

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOUNT VERNON  
AUTHORIZING THE FIRST AMENDMENT TO THE LAND DISPOSITION  
AGREEMENT REGARDING 20 S. 2<sup>ND</sup> SQUARE CMV, LLC**

**WHEREAS**, the City of Mount Vernon (“City”) and 20 S. 2<sup>nd</sup> Square CMV, LLC (“Purchaser”) entered into a Land Disposition Agreement, dated July 2, 2021 (“Agreement”), in connection with a certain parcel of real property owned by the City with an address of 20 South Second Avenue, Mount Vernon, New York (“Property”); and

**WHEREAS**, under the Agreement, the Purchaser would purchase the Property for the development of approximately 340,000 square feet of mixed residential development and other amenities, including, approximately 320 mixed market rate and affordable housing, and up to 18,000 square feet of non-residential community space (“Development Project”); and

**WHEREAS**, to facilitate the Development Project, Petitioner has submitted a Rezoning Petition for Zoning Map and Text Amendment, dated December 3, 2021, seeking to rezone approximately forty-one (41) tax parcels, including the Property, as a new transit oriented district to be called the Downtown Transit Oriented Arts District (“DTOAD”) (“Zoning Petition”); and

**WHEREAS**, Purchaser has been processing the Zoning Petition before the City Council, including having prepared and submitted a DGEIS to examine the potential significant adverse environmental impacts of the proposed DTOAD zoning code and zoning map amendments, as well as the proposed site-specific Development Project; and

**WHEREAS**, the City and Purchaser are desirous of amending the Agreement to extend the time by which the Conditions Precedent set forth in Article V are required to be satisfied or waived; and

**WHEREAS**, a form of the First Amendment to the Agreement embodying such amendment has been presented to the members of the City Council for their consideration; and

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of Mount Vernon approves the First Amendment to the Agreement; and

**BE IT FURTHER RESOLVED**, the City Council authorizes the Mayor of the City of Mount Vernon to enter the First Amendment; and

**BE IT FURTHER RESOLVED**, the Mayor is authorized to do all things necessary, convenient or appropriate for the accomplishment of the purposes of this Resolution; and

**BE IT FURTHER RESOLVED**, the City Council determines that the First Amendment for a previously approved Agreement is a Type II Action pursuant to the New York State Environmental Quality Review Act (“SEQRA”), involving “continuing agency administration,” which does not involve “new programs or major reordering of priorities that may affect the environment” (6 N.Y.C.R.R. §617.5(c)(26)) and therefore no findings or determination of significance are required under SEQRA; and

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

VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

RESOLUTION \_\_\_\_\_. SO ORDERED.

Approved for Filing:

Tanesia M. Walters, J.D., M.P.A.  
City Clerk

June 28, 2023