

RESOLUTION

A special meeting of the City of Syracuse Industrial Development Agency was convened in public session on January 24, 2023 at 12:00 noon, local time, in the Common Council Chambers, City Hall, 233 East Washington Street, Syracuse, New York.

The meeting was called to order by the Chair and upon the roll being duly called, the following members were:

PRESENT: Kathleen Murphy, Steven Thompson, Kenneth Kinsey, Dirk Sonneborn, Rickey T. Brown

THE FOLLOWING PERSONS WERE ALSO PRESENT: Staff Present: Judith DeLaney, Susan Katzoff, Esq.; Others Present: Kathleen Bennett, Esq.

The following resolution was offered by Rickey T. Brown and seconded by Kenneth Kinsey:

RESOLUTION ADOPTING DETERMINATION AND FINDINGS TO ACQUIRE REAL PROPERTY IN FURTHERANCE OF THE JMA TECH PROPERTIES, LLC APPLICATION

WHEREAS, the City of Syracuse Industrial Development Agency (“SIDA”) is authorized to condemn property pursuant to Section 858 of the New York State General Municipal Law and the New York State Eminent Domain Procedure Law; and

WHEREAS, SIDA previously adopted a resolution pursuant to the New York State Environmental Quality Review Act determining that the acquisition was a Type 1 action and would not have a significant adverse impact on the environment; and

WHEREAS, SIDA must comply with Article 2 of the New York State Eminent Domain Procedure Law which requires, among other things, that the Agency make certain findings and a determination; and

WHEREAS, SIDA proposes to acquire fee title to certain real property owned by Horizon Transport, LLC identified as Tax Parcel Numbers 094.-04-01.0, 094.-04-02.0, 094.-04-20.0 and 094.-04-21.0 and located at 225 Taylor St., 201-07 Taylor St., 521-27 Oneida St., and 517 Oneida St. in the City of Syracuse, Onondaga County (collectively, the “Property”) in furtherance of a campus expansion project (the “Project”) being undertaken by JMA Tech Properties, LLC; and

WHEREAS, pursuant to Section 201 of the Eminent Domain Procedure Law a public hearing was held with respect to the acquisition of the Property on January 23, 2023. Two adjoining property owners either appeared and spoke or submitted comments in favor of the acquisition of the Property and the Project; and no one appeared or submitted comments in opposition to either the acquisition of the Property or the Project; and

WHEREAS, based upon SIDA's independent review of the hearing record and favorable comments received, and for the reasons discussed in the Determination and Findings, annexed hereto at **Attachment A** and made a part hereof, SIDA has determined that acquisition of the Property will serve a public use benefit or purpose, is appropriately located, and will not have an adverse impact on the environment or residents of the locality.

NOW, THEREFORE, BE IT RESOLVED by SIDA that:

- Section 1. Pursuant to the New York State Eminent Domain Procedure Law, SIDA intends to exercise its power of eminent domain to acquire by condemnation the Property in furtherance of the Project.
- Section 2. The Determination and Findings set forth in Attachment A annexed hereto are hereby adopted and incorporated by reference into this Resolution.
- Section 3. The Executive Director and/or the Secretary are authorized and directed to cause this Resolution and attached Determination and Findings to be filed and distributed in accordance with applicable provisions of law.
- Section 4. The Chair, Vice Chair and/or Executive Director of SIDA are hereby authorized, empowered and directed, for and on behalf of SIDA, to perform any and all actions and to execute any and all documents on behalf of SIDA as they may deem necessary, appropriate or advisable to carry out the intent and purposes of the foregoing resolutions, including but not limited to the filing of a petition.
- Section 5. No covenant, stipulation, obligation or agreement contained in this resolution or any document referred to above shall be deemed to be the covenant, stipulation, obligation or agreement of any member, officer, agent or employee of the Agency in his or her individual capacity. Neither the members nor officers of the Agency, nor any person executing any documents referred to above on behalf of the Agency, shall be liable thereon or be subject to any personal liability or accountability by reason of the execution or delivery thereof.
- Section 6. A copy of this Resolution shall be placed on file in the office of the Agency where the same shall be available for public inspection during business hours.
- Section 7. This resolution shall take effect immediately.

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

	<u>AYE</u>	<u>NAY</u>
Kathleen Murphy	X	
Steven Thompson	X	
Kenneth Kinsey	X	
Dirk Sonneborn	X	
Rickey T. Brown	X	

The foregoing Resolution was thereupon declared duly adopted.

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

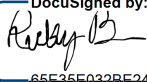
I, the undersigned Secretary of the City of Syracuse Industrial Development Agency, **DO HEREBY CERTIFY** that I have compared the annexed extract of the minutes of the meeting of the City of Syracuse Industrial Development Agency (the “**Agency**”) held on January 24, 2023, with the original thereof on file on file in the office of the Agency, and that the same (including all exhibits) is a true and correct copy of the proceedings of the Agency and of the whole of such original insofar as the same relates to the subject matters referred to therein.

I FURTHER CERTIFY that (i) all members of the Agency had due notice of such meeting, (ii) pursuant to Section 104 of the Public Officers Law (Open Meetings Law), such meeting was open to the general public and public notice of the time and place of such meeting was duly given in accordance with such Section 104, (iii) the meeting was in all respects duly held, and (iv) there was a quorum present throughout.

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 set my hand and affixed the seal of the Agency on 2/2/2023.

City of Syracuse Industrial Development Agency

DocuSigned by:


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Rickey T. Brown, Secretary

(S E A L)

ATTACHMENT A
DETERMINATION AND FINDINGS

**DETERMINATION AND FINDINGS PURSUANT TO
ARTICLE 2 OF THE NEW YORK STATE
EMINENT DOMAIN PROCEDURE LAW**

I. INTRODUCTION

City of Syracuse Industrial Development Agency (“SIDA”) proposes to acquire fee title to certain real property owned by Horizon Transport, LLC identified as Tax Parcel Numbers 094.-04-01.0, 094.-04-02.0, 094.-04-20.0 and 094.-04-21.0 and located at 225 Taylor St., 201-07 Taylor St., 521-27 Oneida St., and 517 Oneida St, all. in the City of Syracuse, Onondaga County in furtherance of a campus expansion project (the “Project”) being undertaken by JMA Tech Properties, LLC. See Record of SIDA Public Hearing, August 23, 2022 (“Record”) (to be attached as **Exhibit 1**).

II. BACKGROUND

A. Description of the Project

By way of background, John Mezzalingua Associates, LLC, dba JMA Wireless, (“JMA”) a global wireless technology leader recently expanded its local manufacturing operations in Liverpool, NY to include a new state-of-the-art 97,000 sq. ft. manufacturing and professional facility in downtown Syracuse. With the reimagined conversion of an abandoned textile building to its global headquarters, JMA continues to grow and expand, with a direct economic benefit to the surrounding community. Since its inception, JMA has leaned into U.S. based innovation, delivering the world’s first software based 4G baseband, private CBRS network solutions, and manufacturing 4G/5G antennas and high-grade connectors. Over the last six years, JMA has invested more than \$100 million in the Syracuse area and employs more than 500 people locally. In less than a decade, JMA tripled its Liverpool manufacturing capacity from 62,000 sq. ft. in 2013 to 220,000 sq. ft. in 2020. Now, the new JMA global headquarters in Syracuse stands as the only U.S.-owned 5G manufacturing campus in the country.

As part of the continued growth and commitment to U.S. and New York state manufacturing, JMA plans to expand its facilities to include a state-of-the-art Global Smart Logistics Center (the “Logistics Center”) on the same campus as its recent \$52 million global headquarters investment on Cortland Avenue. Currently, due to space constraints, JMA utilizes valuable manufacturing space in its headquarters facility for warehousing—freeing up this space will allow it to expand 5G manufacturing and development capabilities at the site, as it moves inventory to the new Logistics Center.

The intended footprint for the Logistics Center is framed in by the 200 block of W. Taylor Street, the west side of the 1000 block of S. Clinton Street and east side of the 500 and 600 block of Oneida Street. It currently consists of JMA owned property, a single story 10,950 sq. ft. structure with parking, a ~36,000 sq. ft. manufacturing building with adjacent parking, and three vacant lots (two residential and one light industrial). Under JMA’s plans, this footprint would become the site of an 100,000 sq. ft. high bay structure complementing the architecture and aesthetics of

JMA's 5G global headquarters on Cortland Avenue. With additional exterior lighting, landscape beautification and 24-hour security, the Center will positively impact the community. The neighborhood evolution from forgotten buildings to a vibrant, working campus that the community will benefit from, also offers an increased ability to safely access the area by foot or bike.

JMA's new Logistics Center will serve as the hub for all JMA materials moving across the U.S. and the world. The truck activity, operating during normal business hours, would take place on the former 1000 block of S. Clinton Street currently owned by JMA. The Logistics Center's proximity to 5G manufacturing operations on the same campus as JMA's global headquarters, will provide the necessary efficient access to centralized warehousing for all JMA manufactured materials—rounding out the only U.S.-owned 5G campus in the country.

JMA anticipates using approximately 15,000 sq. ft. for programming and system staging of JMA solution servers. The facility aspires to be 100% unwired, utilizing technology like private 5G Networks and CBRS to power voice and data communications, next generation edge-based use cases, as well as employing high levels of automation.

B. The Negotiation Process in Connection with the Horizon Transport Property

SIDA's mission, which is consistent with the enabling legislation found in Article 18-a of the New York State General Municipal Law, is to enhance the City of Syracuse's economic development capabilities by promoting, attracting, encouraging and developing economically sound commerce and industry to: advance the job opportunities, health, general prosperity and economic welfare of the people of the City of Syracuse; improve their prosperity and standard of living; and, help prevent unemployment and economic deterioration. Pursuant to Section 858 of the General Municipal Law, SIDA is granted certain enumerated powers to carry out its mission, including the acquisition of real property by eminent domain.

As noted above, JMA's proposed expansion area is immediately across the street from JMA's headquarters and includes the city block bounded by S. Clinton St., W. Taylor St., Oneida St., and Tallman St. JMA has worked diligently for a period of several months to acquire all the property necessary for the expansion. JMA has acquired, is under contract to acquire, or has a verbal agreement to acquire most of the properties in that area. However, JMA has not been able to acquire title to the properties owned by Horizon Transport, LLC. JMA and SIDA have made several efforts to negotiate with Horizon Transport, LLC, but those efforts have largely been ignored by the property owner.

Specifically with respect to SIDA, Executive Director, Judith Delaney reached out to the owner to discuss whether he would consent to an inspection of the Horizon Transport Property by an appraiser retained by SIDA to appraise the value of the Horizon Transport Property. The owner initially hung up on Ms. Delaney, but then returned the call, apologized, and agreed to the inspection. However, when the appraiser arrived for the inspection, he was turned away by the owner. Shortly thereafter, the owner of Horizon Transport commented on the efforts to acquire the Horizon Transport Property to a reporter for Syracuse.com. Those comments appeared in a Syracuse.com story released online on December 7, 2022 entitled "JMA Wireless planning

\$24M expansion, 40 more jobs at new 5G factory in Syracuse.” A copy of the article is attached as **Exhibit Q**. SIDA mailed to Horizon Transport, LLC an offer letter via certified mail return receipt requested on December 13, 2022. That letter was returned as unaccepted on December 31, 2022. SIDA sent a second offer letter via certified mail return receipt requested to two additional addresses of record for Horizon Transport on January 6, 2023, but has not received any receipts confirming acceptance. These letters are included in the hearing record as **Exhibits F and G**. As a result, outreach has also been made to a law firm which previously represented Horizon Transport. That firm advised that it had not been retained by Horizon Transport with respect to this matter.

As a result, SIDA is now seeking to exercise its power of eminent domain (as set forth in Section 858 of the General Municipal Law) to acquire fee simple title to the following parcels owned by Horizon Transport, LLC.

Horizon Transport	225 Taylor St	094.-04-01.0
Horizon Transport	201-07 Taylor St	094.-04-02.0
Horizon Transport	521-27 Oneida St	094.-04-20.0
Horizon Transport	517 Oneida St.	094.-04-21.0

C. Notice

Notice of the public hearing held on January 23, 2023 was published in The Post Standard, a newspaper of general circulation in print three times per week, and on Syracuse.com, its daily online counterpart. The notice appeared in the print edition on January 5, 8, 10, 12 and 15. The hearing notice is attached to the Hearing Record as **Exhibit H**. Notice was also mailed via certified mail return receipt requested to the Property’s owner on January 6, 2023, a copy of which was included in the Hearing Record as **Exhibit J**. Although not required by law, SIDA also notified a law firm known to have represented Horizon Transport in the past. That firm advised that it had not been retained by Horizon Transport with respect to this matter.

D. EDPL Public Hearing

In accordance with Article 2 of the EDPL, SIDA conducted a public hearing on January 23, 2023 at 12:00 p.m. at the Salt City Market, Community Room, 484 S. Salina St., City of Syracuse, Onondaga County, New York to inform the public and to review the public use to be served by the acquisition and the impact on the environment and residents of the locality. See Exhibit 1. As mentioned above, notice of the public hearing was duly published as required under the EDPL, and all property owners and other interested parties were given advance notice of the hearings by certified mail, return receipt requested. See Record, Exhibits H, I & J. At the hearing it was made known that copies of the tax maps of the property interests to be acquired by SIDA were posted for viewing at the hearing itself and also readily available to the public upon request. See Exhibit 1.

All members of SIDA were present at the public hearing, which was conducted by Kathleen M. Bennett, Esq. with Bond, Schoeneck & King, PLLC, outside counsel to SIDA. No persons in attendance spoke against the proposed acquisition. One person, Pat Leone, a representative of RSLTR Properties, LLC, a neighboring commercial owner, who was in attendance, spoke in favor of the acquisition. One letter from Salina 1st, a neighboring commercial project, was submitted in favor of the acquisition. See Exhibit 1.

The transcript of the hearing has been made part of the Record and given due consideration. The Record will be duly filed in the SIDA's office and is available online at <https://www.syr.gov/Boards-and-Commissions/SIDA/SIDA-Projects/JMA-Tech-Properties-LLC>.

E. Location of Property

The proposed property acquisition involves the exercise by SIDA of its power of eminent domain, to acquire fee simple title to the following parcels of property (collectively the "Horizon Transport Property"):

Reputed Owner	Address	County Tax Map No.
Horizon Transport	225 Taylor St	094.-04-01.0
Horizon Transport	201-07 Taylor St	094.-04-02.0
Horizon Transport	521-27 Oneida St	094.-04-20.0
Horizon Transport	517 Oneida St.	094.-04-21.0

III. FINDINGS

A. Public Need, Use, and Purpose

SIDA has determined that the acquisition of the Horizon Transport Property is necessary to further the JMA Campus Expansion Project. The creation of the Logistics Center is estimated to be a \$25 million investment by JMA, and a significant contribution to Syracuse's commitment to revitalize the downtown area. The JMA Campus Expansion Project is consistent with SIDA's mission and serves an important public use, benefit or purpose by bringing additional jobs to the immediate Southside, a distressed and blighted area. The project will improve the condition of the area and serve as an anchor for emerging opportunities in the neighborhood and community. The project will continue to enhance synergies with other revitalization projects, leverage prior investment in the area and act as a catalyst for continued economic investment and growth. JMA's campus, encompassing its global headquarters and the Global Smart Logistics Center, will greatly enhance the Southside gateway as a beacon of technology, current and future economic promise. The project will serve as the next step in the transformation of the downtown area, helping revitalize and reenergize a long-forgotten neighborhood that had not seen healthy investment in decades. The

Creation of New Jobs

JMA's intent for the Logistics Center is to bring additional jobs to the immediate Southside, improve the condition of the area, and serve as an anchor for emerging opportunities in the neighborhood and community. An anticipated 40 new jobs, in addition to the 200 jobs committed with respect to the headquarters site, will be created at the Logistics Center in support of JMA's managed services growth. As part of the planned job growth, JMA expects to transfer out-of-state operations and headcount to the Syracuse facility.

JMA is deeply committed to investing in its workforce and hiring locally. Currently there are several hiring initiatives to match local talent with the tech jobs of the future—including immediate events like jobs fairs and high school student tours, as well as more longer-term partnerships to create a sustainable talent pipeline. JMA hosted multiple local hiring fairs, including a job fair at Salt City Market for neighborhood residents, and there was a career fair for local residents at the end of 2022. Additionally, JMA created a partnership with the Institute of Technology at Syracuse Central to expose high school students to technology careers and create a pathway to hire local residents. This includes hosting students at our downtown manufacturing headquarters for job shadowing, resume help, and skills development.

Catalyst for Economic Growth & Positive Impact on the Community

JMA's investment in new facilities in the Southside marks the first time a new manufacturing facility has been created in Syracuse in 40-plus years. In addition to the direct investments JMA has made, its development projects serve as a catalyst for future growth in the surrounding area. Since JMA initiated its development, two additional development projects have broken ground in adjacent areas—Salina 1st (to the east) and Syracuse Community Health Center (to the north).

Despite these projects having been approved for development for some time, there was no ground broken until JMA's new 5G campus provided an anchor investment and paved the way for developers to gain confidence in the neighborhood as an area for development opportunity.

There is much positive community impact to the neighborhood, as well. Earlier this year, JMA participated in a neighborhood cleanup effort of the area, working with over 15 local organizations – the result: over five miles of city sidewalks were cleaned and beautified. Over 50 JMA employees volunteered to help in this effort. This fall, JMA participated in the back-to-school supply drives for basic needs and school success tools at the Mary Nelson Youth Center on S. Salina Street. Further, this past Thanksgiving, JMA partnered with Brady Market on Gifford Street to provide dinners for 180+ families in partnership with 12 different agencies across Syracuse. Teams of JMA volunteers were on site to help prepare and distribute holiday meals.

Additional Considerations

In addition to the reasons set forth above, it is worth noting that the Horizon Transport Property is being used as an automobile impoundment facility in violation of the City of Syracuse Zoning Code. The owner has been cited for these violations and following a court proceeding, cleaned up the property and paid a fine, at which time the case was dismissed. However, a recent inspection of the property on January 23, 2023 revealed that the owner is again using the property as an automobile impoundment facility in violation of the City of Syracuse Zoning Code. See photographs attached to the Hearing Record as **Exhibit O**. Acquisition of the Property will eliminate these continuing violations.

Likewise, the owner of the Horizon Transport Property has a history of non-payment of property taxes. In fact, the owner has demonstrated a pattern of non-payment over the years and only pays real property taxes in an amount and at a time sufficient to avoid seizure by the City of Syracuse. Acquisition of the Property will eliminate these property tax delinquencies.

Finally, the Campus Expansion Project, including the acquisition of the property necessary for that project received public support from adjoining commercial property owners and developers.

B. Location and Reasons for Selection

Given the location of JMA’s existing global headquarters and the need for additional space to support that facility, together with the fact that JMA has acquired much of the property in the surrounding area, consideration of alternative locations is not practical. The location of the project is also important with respect to revitalizing a blighted and distressed area that is the gateway to the City’s South Side. Therefore, SIDA has complied with this element of the EDPL with regard to the determination and findings it must issue.

C. Environmental and Locality Effects

SIDA thoroughly evaluated the environmental impacts associated with the acquisition of the Horizon Transport Property and campus expansion proposed by JMA. JMA submitted a full Environmental Assessment Form (“EAF”) to SIDA with respect to the Campus Expansion Project. Based on the representations in the EAF, SIDA adopted a resolution declaring itself lead agency, determining that the Campus Expansion Project was an unlisted action, that the Project will not have a “significant effect” on the environment and that a SEQRA Environmental Impact Statement will not be prepared. A copy of the SEQR Resolution is attached to the Record as **Exhibit P**.

As indicated in SIDA’s SEQRA Resolution, the Campus Expansion Project involves the physical disturbance of 6.18 acres of land for the construction of an 100,000 sq. ft. high bay facility and associated parking and landscaping.

The project will increase impervious surface by 0.3 acres. Stormwater will be directed to an on-site management system and discharged at a controlled rate equal to or less than existing to the existing storm sewer system. Appropriate implementation of stormwater controls (during

and after construction) and limiting the extent of disturbed areas at any given time will significantly reduce potential for erosion and any resultant impacts.

The project will not result in a substantial adverse change in existing air quality, traffic or noise levels or energy usage. Solid waste will be managed appropriately. The project site will be served by existing public water and wastewater treatment facilities with adequate capacity to support the project. The urban location of the project means there are no impacts to vegetation or wildlife.

The project is consistent with the City's comprehensive plans and zoning and will improve the character of the surrounding neighborhood. The project will also cleanup a brownfield site.

Thus, SIDA made a reasoned determination that the Campus Expansion Project and the acquisition the Horizon Transport Property to facilitate the Campus Expansion Project would not have any significant adverse environmental impacts. SIDA's consideration of environmental impacts satisfies the requirements of the EDPL that the condemnor specify the general effect of the proposed project on the environment and residents of the locality.

IV. CONCLUSION

The foregoing represents SIDA's Determination and Findings under Section 204(B) of the EDPL. The acquisition the Horizon Transport Property is needed for JMA's Campus Expansion Project to proceed. Therefore, SIDA is satisfied that, as required under Section 204(B) of the EDPL (1) the public use, benefit, or purpose of the acquisition of the Horizon Transport Property in further support of the Project has been established in the record; (2) the approximate location of the Project has been established and an explanation of the reasons for the selection of that location has been provided; and (3) the general effect of the Project and the acquisition of the Horizon Transport Property on the environment and the residents of the localities in which the Project will be located has been comprehensively examined. Accordingly, SIDA finds that the necessary justification exists to proceed to condemn the Horizon Transport Property.