

# **INFORMATION ITEMS**

# Staff Summary

<b>Subject</b> <b>SECOND AMENDMENT TO LICENSE AGREEMENT BETWEEN MNR AND ACCESS ONE SOLUTIONS INC. FOR ATMS AT CROTON-HARMON, TARRYTOWN, AND YONKERS STATIONS, WESTCHESTER COUNTY, NY</b>
<b>Department</b> <b>REAL ESTATE</b>
<b>Department Head Name</b> <b>DAVID FLORIO</b>
<b>Department Head Signature</b>
<b>Project Manager Name</b> <b>JASON ORTIZ</b>

<b>Date</b> <b>JUNE 26, 2024</b>
<b>Vendor Name</b>
<b>Contract Number</b>
<b>Contract Manager Name</b>
<b>Table of Contents Ref. #</b>

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	06/24/24		X	
2	Board	06/26/24		X	

Internal Approvals			
Order	Approval	Order	Approval
1	Legal		
2	Chief Administrative Officer		
3	Chief Financial Officer		

**AGENCY:** MTA Metro-North Railroad (“MNR”)

**LICENSEE:** Access One Solutions, Inc.

**LOCATIONS:** Croton-Harmon Station, Croton-On-Hudson, New York  
 Tarrytown Station, Tarrytown, New York  
 Yonkers Station, Yonkers, New York

**USE:** Solely for the operation, repair, replacement, and maintenance of one (1) ATM at each Location

**TERM:** Five (5) Years, commencing January 29, 2024 and expiring January 28, 2029

**COMPENSATION:** Fifty-six percent (56%) of all surcharge transactions in addition to a \$2,000 signing bonus for Tarrytown Station and \$1,500 each for Croton-Harmon and Yonkers Stations

**COMMENTS:**

Access One Solutions, Inc. entered into a license agreement dated September 20, 2018 (“Original License”) on MNR property to operate and maintain ATMs at various MNR stations. The Licensee was initially selected via a Request For Proposals process and granted a license term of five (5) years which on January 28, 2024. MTA Real Estate and the Licensee executed the Second Amendment to License Agreement extending the Original License for an additional five (5) years, commencing January 29, 2024. All other terms, conditions, and provisions of the Original License agreement remain unchanged.

A Broker’s Opinion of Value, valued the Locations consistent with the compensation as stated in the Original License agreement, which is an amount equal to fifty-six percent (56%) of all surcharge transactions. Additionally, under the terms of the Second Amendment to License Agreement, Licensee paid MNR a signing bonus as stated above.

# Staff Summary

**FINANCE COMMITTEE MEETING  
SECOND AMENDMENT TO LICENSE AGREEMENT BETWEEN METRO-NORTH AND ACCESS ONE  
SOLUTIONS INC. FOR ATMS AT CROTON-HARMON, TARRYTOWN, AND YONKERS STATIONS,  
WESTCHESTER COUNTY, NEW YORK (cont'd)**

MTA Real Estate entered into the above-described amendment pursuant to the MTA Board approved policy titled Amendment of Negotiated License Policy for Existing Tenants dated July 22, 2020, which provides for renewals of license agreements with an existing licensee in good standing.

# Staff Summary

<b>Subject</b> <b>SHORT-TERM PARKING PERMIT BETWEEN MNR AND DIA ART FOUNDATION FOR USE OF PARKING SPACES AT BEACON STATION, BEACON, NY</b>
<b>Department</b> <b>REAL ESTATE</b>
<b>Department Head Name</b> <b>DAVID FLORIO</b>
<b>Department Head Signature</b>
<b>Project Manager Name</b> <b>JASON ORTIZ</b>

<b>Date</b> <b>JUNE 26, 2024</b>
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1	Finance Committee	06/24/24		X	
2	Board	06/26/24		X	

Internal Approvals			
Order	Approval	Order	Approval
1	Legal		
2	Chief Administrative Officer		
3	Chief Financial Officer		

**AGENCY:** MTA Metro-North Railroad (“MNR”)  
**PERMITTEE:** Dia Art Foundation  
**LOCATION:** Beacon Station, City of Beacon, Dutchess County, New York (“Station”)  
**PREMISES:** Approximately 150 parking spaces in Lot 1 of the Station  
**USE:** Use of the Station’s parking lot for overflow event parking and shuttle bus parking  
**TERM:** Saturday, May 11, 2024, 9:00am to 7:00pm  
**COMPENSATION:** \$1; payment waived

**COMMENTS:**

Pursuant to the Board-approved policy dated October 24, 2002 governing the short-term licensing of railroad facilities by municipal and not-for-profit corporations for non-commercial activities, Dia Art Foundation has been granted permission to utilize 150 parking spaces in Lot 1 of the Station for their annual Spring Benefit Luncheon event on May 11, 2024, scheduled from 9:00am to 7:00pm.

MTA Legal drafted the permit agreement, approved as to form and Dia Art Foundation provided appropriate insurance coverage and indemnification.

# Staff Summary

<b>Subject</b> <b>LICENSE AGREEMENT BETWEEN MNR AND MLF PROPERTIES, INC. FOR RECONSTRUCTION OF A RETAINING WALL, PORT CHESTER, NY</b>
<b>Department</b> <b>REAL ESTATE</b>
<b>Department Head Name</b> <b>DAVID FLORIO</b>
<b>Department Head Signature</b>
<b>Project Manager Name</b> <b>JASON ORTIZ</b>

<b>Date</b> <b>JUNE 26, 2024</b>
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Internal Approvals			
Order	Approval	Order	Approval
1	Legal		
2	Chief Administrative Officer		
3	Chief Financial Officer		

**AGENCY:** MTA Metro-North Railroad (“MNR”)  
**LICENSOR:** MLF Properties Inc. (“MLF”)  
**LOCATION:** 168-180 N Main Street, Port Chester, NY  
**PREMISES:** An approximately 3,249 sq. ft. portion of a parking lot  
**USE:** Construction and staging by MNR for replacement of a retaining wall  
**TERM:** Six (6) months  
**COMPENSATION:** None

**COMMENTS:**

MNR requires the use of MLF’s Property to replace approximately 190 linear feet of retaining wall supporting a portion of Track 4 of the New Haven Line between Catenary 239-241 (the “Project”) and for storage/laydown of materials and equipment in connection with the Project. MNR will replace the existing timber retaining wall with a 6-foot-tall gabion basket retaining wall. During the Project, the existing retaining wall will be removed and replaced in 20-30 ft sections by hand and with equipment.

The duration of the Project will be no more than six (6) months, depending on weather conditions.

MTA Real Estate entered into a license agreement on April 29, 2024 on behalf of MNR pursuant to the MTA Board approved policy on Construction Access Agreements, as amended on June 23, 2021, which authorizes MTA Real Estate to negotiate access rights and privileges required by MTA operating agencies for capital projects or maintenance or repairs of operating facilities. This license agreement is at no cost to the MTA Licensor and was reviewed and approved as to form by MTA Legal prior to execution.

# Staff Summary

<b>Subject</b> <b>EASEMENT AGREEMENT BETWEEN LIRR AND 166 ARCHER AVE CO. LLC IN CONNECTION WITH THE JAMAICA CAPACITY IMPROVEMENT PROJECT, PHASE II, IN QUEENS, NY</b>
<b>Department</b> <b>REAL ESTATE</b>
<b>Department Head Name</b> <b>DAVID FLORIO</b>
<b>Department Head Signature</b>
<b>Project Manager Name</b> <b>SELINA STORZ</b>

<b>Date</b> <b>JUNE 26, 2024</b>
<b>Vendor Name</b>
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3	Chief Financial Officer		

**AGENCY:** MTA Long Island Rail Road (“LIRR”)  
**GRANTOR:** 166 Archer Ave Co. LLC  
**LOCATION:** 166-10 Archer Avenue, Jamaica, NY  
**EASEMENT AREA:** Two (2) separate aerial easements (126.2 sq. ft. and 484.5 sq. ft.) adjacent to the LIRR right-of-way  
**USE:** Air rights for installation and maintenance of aerial platforms over Grantor’s property  
**TERM:** Permanent  
**COMPENSATION:** \$13,000, plus reimbursement of Grantor’s legal fees in the amount of \$35,000 (total compensation \$48,000)

**COMMENTS:**

In connection with the LIRR’s Jamaica Capacity Improvement (JCI) Phase II Project, a series of permanent aerial easements along the LIRR right-of-way are required. These easements are needed in order to facilitate the installation of aerial platforms extending from the LIRR’s right-of-way over the adjacent properties.

The MTA Board approved the acquisition of the aforementioned easements in November 2022 by negotiation or eminent domain. MTA Real Estate negotiated and executed a permanent easement agreement with Grantor pursuant to MTA Board Policy, modified as of July 2023, which allows MTA Real Estate to negotiate access rights and privileges required by MTA operating agencies for capital projects or maintenance or repairs of operating facilities. In the event property owners request compensation, MTA Real Estate may negotiate total compensation of up to \$100,000. The easement agreement was reviewed and approved as to form by MTA Legal prior to execution.

Compensation for this agreement was set at \$13,000, plus reimbursement of Grantor’s fair and reasonable legal fees as approved by MTA Legal in the amount of \$35,000, for a total of \$48,000 in compensation.

# Staff Summary

<b>Subject</b> <b>EASEMENT AGREEMENT BETWEEN LIRR AND THE PEOPLE OF THE STATE OF NEW YORK, DIVISION OF MILITARY AND NAVAL AFFAIRS IN CONNECTION WITH THE JAMAICA CAPACITY IMPROVEMENT PROJECT, PHASE II, IN QUEENS, NY</b>
<b>Department</b> <b>REAL ESTATE</b>
<b>Department Head Name</b> <b>DAVID FLORIO</b>
<b>Department Head Signature</b>
<b>Project Manager Name</b> <b>SELINA STORZ</b>

<b>Date</b> <b>JUNE 26, 2024</b>
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1	Legal		
2	Chief Administrative Officer		
3	Chief Financial Officer		

**AGENCY:** MTA Long Island Rail Road ("LIRR")  
**GRANTOR:** People of the State of New York, Division of Military and Naval Affairs  
**LOCATION:** 168-02 93<sup>rd</sup> Avenue, Jamaica, NY  
**EASEMENT AREA:** An approximately 45.8 square foot aerial easement adjacent to the LIRR right-of-way  
**USE:** Air rights for installation and maintenance of aerial platform over Grantor's property  
**TERM:** Permanent  
**COMPENSATION:** Waived

**COMMENTS:**

In connection with the LIRR's Jamaica Capacity Improvement (JCI) Phase II Project, a series of permanent aerial easements along the LIRR right-of-way are required. These easements are needed in order to facilitate the installation of aerial platforms extending from the LIRR's right-of-way over the adjacent properties.

MTA Real Estate negotiated and executed a permanent easement agreement with Grantor pursuant to MTA Board Policy, modified as of July 2023, which allows MTA Real Estate to negotiate access rights and privileges required by MTA operating agencies for capital projects or maintenance or repairs of operating facilities. In the event property owners request compensation, MTA Real Estate may negotiate total compensation of up to \$100,000. Compensation for this agreement was waived by Grantor.

# Staff Summary

<b>Subject</b> <b>TEMPORARY ACCESS AGREEMENT BETWEEN NYCT AND BENNET PROPERTY OWNER LLC FOR ACCESS TO PROPERTY ADJACENT TO 181<sup>ST</sup> STREET SUBWAY STATION IN CONNECTION WITH THE ADA ELEVATOR PROJECT IN MANHATTAN, NY</b>
<b>Department</b> <b>REAL ESTATE</b>
<b>Department Head Name</b> <b>DAVID FLORIO</b>
<b>Department Head Signature</b>
<b>Project Manager Name</b> <b>RAYMOND SMYTH</b>

<b>Date</b> <b>JUNE 26, 2024</b>
<b>Vendor Name</b>
<b>Contract Number</b>
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1	Finance Committee	06/24/24		X	
2	Board	06/26/24		X	

Internal Approvals			
Order	Approval	Order	Approval
1	Legal		
2	Chief Administrative Officer		
3	Chief Financial Officer		

**AGENCY:** MTA New York City Transit (“NYCT”)  
**LICENSOR:** Bennet Property Owner LLC c/o Bizzi & Development LLC  
**LOCATION:** Portion of 524 Fort Washington Avenue, New York, NY 10033  
**USE:** License agreement to allow NYCT to enter onto and work upon adjacent, vacant property to complete installation of elevators at 181st Street Station  
**TERM:** Six (6) month term with weekly extensions subject to Licensor’s approval  
**COMPENSATION:** Reimbursement of Licensor’s legal costs, not to exceed \$6,000

**COMMENTS:**

In connection with NYCT’s ADA Elevator Project, NYCT and its contractors require temporary access to a portion of the vacant lot adjacent to 181st Street station in Manhattan, New York. The owner of the property required a license agreement with NYCT and its contractor as signatories. The agreement allows NYCT and its contractors to access the Property with personnel, vehicles, equipment, and materials for the purpose of installing, working on, and removing scaffolding, transporting equipment and materials, and egress to remove construction debris. The work began in April 2024 and is anticipated to be completed in Q3 2024. There is no direct compensation associated with this agreement, however the Licensor required reimbursement of their legal fees in an amount not to exceed \$6,000.

MTA Real Estate negotiated a license agreement with the Licensor on behalf of NYCT pursuant to MTA Board Policy, modified November 12, 2013, which allows MTA Real Estate to negotiate access rights and privileges required by MTA operating agencies for capital projects or maintenance or repairs of operating facilities. Reimbursement of the Licensor’s fair and reasonable legal fees is subject to review and approval by MTA Legal.



# Staff Summary

<b>Subject</b> <b>CONSTRUCTION ACCESS AGREEMENT WITH CITY OF NEW YORK AT 209 JORALEMON STREET IN BROOKLYN, NY</b>
<b>Department</b> <b>REAL ESTATE</b>
<b>Department Head Name</b> <b>DAVID FLORIO</b>
<b>Department Head Signature</b>
<b>Project Manager Name</b> <b>ARTURO ESPINOZA</b>

<b>Date</b> <b>JUNE 26, 2024</b>
<b>Vendor Name</b>
<b>Contract Number</b>
<b>Contract Manager Name</b>
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1	Finance Committee	06/24/24		X	
2	Board	06/26/24		x	

Internal Approvals			
Order	Approval	Order	Approval
1	Legal		
2	Chief Administrative Officer		
3	Chief Financial Officer		

**AGENCY:** MTA New York City Transit (“NYCT”)  
**LICENSOR:** City of New York, by way of Department of Citywide Administrative Services (“DCAS”)  
**LOCATION:** 209 Joralemon Street, Brooklyn, NY (the “Location”)  
**USE:** Temporary shoring and support of excavation of the Borough Hall building  
**TERM:** May 1, 2024 to March 30, 2025 with a 1-year renewal on 90 days’ notice  
**COMPENSATION:** \$1, payment waived

**COMMENTS:**

In connection with accessibility improvements NYCT’s Borough Hall subway station in Brooklyn, NY, MTA Construction and Development is installing a street-level to mezzanine elevator and a mezzanine to platform level elevator adjacent to the Borough Hall building located at 209 Joralemon Street.

Given the landmark status of the Borough Hall building, the installation of the elevator along with attendant utility relocation work requires temporary shoring and support of excavation measures be taken in order to minimize impact to the Borough Hall building during construction of the MTA’s accessibility improvements.

DCAS prepared the form of license and MTA Legal approved to as form. MTA Real Estate is authorized to enter directly into an agreement with DCAS pursuant to a Board policy for short-term construction access agreements dated November 15, 1999 and last modified June 23, 2011.

# Staff Summary

<b>Subject</b> <b>ADDITION OF PROPERTY TO MASTER LEASE IN SUPPORT OF ACCESSIBILITY IMPROVEMENTS TO BOROUGH HALL SUBWAY STATION, BROOKLYN, NY</b>
<b>Department</b> <b>REAL ESTATE</b>
<b>Department Head Name</b> <b>DAVID FLORIO</b>
<b>Department Head Signature</b>
<b>Project Manager Name</b> <b>ARTURO ESPINOZA</b>

<b>Date</b> <b>JUNE 26, 2024</b>
<b>Vendor Name</b>
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1	Finance Committee	06/24/24		X	
2	Board	06/26/24		X	

Internal Approvals			
Order	Approval	Order	Approval
1	Legal		
3	Chief Administrative Officer		
2	Chief Financial Officer		

**AGENCY:** MTA New York City Transit ("NYCT")  
**GRANTOR:** City of New York, by way of Department of Citywide Administrative Services ("DCAS")  
**LOCATION:** 210 Joralemon Street, Brooklyn, New York  
**PREMISES:** Approximately 440 square feet at sub-basement level ("Premises")  
**COMPENSATION:** None

**COMMENTS:**

MTA Construction and Development is currently undertaking accessibility improvements to NYCT's Borough Hall subway station in Brooklyn which includes adding a 2-stop elevator connecting the mezzanine to the subway platform. The subway platform is adjacent to and at the same level as the sub-basement level of DCAS's building located at 210 Joralemon Street.

In order to accommodate installation of the elevator, the subway platform will be expanded into the sub-basement of 210 Joralemon Street. The expanded area measuring approximately 440 square feet comprises the Premises and will include an elevator, vestibule, and elevator machine room.

MTA Legal prepared an indenture which formally added the Premises to an agreement of lease with the City dated June 1, 1953, (as amended, supplemented, renewed and extended, the "Master Lease") and approved to as form.

Real Estate is authorized to enter directly into such an agreement pursuant to Board policy, dated September 21, 2015 and modified June 27, 2023, for the acquisition of property rights in support of MTA capital projects when it is reasonably estimated that the MTA's aggregate obligation to pay compensation to grantor will be less than \$100,000 on a present value basis.

# Staff Summary

<b>Subject</b> <b>LEASE AMENDMENT BETWEEN NYCT AND JOMAT, LLC FOR AN EMPLOYEE PARKING LOT ADJACENT TO PS 248 TRANSIT LEARNING CENTER IN BROOKLYN, NY</b>
<b>Department</b> <b>REAL ESTATE</b>
<b>Department Head Name</b> <b>DAVID FLORIO</b>
<b>Department Head Signature</b>
<b>Project Manager Name</b> <b>ARTURO ESPINOZA</b>

<b>Date</b> <b>JUNE 26, 2024</b>
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Internal Approvals			
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1	Legal		
3	Chief Administrative Officer		
2	Chief Financial Officer		

**AGENCY:** MTA New York City Transit (“NYCT”)  
**LESSEE:** Jomat, LLC (“Jomat”)  
**LOCATION:** Kings County Block 7114 Lot 52 (“Premises”), adjacent to NYCT’s PS 248 Transit Learning Center  
**PREMISES:** Approximately 1,800 square feet  
**USE:** Parking lot  
**TERM:** Five (5) years, commencing May 1, 2024  
**BASE RENT:**

Lease Year	Annual Rent	Monthly Rent	PSF
1	\$12,000.00	\$1,000.00	\$6.65
2	\$12,360.00	\$1,030.00	\$6.85
3	\$12,730.80	\$1,060.90	\$7.06
4	\$13,112.72	\$1,092.73	\$7.27
5	\$13,506.11	\$1,125.51	\$7.49

**COMMENTS:**

NYCT leases the above-referenced Premises, which is an asphalted parking lot, from Jomat pursuant to lease agreement with an expiration date of April 30, 2024. This privately-owned lot is contiguous with and incorporated into the larger parking lot controlled by NYCT supporting the adjacent PS 248 Transit Learning Center facility, which is utilized for classes daily and nightly by NYCT’s Infrastructure, Rapid Transit Operations, Stations, Car Equipment and Supply Logistics groups. The Premises supports the parking of ten vehicles.

Rent is currently \$7,757.88 annually (\$4.13 PSF). In advance of lease expiration, Jomat reached out to MTA Real Estate offering a new lease term of five years at an increased rent. Jomat proposed a rental range from \$14,400 annually (\$8 PSF) to \$19,500 annually (\$13 PSF). MTA Real Estate obtained an independent opinion of a value and negotiated an annual rent of \$12,000 (\$6.65 PSF) with 3% annual escalations. The present value of the negotiated rent at 6% is \$53,490. This negotiated rent is below the asking rent and the independent opinion of value. Additionally, MTA Real Estate obtained approval of the negotiated rent from NYCT’s Office of Management and Budget.

# Staff Summary

## FINANCE COMMITTEE MEETING



## LEASE AMENDMENT BETWEEN NYCT AND JOMAT, LLC FOR AN EMPLOYEE PARKING LOT

ADJACENT TO PS 248 TRANSIT LEARNING CENTER IN BROOKLYN, NY (cont'd) Page 2 of 2

MTA Real Estate is authorized to enter directly into a lease agreement with Lessor pursuant to a Board-approved policy dated September 21, 2015, and as amended June 27, 2023, to license, lease or acquire property rights in support of MTA capital projects or ongoing operations when it is reasonably estimated that the MTA's aggregate obligation to pay compensation or reimbursement will be less than \$100,000 (on a present value basis). MTA Legal will approve the lease agreement as to form.

**REPORT ON AGREEMENTS ENTERED INTO DIRECTLY BY THE REAL ESTATE DEPARTMENT  
PURSUANT TO BOARD POLICY**

**JUNE, 2024**

Agency/Transaction Manager	Renewal/RFP Generated	(Lessee or Licensee)	Location/ Use	Term	Rental	Annual Increases	Price/SF
<b>MNR/ Kim Trevisan</b>	New License	Licensee/ Ceriello Fine Foods	Grand Central Terminal/ Retail Butcher Shop	3 Years	Year 1 \$191,250.00 Year 2 \$196,987.50 Year 3 \$202,897.13 <hr/> <b>TOTAL \$591,134.93</b>	Year 2 3% Year 3 3%	Year 1 \$225 Year 2 \$232 Year 3 \$239
<b>MNR/ Kim Trevisan</b>	New License	Licensee/ Dishes at Home	Grand Central Terminal/ Prepared Meals To-Go	1 Year	Year 1 \$117,750.00 <hr/> <b>TOTAL \$117,750.00</b>	N/A	Year 1 \$238
<b>MNR/ Kim Trevisan</b>	New Kiosk License	Licensee/ Selen Designs	Grand Central Terminal/ Women's Jewelry	1 Year	Year 1 \$42,225.00 <hr/> <b>TOTAL \$42,225.00</b>	N/A	N/A
<b>MNR/ Kim Trevisan</b>	New License	Licensee/ Charles Tyrwhitt	Grand Central Terminal/ British Menswear & Accessories	3 Years	Year 1 \$306,585.00 Year 2 \$315,782.55 Year 3 \$325,256.03 <hr/> <b>TOTAL \$947,623.58</b>	Year 2 3% Year 3 3%	Year 1 \$135 Year 2 \$139 Year 3 \$143