

RESOLUTION

At a regular meeting of the Onondaga County Industrial Development Agency (the "Agency") convened in public session on August 8, 2024, at 8:30 a.m., local time at 335 Montgomery Street, Floor 2M, Syracuse, New York, the following members were:

PRESENT: Pat Hogan
Janice Herzog
Kevin Ryan
Fanny Villarreal
Elizabeth Dreyfuss
Cydney Johnson

ABSENT: Susan Stanczyk

ALSO PRESENT: Robert M. Petrovich, Executive Director
Jeffrey W. Davis, Esq., Agency Counsel
Amanda M. Fitzgerald, Esq., Agency Counsel

The following resolution was offered by Kevin Ryan, seconded by Janice Herzog, to wit:

RESOLUTION AUTHORIZING THE SETTLEMENT OF DISPUTE AND ACQUISITION OF REAL PROPERTY.

WHEREAS, the Agency is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the "Enabling Act"), Chapter 435 of the Laws of 1970 of the State of New York and Chapter 676 of the Laws of 1975 of the State of New York, as amended (said Chapter and the Enabling Act being hereinafter collectively referred to as the "Act") to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of manufacturing, warehousing, research, commercial and industrial facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York (the "State"), to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct, reconstruct and install "projects" (as defined in the Act) or to cause said projects to be acquired, constructed, reconstructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, the Agency owns the White Pine Commerce Park (the "Park") located northeast of the intersection of State Route 31 and Caughdenoy Road in the Town of Clay, Onondaga County, New York; and

WHEREAS, to improve the Agency's ability to market the Park the Agency proposes to acquiring additional acreage with such additional acreage comprised of certain parcels contiguous to the current Park, and which are generally located along NYS Route 31 and the east and west sides of Burnet Road (the "Project" or "Action"); and

WHEREAS, the Agency believes acquiring property that becomes currently available can spur economic growth by eliminating property acquisition time and costs for developers with the ability to bring various industries to Onondaga County; and

WHEREAS, certain persons (collectively, the "Seller") own certain parcels of real property located at 8756 and 8765 Burnet Road in the Town of Clay, County of Onondaga, State of New York (Tax Map Numbers 048.-01-23.2, 049.-01-01.0 and 049.-01-02.0) which is located within the expanded footprint of the Park (collectively, the "Property"); and

WHEREAS, on August 24, 2021 the members of the Agency duly adopted a resolution authorizing the Agency to take all appropriate actions under the New York Eminent Domain Procedure Law (the "EDPL") for the potential acquisition by purchase or eminent domain of real property interests, including portions of the Property from the Seller; and

WHEREAS, the acquisition of the Property is necessary to expand the Park in connection with the Project and the Agency is seeking to acquire the Property by negotiated purchase or the exercise of its power of eminent domain under the EDPL; and

WHEREAS, under the threat of condemnation, the Seller has agreed to sell the Property to the Agency in lieu of the Agency commencing proceedings under the EDPL seeking to acquire the Property by eminent domain; and

WHEREAS, to compromise and to settle disputes between the Agency and Seller and to avoid uncertainty, expense and litigation, including litigation in connection with proceedings under the EDPL, the Agency has agreed to acquire the Property pursuant to the terms and conditions of a settlement (the "Settlement"), the terms and conditions of which were discussed with members of the Agency in executive session at this meeting; and

WHEREAS, by resolution dated August 8, 2024, the Agency determined that the acquisition of the property would not result in any significant adverse environmental impacts and issued a negative declaration pursuant to the State Environmental Quality Review Act, and therefore no further SEQRA review is required.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONONDAGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:

Section 1. It is the policy of the State to promote the economic welfare, recreation opportunities and prosperity of its inhabitants and to actively promote, attract, encourage and develop recreation and economically sound commerce and industry for the purpose of preventing unemployment and economic deterioration. It is among the purposes of the Agency to promote, develop, encourage and assist in the acquiring, constructing, improving, maintaining, equipping

and furnishing of certain facilities, including commercial facilities, and thereby advance the job opportunities, health, general prosperity and economic welfare of the people of the State and to improve their recreation opportunities, prosperity and standard of living.

Section 2. The substance of the Settlement (in substantially the form discussed in executive session at this meeting) is hereby approved.

Section 3. The Executive Director is hereby authorized, on behalf of the Agency, and after consultation with Agency counsel, to execute and deliver any other documents necessary to consummate the terms and Agency obligations of the Settlement as discussed in executive session at this meeting.

Section 4. The Chairperson, Vice Chairperson and/or Executive Director of the Agency are hereby authorized and directed to distribute copies of this Resolution and to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution.

Section 5. This Resolution shall take effect immediately upon adoption.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Patrick Hogan	X		
Janice Herzog	X		
Elizabeth Dreyfuss	X		
Cydney Johnson	X		
Susan Stanczyk			X
Kevin Ryan	X		
Fanny Villarreal	X		

The Resolution was thereupon declared duly adopted.

STATE OF NEW YORK)
) ss.:
COUNTY OF ONONDAGA)

I, the undersigned Secretary of the Onondaga County Industrial Development Agency, DO HEREBY CERTIFY that I have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on August 8, 2024, with the original thereof on file in my office, and that the same is a true and correct copy of such proceedings of the Agency and of such Resolution set forth therein and of the whole of said original so far as the same relates to the subject matter therein referred to.

I FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting, (B) said meeting was in all respects duly held, (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law") said meeting was open to the general public and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law, and (D) there was a quorum of the members of the Agency present throughout said meeting.

I FURTHER CERTIFY that as of the date hereof, the attached Resolution is in full force and effect and has not been amended, repealed, or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand this 8th day of August, 2024.

(SEAL)


Secretary