

**LOCAL LAW NO. \_\_\_\_ - 2008**

**A LOCAL LAW** authorizing the County of Westchester to enter into an intermunicipal agreement with the City of Mount Vernon whereby the County will lease property from the City and will contribute funds toward the design and construction 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 Mount Vernon (“City”) whereby the County will lease property from the City and will contribute funds toward the design and construction 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 Memorial Field, is located on Sandford Boulevard in the City and comprises approximately twelve 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 \$9,700,000 of the design and construction 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 2.32 miles (collectively, the "Transferred Roads"). The Transferred Roads are: Midland Ave. from Eastchester/Mount Vernon line to Yonkers line; Fulton Ave. from Columbus Ave. to Fulton Ave. Bridge; Fulton Ave. from Bridge Abutment to Bridge Abutment (only road section shall be transferred; bridge structure shall remain under County jurisdiction); East Lincoln Ave. from Pelham line to Marion Ave.; East Lincoln Ave. from Marion Ave. to North Columbus Ave.; South Fifth Ave. from Sandford Blvd. to West Third St.; South Fifth Ave. from West Third Street to West First Street; South Fifth Ave. from Bronx line to Sandford Blvd.; Broad St. Viaduct from Yonkers line to Locust St. (only road section being transferred); Columbus Ave. from Sandford Blvd. to South Fulton Ave.; Kimball Pl. from Columbus Ave. to DEF Transfer Station; and Yonkers Avenue Bridge from east end of bridge to Mount Vernon/Yonkers line (only road section shall be transferred; bridge structure shall remain under County jurisdiction). The City shall also accept certain other County roads and any related right-of-way totaling approximately 1.95 miles following their rehabilitation by the County to improve them to a pavement condition rating of 80 (collectively, the "Improved Roads").

The Improved Roads are: Sandford Blvd. from Hutchinson Blvd. to South Fulton Ave.; Sandford Blvd. from South Fulton Ave. to Bronx Line; Broad St. Viaduct from Yonkers Line to Locust St. (only road section shall be transferred; bridge structure shall remain under County jurisdiction); and Columbus Ave. from Sandford Blvd. to South Fulton Ave. The City shall immediately assume full responsibility and all costs for the repair, maintenance and operation of the Improved Roads, including, without limitation, snow and ice removal and all policing functions. Upon the retirement of all outstanding County bonds relating to the rehabilitation, ownership of the Improved Roads shall be deemed to have been transferred to the City. 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.** The term of the IMA shall be fifteen (15) years.

**§5.** 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.

**§6.** This Local Law shall take effect immediately.