It should be noted that the budget currently is below the not-to-exceed amount of \$3,500,000 authorized by the Bond Act enacted by the BOL.

Except as specifically provided herein, all remaining terms and conditions of the IMDA shall remain in full force and effect.

Accordingly, I respectfully recommend your Honorable Board's approval of the attached Resolution.

BPL/lc/cp/lg
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 08/01/2024 - RAYMOND SCULLY, SECRETARY

RESOLUTION

UPON A COMMUNICATION FROM THE COMMISSIONER OF PLANNING, BE IT HEREBY

RESOLVED, that the County of Westchester (the "County"), is authorized to enter into an amendment to an Intermunicipal Developer Agreement ("IMDA") with the City of Yonkers, La Mora, LLC, its successors or assigns, and the Municipal Housing Authority for the City of Yonkers ("MHACY"), to finance the construction of certain infrastructure improvements in an amount not to exceed \$3,500,000 to support an Affordable AFFH Development located at 23 Mulberry Street (Section 2 Block 2062 Lot 25) in the City of Yonkers, in order to amend the description in the easement, the plans and the budget; and it is further

RESOLVED, that the IMDA is ratified to include MHACY as a signatory; and it is further

RESOLVED, that all remaining terms and conditions of the IMDA shall remain in full force and effect; and be it further

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

Original Agreement	\$3,500,000.00
This Amendment	<u>\$ 0.00</u>
	\$3,500,000.00

AGREEMENT NUMBER: C-HIF-22-78

Account to be Charged/Credited

		Major Program, Program & Phase	Object/ Sub Object	Trust Account	Dollars
Fund	Dept	Or Unit			
318	19	BPL1A-15S Bond Act 28-2022	6050	N/A	0.00

Budget Funding Year(s) FY 2022 Start Date: June 16, 2022 End Date: 15 years after Execution or County retires Bonds

Funding Source	Tax Dollars <u>\$0.00</u>
	State Aid _____
<u>\$0.00</u>	Federal Aid _____
(must match resolution)	Other _____