

WHITE PLAINS URBAN RENEWAL AGENCY

255 Main Street • White Plains • NY • 10601 • (914) 422-1300

November 10, 2022

NOTICE OF SPECIAL URBAN RENEWAL AGENCY MEETING AND AGENDA

Date/Time: Tuesday, November 15, 2022 at 12:30 PM

Place: **Mayor's Conference Room, 2nd Floor**
255 Main Street, White Plains

The Agency will hold a special meeting at the time and place noted above to consider the matters described in the attached Agenda.

WHITE PLAINS URBAN RENEWAL AGENCY
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AGENDA

Special Meeting of the White Plains Urban Renewal Agency

Mayor's Conference Room, 2nd Floor
255 Main Street, White Plains

Tuesday November 15, 2022 at 12:30 PM

- A. Roll Call
- B. Approval of Minutes of the August 10, 2022 meeting
- C. Action Items:

RESOLUTION APPROVING THE OMNIBUS TERMINATION RELATING TO THE PREMISES PREVIOUSLY KNOWN AS 200 HAMILTON AVENUE, AND NOW KNOWN AS UNIT 1 AND UNIT 2 OF THE HAMILTON GREEN CONDOMINIUM LOCATED AT 200 AND 250 HAMILTON AVENUE, WHITE PLAINS, NY

- D. Other Business
- E. Adjournment

WHITE PLAINS URBAN RENEWAL AGENCY

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Special Meeting of the White Plains Urban Renewal Agency
Wednesday, August 10, 2022, 10:30 AM

MINUTES

Meeting Called to Order

Mayor Thomas Roach, Chairman

Time: 10:30 AM

1. Roll Call (Christopher N. Gomez called the roll)

Thomas Roach	Dan Moriarty	John Martin	Walter Eddie
Present	Absent	Present	Present

Staff Present: Christopher N. Gomez, Executive Director and Planning Commissioner; Carol Endres, Finance; Arthur Gutekunst, Counsel; Kristi Knecht, Planning,

2. Minutes for the meeting held on March 18, 2021 were moved, seconded, and approved with the following votes:

Motion by	Seconded by	Votes	
		Yes	No
John Martin	Walter Eddie	3	0

3. Action Items

Chairman Roach introduced the Action Items.

RESOLUTION 01-2022: RESOLUTION ADOPTING THE URBAN RENEWAL AGENCY ANNUAL ADMINISTRATIVE BUDGET FOR FISCAL YEAR BEGINNING JULY 1, 2022 AND ENDING JUNE 30, 2023 was moved, seconded, and approved with the following votes:

Motion by	Seconded by	Votes	
		Yes	No
John Martin	Walter Eddie	3	0

RESOLUTION 02-2022: RESOLUTION AMENDING THE ADOPTED COMBINED FEDERAL "INCEPTION-TO-DATE" BUDGET was moved, seconded, and approved with the following votes:

Motion by	Seconded by	Votes	
		Yes	No
John Martin	Walter Eddie	3	0

RESOLUTION 03-2022: RESOLUTION OF THE WHITE PLAINS URBAN RENEWAL AGENCY REAFFIRMING THE MISSION STATEMENT AND PERFORMANCE MEASURES AND APPROVING THE 2020-2021 AND 2021-2022 ANNUAL REPORT was moved, seconded, and approved with the following votes:

Motion by	Seconded by	Votes	
		Yes	No
John Martin	Walter Eddie	3	0

RESOLUTION 04-2022: RESOLUTION ADOPTING THE EAST POST ROAD ACQUISITION AND DISPOSITION BUDGET was moved, seconded, and approved with the following votes:

Motion by	Seconded by	Votes	
		Yes	No
John Martin	Walter Eddie	3	0

Mr. Martin asked for clarification of the resolution. Christopher Gomez and Carol Endres explained that the purpose of this resolution is to reaffirm activities that occurred in 2021, for auditing purposes.

RESOLUTION 05-2022: RESOLUTION ESTABLISHING THE COMMUNITY DEVELOPMENT TITLE AND SALARY SCHEDULE FOR FISCAL YEAR JULY 1, 2022 TO JUNE 30, 2023 was moved, seconded, and approved with the following votes:

Motion by	Seconded by	Votes	
		Yes	No
Walter Eddie	John Martin	3	0

RESOLUTION 06-2022: RESOLUTION OF THE WHITE PLAINS URBAN RENEWAL AGENCY AUTHORIZING THE CHAIRMAN, OR HIS DESIGNEE, TO EXECUTE AN ESTOPPEL AGREEMENT FOR THE CONTRACT OF SALE FOR PRIVATE REDEVELOPMENT AMONG THE CITY OF WHITE PLAINS, THE WHITE PLAINS URBAN RENEWAL AGENCY, AND WP NORTH TOWER LLC AND WP SOUTH TOWER LLC, THE SUCCESSORS TO LCOR 55 BANK STREET LLC WITH RESPECT TO 55 AND 57 BANK STREET, AS AMENDED, INCLUDING AUTHORIZING THE EXTENSION OF TIME TO MARCH 7, 2023 TO INSTALL PARKING STACKERS TO PROVIDE THE REQUIRED 570 PARKING SPACES FOR THE PROJECT was moved, seconded, and approved with the following votes:

Motion by	Seconded by	Votes	
		Yes	No
John Martin	Walter Eddie	3	0

Mr. Gutekunst explained that the purpose of this resolution is to permit an extension of time (March 2023) to provide required parking stackers for the project, and that there is no default, in order to obtain permanent construction financing. Mr. Martin asked if any stackers had been provided. Mr. Gomez explained that while some have been provided, due to supply chain issues, not all have been installed. However, there is no shortage of commuter parking at the site due to less demand arising from the pandemic.

4. Other Business

None

5. Adjournment

Motion by	Seconded by	Votes	
		Yes	No
Walter Eddie	John Martin	3	0

The meeting was adjourned at 10:40 AM

Minutes Adopted:

DRAFT

WHITE PLAINS URBAN RENEWAL AGENCY

RESOLUTION 07-2022

RESOLUTION OF THE WHITE PLAINS URBAN RENEWAL AGENCY AUTHORIZING THE CHAIRMAN, OR HIS DESIGNEE, TO EXECUTE AN OMNIBUS TERMINATION AGREEMENT RELATING TO THE PREMISES PREVIOUSLY KNOWN AS THE WHITE PLAINS MALL AT 200 HAMILTON AVENUE, AND NOW KNOWN AS UNIT 1 AND UNIT 2 OF THE HAMILTON GREEN CONDOMINIUM LOCATED AT 200 AND 250 HAMILTON AVENUE, WHITE PLAINS, NY

WHEREAS, The White Plains Urban Renewal Agency (the “Agency”) approved an Urban Renewal Plan for the Central Renewal Project, NY R-37 by resolution of the Agency dated July 14, 1964 and by resolution of the Common Council (“Common Council”) of the City of White Plains by resolution dated July 6, 1964; and

WHEREAS, the Agency designated certain redevelopers of Parcel Number 14, located at 200 Hamilton Avenue and within the Central Renewal Project, to redevelop the site with a shopping center; and

WHEREAS, a Contract for Redevelopment, dated November 14, 1968, made by and between the Agency and Hamilton Shopping Center, Inc., and recorded on June 11, 1971, contained terms, covenants, restrictions, conditions, provisions and agreements; and

WHEREAS, the Contract of Sale dated June 10, 1971 was assigned to W.P. Mall Corp and recorded on June 11, 1971; and

WHEREAS, the Deed dated June 10, 1971, made by White Plains Urban Renewal Agency, to W.P. Mall Corp., and recorded on June 11, 1971 contained terms, covenants, restrictions, conditions, provisions, agreements and a right of reverter clause; and

WHEREAS, an addendum to the Contract of Sale, dated June 10, 1971, made by and between White Plains Urban Renewal Agency and W.P. Mall Corp. was recorded on June 11, 1971; and

WHEREAS, January 6, 1976, Parcel No. 14, the White Plains Mall, at 200 Hamilton Avenue, received a Certificate of Occupancy and operated as a shopping center for the last fifty years; and

WHEREAS, the completed redevelopment of Parcel No. 14, the White Plains Mall at 200 Hamilton Avenue, should have received a Certificate of Completion from the Agency at the time the Certificate of Occupancy was issued; and

WHEREAS, The Urban Renewal Plan for the Central Renewal Project, Project No. NY R-37 in the City of White Plains expired on July 7, 2019; and

WHEREAS, in December 2021, the Common Council of the City of White Plains granted amended Site Plan Approval and amended Conceptual Development Plan Approval for the redevelopment of the White Plains Mall at 200 Hamilton Avenue into a mixed-use, transit-oriented development to be known as Hamilton Green; and

WHEREAS, the White Plains Mall at 200 Hamilton Avenue was demolished in October 2022; and

WHEREAS, the current owner of 200 Hamilton Avenue, W.P. Mall Realty, LLC, has entered into a contract of sale for the property now known as Unit 1 and Unit 2 of the Hamilton Green Condominium located at 200 and 250 Hamilton Avenue, White Plains, NY.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Agency desires to cancel and terminate various terms, covenants, conditions and restrictions relating to the premises previously known as 200 Hamilton Avenue, and now known as Unit 1 and Unit 2 of the Hamilton Green Condominium located at 200 and 250 Hamilton Avenue, White Plains, NY, 10601 (Section 125.67 Block 5 Lots 1..1 and 1..2) and more particularly described in Exhibit A to the Omnibus Termination Agreement.
2. The Agency agrees that the documents set forth on Schedule I hereto and all terms, covenants, conditions, and restrictions set forth therein are hereby terminated and no longer of any force or effect EXCEPT that the restrictions set forth in (i) condition and covenant paragraph Fifth of the Deed, item #2 on Schedule I, and (ii) Section 401(b) and applicable provisions of Sections 402 and 403 of the Contract, item #3 on Schedule I, shall not be affected or impaired hereby. The Agency further confirms it is not aware that any of the covenants numbered Second, Third, and Fourth of the Deed have been breached or otherwise violated and said covenants are no longer of any force or effect.
3. The Chairman of the Agency, or his designee, is hereby authorized to execute the Omnibus Termination Agreement relating to the premises previously known as 200 Hamilton Avenue and now known as Unit 1 and Unit 2 of the Hamilton Green Condominium located at 200 and 250 Hamilton Avenue, White Plains, NY terminating all such covenants conditions and restrictions EXCEPT that the restrictions set forth in (i) condition and covenant paragraph Fifth of the Deed, item #2 on Schedule I, and (ii) Section 401(b) and applicable provisions of Sections 402 and 403 of the Contract, item #3 on Schedule I, shall not be affected or impaired hereby..

4. This Resolution shall take effect immediately.

Dated: November 14, 2022

Adopted:

OMNIBUS TERMINATION

THIS OMNIBUS TERMINATION is hereby provided effective as of this [] day of November, 2022 by **WHITE PLAINS URBAN RENEWAL AGENCY**, a public benefit corporation of the State of New York, having an office at 70 Church Street, White Plains, New York, 10601 ("Agency").

WHEREAS, Agency desires to cancel and terminate various terms, covenants, conditions and restrictions relating to the premises previously known as 200 Hamilton Avenue, and now known as Unit 1 and Unit 2 of the Hamilton Green Condominium located at 200 and 250 Hamilton Avenue, White Plains, NY, 10601 (Section 125.67 Block 5 Lots 1..1 and 1..2) more particularly described in Exhibit A.

NOW, THEREFORE, Agency agrees that the documents set forth on Schedule I hereto and all terms, covenants, conditions, and restrictions set forth therein are hereby terminated and no longer of any force or effect EXCEPT that the restrictions set forth in (i) condition and covenant paragraph Fifth of the Deed, item #2 on Schedule I, and (ii) Section 401(b) and applicable provisions of Sections 402 and 403 of the Contract, item #3 on Schedule I, shall not be affected or impaired hereby. The Agency further confirms it is not aware that any of the covenants numbered Second, Third, and Fourth of the Deed have been breached or otherwise violated and said covenants are no longer of any force or effect.

IN WITNESS WHEREOF, the parties have hereunto set their hand as of the date first written above.

**WHITE PLAINS URBAN RENEWAL
AGENCY**

By _____
Name:
Title:

EXHIBIT A

LEGAL DESCRIPTION OF REAL PROPERTY

ALL that certain plot, piece or parcel of land situate, lying and being in the City of White Plains, County of Westchester and State of New York, bounded and described as follows:

BEGINNING at a point on the Easterly side of Northern Arterial, n/k/a Dr. Martin Luther King Jr. Blvd., at the Northerly end of a curve having a radius of 20 feet, a central angle of 88 degrees 53 minutes 19 seconds and a length of 31.028 feet which connects the Northerly side of Hamilton Avenue with the Easterly side of Northern Arterial, n/k/a Dr. Martin Luther King Jr. Blvd., as shown on a certain map entitled, "Map Showing Lands to Be Acquired By The City of White Plains for the laying out and widening of The Northern Arterial" which map is filed in the Westchester County Clerk's Office, Division of Land Records, as Map No. 16810;

RUNNING THENCE from said point of beginning in a Southeasterly direction along the arc of a curve to the left having a radius of 20 feet, a central angle of 88 degrees 53 minutes 19 seconds, a distance of 31.028 feet to a point on the Northerly side of Hamilton Avenue;

THENCE Easterly along the Northerly side of Hamilton Avenue and along the arc of a curve to the left having a radius of 4627.386 feet, a central angle of 4 degrees 29 minutes 13 seconds, a distance of 362.381 feet to a point at the Westerly end of a curve connecting the Northerly side of Hamilton Avenue with the Westerly line of Cottage Place as shown on said Map No. 16810;

THENCE Northwesterly along the said curve to the left which has a radius of 10 feet, a central angle of 89 degrees 38 minutes 28 seconds for a distance of 15.645 feet to a point on the Westerly side of Cottage Place;

THENCE along the Westerly side of Cottage Place, North 27 degrees 01 minute 19 seconds West, 384.52 feet to a point at the Southerly end of a curve connecting the westerly side of Cottage Place with the Southerly side of Barker Avenue as shown on said Map No. 16810;

THENCE Northwesterly along said curve to the left which has a radius of 25 feet, a central angle of 91 degrees 10 minutes 00 seconds, for a distance of 39.78 feet to a point on the Southerly side of Barker Avenue;

THENCE along the Southerly side of Barker Avenue, South 61 degrees 48 minutes 41 seconds West, 372.107 feet to the Easterly end of a curve connecting the Southerly side of Barker Avenue with the Easterly side of Northern Arterial, n/k/a Dr. Martin Luther King Jr. Blvd., as shown on said Map No. 16810;

THENCE Southerly along said curve to the left which has a radius of 20 feet, a central angle of 100 degrees 16 minutes 52.9 seconds, for a distance of 35 feet to a point on the Easterly side of Northern Arterial, n/k/a Dr. Martin Luther King Jr. Blvd.;

THENCE Southerly along said Easterly side of Northern Arterial and along the arc of a curve to the right which has a radius of 1414 feet, a central angle of 14 degrees 27 minutes 52.8 seconds, for a distance of 356.97 feet to the Northerly end of a curve connecting the Easterly side of Northern Arterial, n/k/a Dr. Martin Luther King Jr. Blvd., with the Northerly side of Hamilton Avenue, at the point or place of BEGINNING.

Schedule I
Terminated Documents

1. Declaration of Restrictions dated September 11, 1968, made by White Plains Urban Renewal Agency, recorded on September 17, 1968, in Liber 6808, Page 92.
With Regard Thereto:
 - i. Amendment No. 1, dated November 3, 1969, made by White Plains Urban Renewal Agency, recorded on November 7, 1969, in Liber 6893, Page 414.
 - ii. Amendment No. 2, dated February 5, 1970, made by White Plains Urban Renewal Agency, recorded on February 9, 1970, in Liber 6909, Page 631.
 - iii. Amendment No. 3, dated June 10, 1971, made by White Plains Urban Renewal Agency, recorded on June 11, 1971, in Liber 6992, Page 617.
 - iv. Amendment No. 4, dated May 18, 1972, made by White Plains Urban Renewal Agency, recorded on May 18, 1972, in Liber 7056, Page 485.
 - v. Amendment No. 5, dated August 14, 1973, made by White Plains Urban Renewal Agency, recorded on August 16, 1973, in Liber 7146, Page 796.
 - vi. Amendment No. 6, dated February 25, 1974, made by White Plains Urban Renewal Agency, recorded on April 26, 1974, in Liber 7192, Page 566.
 - vii. Amendment No. 7, dated April 4, 1975, made by White Plains Urban Renewal Agency, recorded on April 9, 1975, in Liber 7256, Page 155.
 - viii. Amendment No. 8, dated April 14, 1976, made by White Plains Urban Renewal Agency, recorded on April 14, 1976, in Liber 7322, Page 607.
 - ix. Amendment No. 9, dated November 9, 1977, made by White Plains Urban Renewal Agency, recorded on November 9, 1977, in Liber 7432, Page 1.
 - x. Amendment No. 10, dated June 4, 1979, made by White Plains Urban Renewal Agency, recorded on June 7, 1979, in Liber 7560, Page 166.
 - xi. Amendment No. 11, dated June 24, 1989, made by White Plains Urban Renewal Agency, recorded on July 9, 1986, in Liber 8484, Page 257.
 - xii. Amendment No. 12, dated October 11, 1996, made by White Plains Urban Renewal Agency, recorded on October 11, 1996, in Liber 11563, Page 78.
 - xiii. Amendment No. 13, dated November 6, 2000, made by White Plains Urban Renewal Agency, recorded on December 1, 2000, in Control No. 403110365 (collectively, "The Declaration")
2. Covenants and restrictions, conditions, agreements and right of reverter clause set forth in Deed dated June 10, 1971, made by White Plains Urban Renewal Agency, to W.P. Mall Corp., recorded on June 11, 1971, in Liber 6992, Page 716 (the "Deed").
3. Terms, covenants, conditions, provisions and agreements set forth in Contract for Redevelopment, dated November 14, 1968 made by and between White Plains Urban Renewal Agency and Hamilton Shopping Center, Inc., recorded on June 11, 1971, in Liber 6992, Page 577.
With Regard thereto:
 - i. Assignment of Contract dated June 10, 1971, made by Hamilton Shopping Center, Inc., assignor, to W. P. Mall Corp., assignee, recorded on June 11, 1971, in Liber 6992, Page 563.

ii. Addendum to Contract of Sale, dated June 10, 1971, made by and between White Plains Urban Renewal Agency and W.P. Mall Corp., recorded on June 11, 1971, in Liber 6992, Page 611 (collectively, "The Contract").