



Onondaga County Industrial Development Agency

Project Summary

1. Project:	Destiny USA Hotel	2. Project Number:	3101-16-5A
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3. Location:	Syracuse	4. School Districts:	Syracuse
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5. Tax Parcel(s):	116.-02-01.0	6. Type of Project:	New Hotel Construction
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7. Description:

New 183,000 square foot, 209 key all suites hotel.

7. Total Project Cost:	\$ 48,000,000	8. Total Jobs	74
Land	\$ -	8A. Job Retention	0
Site Work	\$ 4,500,000		
Building	\$ 32,200,000		
Furniture & Fixtures	\$ 4,400,000	8B: Job Creation	74
Equipment	\$ 1,200,000	(Next 5 Years)	
Equipment Subject to NYS Production Exemption	\$ -		
Engineering/Architecture Fees	\$ 1,400,000		
Financial Charges	\$ 2,300,000		
Legal Fees	\$ -		
Other	\$ 2,000,000		

Cost Benefit Analysis:	Destiny USA Hotel	
	Fiscal Impact (\$)	
Abatement Cost:	\$6,837,321	
Sales Tax	\$1,760,000	
Mortgage Tax	\$0	
Property Tax Relief (PILOT) 12yr	\$5,077,321	
New Investment:	\$100,744,485	
PILOT Payments 12yrs	\$1,128,239	
Project Wages (10yrs)	\$43,516,621	
Construction Wages	\$11,426,625	
Employee Benefits (10 years)	\$0	
Project Capital Investment	\$43,700,000	
New Sales Tax Generated	\$372,000	
Agency Fees	\$601,000	
Benefit:Cost Ratio	14.73 :1	

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February 29, 2016

VIA E-MAIL - juliecerio@ongov.net
AND REGULAR MAIL

Julie Cerio, Executive Director
Onondaga County Industrial Development Agency
333 W. Washington Street, Suite 130
Syracuse, New York 13202

Re: Pending Application – Destiny USA Real Estate, LLC

Dear Julie:

On behalf of my client Destiny USA Real Estate, LLC, I am submitting the following updates to the February 24, 2014 application to the Onondaga County Industrial Development Agency (OCIDA) and respectfully request that OCIDA take the necessary steps to authorize the project.

In summary, the room count has been decreased by 9%, the total project budget has been lowered by 20% and based on further diligence the Payment in Lieu of Tax (PILOT) Agreement term has been reduced by nearly 40%.

The scope of the project has been adjusted and will include approximately 183,000 square feet of building area – inclusive of 209 keys. The plan is to commence construction in May/June 2016 and be complete in the Summer of 2017.

The project budget has been adjusted to \$48 million inclusive of building, site work, engineering, financial charges, legal fees, machinery/equipment, and miscellaneous expenses. With the adjustment in the total project scope, the estimated sales tax exemption has decreased as well – estimated at \$1,750,000. The PILOT Schedule includes an exemption in increases above the current level for eight years, and is then phased in 20% per year in years 9-12 based upon a per key assessment of \$57,562.

In terms of employment projections, the construction duration is approximately 14-16 months, with 225 people building the complex and 70+ positions to operate the facility.

Julie Cerio, Executive Director
February 29, 2016
Page 2

In response to OCIDA's request to develop a private sector driven MWBE Plan for construction of the project and to specifically focus on hiring City residents for the operation of the facility, my client is pleased we have reach consensus on the following:

Construction Labor

Reasonable Efforts to Achieve 15% MWBE Goal during construction must be demonstrated -- if not met \$75,000 penalty due to OCIDA to be utilized for further workforce/economic development initiatives within the City of Syracuse.

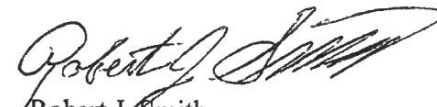
Local Labor for Hotel Operations

For the operations of the Hotel, Destiny USA will work with SUNY Employment Opportunity Center and New York State Department of Labor to specifically recruit residents of the City of Syracuse to work at the hotel. Destiny USA will commit to a minimum hiring threshold of 50% of City residents. In the event the 50% threshold is not met, the developer shall make a \$200,000 payment to OCIDA to be utilized for further workforce/economic development initiatives within the City of Syracuse. The employment test shall be administered on the date of opening of the hotel and on the one year anniversary of the opening of the hotel.

Your consideration in facilitating OCIDA's review and approval of the project is greatly appreciated.

Very truly yours,

COSTELLO, COONEY & FEARON, PLLC


Robert J. Smith

RJS/lja



ONONDAGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY APPLICATION INSTRUCTIONS

1. Fill in all blanks, using "none", "not applicable" or "not available" where the question is not appropriate to the Project, which is the subject of this Application (the "Project"). If you have any questions about the way to respond, please call the Agency at (315) 435-3770.
2. If an estimate is given as the answer to a question, put "(est.)" after the figure or answer, which is estimated.
3. If more space is needed to answer any specific question, attach a separate sheet.
4. When completed, return this application by mail or fax to the Agency at the address indicated below. A signed application may also be submitted electronically in PDF format to the Agency Secretary, Honora Spillane at hspillane@ongov.net. **An application will not be considered by the Agency until the application fee has been received.**
5. The Agency will not give final approval for this Application until the Agency receives a completed NYS Full Environmental Assessment Form concerning the Project, which is the subject of this Application. The form is available at <http://www.dec.ny.gov/permits/6191.html>.
6. Please note that Article 6 of the Public Officers Law declares that all records in the possession of the OCIDA (with certain limited exceptions) are open to public inspection and copying. If the Applicant feels that there are elements of the Project which are in the nature of trade secrets which, if disclosed to the public or otherwise widely disseminated, would cause substantial injury to the Applicant's competitive position, this Applicant must identify such elements in writing and request that such elements be kept confidential. In accordance with Article 6 of the Public Officers Law, the OCIDA may also redact personal, private, and/or proprietary information from publicly disseminated documents.
7. The Applicant will be required to pay the Agency Application fee and, if accepted as a project of the agency, all administrative and legal fees as stated in Section V (H) of the Application.
8. A complete application consists of the following 10 items:
 - ◆ This Application
 - ◆ Employment Plan - Appendix A.
 - ◆ Conflict of Interest Statement - Appendix B
 - ◆ Local Access Agreement - Appendix C
 - ◆ A feasibility statement indicating the need for the requested benefits
 - ◆ 15 year pro forma operating budget, including funding sources
 - ◆ Description of project, Site Plans/Sketches, and Maps
 - ◆ NYS Full Environmental Assessment Form
 - ◆ A check payable to the Agency in the amount of \$1000
 - ◆ A check payable to Gilberti Stinziano Heintz & Smith, P.C. in the amount of \$2,500

It is the policy of the Agency that any project receiving benefits from the Agency will utilize 100% local contractors and local labor for the construction period of the project unless a waiver is granted in writing by the Agency.

Return to:

Onondaga County Industrial Development Agency
333 W. Washington Street, Suite 130
Syracuse, NY 13202
Phone: 315-435-3770
Fax: 315-435-3669

Onondaga County Industrial Development Agency Application

I. Applicant Data

A. Contact Information

Company Name:	Destiny USA Real Estate, LLC			
Mailing Address:	4 Clinton Square			
City:	Syracuse	State:	New York	Zip: 13202
Phone:	(315) 422-7000	Fax:	(315) 422-2485	
Contact Person:	David M. Aitken			
Email Address:	daitken@destinyusa.com			
Industry Sector:	Development/Tourism			
NAICS Code:	236220	Federal Employer Identification Number:	20-0811583	

B. Will the Applicant be the Project Beneficiary (i.e. project tenant/company)

☒ Yes

☐ No

If No, Who will:

C. Principal Stakeholders

List principal owners/officers/directors owning 5% or more in equity holdings with percentage ownership. Public companies should list corporate officers.

Name	% Ownership	Business Address	Phone	Email
Moselle Associates	100%	4 Clinton Square, Syracuse, NY 13202	(315) 422-7000	daitken@destinyusa.com

D. Corporate Structure: Attach a schematic if Applicant is a subsidiary or otherwise affiliated with another entity.

☐ Corporation

☐ Private

☐ Public

 Date and Location of
Incorporation/Organization

08-03-04

☐ Partnership

☐ General

☐ Limited

 If a foreign corporation, is the
Applicant authorized to do
business in the State of New
York?

☐ Not For Profit

☐ Sole Proprietorship

☒ Limited Liability Company/Partnership

E. Applicant's Counsel

Name:	Robert J. Smith			
Firm:	Costello Cooney & Fearon			
Mailing Address:	300 Plum Street #300			
City:	Syracuse	State:	New York	Zip: 13202
Phone:	(315) 422-1152	Fax:	(315) 422-1139	
Email Address:	rjs@ccf-law.com			

F. Applicant's Accountant

Name:	Carl Greco			
Firm:	DiMarco, Abiouse & Pascarella, CPAs PC			
Mailing Address:	4 Clinton Square			
City:	Syracuse	State:	New York	Zip: 13202
Phone:	(315) 475-6954	Fax:		
Email Address:	cgreco@dimarcocpa.com			

G. Applicant History: If the answer to any of the following is "Yes", please explain below. If necessary, attach additional information.

1. Is the Company or management of the Company now a plaintiff or defendant in any civil or criminal litigation?

☐ Yes ☒ No

2. Has any person listed above ever been convicted of a criminal offense (other than a minor traffic violation)?

☐ Yes ☒ No

3. Has any person listed in Section 1 (C) or any concern with whom such person has been connected ever been in receivership or been adjudicated a bankrupt?

☐ Yes ☒ No

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H. Has the Project Beneficiary received assistance from OCIDA, New York State or the Onondaga Civic Development Corporation in the past If yes, please give year, project name, description of benefits, and address of project.

☐ Yes ☒ No

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II. Project Information

A. Project Location

Address:	311-71 Hiawatha Boulevard	Legal Address (if different)	
City:	Syracuse	Village/Town:	Syracuse
Zip Code:	13204	School District(s):	Syracuse
Tax Map Parcel ID(s): 16.000-002-0001			
Current Assessed Value:	2,878,100	Square Footage of Existing Building:	N/A
Census Tract	1		

B. Type (Check all that apply):

- | | |
|--|--|
| <input checked="" type="checkbox"/> New Construction | <input checked="" type="checkbox"/> Purchase of machinery and/or equipment |
| <input type="checkbox"/> Expansion/Addition to Current Facility | <input checked="" type="checkbox"/> Brownfield/Remediated Brownfield |
| <input type="checkbox"/> Renovation of Existing Facility | <input type="checkbox"/> LEED Certification |
| <input type="checkbox"/> Acquisition of Existing facility/property | <input type="checkbox"/> Other <input type="text"/> |
| <input type="checkbox"/> Demolition | |

C. Description of Project: Please explain your project in detail. This description should include an explanation of all activities which will occur due to this project, size of the project in square feet, current use of the site and use of the site upon completion of the project. Attach copies of any site plans, sketches or maps. (Attach additional sheets if necessary):

Proposed Use

Proposed Square Footage

Commercial	183,000 Square Foot Hotel (est)

Description:

209 Key All Suites Hotel

D. Is the Project Beneficiary the owner of the property?

- ☒ Yes ☐ No

If not, who is the owner and by what means will the site be acquired? If leasing, when does the lease end?

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E. Infrastructure: Please indicate whether the following are onsite, need to be constructed, or need to be renovated/expanded:

Water	<input type="text" value="Onsite"/>	Electric	<input type="text" value="Onsite"/>
Sanitary/Storm Sewer	<input type="text" value="Onsite"/>	Private Roads	<input type="text" value="Onsite"/>
Gas	<input type="text" value="Onsite"/>	Telecommunication	<input type="text" value="Onsite"/>

F. Zoning Classification: Please list current and proposed zoning:

Current Zoning	<input type="text" value="Industrial"/>	Proposed Zoning	<input type="text" value="Industrial"/>
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G. Are variances needed to complete the project?

☐ Yes ☒ No

If yes, please describe nature of variances and if municipal approvals have been granted:

H. What will be the primary use of the project upon completion?

I. Will the project generate sales tax for the community?

☒ Yes ☐ No

If yes, what is the company's average annual sales or estimated annual sales?

J. In accordance with N.Y. GML Sec. 862(1):

1. Will any other companies or related facilities within the state close or be subjected to reduced activity as a result of this project?

If so please list the town and county of the location(s):

☐ Yes ☒ No

2. Will the completion of the project result in the removal of a plant or facility of the project occupant from one area of the State of New York to another area of the State of New York?

☐ Yes ☒ No

3. Will the completion of the project result in the abandonment of one or more plants or facilities of the project beneficiary located in the State of New York?

☐ Yes ☒ No

i. If any answer to questions 2 or 3 above is yes, is the project reasonably necessary to discourage the project beneficiary from removing such other plant or facility to a location outside the State of New York?

☐ Yes ☒ No

ii. If any answer to questions 2 or 3 above is yes, is the project reasonably necessary to preserve the competitive position of the project applicant in its respective industry?

☐ Yes ☒ No

4. Will the project primarily consist of recreation, medical, or retail facilities?

☐ Yes ☒ No

i. If yes, will the cost of these facilities exceed one-third of the total project cost?

☐ Yes ☒ No

K. Is the project located in a distressed Census Tract? Please see Appendix D for a list of distressed Census Tracts in Onondaga County.

☒ Yes ☐ No

L. For the Agency to consider this project, please provide the following information:

1. Does the project consist of new construction or expansion or substantial renovation of an existing facility?

☒ Yes ☐ No

2. Will the project create new employment opportunities or retain existing jobs that may otherwise be lost?

☒ Yes ☐ No

3. Does the project beneficiary serve a customer base primarily outside of Onondaga County?

☒ Yes ☐ No

4. Please estimate the approximate savings to be realized by Agency participation and the need for such savings:

TBD

6. Please describe any compelling circumstances the Agency should be aware of while reviewing this application:

This is a continuation of pending application, pursuant to attached letter from Robert J. Smith dated 2/29/16.

M. Environmental Information

1. Have any environmental issues been identified on the property?

☒ Yes ☐ No

If yes, please explain:

The site is currently being remediated under the NYS Brownfield Clean-up Program in accordance with the NYS DEC

*** Please note a full Environmental Assessment Form (EAF) MUST be completed and submitted along with this application.**

2. Has the Town/Village or any other public body issued a SEQR determination for this project?

☒ Yes ☐ No If Yes, please attach to this application.

N. Construction

1. Project Timeline (approximate):

Construction Commencement	July 2016
Construction Completion	Summer 2017
Date of Occupancy	Summer 2017

2. Please list any other key project milestones:

3. Has work begun? If so, how much has been expended in the past 3 years?

☐ Yes ☒ No

III. Project Costs and Financing A. Estimated Project Costs:

Description of Cost Type	Total Budget Amount	Private Source?	Total Private Expenditure (of total budget amount)
Land Acquisition	Owned	<input checked="" type="checkbox"/>	
Site Work/Demo	\$4.5 million (est)	<input checked="" type="checkbox"/>	
Building Construction & Renovation	\$32.2 million (est)	<input checked="" type="checkbox"/>	
Furniture & Fixtures	\$4.4 million (est)	<input checked="" type="checkbox"/>	
Equipment	\$1.2 million (est)	<input checked="" type="checkbox"/>	
Equipment Subject to NYS Production Sales Tax Exemption		<input type="checkbox"/>	
Engineering/Architects Fees	\$1.4 million (est)	<input checked="" type="checkbox"/>	
Financial Charges	\$2.3 million (est)	<input checked="" type="checkbox"/>	
Legal Fees	(included in financial charges)	<input checked="" type="checkbox"/>	
Other	\$2 million (est)	<input type="checkbox"/>	
Management /Developer Fee	N/A	<input type="checkbox"/>	
Total Investment	\$48 Million	<input type="checkbox"/>	

B. Financial Assistance sought (estimated values):

Companies requesting a sales tax exemption from OCIDA must provide the value of the sales tax savings they anticipate receiving.

Please ensure that you provide a realistic estimate. NYS regulations require OCIDA to recapture any benefit that exceeds the amount listed in a company's application.

<input checked="" type="checkbox"/>	Real Property Tax Abatement (PILOT)	
<input type="checkbox"/>	Mortgage Recording Tax Exemption (1% of amount mortgaged)	
<input checked="" type="checkbox"/>	Sales and Use Tax Exemption (\$4% Local, 4% State)	
<input type="checkbox"/>	Tax Exempt Bond Financing (Amount Requested)	
<input type="checkbox"/>	Taxable Bond Financing (Amount Requested)	

C. Total amount of the project being privately financed by applicant:

\$48 million -- 100%

D. Is the applicant requesting a real property tax exemption in connection with the Project that is inconsistent with the Agency's Uniform Tax Exemption Policy? If yes, please attach a justification for the request.

☐ Yes

☒ No

E. Is the applicant expecting that the financing of the Project will be secured by one or more mortgages? Is yes, what is the approximate amount?

☒ Yes

☐ No

50-65%

F. Is the applicant expecting to be appointed agent of the Agency for purposes of abateing payment of NYS Sales and Use Tax? If yes, what is the **total** amount of purchases subject to exemption from the NYS Sales and Use Taxes based on taxable project costs?

☒ Yes

☐ No

\$22 million (est)

G. Company's average yearly purchases or anticipated yearly purchases from vendors within Onondaga County, subject to sales tax:

TBD

H. Estimated capital investment over the next 5 years, beyond this project, if available:

TBD

IV. Employment and Payroll Information

*** Full Time Equivalent (FTE) is defined as one employee working no less than 40 hours per week or two or more employees together working a total of 40 hours per week.**

A. Are there people currently employed at the project site?

☐ Yes

☒ No

If yes, provide number of full time equivalent (FTE) jobs at the facility:

Estimate the number of full time equivalent (FTE) jobs to be retained as a result of this project:	70+
Estimate the number of construction jobs to be created by this project:	225
Estimate the average length of construction jobs to be created (months):	14 months (est)
Current annual payroll at Onondaga County facility:	\$0
Average annual growth rate of wages:	3%
Please list, if any, benefits that will be available to either full and/or part time employees:	Medical, Vision, Dental, Short Term Disability
Average annual benefit paid by the company (\$ or % salary) per FTE job:	TBD
Average growth rate of benefit cost:	TBD
Amount or percent of wage employees pay for benefits:	TBD
Provide an estimate of the number of residents in the Economic Development Region (Onondaga, Madison, Cayuga, Oswego, and Cortland Counties) to fill new FTE jobs:	All jobs should be filled within 5 Counties referenced

Please complete the following chart describing current and projected employment:

Current & Planned Full Time Occupations (Job Titles)	Current Number of FTEs	Salary (Annual or Hourly)	Estimated Number of FTE Jobs After Project Completion				
			Year 1	Year 2	Year 3	Year 4	Year 5
General Manager	0	\$80,000 (est)	1	1	1	1	1
Misc. Administrative Staff	0	\$35,000 (est)	5	6	6	6	6
Sales Manager	0	\$70,000 (est)	1	1	1	1	1
Sales/marketing Staff	0	\$48,000 (est)	5	5	5	5	5
Housecleaning/F&B Misc.	0	Varies \$11.25 per hour (est)	53	56	56	56	56
Maintenance (Chief Engineer)	0	\$55,000 (est)	1	1	1	1	1
Misc. Positions	0	\$26,000 (est)	4	4	4	4	4

V. REPRESENTATIONS BY THE APPLICANT

The Applicant understands and agrees with the Agency as follows:

A. Jobs Listings: In accordance with §858-b(2) of the New York General Municipal Law, the Applicant understands and agrees that if the Project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, new employment opportunities created as a result of the Project will be listed with the New York State Department of Labor Community Services Division (the "DOL") and with the administrative entity of the service delivery area created by the Workforce Investment Act of 1998 (the "WIA") in which the Project is located. In Onondaga County, please contact CNY Works. Additionally, the applicant is encouraged to review the services provided by JOBSPlus! for candidate matching services.

Initial

B. First Consideration for Employment: In accordance with §858-b (2) of the New York General Municipal Law, the Applicant understands and agrees that if the Project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, where practicable, the Applicant will first consider persons eligible to participate in WIA programs who shall be referred by the CNY Works for new employment opportunities created as a result of the Project.

Initial

C. Other NYS Facilities: In accordance with §862 (1) of the New York General Municipal Law, the Applicant understands and agrees that projects which will result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant within the state is ineligible for Agency Financial Assistance, unless otherwise approved by the Agency as reasonably necessary to preserve the competitive position of the project in its respective industry.

Initial

D. Annual Sales Tax Filings: In accordance with §874(8) of the New York General Municipal Law, the Applicant understands and agrees that if the Project receives any sales tax exemptions as part of the Financial Assistance from the Agency, the Applicant agrees to file, or cause to be filed, with the New York State Department of Taxation and Finance, the annual form prescribed by the Department of Taxation and Finance, describing the value of all sales tax exemptions claimed by the Applicant and all consultants or subcontractors retained by the Applicant.

Initial

E. Annual Employment Reports and Outstanding Bonds: The Applicant understands and agrees that if the Project receives any Financial Assistance from the Agency, the Applicant agrees to file, or cause to be filed, with the Agency on an annual basis, reports regarding the number of FTE at this project site. The Applicant also understands and agrees to provide on an annual basis any information regarding bonds, if any, issued by the Agency for the project that is requested by the Comptroller of the State of New York.

Initial

F. Absence of Conflicts of Interest: The Applicant has received from the Agency a list of the members, officers and employees of the Agency. No member, officer or employee of the Agency has an interest, whether direct or indirect in any transaction contemplated by this Application, except as hereinafter described in Appendix B.

Initial

G. Local Access Policy: The Applicant understands and agrees that local labor and contractors must be used for the construction of the Project, as stated in the Agency Local Access Policy located in Appendix C.

Initial

H. Compliance: The Applicant understands and agrees that it is in substantial compliance with applicable local, state, and federal tax, worker protection, and environmental laws, rules, and regulations.

Initial

I. False or Misleading Information: The Applicant understands and agrees that the submission of knowingly false or knowingly misleading information in this Application may lead to the immediate termination of any financial assistance and the reimbursement of an amount equal to all or part of any tax exemptions claimed by reason of Agency involvement in the Project.

Initial

J. Fees: This application should be submitted with a non-refundable \$1000 application fee to the Onondaga County Industrial Development Agency and a \$2,500 legal deposit made out to Gilberti Stinziano Heintz & Smith, P.C.

Initial

The Agency will collect an administrative fee and all remaining legal fees based on the Fee Schedule below:

Agency Fees:

- ♦ Fee for manufacturing projects under \$10 million - .0075 of the project cost
- ♦ Fee for all agency projects except those with PILOT agreements - .01 of the project cost
- ♦ Additional Fee for PILOT Agreement Projects - .0025 of bond amount or project cost
- ♦ Fee for bond refinancing & refunding - .0025 of refinancing or refunding amount.

Agency Legal Fees:

- ♦ Fee for first \$20 million - .0025 of project cost
- ♦ Fee for anything above \$20 million - .00125 of project cost

Payment terms:

- ♦ **Application fee:** Payable at the time of application
- ♦ **Legal deposit:** Payable at the time of application
- ♦ **Agency fee for Bond Projects:** Payable at Closing
- ♦ **Agency and Legal Fees for all other projects:** Due and payable at Inducement

* A sales tax certificate will generally not be issued until the Agency Fee is paid in full

K. Recapture of Tax Abatements/Exemptions:

Recapture of Benefits. It is the policy of the Agency to recapture the value of Payment in Lieu of Taxes (PILOTs), State and County Sales Tax, and Mortgage Recording Tax Exemptions in accordance with the provisions contained herein and the Laws of the State of New York. Before receiving benefits, projects of the Agency must attest in writing to their understanding of and agreement to the Recapture Provisions of the Agency Uniform Tax Exemption Policy. The recapture provision contained herein may be modified from time to time by the Board at its sole discretion.

Recapture of a PILOT, Sales Tax and the Mortgage Recording Tax Exemptions. In the event the facility is sold or closed, or the number of jobs is reduced below 75% of the number employed or projected to be employed at time of application to the Agency and no substantial future economic benefit is likely to accrue to the community, then the value of the Property Tax, Sales tax and the Mortgage Recording Tax benefits extended to the project by the Agency shall be subject to recapture.

Recapture Payment. The Recapture payment paid by the Project to the Agency shall be determined (1) by the difference between any PILOT payments made by the Project and the property taxes that would be paid by the Project, if the property were not in the ownership or control of the Agency, (2) the value of any Mortgage Recording Tax Exemption, if awarded to the Project and (3) the amount of sales tax that would have been paid if an exemption was not granted.

Recapture of the PILOT, Sales Tax or Mortgage Recording Tax: The Recapture Schedule for a Payment in Lieu of Taxes Agreement, Sales Tax or the Mortgage Recording Tax is as follows:

Within two (2) years of Certificate of Occupancy:	100%
Within three (3) years:	80%
Within four (4) years:	60%
Within five (5) years:	40%
Within six (6) years:	30%
Within seven (7) years:	20%
Within eight (8) years:	10%
Eight years or more:	0%

Distribution of the Recapture Payment. Any funds recaptured as the result of an Agreement with the Agency shall be distributed to the affected taxing jurisdictions in the same proportion as if the payments were paid or owed by the Project on the date of recapture.

Additional Conditions for the Recapture of Sales and Use Tax. As of April 1, 2013, New York State law requires Industrial Development Agencies to recapture sales tax benefits where:

- ♦ A Project is not entitled to receive the benefits;
- ♦ Exemptions received exceed the amount authorized by the Agency;
- ♦ Exemptions are claimed by the Project for unauthorized property or services; or
- ♦ A Project fails to use property in the manner required by its IDA agreements.

I have read the foregoing and agree to comply with all the terms and conditions contained therein as well as policies of the Onondaga County Industrial Agency.

Name of Applicant Company

Destiny USA Real Estate, LLC

Signature of Officer or Authorized Representative



Name & Title of Officer or Authorized Representative

David M. Aitken, Executive

Date

Feb 29, 2016

L. The Applicant and the individual executing this Application on behalf of the Applicant acknowledge that the Agency will rely on the representations made herein when acting on this Application and hereby represent that the statements made herein do not contain any untrue statement of a material fact and do not omit to state a material fact necessary to make the statements contained herein misleading.

☒ I have read paragraph 6 in the instructions and understand that the applicant must identify in writing to OCIDA any information it deems proprietary and requests not be made publicly available.

☐ Please check here if you have marked information as confidential/proprietary

Name of Applicant Company

Destiny USA Real Estate, LLC

Signature of Officer or Authorized Representative



Name & Title of Officer or Authorized Representative

David M. Aitken, Executive

Date

Feb 29, 2016

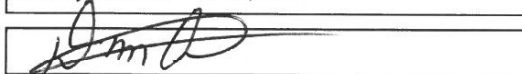
VI. Hold Harmless Agreement

Applicant hereby releases Onondaga County Industrial Development Agency and the members, officers, servants, agents and employees thereof (the "Agency") from, agrees that the Agency shall not be liable for, and agrees to indemnify, defend and hold the Agency harmless from and against any and all liability arising from or expense incurred by: (A) the Agency's examination and processing of, and action pursuant to or upon, the attached Application, regardless of whether or not the Application or the Project described therein or the tax-exemptions and other assistance requested therein are favorably acted upon by the Agency, (B) the Agency's acquisition, construction, and/or installation of the Project described therein and (C) any further action taken by the Agency with respect to the Project, including without limiting the generality of the foregoing, all cause of action and attorney's fees and any other expenses incurred in defending any suits or action which may arise as a result of any of the foregoing. If, for any reason, the Applicant fails to conclude or consummate necessary negotiations, or fails, within a reasonable or specified period of time, to take reasonable, proper or requested action, or withdraws, abandons, cancels or neglects the Application, or if the Agency or the Applicant are unable to reach final agreement with respect to the Project, then, and in the event, upon presentation of an invoice itemizing the same, the Applicant shall pay to the Agency, its agents or assigns, all costs incurred by the Agency in the process of the Application, including attorney's fees, if any.

Name of Applicant Company

Destiny USA Real Estate, LLC

Signature of Officer or Authorized Representative



Name & Title of Officer or Authorized Representative

David M. Aitken, Executive

Date

2/29/26

Onondaga County Industrial Development Agency Application
Appendix A

Are the employees of your company currently covered by a collective bargaining agreement?

☐ Yes

☒ No

If yes, Name and Local:

Is the labor pool in Onondaga County and/or the CNY Economic Development Region is adequate to fill new FTE positions?

☒ Yes

☐ No

Enter Company Name in three (3) places below and sign by an authorized company officer:

In consideration of the benefits provided by the Onondaga County Industrial Development Agency (OCIDA),

Destiny USA Real Estate, LLC

, project beneficiary, agrees to cause any new employment opportunities created in connection with industrial or commercial projects financed by the proceeds of such benefits to be listed with the New York State Department of Labor Community Services Division (DOL) and with CNY Works.

Destiny USA Real Estate, LLC

, project beneficiary, also agrees to report to OCIDA on or before March 1 of each year the status of employment opportunities filed with the DOL, including the number of new employment opportunities created, the number listed, and the number filled for the year ending the prior December 31.


Destiny USA Real Estate, LLC

, project beneficiary, further agrees that, to the extent practicable and feasible, and subject to the requirements of any existing collective bargaining agreement, shall fill at least 10% of new employment opportunities with persons eligible for service under the Workforce Investment Act.

Name of Applicant Company

Destiny USA Real Estate, LLC

Signature of Officer or Authorized Representative



Name & Title of Officer or Authorized Representative

David M. Aitken, Executive

Date

Feb 29, 2016

ONONDAGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY APPLICATION
APPENDIX B
CONFLICT OF INTEREST STATEMENT

Agency Board Members

1. Dan Queri
2. Steve Morgan
3. Victor Ianno
4. Sue Stanczyk
5. Patrick Hogan
6. Janice Herzog
7. Jessica Crawford

Agency Officers/Staff

1. Julie Cerio
2. Honora Spillane
3. Chris Cox
4. Karen Doster
5. Steven Coker
6. Isabelle Harris

Agency Legal Counsel & Auditor

1. Anthony Rivizzigno, Esq., Gilberti Stinziano Heintz & Smith, P.C.
2. The Bonadio Group

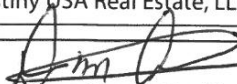
The Applicant has received from the Agency a list of members, officers and staff of the Agency. To the best of my knowledge, no member, officer or employee of the Agency has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as hereinafter described:

There is no connection to any board members or staff/counsel. Two board members previously indicated they might abstain and OCIDA secured separate legal counsel

Signature:

Destiny USA Real Estate, LLC

Authorized Representative:



Title:

Executive

Date:

Feb 29, 2016

ONONDAGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY APPLICATION
APPENDIX C

Local Access Policy Agreement

In absence of a waiver permitting otherwise, every project seeking the assistance of the Onondaga County Industrial Development Agency (Agency) must use local general contractors, sub-contractors, and labor for one-hundred percent (100%) of the construction of new, expanded, or renovated facilities. The project's construction or project manager need not be a local company. All projects of the Agency will be subject to monitoring by the Agency.

Noncompliance may result in the revoking and/or recapture of all benefits extended to the project by the Agency. Local Labor is defined as laborers permanently residing in the State of New York counties of Cayuga, Cortland, Herkimer, Jefferson, Madison, Oneida, Onondaga, Oswego, Tompkins and Wayne. Local (General/Sub) Contractor is defined as a contractor operating a permanent office in the State of New York counties of Cayuga, Cortland, Herkimer, Jefferson, Madison, Oneida, Onondaga, Oswego, Tompkins and Wayne. The Agency may determine on a case-by-case basis to waive the local access policy for a project or for a portion of a project where consideration of warranty issues, necessity of specialized skills, significant cost differentials between local and non-local services or other compelling circumstances exist.

Prior to Issuance of any NYS Tax & Finance ST-60 forms, the Applicant must submit a **Contractor Status Report to the Agency.**

In consideration of the extension of financial assistance by the Agency

Destiny USA Real Estate, LLC

(the Company) understands the Local Access Policy and agrees to complete Appendix C of the Agency application at the time of the application to the the Agency and as part of a request to extend the valid date of the Agency's tax- exempt certificate for the

Destiny USA Hotel Project

project. The Company understands an Agency tax-exempt certificate is valid for

12 months from the effective the date of the project inducement and extended thereafter upon request by the Company. The Company further understands any request for a waiver to this policy must be submitted in writing and approved by the Agency before a tax-exempt certificate is issued or extended.

I agree to the conditions of this agreement and certify all information provided regarding the construction and employment activities for the project as of

Feb 29, 2016

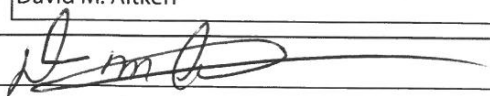
(date).

Company	Destiny USA Real Estate, LLC				General Contractor	TBD					
Representative for Contract Bids/Awards	David M. Aitken				Contact Person						
Address	4 Clinton Square				Address						
City	Syracuse	State	New York	Zip	13202	City		State	New York	Zip	
Phone	3154227000				Phone						
Email	daitken@destinyusa.com				Email						
Project Address	311-71 Hiawatha Boulevard										
City	Syracuse	State	New York	Zip							13202

Authorized Representative David M. Aitken

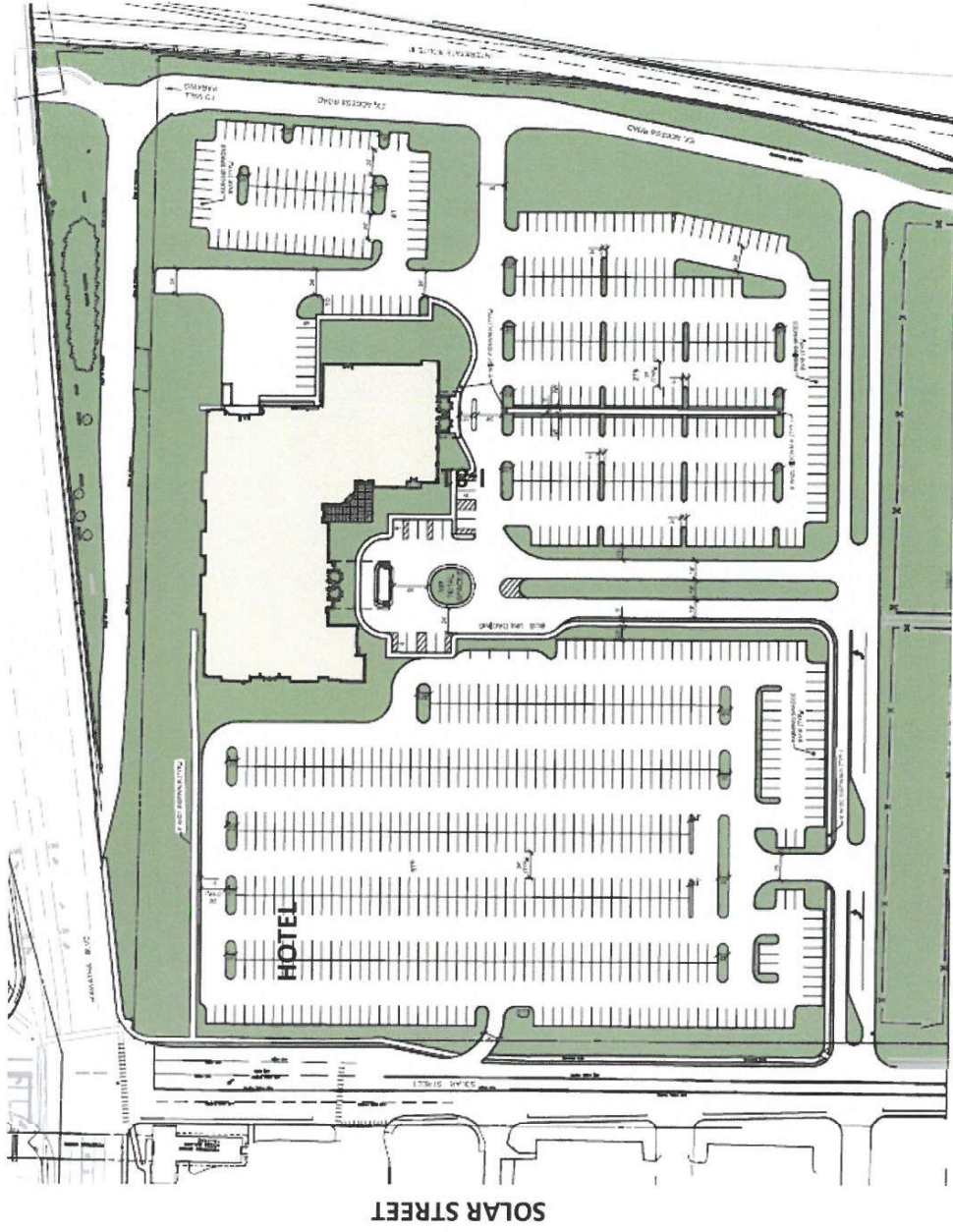
Title Executive

Signature



THE DESTINY USA HOTEL

HIAWATHA BOULEVARD



PLAN
SCALE 1" = 40'

NOT TO SCALE
FOR INFORMATION
ONLY
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