

**HONORABLE BOARD OF LEGISLATORS
THE COUNTY OF WESTCHESTER**

Your Committee is in receipt of a communication from the County Executive recommending the approval of an Act which, if adopted by your Honorable Board, would authorize the County of Westchester ("County") to:

(i) consent to the release of certain restrictions contained in an indenture dated July 29, 1976 ("1976 Indenture") and recorded April 18, 1977 in Liber 7386 at page 630 in the Office of the Clerk of the County of Westchester, from the County, as the party of the first part, to the People of the State of New York ("State"), as the party of the second part, for approximately 8.4 acres of land located in the Village of Dobbs Ferry ("Village"), identified as Parcel 6 in said indenture ("Parcel"), and

(ii) execute a quitclaim deed for the Parcel to the State of New York, acting by and through its Department of Transportation ("NYSDOT").

The Parcel is located adjacent to the Saw Mill River Parkway in the Village, in the Town of Greenburgh, and is also identified as Tax Parcel No. 3.140-129-58 on the official Tax Maps for the Town of Greenburgh.

The 1976 Indenture contains a reverter clause ("Reverter Clause") as follows:

"The premises hereby conveyed are subject to: ...(d) restrictions imposed by Section 457, Subdivision 3 of the Public Authorities Law of the State of New York prohibiting the resale of the real property hereinabove described without the consent of the party of the First Part."

The Parcel was originally acquired in 1927 by the County, acting through the Westchester County Park Commission ("Park Commission"), in connection with the construction of the Saw Mill River Parkway ("Parkway").

As you may know, in 1960 the East Hudson Parkway Authority was established to take over the County parkway system in the County. In February 1961, the County entered into "a certain instrument in writing to carry out the intents and purposes of Chapter 649 of the Laws of 1960, and did by said instrument grant and release unto the [State] certain lands and premises" comprising a part of the Parkway. This instrument was never recorded, however, so in 1968 the County and the State executed a new indenture documenting the transfer of those properties. Under this 1968 indenture, the County conveyed to the State various parcels in the Village, however, it did not include the subject Parcel. In 1976, the County conveyed to the State, again pursuant to Chapter 649 of the Laws of 1960, several additional parcels along the Parkway, including the subject Parcel.

Under New York State Transportation Law §71(7), in 1979 the State transferred to NYSDOT all the duties, functions and responsibilities of the East Hudson Parkway Authority. Pursuant to Transportation Law §71(7), NYSDOT cannot dispose of property previously owned by the County, and any property deemed surplus by NYSDOT shall revert back to the County. However, pursuant to the 1976 Indenture, NYSDOT can dispose of the subject Parcel with the consent of the County.

NYSDOT has advised that the Village seeks to combine the Parcel with two adjacent park parcels owned by the Village, and thereby create a new 14.8 acre Village-owned park along the Saw Mill River. Accordingly, NYSDOT has advised that the Village has applied to acquire the Parcel from NYSDOT. NYSDOT has requested that the County release its rights under the Reverter Clause and quitclaim the Parcel to NYSDOT so that NYSDOT may convey title to the Parcel to the Village.

In accordance with the Laws of Westchester County Section 249.111(2), on June 17, 2021, the Westchester County Parks, Recreation and Conservation Board (the "Parks Board") adopted a resolution recommending the execution and delivery of a consent and release to NYSDOT of the restrictions imposed in the 1976 Indenture concerning the Parcel, for the sole purpose of permitting NYSDOT to transfer the Parcel to the Village for the purpose of establishing a park. The Parks Board further recommended that proceeds, if any, from the sale or conveyance of the Parcel be set aside in a segregated fund, dedicated solely for use by the County for the purposes of improvements to County parks and park facilities and programs. I have been informed that there will not be any proceeds in connection with this conveyance.

It should be pointed out that the consent and release of the Reverter Clause is only for the Parcel and is granted for the sole purpose of permitting NYSDOT to transfer the Parcel to the Village for the purposes of establishing a park. The request to consent and release the restrictions in no way affects the remaining real property identified in the 1976 Indenture, which real property shall remain subject to the covenants, conditions, restrictions and other clauses contained in the 1976 Indenture.

The Planning Department has advised your Committee that based on its review, the above-referenced action has been classified as a Type "II" action pursuant to the State Environmental Quality Review Act ("SEQR") and its implementing regulations, 6 NYCRR Part 617. Therefore, no further environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this conclusion.

Your Committee has carefully considered this matter and recommends that your Honorable Board adopt the proposed annexed Act.

Dated: September 15, 2021
White Plains, New York

Rick Weber
Vedat J. Ari

Rick Weber
William M.
William M.
Vedat J. Ari

COMMITTEE ON

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Public Works & Transportation

Budget & Appropriations

Dated: September 15, 2021
White Plains, New York

The following members attended the meeting remotely, pursuant to Chapter 417 of New York State Laws of 2021, and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.

Committee(s) on:

Public Works & Transportation

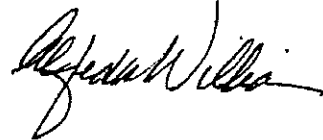


Catherine F. Parker

David A. Jabrot

Benjamin Borfina II

Budget & Appropriations



Catherine F. Parker

David A. Jabrot

Benjamin Borfina II

FISCAL IMPACT STATEMENT

SUBJECT: Tax Parcel 3.140-129.-58

NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

SECTION A - FUND

GENERAL FUND

AIRPORT FUND

SPECIAL DISTRICTS FUND

SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$ _____ -

Total Current Year Revenue _____

Source of Funds (check one): Current Appropriations Transfer of Existing Appropriations

Additional Appropriations Other (explain)

Identify Accounts: _____

Potential Related Operating Budget Expenses: Annual Amount _____

Describe: _____

Potential Related Operating Budget Revenues: Annual Amount _____

Describe: _____

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: _____

Next Four Years: _____

Prepared by: Neil Squillante

Title: Deputy Commissioner

Department: Parks Department

Date: July 21, 2021

Reviewed By: 

Budget Director

Date: 7/22/21

DSO 7/22/21

TO: Michelle Greenbaum, Senior Assistant County Attorney
Department of Law

FROM: David S. Kvinge, AICP, RLA, CFM
Director of Environmental Planning



DATE: May 25, 2021

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR RELEASE OF
REVERTER CLAUSE FOR PROPERTY ALONG SAW MILL RIVER
PARKWAY, DOBBS FERRY**

PROJECT/ACTION: An Act of the County providing its consent to the release of a reverter clause and execution of a quitclaim deed pertaining to an 8.4-acre parcel of land located along the Saw Mill River Parkway in the Village of Dobbs Ferry that had been transferred to the East of Hudson Parkway Authority in 1976 following the State's takeover of the County parkway system. In 1979, the State transferred all the duties, functions and responsibilities of the East of Hudson Parkway Authority to the New York State Department of Transportation (NYSDOT). The parcel is undeveloped and not needed for parkway purposes. The Village of Dobbs Ferry would like to acquire the subject property in order to combine it with two adjoining park properties owned by the Village to create a 14.8-acre park. The County's consent is needed in order to allow NYSDOT to convey the property to the Village for this purpose.

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no further environmental review is required because the project/action:

- DOES NOT MEET THE DEFINITION OF AN "ACTION" AS DEFINED UNDER SECTION 617.2(b)**
- MAY BE CLASSIFIED AS TYPE II PURSUANT TO SECTIONS:**
- **617.5(c)(33):** adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list.
 - **617.5(c)(39):** an agency's acquisition and dedication of 25 acres or less of land for parkland, or dedication of land for parkland that was previously acquired, or acquisition of a conservation easement.

COMMENTS: None

DSK/cnm

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Tami Altschiller, Assistant Chief Deputy County Attorney
Norma Drummond, Commissioner
Claudia Maxwell, Associate Environmental Planner

AN ACT authorizing the County of Westchester to (i) consent to the release of a reverter clause contained in an indenture from the County of Westchester to the People of the State of New York dated July 29, 1976 with respect to approximately 8.4 acres of land located in the Village of Dobbs Ferry and (ii) the execution of a quitclaim deed.

BE IT ENACTED by the Board of Legislators of the County of Westchester as follows:

Section 1. The County of Westchester ("County") is authorized to execute and deliver a consent and release to the People of the State of New York acting by and through its Department of Transportation ("NYSDOT") of the restrictions imposed in an indenture from the County to the People of the State of New York dated July 29, 1976, recorded April 18, 1977 in Liber 7386 at page 630 in the Office of the Clerk of the County of Westchester ("1976 Indenture"), for the real property identified as Parcel 6 comprising approximately 8.4 acres of land located in the Village of Dobbs Ferry ("Village"), and also identified as Tax Parcel No. 3.140-129-58 on the official Tax Maps for the Town of Greenburgh ("Parcel").

The 1976 Indenture contains the following restriction:

"The premises hereby conveyed are subject to: ...(d) restrictions imposed by Section 457, Subdivision 3 of the Public Authorities Law of the State of New York prohibiting the resale of the real property hereinabove described without the consent of the party of the First Part [the County]."

§2. The consent and release of the above restriction is only for the Parcel and is granted for the sole purpose of permitting NYSDOT to transfer the said Parcel to the Village for the purposes of establishing a park. The granting of the consent and release by the County in no way affects the remaining real property identified in the 1976 Indenture, which real property shall remain subject to the covenants, conditions, restrictions and other clauses contained in the 1976 Indenture.

§3. The County Executive or his authorized designee is hereby empowered to execute all instruments, including a Consent and Release of Right of Reverter and Quitclaim Deed, in order to release the aforementioned condition and quitclaim the County's interest in the Parcel to NYSDOT, and take such action as may be reasonably necessary to effectuate the purposes hereof.

§5. This Act shall take effect immediately.