

AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, DECEMBER 13, 2011

Committee of the Whole 7:30 P.M.
Stated Meeting 8:00 P.M.
City Council Chambers

TIME: _____

PRESENT: PRESIDENT OF THE COUNCIL
 CHUCK LESNICK

DISTRICT:

1 MAJORITY LEADER PATRICIA D. McDOW
5 MINORITY LEADER JOHN .M. MURTAGH

COUNCIL MEMBERS:
DISTRICT:

2 WILSON A. TERRERO
3 JOAN GRONOWSKI
4 DENNIS E. SHEPHERD
6 JOHN LARKIN

Recitation of the Pledge of Allegiance to the Flag followed by a moment of silence to invoke God's guidance and Blessing upon our deliberations.

Minutes of the stated meeting held on November 22, 2011 and a special meeting held on December 6, 2011 approved on motion of Majority Leader Patricia McDow.

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COMMUNICATIONS - GENERALLY

1. NOTICE FROM SCARSDALE VILLAGE CLERK DONNA CONKLING DATED NOVEMBER 30, 2011 OF A PUBLIC HEARING TO BE HELD ON DEC.13, 2011 AT 8:00PM IN REUTHERFORD HALL IN VILLAGE HALL. RE: AMENDMENTS TO VILLAGE CODE ON FRESHWATER WETLANDS.

2. A LETTER DROM PAUL W. MEYER ESQ. ON BEHALF OF GCS REALTY. RE: ADVISING THE CITY COUNCIL THAT ZONE CHANGE FOR 475 TUCKAHOE RD, 35 E. GRASSY SPRAIN RD AND 55 E. GRASSY SPRAIN RD IS HEREBY BEING WITHDRAWN BY VIRTUE OF THE ENECTMENT OF GENERAL ORDINANCE NO.3-2011.

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COMMITTEE OF THE WHOLE

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OLD BUSINESS

GENERAL ORDINANCE

1. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, SHEPHERD AND LARKIN:

A GENERAL ORDINANCE AMENDING GENERAL ORDINANCE NO.24-1968 AS READOPTED, CONFIRMED, REENACTED AND REAFFIRMED BY GENERAL ORDINANCE NO. 39-1970 (COMMONLY KNOWN AS THE ZONING ORDINANCE OF THE CITY OF YONKERS) AND THE ZONING MAP BY CORRECTING SAID MAP BY CHANGING THE ZONE CLASSIFICATION OF LOTS 1, 20 AND 50 IN BLOCK 4032 ALSO KNOWN AS 475 TUCKAHOE ROAD, 35 EAST GRASSY SPRAIN ROAD AND 55 EAST GRASSY SPRAIN ROAD RESPECTIVELY, FROM ITS RESPECTIVE PRESENT "C", AND "CM" ZONE DISTRICT CLASSIFICATIONS INTO A "BR" ZONE DISTRICT CLASSIFICATION.

Be it ordained by the City Council of the City of Yonkers, as follows:

Section 1. General Ordinance No. 24-1968 as readopted, confirmed, reenacted and reaffirmed by General Ordinance No. 39-1970, commonly known as the Zoning Ordinance of the City of Yonkers and the zoning map, by changing the zone district classification of Block 4032, Lots 1, 20 and 50 as shown and designated on the Official Tax Map of the City of Yonkers, said property also known as 475 Tuckahoe Road, 35 East Grassy Sprain Road and 55 East Grassy Sprain Road, Yonkers, N.Y, from its present "C" and "CM" zone district classification to an "BR" zone district classification.

Section 2. This ordinance shall take effect immediately

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SPECIAL ORDINANCE

2. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, SHEPHERD AND LARKIN:

A SPECIAL ORDINANCE ACCEPTING DEDICATION OF OTIS DRIVE LYING BETWEEN RIDGE HILL BOULEVARD AND BLOCK 4072, LOT 1 AND BLOCK 4073, LOT 1 ON THE OFFICIAL ASSESSMENT MAP OF THE CITY OF YONKERS, AND DECLARING THE SAME TO BE A PUBLIC STREET OR HIGHWAY OF THE CITY OF YONKERS.

The City of Yonkers, in City Council convened, hereby Ordains and Enacts:

Section 1. Otis Drive, which is bounded and described as follows:

BEGINNING AT A POINT FORMED BY THE INTERSECTION OF THE SOUTHERLY TERMINUS OF OTIS DRIVE (VARIABLE WIDTH) AND THE EASTERLY LINE OF RIDGE HILL BOULEVARD (VARIABLE WIDTH) RUNNING FROM SAID POINT OF BEGINNING, THENCE ALONG OTIS DRIVE THE FOLLOWING FIFTY TWO (52) COURSES;

1. NORTH 11 DEGREES - 27 MINUTES - 03 SECONDS WEST, WITH A DISTANCE OF 112.43 FEET
2. SOUTH 40 DEGREES - 46 MINUTES - 49 SECONDS EAST, A DISTANCE OF 73.54 FEET TO A POINT, THENCE;
3. SOUTH 70 DEGREES - 06 MINUTES - 24 SECONDS EAST, A DISTANCE OF 248.04 FEET TO A POINT OF CURVATURE, THENCE;
4. ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 230.00 FEET, AN ARC LENGTH OF 160.37 FEET, A CENTRAL ANGLE OF 39 DEGREES - 56 MINUTES - 57 SECONDS, BEARING A CHORD OF NORTH 89 DEGREES - 55 MINUTES - 07 SECONDS EAST, A CHORD DISTANCE OF 157.14 FEET TO A POINT OF TANGENCY, THENCE;

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5. SOUTH 66 DEGREES - 38 MINUTES - 29 SECONDS WEST, A DISTANCE OF 26.50 FEET TO A POINT, THENCE;
6. ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 230.00 FEET, AN ARC LENGTH OF 222.65 FEET, A CENTRAL ANGLE OF 55 DEGREES - 27 MINUTES - 51 SECONDS, BEARING A CHORD OF NORTH 35 DEGREES - 36 MINUTES - 24 SECONDS EAST, A CHORD DISTANCE OF 214.06 FEET TO A POINT OF TANGENCY, THENCE;
7. NORTH 07 DEGREES - 52 MINUTES - 29 SECONDS EAST, A DISTANCE OF 275.50 FEET TO A POINT, THENCE;
8. SOUTH 81 DEGREES - 20 MINUTES - 12 SECONDS EAST, A DISTANCE OF 5.00 FEET TO A POINT, THENCE;
9. NORTH 07 DEGREES - 52 MINUTES - 29 SECONDS EAST, A DISTANCE OF 173.74 FEET TO A POINT, THENCE;
10. NORTH 81 DEGREES - 20 MINUTES - 12 SECONDS WEST, A DISTANCE OF 47.88 FEET TO A POINT, THENCE;
11. NORTH 08 DEGREES - 39 MINUTES - 48 SECONDS EAST, A DISTANCE OF 60.00 FEET TO A POINT, THENCE;
12. SOUTH 81 DEGREES - 20 MINUTES - 12 SECONDS EAST, A DISTANCE OF 45.91 FEET TO A POINT OF CURVATURE, THENCE;
13. ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 10.00 FEET, AN ARC LENGTH OF 15.85 FEET, A CENTRAL ANGLE OF 90 DEGREES - 47 MINUTES - 19 SECONDS, BEARING A CHORD OF NORTH 53 DEGREES - 16 MINUTES - 09 SECONDS EAST, A CHORD DISTANCE OF 14.24 FEET TO A POINT OF TANGENCY, THENCE;
14. NORTH 07 DEGREES - 52 MINUTES - 29 SECONDS EAST, A DISTANCE OF 237.33 FEET TO A POINT, THENCE;
15. NORTH 07 DEGREES - 30 MINUTES - 37 SECONDS EAST, A DISTANCE OF 141.68 FEET TO A POINT, THENCE;

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16. NORTH 08 DEGREES - 06 MINUTES - 31 SECONDS EAST, A DISTANCE OF 89.36 FEET TO A POINT, THENCE;
17. NORTH 10 DEGREES - 01 MINUTE - 18 SECONDS EAST, A DISTANCE OF 128.37 FEET TO A POINT OF CURVATURE, THENCE;
18. ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 1,500.00 FEET, AN ARC LENGTH OF 15.80 FEET, A CENTRAL ANGLE OF 00 DEGREES - 36 MINUTES - 13 SECONDS, BEARING A CHORD OF NORTH 09 DEGREES - 43 MINUTES - 12 SECONDS EAST, A CHORD DISTANCE OF 15.80 FEET TO A POINT OF TANGENCY, THENCE;
19. SOUTH 08 DEGREES - 54 MINUTES - 43 SECONDS WEST, A DISTANCE OF 26.50 FEET TO A POINT, THENCE;
20. ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 1,500.00 FEET, AN ARC LENGTH OF 23.45 FEET, A CENTRAL ANGLE OF 00 DEGREES - 53 MINUTES - 45 SECONDS, BEARING A CHORD OF NORTH 07 DEGREES - 57 MINUTES - 29 SECONDS EAST, A CHORD DISTANCE OF 23.45 FEET TO A POINT OF TANGENCY, THENCE;
21. NORTH 07 DEGREES - 30 MINUTES - 36 SECONDS EAST, A DISTANCE OF 191.88 FEET TO A POINT OF CURVATURE, THENCE;
22. ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 309.00 FEET, AN ARC LENGTH OF 80.41 FEET, A CENTRAL ANGLE OF 14 DEGREES - 54 MINUTES - 35 SECONDS, BEARING A CHORD OF NORTH 00 DEGREES - 03 MINUTES - 19 SECONDS EAST, A CHORD DISTANCE OF 80.18 FEET TO A POINT OF NON-TANGENCY, THENCE;
23. NORTH 12 DEGREES - 01 MINUTE - 23 SECONDS WEST, A DISTANCE OF 156.58 FEET TO A POINT OF CURVATURE, THENCE;
24. ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 522.00 FEET, AN ARC LENGTH OF 59.47 FEET, A CENTRAL ANGLE OF 06 DEGREES - 31 MINUTES - 41 SECONDS, BEARING A CHORD OF NORTH 08 DEGREES - 45 MINUTES - 31 SECONDS WEST, A CHORD DISTANCE OF 59.44 FEET TO A POINT OF TANGENCY, THENCE;

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25. NORTH 05 DEGREES - 29 MINUTES - 41 SECONDS WEST, A DISTANCE OF 113.26 FEET TO A POINT, THENCE;
26. NORTH 57 DEGREES - 36 MINUTES - 20 SECONDS WEST, A DISTANCE OF 8.59 FEET TO A POINT, THENCE;
27. NORTH 11 DEGREES - 19 MINUTES - 39 SECONDS WEST, A DISTANCE OF 72.82 FEET TO A POINT OF NON-TANGENT CURVATURE, THENCE;
28. ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 128.00 FEET, AN ARC LENGTH OF 44.86 FEET, A CENTRAL ANGLE OF 20 DEGREES - 04 MINUTES - 46 SECONDS, BEARING A CHORD OF NORTH 42 DEGREES - 45 MINUTES - 29 SECONDS WEST, A CHORD DISTANCE OF 44.63 FEET TO A POINT OF TANGENCY, THENCE;
29. NORTH 52 DEGREES - 47 MINUTES - 52 SECONDS WEST, A DISTANCE OF 85.11 FEET TO A POINT, THENCE;
30. NORTH 11 DEGREES - 20 MINUTES - 02 SECONDS WEST, A DISTANCE OF 377.68 FEET TO A POINT OF CURVATURE, THENCE;
31. ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 10.00 FEET, AN ARC LENGTH OF 15.83 FEET, A CENTRAL ANGLE OF 90 DEGREES - 41 MINUTES - 21 SECONDS, BEARING A CHORD OF NORTH 56 DEGREES - 40 MINUTES - 43 SECONDS WEST, A CHORD DISTANCE OF 14.23 FEET TO A POINT OF TANGENCY, THENCE;
32. SOUTH 77 DEGREES - 58 MINUTES - 37 SECONDS WEST, A DISTANCE OF 146.41 FEET TO A POINT, THENCE;
33. NORTH 12 DEGREES - 01 MINUTES - 23 SECONDS WEST, A DISTANCE OF 60.00 FEET TO A POINT, THENCE;
34. NORTH 77 DEGREES - 58 MINUTES - 37 SECONDS EAST, A DISTANCE OF 147.37 FEET TO A POINT OF CURVATURE, THENCE;
35. ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 10.00 FEET, AN ARC LENGTH OF 15.59 FEET, A CENTRAL ANGLE OF 89 DEGREES - 18

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- MINUTES - 39 SECONDS, BEARING A CHORD OF NORTH 33 DEGREES - 19 MINUTES - 17 SECONDS EAST, A CHORD DISTANCE OF 14.06 FEET TO A POINT OF TANGENCY, THENCE;
36. NORTH 11 DEGREES - 20 MINUTES - 02 SECONDS WEST, A DISTANCE OF 540.55 FEET TO A POINT OF CURVATURE, THENCE;
37. ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 119.50 FEET, AN ARC LENGTH OF 226.31 FEET, A CENTRAL ANGLE OF 108 DEGREES - 30 MINUTES - 24 SECONDS, BEARING A CHORD OF NORTH 65 DEGREES - 35 MINUTES - 14 SECONDS WEST, A CHORD DISTANCE OF 193.97 FEET TO A POINT OF TANGENCY, THENCE;
38. SOUTH 60 DEGREES - 09 MINUTES - 34 SECONDS WEST, A DISTANCE OF 35.63 FEET TO A POINT OF CURVATURE, THENCE;
39. ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 580.30 FEET, AN ARC LENGTH OF 270.76 FEET, A CENTRAL ANGLE OF 26 DEGREES - 44 MINUTES - 00 SECONDS, BEARING A CHORD OF SOUTH 46 DEGREES - 47 MINUTES - 34 SECONDS WEST, A CHORD DISTANCE OF 268.31 FEET TO A POINT OF TANGENCY, THENCE;
40. SOUTH 33 DEGREES - 25 MINUTES - 34 SECONDS WEST, A DISTANCE OF 17.01 FEET TO A POINT OF CURVATURE, THENCE;
41. ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 199.50 FEET, AN ARC LENGTH OF 12.57 FEET, A CENTRAL ANGLE OF 03 DEGREES - 36 MINUTES - 33 SECONDS, BEARING A CHORD OF SOUTH 31 DEGREES - 37 MINUTES - 18 SECONDS WEST, A CHORD DISTANCE OF 12.56 FEET TO A POINT OF TANGENCY, THENCE;
42. SOUTH 24 DEGREES - 09 MINUTES - 35 SECONDS WEST, A DISTANCE OF 39.33 FEET TO A POINT OF CURVATURE, THENCE;
43. ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 199.50 FEET, AN ARC LENGTH OF 106.29 FEET, A CENTRAL ANGLE OF 30 DEGREES - 31 MINUTES - 31 SECONDS, BEARING A CHORD OF SOUTH 03 DEGREES

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- 14 MINUTES - 22 SECONDS WEST, A CHORD DISTANCE OF 105.03 FEET TO A POINT OF TANGENCY, THENCE;
44. SOUTH 12 DEGREES - 01 MINUTE - 23 SECONDS EAST, A DISTANCE OF 351.66 FEET TO A POINT OF CURVATURE, THENCE;
45. ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 10.00 FEET, AN ARC LENGTH OF 15.71 FEET, A CENTRAL ANGLE OF 90 DEGREES - 00 MINUTES - 00 SECONDS, BEARING A CHORD OF SOUTH 57 DEGREES - 01 MINUTES - 23 SECONDS EAST, A CHORD DISTANCE OF 14.14 FEET TO A POINT OF TANGENCY, THENCE;
46. NORTH 77 DEGREES - 58 MINUTES - 37 SECONDS EAST, A DISTANCE OF 61.73 FEET TO A POINT, THENCE;
47. SOUTH 12 DEGREES - 01 MINUTE - 23 SECONDS EAST, A DISTANCE OF 60.00 FEET TO A POINT, THENCE;
48. SOUTH 77 DEGREES - 58 MINUTES - 37 SECONDS WEST, A DISTANCE OF 184.67 FEET TO A POINT, THENCE;
49. NORTH 12 DEGREES - 01 MINUTE - 11 SECONDS WEST, A DISTANCE OF 70.67 FEET TO A POINT, THENCE;
50. NORTH 77 DEGREES - 58 MINUTES - 37 SECONDS EAST, A DISTANCE OF 52.94 FEET TO A POINT OF CURVATURE, THENCE;
51. ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 10.00 FEET, AN ARC LENGTH OF 15.71 FEET, A CENTRAL ANGLE OF 90 DEGREES - 00 MINUTES - 00 SECONDS, BEARING A CHORD OF NORTH 32 DEGREES - 58 MINUTES - 37 SECONDS EAST, A CHORD DISTANCE OF 14.14 FEET TO A POINT OF TANGENCY, THENCE;
52. NORTH 12 DEGREES - 01 MINUTE - 23 SECONDS WEST, A DISTANCE OF 435.30 FEET TO A POINT ON THE SOUTHERLY LINE OF LANDS OF THE COUNTY OF WESTCHESTER, THENCE; ALONG SAID LANDS OF THE COUNTY OF WESTCHESTER, THE FOLLOWING FIVE (5) COURSES:

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SPECIAL ORDINANCE (CONTINUED)

53. NORTH 35 DEGREES - 00 MINUTE - 57 SECONDS EAST, A DISTANCE OF 98.58 FEET TO A POINT, THENCE;
54. NORTH 33 DEGREES - 25 MINUTES - 34 SECONDS EAST, A DISTANCE OF 126.25 FEET TO A POINT, THENCE;
55. NORTH 48 DEGREES - 37 MINUTES - 32 SECONDS EAST, A DISTANCE OF 75.80 FEET TO A POINT, THENCE;
56. NORTH 55 DEGREES - 22 MINUTES - 33 SECONDS EAST, A DISTANCE OF 70.76 FEET TO A POINT, THENCE;
57. NORTH 60 DEGREES - 09 MINUTES - 34 SECONDS EAST, A DISTANCE OF 84.02 FEET TO A POINT OF CURVATURE, THENCE;
58. ALONG OTIS DRIVE ON A CURVE TO THE RIGHT, HAVING A RADIUS OF 157.50 FEET, AN ARC LENGTH OF 298.27 FEET, A CENTRAL ANGLE OF 108 DEGREES - 30 MINUTES - 24 SECONDS, BEARING A CHORD OF SOUTH 65 DEGREES - 35 MINUTES - 14 SECONDS EAST, A CHORD DISTANCE OF 255.66 FEET TO A POINT OF TANGENCY, THENCE;
59. PARTIALLY ALONG OTIS DRIVE AND THE LANDS OF THE COUNTY OF WESTCHESTER, SOUTH 11 DEGREES - 20 MINUTES - 02 SECONDS EAST, A DISTANCE OF 971.65, THENCE;
60. CONTINUING ALONG THE LANDS OF THE COUNTY OF WESTCHESTER, SOUTH 79 DEGREES - 55 MINUTES - 26 SECONDS EAST, A DISTANCE OF 8.58 FEET TO A POINT, THENCE; ALONG OTIS DRIVE THE FOLLOWING THREE (3) COURSES:
 61. SOUTH 52 DEGREES - 47 MINUTES - 52 SECONDS EAST, A DISTANCE OF 72.24 FEET TO A POINT OF CURVATURE, THENCE;
 62. ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 178.00 FEET, AN ARC LENGTH OF 146.96 FEET, A CENTRAL ANGLE OF 47 DEGREES - 18 MINUTES - 11 SECONDS, BEARING A CHORD OF SOUTH 29 DEGREES - 08 MINUTES - 46 SECONDS EAST, A CHORD DISTANCE OF 142.82 FEET TO A POINT OF TANGENCY, THENCE;

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63. SOUTH 05 DEGREES - 29 MINUTES - 41 SECONDS EAST, A DISTANCE OF 90.66 FEET TO A POINT ON THE LANDS OF CONSOLIDATED EDISON, THENCE; CONTINUING ALONG THE LANDS OF CONSOLIDATED EDISON, THE FOLLOWING SIX (6) COURSES:
64. SOUTH 65 DEGREES - 11 MINUTES - 34 SECONDS WEST, A DISTANCE OF 6.20 FEET TO A POINT, THENCE;
65. SOUTH 17 DEGREES - 36 MINUTES - 16 SECONDS EAST, A DISTANCE OF 196.32 FEET TO A POINT, THENCE;
66. SOUTH 07 DEGREES - 30 MINUTES - 36 SECONDS WEST, A DISTANCE OF 772.01 FEET TO A POINT, THENCE;
67. SOUTH 07 DEGREES - 52 MINUTES - 29 SECONDS WEST, A DISTANCE OF 854.99 FEET TO A POINT, THENCE;
68. SOUTH 45 DEGREES - 25 MINUTES - 12 SECONDS WEST, A DISTANCE OF 287.07 FEET TO A POINT, THENCE;
69. NORTH 68 DEGREES - 30 MINUTES - 14 SECONDS WEST, A DISTANCE OF 171.31 FEET TO A POINT, THENCE;
70. PARTIALLY ALONG LANDS OF CONSOLIDATED EDISON AND RIDGE HILL BOULEVARD EXTENSION NORTH 70 DEGREES - 06 MINUTES - 24 SECONDS WEST, A DISTANCE OF 262.83 FEET TO THE POINT AND PLACE OF BEGINNING.

(CONTAINING 265,816 SQUARE FEET OR 6.102 ACRES. THFOREGOING DESCRIPTION WAS PREPARED WITH REFERENCE TO A MAP ENTITLED, "FINAL SUBDIVISION PLAT, RIDGE HILL, NEW YORK THRUWAY (INTERSTATE 87), CITY OF YONKERS, WESTCHESTER COUNTY, STATE OF NEW YORK.", PREPARED BY CONTROL POINT ASSOCIATES, INC, DATED MAY 22, 2006, LAST REVISED MARCH 18, 2011 AS REVISION 9 AND FILED IN THE OFFICE OF THE WESTCHESTER COUNTY CLERK DIVISION OF LAND RECORDS ON MAY 4, 2011 AS RO NUMBER 28475)

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SPECIAL ORDINANCE (CONTINUED)

is hereby accepted for dedication and is declared to be a public street or highway of the City of Yonkers.

Section 2. The affected City departments, bureaus and agencies shall amend the necessary City records accordingly.

Section 3. Said Otis Drive is shown on the map annexed hereto as Exhibit A and made a part hereof.

Section 4. The description set forth herein shall be entered at length in the minutes of the City Council, and the map annexed hereto shall be filed in the office of the City Clerk; and copies thereof duly certified by the City Clerk shall be presumptive evidence in any proceeding of the location of said street or highway.

Section 5. This Special Ordinance shall take effect as provided by law.

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SPECIAL ORDINANCE

3. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, SHEPHERD AND LARKIN:

A SPECIAL ORDINANCE ACCEPTING DEDICATION OF RIDGE HILL BOULEVARD (PARCEL 1) LYING BETWEEN CERTAIN LANDS OF THE NEW YORK STATE THRUWAY AUTHORITY AND BLOCK 4001, LOTS 150 AND 160 ON THE OFFICIAL ASSESSMENT MAP OF THE CITY OF YONKERS; RIDGE HILL BOULEVARD (PARCEL 2) LYING BETWEEN TUCKAHOE ROAD AND BLOCK 4061, LOT 1 AND BLOCK 4074, LOT 1 ON THE OFFICIAL ASSESSMENT MAP OF THE CITY OF YONKERS; AND RIDGE HILL LANE LYING BETWEEN BLOCK 4000, LOT 1 AND BLOCK 4000, LOT 100 ON THE OFFICIAL ASSESSMENT MAP OF THE CITY OF YONKERS, AND DECLARING THE SAME TO BE PUBLIC STREETS OR HIGHWAYS OF THE CITY OF YONKERS.

The City of Yonkers, in City Council convened, hereby Ordains and Enacts:

Section 1. Ridge Hill Boulevard Parcel 1, which is bounded and described as follows:

BEGINNING AT A POINT FORMED BY THE INTERSECTION OF THE DIVIDING LINE BETWEEN NEW YORK STATE THRUWAY (INTERSTATE 87) ON THE WEST, AND THE HEREIN DESCRIBED PREMISES ON THE EAST WITH THE DIVIDING LINE BETWEEN LANDS NOW OR FORMERLY OF THE COUNTY OF WESTCHESTER ON THE NORTH AND FROM SAID POINT OF BEGINNING RUNNING, THENCE THE FOLLOWING COURSES ALONG RIDGE HILL BOULEVARD;

1. NORTH 73 DEGREES - 10 MINUTES - 40 SECONDS EAST, A DISTANCE OF 30.09 FEET TO A POINT OF NON-TANGENT CURVATURE, THENCE;
2. ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 376.50 FEET, AN ARC LENGTH OF 110.18 FEET, A CENTRAL ANGLE OF 16 DEGREES - 46 MINUTES - 04 SECONDS, BEARING A CHORD OF SOUTH 67 DEGREES - 51 MINUTES - 53 SECONDS EAST, A CHORD DISTANCE OF 109.79 FEET TO A POINT OF CURVATURE, THENCE;

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SPECIAL ORDINANCE (CONTINUED)

3. ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 258.50 FEET, AN ARC LENGTH OF 127.20 FEET, A CENTRAL ANGLE OF 28 DEGREES - 11 MINUTES - 40 SECONDS, BEARING A CHORD OF SOUTH 45 DEGREES - 23 MINUTES - 01 SECOND EAST, A CHORD DISTANCE OF 125.93 FEET TO A POINT OF TANGENCY, THENCE;
4. SOUTH 31 DEGREES - 17 MINUTES - 11 SECONDS EAST, A DISTANCE OF 557.93 FEET TO A POINT OF CURVATURE, THENCE;
5. ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 2,045.00 FEET, AN ARC LENGTH OF 686.39 FEET, A CENTRAL ANGLE OF 19 DEGREES - 13 MINUTES - 51 SECONDS, BEARING A CHORD OF SOUTH 21 DEGREES - 40 MINUTES - 15 SECONDS EAST, A CHORD DISTANCE OF 683.17 FEET TO A POINT OF TANGENCY, THENCE;
6. SOUTH 12 DEGREES - 03 MINUTES - 20 SECONDS EAST, A DISTANCE OF 611.27 FEET TO A POINT OF CURVATURE, THENCE;
7. ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 430.00 FEET, AN ARC LENGTH OF 327.79 FEET, A CENTRAL ANGLE OF 43 DEGREES - 40 MINUTES - 34 SECONDS, BEARING A CHORD OF SOUTH 09 DEGREES - 46 MINUTES - 57 SECONDS WEST, A CHORD DISTANCE OF 319.91 FEET TO A POINT OF TANGENCY, THENCE;
8. SOUTH 31 DEGREES - 37 MINUTES - 14 SECONDS WEST, A DISTANCE OF 341.45 FEET TO A POINT OF CURVATURE, THENCE;
9. ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 255.00 FEET, AN ARC LENGTH OF 191.69 FEET, A CENTRAL ANGLE OF 43 DEGREES - 04 MINUTES - 17 SECONDS, BEARING A CHORD OF SOUTH 10 DEGREES - 05 MINUTES - 06 SECONDS WEST, A CHORD DISTANCE OF 187.21 FEET TO A POINT OF TANGENCY, THENCE;
10. SOUTH 11 DEGREES - 27 MINUTES - 03 SECONDS EAST, A DISTANCE OF 242.20 FEET TO A POINT, THENCE THE FOLLOWING 4 (FOUR) COURSES ALONG RIDGE HILL BOULEVARD AND RIDGE HILL BOULEVARD EXTENSION;

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SPECIAL ORDINANCE (CONTINUED)

11. NORTH 70 DEGREES - 06 MINUTES - 24 SECONDS WEST, A DISTANCE OF 44.21 FEET TO A POINT, THENCE;
12. SOUTH 02 DEGREES - 28 MINUTES - 46 SECONDS WEST, A DISTANCE OF 48.93 FEET TO A POINT, THENCE;
13. SOUTH 03 DEGREES - 33 MINUTES - 14 SECONDS EAST, A DISTANCE OF 137.83 FEET TO A POINT, THENCE;
14. NORTH 72 DEGREES - 05 MINUTES - 14 SECONDS WEST, A DISTANCE 24.70 FEET TO A POINT, THENCE THE FOLLOWING COURSES ALONG RIDE HILL BOULEVARD;
15. NORTH 11 DEGREES - 27 MINUTES - 03 SECONDS WEST, A DISTANCE OF 391.11 FEET TO A POINT OF CURVATURE, THENCE;
16. ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 345.00 FEET, AN ARC LENGTH OF 259.35 FEET, A CENTRAL ANGLE OF 43 DEGREES - 04 MINUTES - 17 SECONDS, BEARING A CHORD OF NORTH 10 DEGREES - 05 MINUTES - 06 SECONDS EAST, A CHORD DISTANCE OF 253.29 FEET TO A POINT OF TANGENCY, THENCE;
17. NORTH 31 DEGREES - 37 MINUTES - 14 SECONDS EAST, A DISTANCE OF 341.45 FEET TO A POINT OF CURVATURE, THENCE;
18. ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 340.00 FEET, AN ARC LENGTH OF 259.18 FEET, A CENTRAL ANGLE OF 43 DEGREES - 40 MINUTES - 34 SECONDS, BEARING A CHORD OF NORTH 09 DEGREES - 46 MINUTES - 57 SECONDS EAST, A CHORD DISTANCE OF 252.95 FEET TO A POINT, THENCE;
19. NORTH 12 DEGREES - 03 MINUTES - 20 SECONDS WEST, A DISTANCE OF 611.27 FEET TO A POINT OF CURVATURE, THENCE;
20. ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 1955.00 FEET, AN ARC LENGTH OF 656.17 FEET, A CENTRAL ANGLE OF 19 DEGREES - 13 MINUTES - 51 SECONDS, BEARING A CHORD OF NORTH 21 DEGREES - 40 MINUTES - 15 SECONDS WEST, A CHORD DISTANCE OF 653.10 FEET TO A POINT OF TANGENCY, THENCE;

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SPECIAL ORDINANCE (CONTINUED)

21. NORTH 31 DEGREES - 17 MINUTES - 11 SECONDS WEST, A DISTANCE OF 254.10 FEET TO A POINT, THENCE;
22. NORTH 33 DEGREES - 52 MINUTES - 44 SECONDS WEST, A DISTANCE OF 249.38 FEET TO A POINT OF CURVATURE, THENCE;
23. ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 274.50 FEET, AN ARC LENGTH OF 139.43 FEET, A CENTRAL ANGLE OF 29 DEGREES - 06 MINUTES - 09 SECONDS, BEARING A CHORD OF NORTH 48 DEGREES - 25 MINUTES - 49 SECONDS WEST, A CHORD DISTANCE OF 137.93 FEET TO A POINT, THENCE;
24. ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 37.50 FEET, AN ARC LENGTH OF 40.08 FEET, A CENTRAL ANGLE OF 61 DEGREES - 14 MINUTES - 18 SECONDS, BEARING A CHORD OF SOUTH 86 DEGREES - 23 MINUTES - 58 SECONDS WEST, A CHORD DISTANCE OF 38.20 FEET TO A POINT, THENCE;
25. SOUTH 05 DEGREES - 08 MINUTES - 54 SECONDS EAST, A DISTANCE OF 47.60 FEET TO A POINT, THENCE;
26. NORTH 74 DEGREES - 31 MINUTES - 12 SECONDS EAST, A DISTANCE OF 6.59 FEET TO A POINT, THENCE;
27. NORTH 15 DEGREES - 28 MINUTES - 48 SECONDS WEST, A DISTANCE OF 85.25 TO THE POINT AND PLACE OF BEGINNING

(CONTAINING 294,604 SQUARE FEET OR 6.763 ACRES. THE FOREGOING DESCRIPTION WAS PREPARED WITH REFERENCE TO A MAP ENTITLED, "FINAL SUBDIVISION PLAT, RIDGE HILL, NEW YORK THRUWAY (INTERSTATE 87), CITY OF YONKERS, WESTCHESTER COUNTY, STATE OF NEW YORK.", PREPARED BY CONTROL POINT ASSOCIATES, INC, DATED MAY 22, 2006, LAST REVISED MARCH 18, 2011 AS REVISION 9 AND FILED IN THE OFFICE OF THE WESTCHESTER COUNTY CLERK DIVISION OF LAND RECORDS ON MAY 4, 2011 AS RO NUMBER 28475)

is hereby accepted for dedication and is declared to be a public street or highway of the City of Yonkers.

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SPECIAL ORDINANCE (CONTINUED)

Section 2. Ridge Hill Boulevard Parcel 2, which is bounded and described as follows:

BEGINNING AT A POINT ON THE NORTHERLY LINE OF TUCKAHOE ROAD, SAID POINT OF BEGINNING BEING DISTANT ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1,071.55 FEET, AN ARC LENGTH OF 284.49 FEET, A CENTRAL ANGLE OF 15 DEGREES - 12 MINUTES - 40 SECONDS, BEARING A CHORD OF SOUTH 73 DEGREES - 18 MINUTES - 46 SECONDS EAST, A CHORD DISTANCE OF 283.65 FEET FROM A POINT FORMED BY THE INTERSECTION OF THE NORTHWESTERLY LINE OF GRASSY SPRAIN ROAD WITH THE NORTHEASTERLY LINE OF TUCKAHOE ROAD, FROM SAID POINT OF BEGINNING RUNNING THE FOLLOWING TWO (2) COURSES ALONG SAID TUCKAHOE ROAD:

1. ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 1,071.55 FEET, AN ARC LENGTH OF 87.62 FEET, A CENTRAL ANGLE OF 04 DEGREES - 41 MINUTES - 07 SECONDS, BEARING A CHORD OF NORTH 83 DEGREES - 15 MINUTES - 39 SECONDS WEST, A CHORD DISTANCE OF 87.60 FEET TO A POINT OF CURVATURE, THENCE;
2. ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1,167.00 FEET, AN ARC LENGTH OF 27.15 FEET, A CENTRAL ANGLE OF 01 DEGREE - 19 MINUTES - 59 SECONDS, BEARING A CHORD OF NORTH 66 DEGREES - 37 MINUTES - 59 SECONDS WEST, A CHORD DISTANCE OF 27.15 FEET TO A POINT OF NON-TANGENCY, THENCE THE FOLLOWING COURSES ALONG RIDGE HILL BOULEVARD;
3. NORTH 21 DEGREES - 46 MINUTES - 32 SECONDS EAST, A DISTANCE OF 132.85 FEET TO A POINT, THENCE;
4. ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 551.50 FEET, AN ARC LENGTH OF 53.44 FEET, A CENTRAL ANGLE OF 05 DEGREES - 33 MINUTES - 06 SECONDS, BEARING A CHORD OF NORTH 15 DEGREES - 15 MINUTES - 00 SECONDS EAST, A CHORD DISTANCE OF 53.42 FEET TO A POINT OF TANGENCY, THENCE;
5. NORTH 20 DEGREES - 55 MINUTES - 53 SECONDS EAST, A DISTANCE OF 64.45 FEET TO A POINT, THENCE;

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- NORTH 43 DEGREES - 23 MINUTES - 32 SECONDS EAST, A DISTANCE OF 8.11 FEET TO A POINT, THENCE;
7. NORTH 44 DEGREES - 28 MINUTES - 38 SECONDS WEST, A DISTANCE OF 6.60 FEET TO A POINT, THENCE;
 8. NORTH 09 DEGREES - 45 MINUTES - 43 SECONDS EAST, A DISTANCE OF 7.42 FEET TO A POINT OF CURVATURE, THENCE;
 9. ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 462.50 FEET, AN ARC LENGTH OF 468.87 FEET, A CENTRAL ANGLE OF 58 DEGREES - 05 MINUTES - 04 SECONDS, BEARING A CHORD OF NORTH 19 DEGREES - 16 MINUTES - 49 SECONDS WEST, A CHORD DISTANCE OF 449.05 FEET TO A POINT OF TANGENCY, THENCE;
 10. NORTH 48 DEGREES - 19 MINUTES - 21 SECONDS WEST, A DISTANCE OF 99.02 FEET TO A POINT, THENCE;
 11. NORTH 35 DEGREES - 31 MINUTES - 23 SECONDS WEST, A DISTANCE OF 23.94 FEET TO A POINT, THENCE;
 12. NORTH 60 DEGREES - 07 MINUTES - 33 SECONDS WEST, A DISTANCE OF 25.92 FEET TO A POINT, THENCE;
 13. NORTH 48 DEGREES - 19 MINUTES - 21 SECONDS WEST, A DISTANCE OF 43.58 FEET TO A POINT OF CURVATURE, THENCE;
 14. ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1012.50 FEET, AN ARC LENGTH OF 683.57 FEET, A CENTRAL ANGLE OF 38 DEGREES - 40 MINUTES - 56 SECONDS, BEARING A CHORD OF NORTH 28 DEGREES - 58 MINUTES - 53 SECONDS WEST, A CHORD DISTANCE OF 670.66 FEET TO A POINT OF TANGENCY, THENCE;
 15. NORTH 09 DEGREES - 38 MINUTES - 25 SECONDS WEST, A DISTANCE OF 250.16 FEET TO A POINT, THENCE;
 16. NORTH 00 DEGREES - 04 MINUTES - 12 SECONDS WEST, A DISTANCE OF 114.81 FEET TO A POINT, THENCE

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17. NORTH 01 DEGREE - 13 MINUTES - 31 SECONDS WEST, A DISTANCE OF 233.91 FEET TO A POINT OF CURVATURE, THENCE;
18. ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 427.50 FEET, AN ARC LENGTH OF 76.29 FEET, A CENTRAL ANGLE OF 10 DEGREES - 13 MINUTES - 31 SECONDS, BEARING A CHORD OF NORTH 06 DEGREES - 20 MINUTES - 17 SECONDS WEST, A CHORD DISTANCE OF 76.19 FEET TO A POINT OF TANGENCY, THENCE;
19. NORTH 11 DEGREES - 27 MINUTES - 02 SECONDS WEST, A DISTANCE OF 35.09 FEET TO A POINT, THENCE;
20. SOUTH 72 DEGREES - 05 MINUTES - 14 SECONDS EAST, A DISTANCE OF 56.26 FEET TO A POINT, THENCE;
21. NORTH 03 DEGREES - 33 MINUTES - 14 SECONDS WEST, A DISTANCE OF 137.83 FEET TO A POINT, THENCE;
22. NORTH 02 DEGREES - 28 MINUTES - 46 SECONDS EAST, A DISTANCE OF 48.93 FEET TO A POINT, THENCE;
23. SOUTH 70 DEGREES - 06 MINUTES - 24 SECONDS EAST, A DISTANCE OF 149.66 FEET TO A POINT, THENCE;
24. SOUTH 49 DEGREES - 29 MINUTES - 31 SECONDS WEST, A DISTANCE OF 46.55 FEET TO A POINT, THENCE;
25. SOUTH 00 DEGREES - 07 MINUTES - 43 SECONDS WEST, A DISTANCE OF 186.61 FEET TO A POINT, THENCE;
26. SOUTH 01 DEGREE - 05 MINUTES - 06 SECONDS WEST, A DISTANCE OF 245.22 FEET TO A POINT, THENCE;
27. SOUTH 00 DEGREES - 04 MINUTES - 12 SECONDS EAST, A DISTANCE OF 112.96 FEET TO A POINT, THENCE;
28. SOUTH 02 DEGREES - 24 MINUTES - 04 SECONDS WEST, A DISTANCE OF 200.88 FEET TO A POINT OF CURVATURE OF A NON-TANGENT CURVE, THENCE;

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29. ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 929.50 FEET, AN ARC LENGTH OF 393.79 FEET, A CENTRAL ANGLE OF 24 DEGREES - 16 MINUTES - 26 SECONDS, BEARING A CHORD OF SOUTH 19 DEGREES - 39 MINUTES - 13 SECONDS EAST, A CHORD DISTANCE OF 390.86 FEET TO A POINT OF TANGENCY, THENCE;
30. SOUTH 39 DEGREES - 46 MINUTES - 13 SECONDS EAST, A DISTANCE OF 129.03 FEET TO A POINT OF CURVATURE, THENCE;
31. ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 920.50 FEET, AN ARC LENGTH OF 99.96 FEET, A CENTRAL ANGLE OF 06 DEGREES - 13 MINUTES - 18 SECONDS, BEARING A CHORD OF SOUTH 42 DEGREES - 52 MINUTES - 52 SECONDS EAST, A CHORD DISTANCE OF 99.91 FEET TO A POINT OF TANGENCY, THENCE;
32. SOUTH 45 DEGREES - 59 MINUTES - 31 SECONDS EAST, A DISTANCE OF 251.15 FEET TO A POINT OF CURVATURE, THENCE;
33. ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 545.50 FEET, AN ARC LENGTH OF 372.04 FEET, A CENTRAL ANGLE OF 39 DEGREES - 04 MINUTES - 34 SECONDS, BEARING A CHORD OF SOUTH 26 DEGREES - 27 MINUTES - 14 SECONDS EAST, A CHORD DISTANCE OF 364.87 FEET TO A POINT IN GRASSY LANE, THENCE;
34. SOUTH 63 DEGREES - 57 MINUTES - 52 SECONDS EAST, A DISTANCE OF 110.40 FEET TO A POINT, THENCE;
35. SOUTH 18 DEGREES - 48 MINUTES - 08 SECONDS WEST, A DISTANCE OF 108.59 FEET TO A POINT, THENCE;
36. NORTH 60 DEGREES - 24 MINUTES - 16 SECONDS WEST, A DISTANCE OF 75.85 FEET TO A POINT OF CURVATURE, THENCE;
37. ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 545.50 FEET, AN ARC LENGTH OF 114.45 FEET, A CENTRAL ANGLE OF 12 DEGREES - 01 MINUTE - 16 SECONDS, BEARING A CHORD OF SOUTH 11 DEGREES - 09 MINUTES - 42 SECONDS WEST, A CHORD DISTANCE OF 114.24 FEET TO A POINT, THENCE;

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38. ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 637.50 FEET, AN ARC LENGTH OF 121.73 FEET, A CENTRAL ANGLE OF 10 DEGREES - 56 MINUTES - 25 SECONDS, BEARING A CHORD OF SOUTH 16 DEGREES - 34 MINUTES - 27 SECONDS WEST, A CHORD DISTANCE OF 121.54 FEET TO A POINT OF TANGENCY, THENCE;
39. SOUTH 22 DEGREES - 02 MINUTES - 39 SECONDS WEST, A DISTANCE OF 42.14 TO A POINT OF CURVATURE, THENCE;
40. ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 30.00 FEET, AN ARC LENGTH OF 42.00 FEET, A CENTRAL ANGLE OF 80 DEGREES - 13 MINUTES - 02 SECONDS, BEARING A CHORD OF SOUTH 18 DEGREES - 03 MINUTES - 51 SECONDS EAST, A CHORD DISTANCE OF 38.65 TO THE POINT AND PLACE OF BEGINNING.

(CONTAINING 249,406 SQUARE FEET OR 5.726 ACRES. THE FOREGOING DESCRIPTION WAS PREPARED WITH REFERENCE TO A MAP ENTITLED, "FINAL SUBDIVISION PLAT, RIDGE HILL BOULEVARD PART OF LOTS 1, 100, & 125, BLOCK 4000, PART OF LOTS 150, 160, 185, 187, 190, 195 & 214, BLOCK 4001 AND PART OF LOT 32, BLOCK 4025, CITY OF YONKERS, WESTCHESTER COUNTY, STATE OF NEW YORK.", PREPARED BY CONTROL POINT ASSOCIATES, INC, DATED MAY 17, 2010, LAST REVISED APRIL 4, 2011 AS REVISION NUMBER 1 AND FILED IN THE OFFICE OF THE WESTCHESTER COUNTY CLERK DIVISION OF LAND RECORDS ON JUNE 23, 2011 AS RO NUMBER 28488)

is hereby accepted for dedication and is declared to be a public street or highway of the City of Yonkers.

Section 3. Ridge Hill Lane, which is bounded and described as follows:

BEGINNING AT A POINT ON THE NORTHWESTERLY LINE OF GRASSY SPRAIN ROAD, SAID POINT OF BEGINNING BEING DISTANT NORTH 26 DEGREES - 02 MINUTES - 12 SECONDS EAST, A DISTANCE OF 79.21 FEET FROM A POINT FORMED BY THE INTERSECTION OF THE NORTHWESTERLY LINE OF SAID GRASSY SPRAIN ROAD WITH THE NORTHEASTERLY LINE OF TUCKAHOE ROAD, FROM SAID POINT OF BEGINNING RUNNING THENCE THE FOLLOWING COURSES ALONG RIDGE HILL LANE;

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SPECIAL ORDINANCE (CONTINUED)

1. NORTH 62 DEGREES - 10 MINUTES - 05 SECONDS WEST, A DISTANCE OF 61.69 FEET TO A POINT, THENCE;
2. NORTH 05 DEGREES - 23 MINUTES - 43 SECONDS WEST, A DISTANCE OF 98.09 FEET TO A POINT, THENCE;
3. NORTH 76 DEGREES - 08 MINUTES - 28 SECOND WEST, A DISTANCE OF 3.13 FEET TO A POINT, THENCE;
4. NORTH 46 DEGREES - 35 MINUTES - 57 SECONDS WEST, A DISTANCE OF 50.71 FEET TO A POINT, THENCE;
5. NORTH 76 DEGREES - 08 MINUTES - 28 SECONDS WEST, A DISTANCE OF 169.24 FEET TO A POINT, THENCE;
6. ALONG THE TERMINUS OF RIDGE HILL LANE AND RIDGE HILL BOULEVARD ON A CURVE TO THE LEFT, HAVING A RADIUS OF 545.50 FEET, AN ARC LENGTH OF 114.45 FEET, A CENTRAL ANGLE OF 12 DEGREES - 01 MINUTE - 16 SECONDS, BEARING A CHORD OF NORTH 11 DEGREES - 09 MINUTES - 42 SECONDS EAST, A CHORD DISTANCE OF 114.24 FEET TO A POINT, THENCE;
7. PARTIALLY ALONG THE TERMINUS OF RIDGE HILL BOULEVARD AND RIDGE HILL LANE SOUTH 60 DEGREES - 24 MINUTES - 16 SECONDS EAST, A DISTANCE OF 135.59 FEET TO A POINT OF CURVATURE, THENCE THE FOLLOWING COURSES ALONG RIDGE HILL LANE;
8. ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 327.50 FEET, AN ARC LENGTH OF 78.91 FEET, A CENTRAL ANGLE OF 13 DEGREES - 48 MINUTES - 19 SECONDS, BEARING A CHORD OF SOUTH 53 DEGREES - 30 MINUTES - 07 SECONDS EAST, A CHORD DISTANCE OF 78.72 FEET TO A POINT OF TANGENCY, THENCE;
9. SOUTH 46 DEGREES - 35 MINUTES - 57 SECONDS EAST, A DISTANCE OF 94.02 FEET TO A POINT OF CURVATURE, THENCE;

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SPECIAL ORDINANCE (CONTINUED)

10. ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 272.50 FEET, AN ARC LENGTH OF 57.77 FEET, A CENTRAL ANGLE OF 12 DEGREES - 08 MINUTES - 45 SECONDS, BEARING A CHORD OF SOUTH 52 DEGREES - 40 MINUTES - 19 SECONDS EAST, A CHORD DISTANCE OF 57.66 FEET TO A POINT ON THE NORTHWESTERLY LINE OF GRASSY SPRAIN ROAD, THENCE;
11. ALONG THE NORTHWESTERLY LINE OF GRASSY SPRAIN ROAD, SOUTH 26 DEGREES - 02 MINUTES - 12 SECONDS WEST, A DISTANCE OF 112.75 FEET TO THE POINT AND PLACE OF BEGINNING.

(CONTAINING 30,185 SQUARE FEET OR 0.693 ACRES. THE FOREGOING DESCRIPTION WAS PREPARED WITH REFERENCE TO A MAP ENTITLED, "FINAL SUBDIVISION PLAT, RIDGE HILL BOULEVARD PART OF LOTS 1, 100, & 125, BLOCK 4000, PART OF LOTS 150, 160, 185, 187, 190, 195 & 214, BLOCK 4001 AND PART OF LOT 32, BLOCK 4025, CITY OF YONKERS, WESTCHESTER COUNTY, STATE OF NEW YORK.", PREPARED BY CONTROL POINT ASSOCIATES, INC, DATED MAY 17, 2010, LAST REVISED APRIL 4, 2011 AS REVISION NUMBER 1 AND FILED IN THE OFFICE OF THE WESTCHESTER COUNTY CLERK DIVISION OF LAND RECORDS ON JUNE 23, 2011 AS RO NUMBER 28488)

is hereby accepted for dedication and is declared to be a public street or highway of the City of Yonkers.

Section 4. The affected City departments, bureaus and agencies shall amend the necessary City records accordingly.

Section 5. Said public streets or highways are shown on the maps annexed hereto as Exhibit A and made a part hereof.

Section 6. The descriptions set forth herein shall be entered at length in the minutes of the City Council, and the maps annexed hereto shall be filed in the office of the City Clerk; and copies thereof duly certified by the City Clerk shall be presumptive evidence in any proceeding of the location of said streets or highways.

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Section 7. This Special Ordinance shall take effect as provided by law.

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SPECIAL ORDINANCE

4. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, SHEPHERD AND LARKIN:

A SPECIAL ORDINANCE ACKNOWLEDGING AND ACCEPTING RESPONSIBILITY FOR INFRASTRUCTURE AND OPERATIONAL MAINTENANCE OF NEW YORK STATE THRUWAY IMPROVEMENTS IN ACCORDANCE WITH THE REQUIREMENTS OF THE MEMORANDUM OF AGREEMENT BY AND AMONG CITY OF YONKERS, NEW YORK, CITY OF YONKERS INDUSTRIAL DEVELOPMENT AGENCY AND NEW YORK STATE THRUWAY AUTHORITY, DATED AS OF NOVEMBER 1, 2007 AS AMENDED BY LETTER DATED FEBRUARY 1, 2008

The City of Yonkers, in City Council convened, hereby Ordains and Enacts:

- Section 1. By Agreement titled "Memorandum of Agreement By and Among City of Yonkers, New York, City of Yonkers Industrial Development Agency and New York State Thruway Authority", dated November 1, 2007, amended by Letter dated February 1, 2008 (collectively, the "Agreement"), the City of Yonkers (the "City"), the City of Yonkers Industrial Development Agency (the "YIDA") and the New York State Thruway Authority (the "NYSTA"), entered into an Agreement the purpose of which was to set forth the agreed upon status of the parties with respect to the responsibilities for the transportation facilities within the reconstructed I-87 Interchange 6A area, including the roads, bridges and related transportation appurtenances within the City of Yonkers in connection with the development along Ridge Hill Boulevard. The subject improvements are shown on plans prepared by Philip Habib & Associates, entitled "*Replacement of Ridge Hill Bridge and Improvement of Interchange 6A Plans*" dated March 1, 2007 (the "Project Plans").

Pursuant to Article III of the Agreement, upon the completion of the work depicted on the Project Plans, the City agreed to perform certain infrastructure and operational maintenance, as set forth in the Jurisdictional Plan included as Exhibit A to the Agreement and as set forth below:

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- (1) Maintain the guiderails, pavement subgrade, pavement surface, water utilities infrastructure, stormwater utilities infrastructure, traffic signage and striping, and traffic signals, and provide for snow removal and litter control on and with respect to the Stew Leonard Drive/Sprain Road Intersection Improvements as that location is defined in the Agreement;
- (2) Maintain the guiderails, pavement surface, water utilities infrastructure, stormwater utilities infrastructure, retaining walls, traffic signage and striping, and traffic signals on and with respect to the Service Road Southbound From Stew Leonard Drive as that location is defined in the Agreement;
- (3) Maintain the stormwater utilities infrastructure associated with the Sprain Brook Relocation/Culvert Installation as that location is defined in the Agreement;
- (4) Maintain the traffic signals on and with respect to the Southbound Thruway Entrance Ramp as that location is defined in the Agreement;
- (5) Maintain the traffic signals on and with respect to the Southbound Thruway Exit Ramp as that location is defined in the Agreement;
- (6) Maintain the guiderails, pavement surface, water utilities infrastructure, stormwater utilities infrastructure, bridge structure and retaining walls, traffic signage and striping, and traffic signals, and provide for snow removal and litter control on and with respect to the New Ridge Hill Boulevard Bridge as that location is defined in the Agreement;

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SPECIAL ORDINANCE (CONTINUED)

(7) Maintain the traffic signals on and with respect to the Northbound Thruway Exit Ramp as that location is defined in the Agreement;

(8) Maintain the traffic signals on and with respect to the Northbound Thruway Entrance Ramp as that location is defined in the Agreement; and

(9) Maintain the guiderails, pavement subgrade, pavement surface, stormwater utilities infrastructure, retaining walls, traffic signage and striping, and traffic signals on and with respect to the Northbound Service Road From Ramp to Stew Leonard Drive as that location is defined in the Agreement.

- Section 2. The City Engineer has acknowledged and confirmed that the work depicted on the Project Plans has been completed in a satisfactory manner.
- Section 3: In light of the completion of the work as shown on the Project Plans as acknowledged and confirmed by the City Engineer, the City hereby accepts and acknowledges its responsibility for maintenance of the improvements set forth above and as required pursuant to the Agreement.
- Section 4. This ordinance shall take effect immediately

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SPECIAL ORDINANCE

5. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, SHEPHERD AND LARKIN:

A SPECIAL ORDINANCE AUTHORIZING THE PLACEMENT OF SIGNS IN THE CITY RIGHTS-OF-WAY OF RIDGE HILL BOULEVARD (PARCELS 1 AND 2), RIDGE HILL LANE AND OTIS DRIVE

The City of Yonkers, in City Council convened, hereby Ordains and Enacts:

Section 1. Permission is hereby granted to FC Yonkers Associates, LLC (the "Owner"), the owner of Section 4, Block 4072, Lot 1 (Parcel A), Block 4070, Lot 1 (Parcel B), Block 4071, Lot 1 (Parcel C), Block 4069, Lot 1 (Parcel D), Block 4065, Lot 1 (Parcel E), Block 4068, Lot 1 (Parcel F), Block 4067, Lot 1 (Parcel G), Block 4066, Lot 1 (Parcel H), Block 4064, Lot 1 (Parcel I), Block 4063, Lot 1 (Parcel J), Block 4062, Lot 1 (Parcel K), Block 4061, Lot 1 (Parcel L), Block 4078, Lot 1 (Parcel N), Block 4074, Lot 1 (Parcel O), Block 4077, Lot 1 (Parcel P), Block 4075, Lot 1 (Parcel Q), Block 4073, Lot 1 (Parcel R), Block 4072, Lot 5 (Parcel S), Block 4069, Lot 2 (Parcel T), and Block 4076, Lot 2 (Parcels U-1, U-2 and U-3), as shown on the Official Assessment Map of the City of Yonkers, its successors and assigns, to install, maintain, repair, and replace signs (which term as used herein shall include the signs and their supporting structures and any utilities necessary in connection with such signs) within and upon the City rights-of-way of Ridge Hill Boulevard (Parcels 1 and 2), Ridge Hill Lane, and Otis Drive in accordance with and as shown on a Ridge Hill Site Plan pursuant to Site Plan Approval granted by the City of Yonkers Planning Board by resolution dated March 8, 2006 and as last amended by resolution dated March 9, 2011, and on any subsequent site plan approved by the City of Yonkers Planning Board for signs along the City rights-of-way of Ridge Hill Boulevard (Parcels 1 and 2), Ridge Hill Lane, and Otis Drive.

Section 2. This permission is granted under the following terms and conditions, to wit:

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SPECIAL ORDINANCE (CONTINUED)

- (a) That the whole cost and expense of installing, maintaining, repairing and replacing the signs shall be paid by the Owner, its successors and assigns without expense to or contribution by the City of Yonkers;
- (b) That neither the approval of the plan depicting the permitted signs by the appropriate City board or official nor the existence of said signs after construction shall be deemed a waiver, or in any way affect the right of the City of Yonkers to provide for construction of or to otherwise improve its rights-of-way;
- (c) That the term of this permission shall be for a period of ninety nine (99) years commencing from the date of the approval of this Ordinance. However, the City shall reserve the right to terminate the permission granted by this Ordinance for any sign on thirty days written notice to the Owner, its successor or assigns, if, in the City=s reasonable judgment such sign causes an unsafe condition to the use and operation of the traveled way of Ridge Hill Boulevard (Parcels 1 or 2), Ridge Hill Lane, and/or Otis Drive as from time to time are existing and improved. Upon revocation or termination of this permission for any sign, the Owner, its successors or assigns shall remove such improvement placed within said right-of-way at the express direction of the City and at the Owner=s cost and expense;
- (d) That all signs permitted pursuant to this Ordinance shall be properly secured, supported, and braced and shall be kept and maintained in satisfactory structural condition, clean and well-painted at all times, and Owner shall have a right of entry within and upon the City rights-of-way of Ridge Hill Boulevard (Parcels 1 and 2), Ridge Hill Lane, and Otis Drive for such purposes. Every sign, its framework, braces, anchors, and other supports shall be constructed of such material and in such workmanlike manner as shall make it safe. If, at any time during the term of the permission granted herein, the City Engineer shall determine that Owner

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SPECIAL ORDINANCE (CONTINUED)

has failed to adequately maintain its signs, the City Engineer shall so inform Owner, its successor or assigns, in a written notice. If, within 30 days of receipt of such notice, Owner has not performed the maintenance required by the City Engineer (or, if such maintenance cannot be completed within such period, has not commenced and continued diligently to perform such maintenance), the City shall have the right to revoke or terminate this permission for the unmaintained sign and the Owner shall remove any related improvement placed within said rights-of-way at the express direction of the City and at the Owner=s cost and expense;

- (e) That activities undertaken in performance of the construction, maintenance, repair or replacement of the permitted signs shall be properly guarded by the Owner, its servants, agents or employees and any disturbed areas shall be restored to similar and equal condition to the state of said street rights-of-way at the time such activities occur;
- (f) That all work is to be done in accordance with the City of Yonkers standard specifications and designs as applicable to such signs under the Yonkers Code;
- (g) That the Owner, or its agents, shall secure all necessary permits and consents and shall secure and maintain a property damage and public liability insurance policy naming the City as an additional insured in an amount and form satisfactory to the City Engineer and the Corporation Counsel of the City of Yonkers and provide the City with evidence thereof;
- (h) That the Owner, its successors or assigns shall, for whatever period this permission remains in effect, save harmless and indemnify the City of Yonkers for any and all claims, actions, suits, or judgments associated with the permission granted by this ordinance, including all costs relating to the defense thereof, including reasonable attorneys fees; and

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- (i) That for the purpose of identifying the party responsible for fulfilling an obligation under this Special Ordinance, the "Owner" shall be the owner of the property referred to in Section 1 hereof at the time the obligation with respect to such property accrues

Section 3. This ordinance shall take effect immediately.

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SPECIAL ORDINANCE

6. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, SHEPHERD AND LARKIN:

A SPECIAL ORDINANCE AUTHORIZING THE PLACEMENT OF AN ENGINEERED RETAINING WALL SYSTEM, BUILDING WALLS AND UTILITY VAULTS IN THE CITY RIGHTS-OF-WAY OF RIDGE HILL BOULEVARD (PARCEL 1) AND OTIS DRIVE.

The City of Yonkers, in City Council convened, hereby Ordains and Enacts:

Section 1. Permission is hereby granted to FC Yonkers Associates, LLC (the "Owner"), the owner of Section 4, Block 4072, Lot 1 (Parcel A), Block 4070, Lot 1 (Parcel B), Block 4071, Lot 1 (Parcel C), Block 4069, Lot 1 (Parcel D), Block 4065, Lot 1 (Parcel E), Block 4068, Lot 1 (Parcel F), Block 4067, Lot 1 (Parcel G), Block 4066, Lot 1 (Parcel H), Block 4064, Lot 1 (Parcel I), Block 4063, Lot 1 (Parcel J), Block 4062, Lot 1 (Parcel K), Block 4061, Lot 1 (Parcel L), Block 4078, Lot 1 (Parcel N), Block 4074, Lot 1 (Parcel O), Block 4077, Lot 1 (Parcel P), Block 4075, Lot 1 (Parcel Q), Block 4073, Lot 1 (Parcel R), Block 4072, Lot 5 (Parcel S), Block 4069, Lot 2 (Parcel T), and Block 4076, Lot 2 (Parcels U-1, U-2 and U-3), as shown on the Official Assessment Map of the City of Yonkers, its successors and assigns, to install, maintain, repair, and replace an Engineered modular block site retaining wall system, Con Edison electric high voltage utility vaults, and building walls (which terms as used herein shall include all supporting structures whether above or below ground) (singularly, an "Improvement" and collectively, the "Improvements") within and upon the City rights-of-way of Ridge Hill Boulevard (Parcel 1), and Otis Drive as shown on the plans annexed hereto as Exhibit A and made a part hereof.

Section 2. This permission is granted under the following terms and conditions, to wit:

- (a) That the whole cost and expense of installing, maintaining, repairing and replacing the Improvements shall be paid by the Owner, its successors and assigns without expense to or contribution by the City of Yonkers;

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SPECIAL ORDINANCE (CONTINUED)

- (b) That the existence of said Improvements shall not be deemed a waiver or in any way affect the right of the City of Yonkers to provide for construction of or to otherwise improve its rights-of-way;
- (c) That the term of this permission shall be for a period of ninety nine (99) years commencing from the date of the approval of this Ordinance. However, the City shall reserve the right to terminate the permission granted by this Ordinance for any Improvement on thirty days written notice to the Owner, its successor or assigns, if, in the City=s reasonable judgment such Improvement or any part thereof poses an imminent danger to public health or safety. Upon revocation or termination of this permission for an Improvement, the Owner, its successors or assigns shall, within 180 days of such termination, modify or remove such Improvement placed within said right-of-way so as to remove the imminent danger to public health or safety, in consultation with the City and at the Owner=s cost and expense;
- (d) That all Improvements permitted pursuant to this Ordinance shall be properly secured, supported, and braced and shall be kept and maintained in satisfactory structural condition, clean and well-painted at all times and Owner shall have a right of entry within and upon the City rights-of-way of Ridge Hill Boulevard (Parcel 1) and Otis Drive for such purposes. Every Improvement shall be constructed of such material and in such workmanlike manner as shall make it safe. If, at any time during the term of the permission granted herein, the City Engineer shall determine that Owner has failed to adequately maintain an Improvement, the City Engineer shall so inform Owner, its successor or assigns, in a written notice. If, within 30 days of receipt of such notice, Owner has not performed the maintenance required by the City Engineer (or, if such maintenance cannot be completed within such period, has not commenced and continued diligently to perform such maintenance), the City shall have the right (but not the obligation) to perform such maintenance on the Improvement at the Owner's cost and expense;
- (e) That activities undertaken in performance of the construction, maintenance, repair or replacement of the permitted Improvements shall be properly guarded by the Owner, its servants, agents or employees and any disturbed areas shall be restored to similar and equal condition to the state of said street rights-of-way at the time such activities occur;

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SPECIAL ORDINANCE (CONTINUED)

- (f) That all work is to be done in accordance with the City of Yonkers standard specifications and designs as applicable to such Improvements under the Yonkers Code;
- (g) That the Owner, or its agents, shall secure all necessary permits and consents and shall secure and maintain a property damage and public liability insurance policy naming the City as an additional insured in an amount and form satisfactory to the City Engineer and the Corporation Counsel of the City of Yonkers and provide the City with evidence thereof;
- (h) That the Owner, its successors or assigns shall, for whatever period this permission remains in effect, save harmless and indemnify the City of Yonkers for any and all claims, actions, suits, or judgments associated with the permission granted by this Special Ordinance, including all costs relating to the defense thereof, including reasonable attorneys fees; and
- (i) That for the purpose of identifying the party responsible for fulfilling an obligation under this Special Ordinance, the "Owner" shall be the owner of the property referred to in Section 1 hereof on which an Improvement is located at the time the obligation with respect to such property or Improvement accrues.

Section 3. This Special Ordinance shall take effect immediately.

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SPECIAL ORDINANCE

7. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, SHEPHERD AND LARKIN:

A SPECIAL ORDINANCE AUTHORIZING THE PLACEMENT OF LANDSCAPE PLANTINGS AND AN IRRIGATION SYSTEM IN THE CITY RIGHTS-OF-WAY OF RIDGE HILL BOULEVARD (PARCELS 1 AND 2), RIDGE HILL LANE AND OTIS DRIVE

The City of Yonkers, in City Council convened, hereby Ordains and Enacts:

Section 1. Permission is hereby granted to FC Yonkers Associates, LLC (the "Owner"), the owner of Section 4, Block 4072, Lot 1 (Parcel A), Block 4070, Lot 1 (Parcel B), Block 4071, Lot 1 (Parcel C), Block 4069, Lot 1 (Parcel D), Block 4065, Lot 1 (Parcel E), Block 4068, Lot 1 (Parcel F), Block 4067, Lot 1 (Parcel G), Block 4066, Lot 1 (Parcel H), Block 4064, Lot 1 (Parcel I), Block 4063, Lot 1 (Parcel J), Block 4062, Lot 1 (Parcel K), Block 4061, Lot 1 (Parcel L), Block 4078, Lot 1 (Parcel N), Block 4074, Lot 1 (Parcel O), Block 4077, Lot 1 (Parcel P), Block 4075, Lot 1 (Parcel Q), Block 4073, Lot 1 (Parcel R), Block 4072, Lot 5 (Parcel S), Block 4069, Lot 2 (Parcel T), and Block 4076, Lot 2 (Parcels U-1, U-2 and U-3), as shown on the Official Assessment Map of the City of Yonkers, its successors and assigns, to install, maintain, repair, and replace landscape plantings and an irrigation system (which terms as used herein shall include all supporting appurtenances whether above or below ground) (singularly, an "Improvement" and collectively, the "Improvements") within and upon the City rights-of-way of Ridge Hill Boulevard (Parcels 1 and 2), Ridge Hill Lane, and Otis Drive as shown on the plans annexed hereto as Exhibit A and made a part hereof.

Section 2. This permission is granted under the following terms and conditions, to wit:

- (a) That the whole cost and expense of installing, maintaining, repairing and replacing the Improvements shall be paid by the Owner, its successors and assigns without expense to or contribution by the City of Yonkers;

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SPECIAL ORDINANCE (CONTINUED)

- (b) That the existence of said Improvements shall not be deemed a waiver or in any way affect the right of the City of Yonkers to provide for construction of or to otherwise improve its rights-of-way;
- (c) That the term of this permission shall be for a period of ninety nine (99) years commencing from the date of the approval of this Ordinance. However, the City shall reserve the right to terminate the permission granted by this Ordinance for any Improvement on thirty days written notice to the Owner, its successor or assigns, if, in the City=s reasonable judgment such Improvement or any part thereof pose an unsafe condition to the use and operation of the traveled way of Ridge Hill Boulevard (Parcels 1 and 2), Ridge Hill Lane, and/or Otis Drive as from time to time are existing and improved. Upon revocation or termination of this permission, the Owner, its successors or assigns shall remove such Improvement placed within said right-of-way at the express direction of the City and at the Owner's cost and expense;
- (d) That all Improvements permitted pursuant to this Ordinance shall be kept and maintained in a clean and safe condition at all times, and Owner shall have a right of entry within and upon the City rights-of-way of Ridge Hill Boulevard (Parcels 1 and 2), Ridge Hill Lane, and Otis Drive for such purposes. If, at any time during the term of the permission granted herein, the City Engineer shall determine that Owner has failed to adequately maintain an Improvement, the City Engineer shall so inform Owner, its successor or assigns, in a written notice. If, within 30 days of receipt of such notice, Owner has not performed the maintenance required by the City Engineer (or, if such maintenance cannot be completed within such period, has not commenced and continued diligently to perform such maintenance), the City shall have the right (but not the obligation) to perform such maintenance at the Owner's cost and expense;
- (e) That activities undertaken in performance of the construction, maintenance, repair or replacement of the permitted Improvements shall be properly guarded by the Owner, its servants, agents or employees and any disturbed areas shall be restored to similar and equal condition to the state of said street rights-of-way at the time such activities occur;

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SPECIAL ORDINANCE (CONTINUED)

- (f) That all work is to be done in accordance with the City of Yonkers standard specifications and designs as applicable to such Improvements under the Yonkers Code;
- (g) That the Owner, or its agents, shall secure all necessary permits and consents and shall secure and maintain a property damage and public liability insurance policy naming the City as an additional insured in an amount and form satisfactory to the City Engineer and the Corporation Counsel of the City of Yonkers and provide the City with evidence thereof;
- (h) That the Owner, its successors or assigns shall, for whatever period this permission remains in effect, save harmless and indemnify the City of Yonkers for any and all claims, actions, suits, or judgments associated with the permission granted by this Special Ordinance, including all costs relating to the defense thereof, including reasonable attorneys fees; and
- (i) That for the purpose of identifying the party responsible for fulfilling an obligation under this Special Ordinance, the "Owner" shall be the owner of the property referred to in Section 1 hereof on which an Improvement is located at the time the obligation with respect to such property or Improvement accrues.

Section 3. This Special Ordinance shall take effect immediately.

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RESOLUTION

8. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, SHEPHERD AND LARKIN:

RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE A COMBINED REAL ESTATE TRANSFER TAX RETURN, CREDIT LINE MORTGAGE CERTIFICATE, AND CERTIFICATION OF EXEMPTION FROM THE PAYMENT OF ESTIMATED PERSONAL INCOME TAX (TP-584) AND REAL PROPERTY TRANSFER REPORT (RP-5217) IN CONNECTION WITH THE ACCEPTANCE OF DEDICATION OF OTIS DRIVE AS A CITY STREET OF THE CITY OF YONKERS

WHEREAS, on even date herewith the City Council of the City of Yonkers adopted Special Ordinance ___ accepting dedication of Otis Drive as a public street or highway of the City of Yonkers; and

WHEREAS, the City of Yonkers Industrial Development Agency has executed a Deed of Dedication in furtherance of the conveyance of Otis Drive to the City of Yonkers, which Deed will be recorded in the Office of the Westchester County Clerk, Division of Land Records; and

WHEREAS, in connection with the recording of the Deed of Dedication of Otis Drive from the City of Yonkers Industrial Development Agency to the City of Yonkers, a Combined Real Estate Transfer Tax Return, Credit Line Mortgage Certificate, and Certification of Exemption from the Payment of Estimated Personal Income Tax (TP-584) and Real Property Transfer Report (RP-5217), executed by both parties to the conveyance, must also be submitted to the Westchester County Clerk.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor or his designee be and the same is hereby authorized to execute a Combined Real Estate Transfer Tax Return, Credit Line Mortgage Certificate, and Certification of Exemption from the Payment of Estimated Personal Income Tax (TP-584) and Real Property Transfer Report (RP-5217) associated with the dedication of Otis Drive to the City of Yonkers, in form and substance acceptable to the Corporation Counsel of the City of Yonkers; and be it further

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RESOLUTION (CONTINUED)

RESOLVED that this resolution will take effect immediately.

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RESOLUTION

9. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, SHEPHERD AND LARKIN:

RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE A COMBINED REAL ESTATE TRANSFER TAX RETURN, CREDIT LINE MORTGAGE CERTIFICATE, AND CERTIFICATION OF EXEMPTION FROM THE PAYMENT OF ESTIMATED PERSONAL INCOME TAX (TP-584) AND REAL PROPERTY TRANSFER REPORT (RP-5217) IN CONNECTION WITH THE ACCEPTANCE OF DEDICATION OF RIDGE HILL BOULEVARD (PARCEL 1), RIDGE HILL BOULEVARD (PARCEL 2) AND RIDGE HILL LANE AS CITY STREETS OF THE CITY OF YONKERS

WHEREAS, on even date herewith the City Council of the City of Yonkers adopted Special Ordinance ___ accepting dedication of Ridge Hill Boulevard (Parcel 1), Ridge Hill Boulevard (Parcel 2) and Ridge Hill Lane as public streets or highways of the City of Yonkers; and

WHEREAS, the City of Yonkers Industrial Development Agency has executed a Deed of Dedication in furtherance of the conveyance of Ridge Hill Boulevard (Parcel 1), Ridge Hill Boulevard (Parcel 2) and Ridge Hill Lane to the City of Yonkers, which Deed will be recorded in the Office of the Westchester County Clerk, Division of Land Records; and

WHEREAS, in connection with the recording of the Deed of Dedication of Ridge Hill Boulevard (Parcel 1), Ridge Hill Boulevard (Parcel 2) and Ridge Hill Lane from the City of Yonkers Industrial Development Agency to the City of Yonkers, a Combined Real Estate Transfer Tax Return, Credit Line Mortgage Certificate, and Certification of Exemption from the Payment of Estimated Personal Income Tax (TP-584) and Real Property Transfer Report (RP-5217), executed by both parties to the conveyance, must also be submitted to the Westchester County Clerk.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor or his designee be and the same is hereby authorized to execute a Combined Real Estate Transfer Tax Return, Credit Line Mortgage Certificate, and Certification of Exemption from the Payment of Estimated Personal Income Tax (TP-584) and Real Property Transfer Report (RP-5217) associated with the dedication of Otis

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RESOLUTION (CONTINUED)

Drive to the City of Yonkers, in form and substance acceptable to the Corporation Counsel of the City of Yonkers; and be it further

RESOLVED that this resolution will take effect immediately.

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RESOLUTION

10. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, SHEPHERD AND LARKIN:

RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE A BILL OF SALE BETWEEN FC YONKERS ASSOCIATES, LLC AND THE CITY OF YONKERS THEREBY ACCEPTING AND ACQUIRING TITLE TO CERTAIN UTILITIES WITHIN THE PRIVATE STREETS IN THE RIDGE HILL DEVELOPMENT AND ON PARCELS L, N, P, Q, O, R AND T ON FILED MAP 28475

WHEREAS, by Resolution adopted February 9, 2011, the City of Yonkers Planning Board approved a final revised subdivision plat entitled "Final Subdivision Plat, Ridge Hill, New York State Thruway (Interstate 87), City of Yonkers, Westchester County, State of New York" and such plat was filed in the office of the Westchester County Clerk, Division of Land Records on May 4, 2011, as Map No. 28475 (the Subdivision Plat), showing, among other things, parcels and private streets within the subdivision; and

WHEREAS, FC Yonkers Associates, LLC, with offices at One MetroTech Center, Brooklyn, New York 11201, is the fee owner of the private streets shown on the said Subdivision Plat, identified thereon as Market Street, Fitzgerald Street, Cole Street, Archer Avenue, Rebel Street, and Lembo Drive (collectively, the Private Streets) and the holder of certain easements over Parcels L, N, P, Q, O, R, and T as shown on the Subdivision Plat; and

WHEREAS, FC Yonkers Associates, LLC has agreed to sell and the City has agreed to purchase by Bill of Sale those certain water mains, sewer mains, sewer force mains, stormwater pipes, conduits, swales, other stormwater management structures and improvements, and appurtenances along with the electronic traffic signals and their related infrastructure, wiring and controls as the same currently exist within the Private Streets and as more particularly depicted and described in a set of plans, consisting of: (i) four pages, prepared by Divney Tung Schwalbe, LLP of White Plains, New York, each dated June 30, 2006, and each revised June 8, 2011, and entitled respectively Site Grading Plan CD-3.5, Site Grading Plan CD-3.6, Site Utility Plan CD-4.5, and Site Utility Plan CD-4.6; (ii) six pages, prepared by Divney Tung Schwalbe, LLP of White Plains, New York, each dated June 30, 2006, and each revised June 30, 2011,

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RESOLUTION (CONTINUED)

and entitled respectively "Site Grading Plan CD-3.1," "Site Grading Plan CD-3.2," "Site Grading Plan CD-3.3," "Site Utility

Plan CD-4.1," "Site Utility Plan CD-4.2," and "Site Utility Plan CD-4.3;" and (iii) one page, prepared by Divney Tung Schwalbe, LLP of White Plains, New York, dated June 30, 2006, and revised September 26, 2011, and entitled "Site Utility Plan CD-4.2A" (collectively the "Utility Plans"), copies of which are annexed hereto as Schedule A; and

WHEREAS, FC Yonkers Associates, LLC has agreed to sell and the City has agreed to purchase by Bill of Sale those certain water mains, sewer mains, sewer force mains, stormwater pipes, conduits, swales, other stormwater management structures and improvements, and appurtenances as the same currently exist within easements on Parcels L, N, P, Q, O, R, and T, except for the 8-inch Ductile Iron Pipe and related improvements and appurtenances within the 25-foot wide water main and sanitary force main easements on Parcels N, Q, and O (the "Public Phase III Water Main Utilities") as shown on the Subdivision Plat, all as more particularly depicted and described in the Utility Plans.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor or his designee be and the same is hereby authorized to execute the Bill of Sale between FC Yonkers Associates, LLC and the City conveying title to the Public Utilities shown on the Utility Plans from FC Yonkers Associates, LLC to the City; and be it further

RESOLVED that this resolution will take effect immediately.

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RESOLUTION

11. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, SHEPHERD AND LARKIN:

RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE A BILL OF SALE BETWEEN FC YONKERS ASSOCIATES, LLC AND THE CITY OF YONKERS THEREBY ACCEPTING AND ACQUIRING TITLE TO CERTAIN WATER MAIN UTILITIES ON PARCELS N, Q, AND O ON FILED MAP 28475

WHEREAS, by Resolution adopted February 9, 2011, the City of Yonkers Planning Board approved a final revised subdivision plat entitled "Final Subdivision Plat, Ridge Hill, New York State Thruway (Interstate 87), City of Yonkers, Westchester County, State of New York" and such plat was filed in the office of the Westchester County Clerk, Division of Land Records on May 4, 2011, as Map No. 28475 (the ASubdivision Plat@), showing, among other things, parcels and private streets within the subdivision; and

WHEREAS, FC Yonkers Associates, LLC, with offices at One MetroTech Center, Brooklyn, New York 11201, is the holder of certain easements over Parcels N, Q, and O as shown on the Subdivision Plat; and

WHEREAS, FC Yonkers Associates, LLC has agreed to sell and the City has agreed to purchase by Bill of Sale that certain 8-inch Ductile Iron Pipe and related improvements and appurtenances within the 25-foot wide water main and sanitary force main easements on Parcels N, Q, and O (the "Public Phase III Water Main Utilities") upon approval of their installation and construction by the Westchester County Department of Health, as the same currently exist within said easements and as more particularly depicted and described in a set of plans, consisting of: (i) four pages, prepared by Divney Tung Schwalbe, LLP of White Plains, New York, each dated June 30, 2006, and each revised June 8, 2011, and entitled respectively ASite Grading Plan CD-3.5,@ ASite Grading Plan CD-3.6,@ ASite Utility Plan CD-4.5,@ and ASite Utility Plan CD-4.6;@ (ii) six pages, prepared by Divney Tung Schwalbe, LLP of White Plains, New York, each dated June 30, 2006, and each revised June 30, 2011, and entitled respectively "Site Grading Plan CD-3.1," "Site Grading Plan CD-3.2," "Site Grading Plan CD-3.3," "Site Utility Plan CD-4.1," "Site Utility Plan CD-4.2," and "Site Utility Plan CD-4.3;" and (iii) one page, prepared by Divney Tung Schwalbe,

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RESOLUTION (CONTINUED)

LLP of White Plains, New York, dated June 30, 2006, and revised September 26, 2011, and entitled "Site Utility Plan CD- 4.2A" (collectively the "Utility Plans"), copies of which are annexed hereto as Schedule A.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor or his designee be and the same is hereby authorized to execute the Bill of Sale between FC Yonkers Associates, LLC and the City conveying title to the Public Phase III Water Main Utilities from FC Yonkers Associates, LLC to the City upon approval of their installation and construction by the Westchester County Department of Health; and be it further

RESOLVED that this resolution will take effect upon the City's receipt of the Westchester County Department of Health's approval of the installation and construction of the Public Phase III Water Main Utilities.

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RESOLUTION

- 12 BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, SHEPHERD AND LARKIN:

RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE AN EASEMENT AGREEMENT BETWEEN FC YONKERS ASSOCIATES, LLC AND THE CITY OF YONKERS GRANTING THE CITY ACCESS TO CERTAIN UTILITIES AND INFRASTRUCTURE WITHIN THE RIDGE HILL DEVELOPMENT AND TO EXECUTE A COMBINED REAL ESTATE TRANSFER TAX RETURN, CREDIT LINE MORTGAGE CERTIFICATE, AND CERTIFICATION OF EXEMPTION FROM THE PAYMENT OF ESTIMATED PERSONAL INCOME TAX (TP-584) IN CONNECTION WITH SUCH EASEMENT

WHEREAS, by Resolution adopted February 9, 2011, the City of Yonkers Planning Board approved a final revised subdivision plat entitled "Final Subdivision Plat, Ridge Hill, New York State Thruway (Interstate 87), City of Yonkers, Westchester County, State of New York" and such plat was filed in the office of the Westchester County Clerk, Division of Land Records on May 4, 2011, as Map No. 28475 (the "Subdivision Plat"), showing, among other things, parcels and private streets within the subdivision; and

WHEREAS, FC Yonkers Associates, LLC, with offices at One MetroTech Center, Brooklyn, New York 11201, is the fee owner of the private streets shown on the said Subdivision Plat, identified thereon as Market Street, Fitzgerald Street, Cole Street, Archer Avenue, Rebel Street, and Lembo Drive (collectively, the Private Streets); and

WHEREAS, FC Yonkers Associates, LLC is also the fee owner of the following parcels as shown on the Subdivision Plat: Block 4072, Lot 1 (Parcel A); Block 4070, Lot 1 (Parcel B); Block 4071, Lot 1 (Parcel C); Block 4069, Lot 1 (Parcel D); Block 4065, Lot 1 (Parcel E); Block 4068, Lot 1 (Parcel F); Block 4067, Lot 1 (Parcel G); Block 4066, Lot 1 (Parcel H); Block 4064, Lot 1 (Parcel I); Block 4063, Lot 1 (Parcel J); Block 4062, Lot 1 (Parcel K); Block 4061, Lot 1 (Parcel L); Block 4078, Lot 1 (Parcel N); Block 4074, Lot 1 (Parcel O); Block 4077, Lot 1 (Parcel P); Block 4075, Lot 1 (Parcel Q); Block 4073, Lot 1 (Parcel

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RESOLUTION (CONTINUED)

R); Block 4072, Lot 5 (Parcel S); Block 4069, Lot 2 (Parcel T); and Block 4076, Lot 2 (Parcels U-1, U-2 and U-3); and

WHEREAS, FC Yonkers Associates, LLC and the City have agreed to enter into an easement agreement entitled "FC Yonkers Associates, LLC Omnibus Grant of Water, Sewer, Drainage and Access Easements to the City of Yonkers, Ridge Hill Subdivision in the City of Yonkers" (the "Easement Agreement") whereby FC Yonkers Associates, LLC has agreed to grant and the City has agreed to accept easements over portions of certain of the parcels and Private Streets shown on the Subdivision Plat for the purposes of, among others, installing, operating, inspecting, maintaining, repairing, replacing, expanding and utilizing certain utilities and infrastructure as described more particularly in the Easement Agreement; and

WHEREAS, in connection with the recording of the Easement Agreement, a Combined Real Estate Transfer Tax Return, Credit Line Mortgage Certificate, and Certification of Exemption from the Payment of Estimated Personal Income Tax (TP-584) must be executed by both parties to the conveyance and submitted to the Westchester County Clerk.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor or his designee be and the same is hereby authorized to execute the Easement Agreement between FC Yonkers Associates, LLC and the City; and be it further

RESOLVED, that the Mayor or his designee be and the same is hereby authorized to execute a Combined Real Estate Transfer Tax Return, Credit Line Mortgage Certificate, and Certification of Exemption from the Payment of Estimated Personal Income Tax (TP-584) associated with the Omnibus Grant of Easements, in form and substance acceptable to the Corporation Counsel of the City of Yonkers; and be it further

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RESOLUTION (CONTINUED)

RESOLVED that this resolution will take effect immediately.

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RESOLUTION

13. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, SHEPHERD AND LARKIN:

RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE AN EASEMENT AGREEMENT BETWEEN FC YONKERS ANCHOR, LLC AND THE CITY OF YONKERS GRANTING A STORMWATER EASEMENT OVER SECTION 4, BLOCK 4000, LOT 130 IN THE CITY OF YONKERS AND TO EXECUTE A COMBINED REAL ESTATE TRANSFER TAX RETURN, CREDIT LINE MORTGAGE CERTIFICATE, AND CERTIFICATION OF EXEMPTION FROM THE PAYMENT OF ESTIMATED PERSONAL INCOME TAX (TP-584) IN CONNECTION WITH SUCH EASEMENT

WHEREAS, by Resolution adopted September 15, 2010 and extended by Resolution adopted April 13, 2011, the City of Yonkers Planning Board approved a final subdivision plat entitled "Final Subdivision Plat, Ridge Hill Boulevard, Part of Lots 1, 100 & 125, Block 4000, Part of Lots 150, 160, 185, 187, 190, 195 & 214 Block 4001 and Part of Lot 32, Block 4025, City of Yonkers, Westchester County, State of New York" originally dated May 17, 2010 and last revised April 4, 2011, and such plat was filed in the office of the Westchester County Clerk, Division of Land Records on June 23, 2011, as Map No. 28488 (the "Ridge Hill Boulevard Subdivision Plat"); and

WHEREAS, FC Yonkers Anchor, LLC, with offices at One MetroTech Center, Brooklyn, New York 11201, is the fee owner of Section 4, Block 4000, Lot 130 ("Lot 130") as shown on the Official Tax Map of the City of Yonkers; and

WHEREAS, FC Yonkers Anchor, LLC and the City have agreed to enter into an easement agreement and covenants entitled "FC Yonkers Anchor, LLC Grant of Stormwater Easement and Declaration of Stormwater Maintenance Agreement" (the "Easement Agreement") whereby FC Yonkers Anchor, LLC has agreed to maintain the Water Quality Infrastructure (as that term is defined in the Easement Agreement) on Lot 130 and to grant to the City, and the City has agreed to accept, an easement over a portion Lot 130 for the purpose of installing, operating, inspecting, maintaining, repairing, replacing, and utilizing the Water Quality Infrastructure as described more particularly in the Easement Agreement; and

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WHEREAS, in connection with the recording of the Easement Agreement, a Combined Real Estate Transfer Tax Return, Credit Line Mortgage Certificate, and Certification of Exemption from the Payment of Estimated Personal Income Tax (TP-584) must be executed by both parties to the conveyance and submitted to the Westchester County Clerk.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor or his designee be and the same is hereby authorized to execute the Easement Agreement between FC Yonkers Anchor, LLC and the City; and be it further

RESOLVED, that the Mayor or his designee be and the same is hereby authorized to execute a Combined Real Estate Transfer Tax Return, Credit Line Mortgage Certificate, and Certification of Exemption from the Payment of Estimated Personal Income Tax (TP-584) associated with the stormwater easement, in form and substance acceptable to the Corporation Counsel of the City of Yonkers; and be it further

RESOLVED that this resolution will take effect immediately.

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RESOLUTION

14. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, SHEPHERD AND LARKIN:

RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE A MAINTENANCE AND RIGHT OF ENTRY AGREEMENT BETWEEN FC YONKERS ASSOCIATES, LLC AND THE CITY OF YONKERS WITH RESPECT TO STORMWATER TREATMENT INFRASTRUCTURE FOR RIDGE HILL BOULEVARD AND RIDGE HILL LANE IN THE CITY OF YONKERS, AS SUCH STREETS ARE SHOWN ON THE RIDGE HILL BOULEVARD OFF-SITE SUBDIVISION PLAT, FILED MAP NUMBER 28488, AND TO EXECUTE A COMBINED REAL ESTATE TRANSFER TAX RETURN, CREDIT LINE MORTGAGE CERTIFICATE, AND CERTIFICATION OF EXEMPTION FROM THE PAYMENT OF ESTIMATED PERSONAL INCOME TAX (TP-584) IN CONNECTION WITH SUCH AGREEMENT

WHEREAS, by Resolution adopted September 15, 2010 and extended by Resolution adopted April 13, 2011, the City of Yonkers Planning Board approved a final subdivision plat entitled "Final Subdivision Plat, Ridge Hill Boulevard, Part of Lots 1, 100 & 125, Block 4000, Part of Lots 150, 160, 185, 187, 190, 195 & 214 Block 4001 and Part of Lot 32, Block 4025, City of Yonkers, Westchester County, State of New York" originally dated May 17, 2010 and last revised April 4, 2011, and such plat was filed in the Office of the Westchester County Clerk, Division of Land Records on June 23, 2011, as Map No. 28488 (the "Ridge Hill Boulevard Off-Site Subdivision Plat"); and

WHEREAS, the Ridge Hill Boulevard Off-Site Subdivision Plat shows, among other things, new streets known as "Ridge Hill Boulevard" and "Ridge Hill Lane," which are to be dedicated to the City of Yonkers (the "City") as public streets; and

WHEREAS, the City desires to accept dedication of Ridge Hill Boulevard and Ridge Hill Lane as shown on the Ridge Hill Boulevard Off-Site Subdivision Plat; and

WHEREAS, as part of the approval of the Ridge Hill Boulevard Off-Site Subdivision Plat, the Planning Board approved a stormwater pollution prevention plan for the collection, control, management, treatment and discharge of

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RESOLUTION (CONTINUED)

stormwater runoff from Ridge Hill Boulevard and Ridge Hill Lane (the "SWPPP"); and

WHEREAS, the SWPPP is comprised of two components and their associated infrastructure, one for stormwater collection and the other for stormwater treatment (hereinafter referred to as the "Stormwater Collection Infrastructure" and the "Stormwater Treatment Infrastructure," respectively), as shown on that certain plan entitled "Off Site Ridge Hill Boulevard Stormwater Plan," prepared by Philip Habib & Associates, last revised August 4, 2009, a copy of which is annexed to the Stormwater Treatment Infrastructure Maintenance and Right of Entry Agreement (the "Agreement") as Schedule B and which is on file in the Office of the City Engineer of the City of Yonkers; and

WHEREAS, the City and FC Yonkers Associates, LLC wish to enter into an Agreement regarding the maintenance of the Stormwater Collection Infrastructure and the Stormwater Treatment Infrastructure in the Ridge Hill Boulevard and Ridge Hill Lane rights of way after dedication of such streets is accepted by the City and the City wishes to grant FC Yonkers Associates, LLC a right of entry into such rights of way to perform its responsibilities under the Agreement; and

WHEREAS, in connection with the recording of the Agreement, a Combined Real Estate Transfer Tax Return, Credit Line Mortgage Certificate, and Certification of Exemption from the Payment of Estimated Personal Income Tax (TP-584) must be executed by both parties to the conveyance and submitted to the Westchester County Clerk.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor or his designee be and the same is hereby authorized to execute the Agreement between FC Yonkers Associates, LLC and the City; and be it further

RESOLVED, that the Mayor or his designee be and the same is hereby authorized to execute a Combined Real Estate Transfer Tax Return, Credit Line Mortgage Certificate, and Certification of Exemption from the Payment of Estimated Personal Income Tax (TP-584) associated with the Agreement, in form and substance acceptable to the Corporation Counsel of the City of Yonkers; and be it further

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RESOLVED that this resolution will take effect immediately.

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15. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, SHEPHERD AND LARKIN:

RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE

AN EASEMENT AGREEMENT BETWEEN HORIZON AT RIDGE HILL, LLC AND THE CITY OF YONKERS GRANTING THE CITY SEWER MAIN, SEWER FORCE MAIN AND WATER MAIN EASEMENTS OVER PARCEL M WITHIN THE RIDGE HILL DEVELOPMENT AND TO EXECUTE A COMBINED REAL ESTATE TRANSFER TAX RETURN, CREDIT LINE MORTGAGE CERTIFICATE, AND CERTIFICATION OF EXEMPTION FROM THE PAYMENT OF ESTIMATED PERSONAL INCOME TAX (TP-584) IN CONNECTION WITH SUCH EASEMENTS

WHEREAS, by Resolution adopted February 9, 2011, the City of Yonkers Planning Board approved a final revised subdivision plat entitled "Final Subdivision Plat, Ridge Hill, New York State Thruway (Interstate 87), City of Yonkers, Westchester County, State of New York" and such plat was filed in the office of the Westchester County Clerk, Division of Land Records on May 4, 2011, as Map No. 28475 (the "Subdivision Plat"), showing, among other things, parcels and private streets within the subdivision; and

WHEREAS, Horizon at Ridge Hill, LLC, a New York limited liability company having an address at 130 Post Avenue, Westbury, New York 11590, Attention Mr. David Marome, is the fee owner of Parcel M as shown on the Subdivision Plat; and

WHEREAS, Horizon at Ridge Hill, LLC and the City have agreed to enter into an easement agreement entitled "Grant of Sewer Main, Sewer Force Main and Water Main Easements" (the "Easement Agreement") whereby Horizon at Ridge Hill, LLC has agreed to grant and the City has agreed to accept easements over a portion of Parcel M for the purpose of installing, operating, inspecting, maintaining, repairing, replacing, and expanding as required sanitary sewer mains, sanitary sewer force mains, and water mains and their appurtenant fixtures and equipment, including, but not limited to, the right to enter upon such Easement areas in order to exercise the various rights granted in the Easement Agreement; and

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WHEREAS, in connection with the recording of the Easement Agreement, a Combined Real Estate Transfer Tax Return, Credit Line Mortgage Certificate, and Certification of Exemption from the Payment of Estimated Personal Income Tax (TP-584) must be executed by both parties to the conveyance and submitted to the Westchester County Clerk.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor or his designee be and the same is hereby authorized to execute the Easement Agreement between Horizon at Ridge Hill, LLC and the City; and be it further

RESOLVED, that the Mayor or his designee be and the same is hereby authorized to execute a Combined Real Estate Transfer Tax Return, Credit Line Mortgage Certificate, and Certification of Exemption from the Payment of Estimated Personal Income Tax (TP-584) associated with the Easement Agreement, in form and substance acceptable to the Corporation Counsel of the City of Yonkers; and be it further

RESOLVED that this resolution will take effect immediately.

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RESOLUTION

16. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, SHEPHERD AND LARKIN:

RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE AN AGREEMENT BETWEEN FC YONKERS ASSOCIATES, LLC AND THE CITY OF YONKERS WITH RESPECT TO THE DEDICATION OF A SANITARY SEWER EASEMENT OVER ADJACENT PROPERTY IN THE CITY OF YONKERS, AND TO EXECUTE A COMBINED REAL ESTATE TRANSFER TAX RETURN, CREDIT LINE MORTGAGE CERTIFICATE, AND CERTIFICATION OF EXEMPTION FROM THE PAYMENT OF ESTIMATED PERSONAL INCOME TAX (TP-584) IN CONNECTION WITH SUCH AGREEMENT

WHEREAS, Developer is the fee owner of property formerly known as a portion of Block 4060, Lot 1 on the Official Tax Map of the City of Yonkers ("Tax Lot 4060-1") and currently known as Parcels A, B, C, D, E, F, G, H, I, J, K, L, N, O, P, Q, R, S, T, U1, U2, and U3 (collectively the "Parcels") shown on a certain final revised subdivision plat entitled aFinal Subdivision Plat, Ridge Hill, New York State Thruway (Interstate 87), City of Yonkers, Westchester County, State of New York@, which was filed in the office of the Westchester County Clerk, Division of Land Records on May 4, 2011, as Map No. 28475 (the aSubdivision Plat@); and

WHEREAS, sanitary sewer service for the Parcels is provided, in part, through an existing 12-inch sanitary sewer pipe on property abutting Parcels N, Q, and O as shown on the Subdivision Plat, to the west, which existing sewer pipe connects to an 18-inch sewer main in the right-of-way of Sprain Road, a public street; and

WHEREAS, according to the City's Official Tax Maps, a portion of Tax Lot 4060-1 lies between a portion of the New York State Thruway (the "Thruway") and Sprain Road on the west (hereinafter the Thruway property and the property to its west up to Sprain Road are collectively referred to as the "Adjacent Property"); and

WHEREAS, Developer has, at the City's request, made improvements to the existing 12-inch sanitary sewer pipe on the Adjacent Property; and

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WHEREAS, Developer has sold and conveyed certain water mains, sewer mains, sewer force mains, stormwater pipes, conduits, swales, other stormwater management structures and improvements, and appurtenances lying within the Private Streets and Parcels on the Subdivision Plat and within the Adjacent Property to the City; and

WHEREAS, the existing 12-inch sanitary sewer pipe on the Adjacent Property is part of the sanitary sewer system for the Project and the City wishes to take over ownership and control of such sanitary sewer pipe and to convert it into a public sewer main so that the 12-inch sanitary sewer pipe can be integrated into the City's public sewer system; and

WHEREAS, Developer wishes to dedicate to the City all of its right, title and interest in and to the existing 12-inch sanitary sewer pipe and related appurtenances and improvements on the Adjacent Property and to a 25-foot wide sanitary sewer easement centered on such existing pipe, subject to the terms and conditions provided herein, together with any right Developer has to enter onto the Adjacent Property for the purposes set forth herein, and the City desires to accept such dedication; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor or his designee be and the same is hereby authorized to execute the Agreement between FC Yonkers Associates, LLC and the City; and be it further

RESOLVED, that the Mayor or his designee be and the same is hereby authorized to execute a Combined Real Estate Transfer Tax Return, Credit Line Mortgage Certificate, and Certification of Exemption from the Payment of Estimated Personal Income Tax (TP-584) associated with the Agreement, in form and substance acceptable to the Corporation Counsel of the City of Yonkers; and be it further

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RESOLVED that this resolution will take effect immediately.

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17. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, SHEPHERD AND LARKIN:

WHEREAS, the owner of the property located at 4 Second Street, a/k/a 77 Cole Street, (Ridge Hill) more properly known as Block 4069, Lot 1, on the Tax Assessment Map of the City of Yonkers has submitted an application on behalf of FOREST CITY RATNER to the Planning Board, for a Special Use Permit for the proposed operation of a 24 hour Health Club for use by customers of the facility, which was approved by the Planning Board in accordance with Article VII, Section 43-74 (A) of the Zoning Code of the City of Yonkers; and

WHEREAS, upon review of the application and the record, this City Council believes it to be in the best interest of the City to grant said application.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Yonkers, in meeting assembled, that the proposed Special Use Permit should be granted; and be it further

RESOLVED, that upon the record and findings of the Planning Board, with respect to the application submitted by FOREST CITY RATNER, as the property owner, for a Special Use Permit, for the operation of a 24 hour Health Club at Block 4069, Lot 1 on the Tax Assessment Map of the City of Yonkers, on the property known as 4 Second Avenue, a/k/a/ 77 Cole Street (Ridge Hill), Yonkers, New York, pursuant to Article VII, Section 43-74 (A) of the Zoning Code of the City of Yonkers, the decision and actions of the Planning Board of the City of Yonkers are hereby approved, and this approval is subject to the conditions set forth in the decision of the Planning Board, as modified herein, which includes but is not limited to: (1) All conditions imposed by the Yonkers Police Department and the Planning Board shall remain in full force and effect as long as the site is occupied by a Health Club: (2) The applicant (FOREST CITY RATNER) and the operator of the Health Club must meet with the Yonkers Police Department and obtain their input on a security operations plan within 6 months of City Council approval of this resolution and such meeting must occur prior to the issuance of a certificate of occupancy: (3) The Planning Board, based upon complaints that may have been received by City departments such as the Yonkers Police Department, reserves the right to revisit this approval should the 24 hour use become a nuisance. All of the conclusions, findings and

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conditions of the July 13, 2011, Planning Board Resolution are hereby referenced to and made a part hereof; and be it further

RESOLVED, that this Resolution shall take effect immediately.

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18. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, SHEPHERD AND LARKIN:

RESOLUTION OF THE YONKERS CITY COUNCIL AUTHORIZING THE ISSUANCE OF A DETERMINATION OF SIGNIFICANCE PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT ("SEQRA") RELATING TO THE AMENDMENT OF THE ZONING CODE OF THE CITY OF YONKERS IN REGARD TO THE ZONING MAP OF THE CITY OF YONKERS.

WHEREAS, there is pending before the Yonkers City Council an ordinance for the amendment of the Zoning Map of the City of Yonkers, specifically changing the zoning classification of Lots 1, 20, and 50 in Block 4032 also known as 475 Tuckahoe Road, 35 East Grassy Sprain Road and 55 East Grassy Sprain Road, respectively, from its present "C" and "CM" Zone District classification into a "BR" Zone District classification; and

WHEREAS, the City Council has determined that the proposed amendment of the Zoning Map is an Unlisted Action under the State Environmental Quality Review Act ("SEQRA") requiring the City Council to comply with the regulations promulgated pursuant to SEQRA; and

WHEREAS, an Environmental Assessment Form has been prepared to assist the City Council in complying with its responsibilities under SEQRA; and

WHEREAS, the City Council has carefully considered the proposed action and has reviewed the Environmental Assessment Form and the criteria set forth in Section 617.7 of 6 NYCRR Part 617 of the SEQRA regulations and has identified and carefully considered the relevant areas of environmental concern as are fully set forth in said Environmental Assessment Form to determine if the proposed action will have a significant impact upon the environment.

NOW THEREFORE, BE IT RESOLVED, by the Yonkers City Council that based upon it's review of the Environmental Assessment Form and for the reasons set forth in said Environmental Assessment Form, it is determined that there will be no adverse impact on the environment from the proposed amendment of the Zoning Map of the City of Yonkers, specifically changing of the zoning classification of Lots 1, 20,

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and 50 in Block 4032 also known as 475 Tuckahoe Road, 35 East Grassy Sprain Road and 55 East Grassy Sprain Road, respectively, from its present "C" and "CM" Zone District classifications into a "BR" Zone District classification of the Zoning Code of the City of Yonkers; and,

BE IT FURTHER RESOLVED, that the City Council President is authorized and directed to sign the Determination of Significance on the Environmental Assessment Form, on behalf of the City Council pursuant to Article 8 of the Environmental Conservation Law, indicating that the proposed action will not result in any significant adverse environmental impacts and to immediately transmit same to be filed and made available pursuant to the requirements of 6 NYCRR Part 617; and,

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

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NEW BUSINESS

SPECIAL ORDINANCE

19. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, SHEPHERD AND LARKIN:

ORDINANCE OF THE CITY OF YONKERS, NEW YORK, ADOPTED DECEMBER 13, 2011 DETERMINING THE TERMS, FORM AND DETAILS OF ISSUANCE OF \$15,000,000 GENERAL OBLIGATION QUALIFIED SCHOOL CONSTRUCTION BONDS-2011C (FEDERALLY TAXABLE) OF THE CITY, DIRECTING THEIR PRIVATE SALE, AND PROVIDING FOR THE RIGHTS OF THE HOLDERS OF SAID BONDS AND OTHER OBLIGATIONS OF THE CITY.

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SPECIAL ORDINANCE

20. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, SHEPHERD AND LARKIN:

A SPECIAL ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH LASHAY'S CONSTRUCTION & DEVELOPMENT CO., INC. TO REMOVE LOT 45 IN BLOCK 2114 (63 RAVINE AVE), FROM THE CITY'S TAX LIEN AND/OR IN REM LIST, AND ESTABLISHING A PAYMENT SCHEDULE TO PAY BACK TAXES IN INSTALLMENTS (COPY OF THE AGREEMENT IS ATTACHED HERETO AND MADE A PART HEREOF).

The City of Yonkers, in City Council convened, hereby ordains and enacts:

Section 1. The Mayor is hereby authorized to enter an agreement with Lashay's Construction & Development Co., Inc. to remove Lot 45 in Block 2114 (63 Ravine Ave), from the City's Tax Lien and/or In Rem list, and establishing a payment schedule to pay back taxes in installments due thereon (copies of the agreements are attached hereto and made a part hereof).

Section 2. This ordinance shall take effect immediately.

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SPECIAL ORDINANCE

21. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, SHEPHERD AND LARKIN:

A SPECIAL ORDINANCE GRANTING TO CON EDISON A PERMIT TO INSTALL GAS UNDERGROUND FACILITIES AT PIETRO DRIVE BETWEEN MARIA LANE AND DELAWARE ROAD AS THE ESTIMATED DIMENSIONS ARE IN EXCESS OF 100 LINEAR FEET

WHEREAS, Consolidated Edison, in a communication forwarded to the City Engineer dated October 12, 2011, has made application pursuant to an ordinance adopted by the Board of Aldermen of the City of Yonkers on May 31, 1892, to excavate in excess of 100 linear feet and approximately 325 linear feet, to install a gas main and related services at Pietro Drive between Maria Lane and Delaware Road in accordance with Drawing Number Z10-15754-WCY; and

WHEREAS, the work being done by said company is the replacement of existing lines and it is therefore a Type II action under the New York State Environmental Quality Review Act; and

WHEREAS, the said company will be required, prior to the commencement of the work, to insure the restoration of said streets in the same condition as said streets were in prior to said excavation and indemnifying and saving harmless the City of Yonkers against loss or losses, damages, action, or proceedings arising out of said excavation;

NOW, THEREFORE, the City of Yonkers, in City Council convened, hereby ordains and enacts:

Section 1. Permission is hereby given to Consolidated Edison, in accordance with the terms of an ordinance adopted by the Board of Aldermen of the City of Yonkers on May 31, 1892, to excavate in excess of 100 linear feet and approximately 325 linear feet, to install a gas main and related services at Pietro Drive between Maria Lane and Delaware Road in accordance with Drawing Number Z10-15754-WCY, in the City of Yonkers, N.Y.

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SPECIAL ORDINANCE (CONTINUED)

Section 2. This ordinance shall take effect immediately.

AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, DECEMBER 13, 2011

RESOLUTION

22. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, SHEPHERD AND LARKIN:

BE IT THEREFORE RESOLVED, that the City Council of the City of Yonkers hereby approves the following tax certiorari settlements. (see attached list)

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TUESDAY, DECEMBER 13, 2011

RESOLUTION

23. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, SHEPHERD AND LARKIN:

RESOLUTION OF THE CITY COUNCIL ACCEPTING THE FINAL GENERIC ENVIRONMENTAL IMPACT STATEMENT IN REGARD TO THE PROPOSED REZONING OF THE CITY'S DOWNTOWN AREA.

WHEREAS, the proposed zoning changes to the Downtown Area by amendments of the Zoning Code of the City of Yonkers are anticipated to promote economic development in these areas of the City, as well as other areas, and to improve the living and working conditions of many residents of the areas; and

WHEREAS, the proposed rezoning affects approximately 190 acres of downtown Yonkers centered around Getty Square, the traditional central business district of the City; and

WHEREAS, the proposed Downtown Rezoning Area is bound by Ashburton Avenue (NYS Route 9A) to the north and the Metro-North railroad tracks to the west. To the south, the Downtown Rezoning Area extends past Vark Street and slightly past Highland Avenue. The intersection of Nepperhan Avenue and Columbus Place represents the most eastern point of the Downtown Rezoning Area; and

WHEREAS, the proposed action will increase the density of certain parcels within the downtown and may have impacts upon existing buildings and sites in the downtown; and

WHEREAS, the proposed action meets the threshold contained in Section 617.4 (6 NYCRR Section 617) of the SEQRA regulations to classify the "Project" described herein as a Type 1 action, and said regulations further require the preparation of a Draft Generic Environmental Impact Statement (DGEIS) in compliance with SEQRA; and

WHEREAS, on or about June 28, 2011, the City Council stated its intent to refer the Project to the Planning Board and directed the Planning Department to prepare the DGEIS; and

WHEREAS, on June 28, 2011, by a vote of 6-0 the City Council passed Resolution No. 102-2011 declaring itself Lead Agency on the Project described herein; and

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RESOLUTION (CONTINUED)

WHEREAS on or about September 16, 2011, the City Council received the abovementioned Draft Generic Environmental Impact Statement for the Downtown Yonkers Rezoning which had been prepared in accordance with Article 8 of the New York State Environmental Conservation Law; and

WHEREAS, the City Council accepted the Draft Generic Environmental Impact Statement on or about October 11, 2011; and

WHEREAS, the public comment period required by SEQRA ended on November 14, 2011.

NOW, THEREFORE BE IT RESOLVED, that the City Council deems the Final Generic Environmental Impact Statement for the Downtown Yonkers Rezoning to be adequate in both scope and content; and,

BE IT FURTHER RESOLVED, that the City Council hereby accepts the Final Generic Environmental Impact Statement for the Downtown Yonkers Rezoning; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, DECEMBER 13, 2011

RESOLUTION

24. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, SHEPHERD AND LARKIN:

RESOLVED, by the City Council of the City of Yonkers, in meeting assembled:

That the settlement by the Corporation Counsel in the amount of ONE THOUSAND TWO HUNDRED FIFTY DOLLARS AND NO CENTS (\$1,250.00) of the action entitled, "MARK FANELLI, (residing at 27 Runyon Avenue #5, Yonkers, New York) plaintiff against THE CITY OF YONKERS, Defendant", alleging that on July 4, 2011 his parked and unoccupied car was struck by a City vehicle on Lake Avenue near its intersection with Voss Avenue, Yonkers, be and the same hereby is approved and the Comptroller of the City of Yonkers is directed to draw her warrant in the amount of ONE THOUSAND TWO HUNDRED FIFTY DOLLARS AND NO CENTS (\$1,250.00) in favor of said plaintiff.

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RESOLUTION

25. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, SHEPHERD AND LARKIN:

RESOLVED, by the City Council of the City of Yonkers, in meeting assembled:

That the settlement by the Corporation Counsel in the amount of One Thousand Five Hundred Dollars (\$1,500.00) of the action entitled, "Liberty Mutual Insurance Company a/s/o Bruce Demuro, Plaintiff against THE CITY OF YONKERS, Defendant", for property damage arising out of an incident alleging motor vehicle damage on January 21, 2009 in front of 139 Windsor Terrace, in Yonkers, New York, be and the same hereby is approved and the Comptroller of the City of Yonkers is directed to draw his warrant in the amount of One Thousand Five Hundred Dollars (\$1,500.00) in favor of said plaintiffs and their attorneys Carman, Callahan & Ingham, LLP.

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RESOLUTION

26. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, SHEPHERD AND LARKIN:

RESOLVED, by the City Council of the City of Yonkers, in meeting assembled:

That the settlement by the Corporation Counsel in the amount of three thousand six hundred twelve dollars and fifty-six cents (\$3,612.56) of the claim entitled, " *Government Employees Insurance Co. as subrogee of Kim Palmer*, by the Law Office of Bryan M. Kulak, as agent, located at 90 Crystal Run Road, Suite 409, Middletown, New York 10941, claimant against THE CITY OF YONKERS and Brian Curran, Respondents", for property damage arising out of an alleged incident alleging that on August 20, 2010, when the subrogor's 2004 BMW which was parked on Ravine Avenue, Yonkers, New York was struck by a Yonkers Fire Department truck, be and the same hereby is approved and the Comptroller of the City of Yonkers is directed to draw his warrant in the amount of three thousand six hundred twelve dollars and fifty-six cents (\$3,612.56) in favor of said plaintiff and the Law Offices of Brian M. Kulak, 90 Crystal Run Road – Suite 409, Middletown, New York 10941.

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CITY COUNCIL OF THE CITY OF YONKERS
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RESOLUTION

27. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, SHEPHERD AND LARKIN:

RESOLVED, by the City Council of the City of Yonkers, in meeting assembled:

That the settlement by the Corporation Counsel in the amount of SEVEN THOUSAND FIVE HUNDRED AND 00/100 DOLLARS (\$7,500.00) of the action entitled, "Liorena Lloncari an infant, by her father and natural guardian, Alban Lloncari, and Alban Lloncari, individually against City of Yonkers, The Board of Education of the City of Yonkers and P.S. 21 Yonkers, plaintiffs against THE CITY OF YONKERS and THE YONKERS BOARD OF EDUCATION, Defendants, for an incident alleging personal injury sustained by Lorena Lloncari while attending a Yonkers public elementary school on November 19, 2010, be and the same hereby is approved and the Comptroller of the City of Yonkers is directed to draw his warrant in the amount of SEVEN THOUSAND FIVE HUNDRED AND 00/100 DOLLARS (\$7,500.00) in favor of said plaintiffs and their attorneys Dervishi, Levine & Morgan, P.C., 11 Broadway – Suite 615, New York, New York 10004

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RESOLUTION

28. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, SHEPHERD AND LARKIN:

RESOLUTION APPROVING AN INTER-MUNICIPAL AGREEMENT BETWEEN THE CITY OF YONKERS AND THE COUNTY OF WESTCHESTER FOR THE USE OF SPECIALIZED EQUIPMENT TO RESPOND TO WEAPONS OF MASS DESTRUCTION

WHEREAS, the State of New York received a grant from the Federal Government for the purchase of specialized equipment to better respond to weapons of mass destruction and to prepare a three year statewide domestic preparedness strategy; and

WHEREAS, the State of New York and the County of Westchester have entered into an agreement whereby the necessary equipment that the State has purchased in bulk will be issued to the County for its use and for distribution to the local municipalities; and

WHEREAS, the County of Westchester now desires to enter into an inter-municipal agreement with the City of Yonkers for the distribution of the aforesaid specialized equipment;

NOW, THEREFORE, BE IT RESOLVED, that the Inter-Municipal Agreement between the County of Westchester and the City of Yonkers is approved and that the Mayor or his designee be and the same is hereby authorized to execute said Inter-Municipal Agreement; and be it further

RESOLVED, that this resolution will take effect immediately.

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RESOLUTION

29. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, SHEPHERD AND LARKIN:

A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR ASSISTANCE FROM THE WESTCHESTER COUNTY'S HOUSING IMPLEMENTATION FUND PROGRAM ON BEHALF OF GRANT PARK II, LP TO ASSIST WITH THE DEVELOPMENT OF THE INFRASTRUCTURE IN SUPPORT OF THE DEVELOPMENT OF MULFORD HOPE VI SITE E, BUILDINGS 1 & 2 (ALSO REFERRED TO AS "GRANT PARK PHASE II"), A DEVELOPMENT CONTAINING 56 UNITS ON THE PROPERTY KNOWN AND DESIGNATED ON THE TAX ASSESSMENT MAP OF THE CITY OF YONKERS AS SECTION 2, BLOCK 2083, LOTS 1 & 2.

WHEREAS, Grant Park II, LP (a related entity of the Richman Group Development Corporation) has received site plan, special permit and subdivision approvals from the Yonkers Planning Board to permit the development of 240 dwelling units, together with related parking and infrastructure (the "Project") on the property commonly referred to as "Mulford Hope VI Sites D and E" (the "Property"); and

WHEREAS, the Project which is under construction is being constructed in Phases; and

WHEREAS, Grant Park II, LP anticipates commencing construction of that Phase of the Project referred to as "Grant Park Phase II" in spring, 2012; and

WHEREAS, the Grant Park Phase II phase of the Project consists of the development of 56 dwelling units in two buildings referred to as "Building 1" (on that portion of the Property known and designated on the tax assessment map of the City as Section 2, Block 2083, Lot 1) and "Building 2" (on that portion of the Property known and designated on the tax assessment map of the City as Section 2, Block 2083, Lot 2), together with related parking and infrastructure; and

WHEREAS, the Grant Park Phase II of the Project also includes certain public infrastructure improvements, including the reconstruction of Loehr Place, and improvements to Saint Josephs Avenue and Vineyard Avenue; and

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RESOLUTION (CONTINUED)

WHEREAS, the County of Westchester's Housing Implementation Fund can assist in helping to defray the cost of the public improvements related to the Project to ensure the affordability of the Project; and

WHEREAS, pursuant to Resolution Nos. 42-2009, 43-2009, and 44-2009, each adopted by the City Council on April 14, 2009, the Mayor was authorized to apply to the County of Westchester (the "County") for available funding under the County's Housing Implementation Fund Program (the "HIF Program") for the Property; and

WHEREAS, the County has requested a resolution authorizing the Mayor to apply for available funding under the HIF Program specifically for the Grant Park Phase II phase of the Project; and

WHEREAS, the Yonkers Community Development Agency has approved the plans which the Municipal Housing Authority for the City of Yonkers ("MHACY") and its redeveloper, Grant Park II, LP have prepared for the Project, including the Grant Park Phase II Phase;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Yonkers hereby authorizes the Mayor to apply for available funding under the County's HIF Program for the Grant Park Phase II phase of the Project to which the City shall make a diligent application for in an amount not to exceed \$1,568,000; and be it further

RESOLVED, that this resolution shall take effect immediately.

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RESOLUTION

30. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, SHEPHERD AND LARKIN:

WHEREAS, the City of Yonkers has been awarded a grant in the amount of six hundred and forty five thousand dollars (\$645,000.00) by the New York State Environmental Facilities Corporation (EFC) under its Green Innovation Grant Program (GIGP) to fund portions of the Saw Mill Daylighting and Restoration at Larkin Plaza; and

WHEREAS, the Mayor of the City of Yonkers, or his authorized representative, is hereby authorized to execute any such Grant Agreement, and related documents, with the New York State Environmental Facilities Corporation, in order to provide such funds to the City of Yonkers, with such changes as agreed to by the Commissioner of the Department of Finance; and

NOW, THEREFORE BE IT RESOLVED, that the Mayor of the City of Yonkers is hereby authorized to execute the Grant Agreement with the New York State Environmental Facilities Corporation (EFC) with such changes as agreed to by the Commissioner of the Department of Finance, for the aforesaid purposes, with the total amount of the award at six hundred and forty five thousand dollars (\$645,000.00); and be it further;

RESOLVED, that the Mayor of the City of Yonkers is authorized to execute a Grant Agreement with the New York State Environmental Facilities Corporation and any and all other contracts, documents and instruments necessary to bring thereabout the Project and to fulfill the City of Yonkers' obligations under the GIGP Grant Agreement; and be it further

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RESOLUTION (CONTINUED)

RESOLVED, that this resolution shall take effect immediately.

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RESOLUTION

31. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, SHEPHERD AND LARKIN:

RESOLUTION APPROVING AN INTERMUNICIPAL AGREEMENT BETWEEN THE CITY OF YONKERS AND THE COUNTY OF WESTCHESTER FOR THE USE AND MAINTENANCE OF BUS SHELTERS WITHIN THE CITY OF YONKERS AND FOR THE CITY TO RECEIVE REVENUE FROM THE COUNTY FOR A PORTION OF THE PROCEEDS RECEIVED BY THE COUNTY PURSUANT TO A SEPARATE LICENSE AGREEMENT TO PLACE SIGNS AS ADVERTISEMENTS ON THE SHELTERS.

WHEREAS, the County of Westchester entered into a separate license agreement with a private franchisee to construct and maintain bus shelters at various locations within the County; and

WHEREAS, the County of Westchester wishes to enter into an Inter-Municipal Agreement with the City of Yonkers, with an expiration date of March 31, 2016, where the County shall provide bus passenger shelters within Yonkers pursuant to said license agreement at no cost and expense to the City and the City would receive compensation for permitting certain signs as commercial advertisements on the shelters;

NOW, THEREFORE, BE IT RESOLVED, that the Inter-Municipal Agreement between the County of Westchester and the City of Yonkers for the maintenance and operation of City's bus shelters and for the sharing of the revenue generated by the aforementioned license agreement, as a result of the placement of certain commercial advertisements on the bus shelters is hereby approved; and be it further

RESOLVED, that this resolution will take effect immediately.

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COMMITTEE REPORTS

