

RESOLUTION

As a result of the public health emergency created by COVID-19, the Federal, State and local bans on meetings or gatherings, and pursuant the Governor's Executive Order 202.1 issued on March 12, 2020 suspending the Open Meetings Law, as extended on September 2, 2021, the City of Syracuse Industrial Development Agency (the "**Agency**") held a meeting on the 27th day of September, 2022, at 8:00 a.m., local time, electronically which was made available via Microsoft Teams meeting Webex at: <https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting?rtc=1> (or by accessing the link on the Agency's website) and using meeting number 293 527 263 395 and passcode 26cvt4, in conjunction with the matter set forth below.

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

PRESENT VIA TELE/VIDEOCONFERENCE (in accordance with the Governor's Executive Order 202.1): Kathleen Murphy, Steven Thompson, Rickey T. Brown, Kenneth Kinsey, Dirk Sonneborn

THE FOLLOWING PERSONS WERE ALSO PRESENT VIA TELE/VIDEOCONFERENCE (in accordance with the Governor's Executive Order 202.1): **Staff Present:** Judith DeLaney, Susan Katzoff, Esq. and Lori McRobbie; **Others Present:** Christopher Bianchi, Joss Willsbrough, Peter King, Emmanuel Henderson, Aggie Lane, Mike Irwin, Athena Last, Dave Nutting

The following resolution was offered by Dirk Sonneborn and seconded by Rickey T. Brown:

RESOLUTION AUTHORIZING STAFF TO OBTAIN APPRAISALS ON CERTAIN PROPERTIES AND PERMIT NEGOTIATIONS REGARDING ACQUISITION

WHEREAS, the policy of the State of New York (the "**State**") set forth in Title 1 of Article 18-A of the General Municipal Law of the State, as amended (the "**IDA Act**"), is to promote the economic welfare, recreation opportunities and prosperity of its inhabitants and to actively promote, attract, encourage and develop recreation, economically sound commerce and industry through governmental action for the purpose of preventing unemployment and economic deterioration by the creation of industrial development agencies and to protect and promote the health of the inhabitants of the State and to increase trade through promoting the development of facilities to provide recreation for the citizens of the State and to attract tourists from other states; and

WHEREAS, City of Syracuse Industrial Development Agency (the "**Agency**") constitutes an industrial development agency established under the IDA Act and Chapter 641 of the Laws of 1979 of the State of New York, as amended from time to time (together with the IDA Act, the "**Act**") and is thereby authorized and empowered to promote, develop, encourage and assist in the

acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of industrial, manufacturing, warehousing, commercial, research and recreation facilities, including industrial pollution control facilities, educational or cultural facilities, railroad facilities and certain horse racing facilities, thereby advance the job opportunities, health, general prosperity and economic welfare of the people of the State and improve their recreation opportunities, prosperity and standard of living; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire by purchase, grant, lease, gift, pursuant to the provisions of the eminent domain procedure law, or otherwise and to use, real property or rights or easements therein necessary for its corporate purposes in compliance with the local zoning and planning regulations and shall take into consideration regional and local comprehensive land use plans and state designated heritage area management plans, and to sell, convey, mortgage, lease, pledge, exchange or otherwise dispose of any such property in such manner as the agency shall determine. In the case of railroad facilities, however, the phrase to use real property or rights or easements therein shall not be interpreted to include operation by the agency of rail service upon or in conjunction with such facilities; and

WHEREAS, Agency staff is requesting authorization to obtain appraisals on: (a) 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 "*Parcels A*"); and (b) certain real property owned by Green Horizons Environment LLC identified as Tax Parcel Numbers 094.- 04-09.0, 094.-04-10.0, 094.-04-11.0, 094-04-12.0, 094.-04-13.0, 094.-04-14.0, 094.-04-15.0 and 094.-04-19.0 and located at 240½ Tallman St., 242-46 Tallman St., 252-54 Tallman St. & Oneida St., 637-39 Oneida St., 629 Oneida St., 625 Oneida St., 619 Oneida St. and 601-03 Oneida St., all in the City of Syracuse, Onondaga County, State of New York (collectively "*Parcels B*" and together with Parcels A, collectively, the "*Properties*").

NOW, THEREFORE, BE IT RESOLVED by the Agency that:

Section 1. The foregoing recitals are incorporated herein by reference. 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.

Section 2. It is among the purposes of the Agency to acquire real property, promote, develop, encourage and assist in the acquiring, constructing, reconstructing, 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. It is among the Agency's powers, to accomplish its purposes, to acquire by purchase or pursuant to the provisions of the eminent domain procedure law, or otherwise, and to use, real property or rights or easements therein necessary for its corporate purposes.

Section 3. The Agency hereby makes the following findings and determinations:

(a) The Agency is authorized to obtain appraisals the Properties and to negotiate with the owners thereof relative to the Agency's acquisition of such Properties; and take all other necessary action to acquire the Properties by negotiated sale or otherwise.

Section 4. 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 5. 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 6. 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 7. 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 8. 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 September 27, 2022, with the original thereof 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), as temporarily amended by Executive Order 202.1 issued on March 12, 2020 ("**EO 202.1**"), as amended and extended from time to time, such meeting was open to the general public and public notice of the time and how to participate in such meeting was duly given in accordance with such Section 104 and EO 202.1; (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 2/22/2023.

City of Syracuse Industrial Development Agency

DocuSigned by:

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Rickey T. Brown, Secretary

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