

RESOLUTION

A regular meeting of the Onondaga County Industrial Development Agency (the “Agency”) convened in public session on April 11, 2024, at 8:30 a.m., local time, at 335 Montgomery Street, 2nd Floor, Syracuse, New York.

The meeting was called to order by the (Vice) Chairperson of the Agency and, upon roll being called, the following members of the Agency were:

PRESENT: Patrick Hogan
Susan Stanczyk
Kevin Ryan
Fanny Villarreal
Elizabeth Dreyfuss
Cydney Johnson

ABSENT: Janice Herzog

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 Susan Stanczyk, to wit:

RESOLUTION AUTHORIZING THE EXECUTION OF AN EASEMENT IN CONNECTION WITH 8700 AND 8720 CAUGHDENY ROAD AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

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, constituting Section 895 of said General Municipal Law (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, 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 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; and

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

WHEREAS, the following parcels are within the Park: (1) 8700 Caughdenoy Road, Clay, New York (tax map no. 046.-02-01.0), and (2) 8720 Caughdenoy Road, Clay, New York (tax map no. 048.-01-01) (collectively, the “Premises”); and

WHEREAS, pursuant to the State Environmental Quality Review Act (“SEQRA”), the Agency is required to make a determination with respect to the environmental impact of any Type I or Unlisted “action” (as defined by SEQRA) to be taken by the Agency, and the granting of an easement constitutes such an action; and

WHEREAS, the Park was the subject of a prior Generic Environmental Impact Statement (“GEIS”) and in 2021 was the subject of a Supplemental GEIS (“SGEIS”) resulting in a Findings Statement concluding that the expansion of the Park for the purpose of locating a semiconductor chip manufacturing facility (the “Project”), from among reasonable alternatives, is one which minimizes or avoids adverse environmental effects to the maximum extent practicable; and

WHEREAS, as part of that SGEIS process and Findings Statement, the Agency considered potential impacts from proposed utility routes, including but not limited to the installation of facilities for the transmission and distribution of gas needed to support the development of the Park; and

WHEREAS, consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the Final SGEIS process will be minimized or avoided by incorporating as conditions those mitigative measures which are identified as practicable throughout the annexed SEQRA Findings Statement and Final SGEIS and to document the factors and standards considered by the Agency in making this decision; and

WHEREAS, on July 14, 2023, Micron New York Semiconductor Manufacturing LLC (“Micron”) submitted an application to the Agency detailing its intent to invest over \$100 billion in the Park to build a semiconductor chip manufacturing facility, thereby creating over 4,000 jobs in the initial phase of facility completion, and stimulating significant economic growth to the County (the “Proposed Micron Project”); and

WHEREAS, the Proposed Micron Project is the subject of a separate ongoing SEQRA environmental review based on the specifics of the Proposed Micron Project; and

WHEREAS, Niagara Mohawk Power Corporation (the “Grantee”) desires to obtain an easement for the future installation of facilities for the transmission and distribution of gas needed to support the development of the Proposed Micron Project; and

WHEREAS, Agency desires to execute and deliver to the Grantee an easement (the “Easement”), which Easement (1) will grant to the Grantee a perpetual easement and right-of-way, with the right, privilege, and authority to, among other things, construct, reconstruct, relocate, extend, repair, maintain, operate, inspect, patrol, and, at its pleasure, abandon or remove underground gas distribution facilities including a line or lines of pipe, valves, fittings, handholes, manholes, conduit, vaults, housings, connectors, pedestals, closures, markers, cables, connections to aboveground facilities, braces, fittings, foundations, anchors, lateral service lines, and other fixtures and appurtenances including electric to support the facilities (collectively, the “Facilities”), which the Grantee shall require now and from time to time, for the transmission and distribution of gas for public or private use, in, upon, over, under, and across that portion of the Premises, and the highways abutting or running through the Premises, and to renew, replace, add to, and otherwise change the Facilities and each and every part thereof and the location thereof within the Premises, and utilize the Facilities within the Premises; and (2) will grant to the Grantee a temporary workspace for the construction of the Facilities, all as shown on Exhibit A attached hereto and made a part hereof; and

WHEREAS, the members of the Agency have determined to consent to and join in the execution and delivery of the Easement.

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

Section 1. Based upon an examination of the EAF prepared for the 2021 SGEIS, the criteria contained in 6 NYCRR §617.7(c), and based further upon the Agency’s knowledge of the Park, and such further investigation of the Project and its environmental effects as the Agency has deemed appropriate, the Agency makes the following findings and determinations with respect to the granting of an easement for utilities within the Park pursuant to SEQRA:

(a) The Project included the granting of easement rights for utilities within the Park, and such acquisition was included in the Agency’s SEQRA review of the Project, including the evaluation of relevant impacts, facts, and conclusions associated with the expansion of the Park;

(b) The Draft SGEIS, Final SGEIS, and Findings Statement adopted by the Agency evaluated the relevant impacts, facts, and conclusions associated with the expansion of the Park and its operation including easements for utilities;

(c) The Agency determined that the Project from among reasonable alternatives, is one which minimizes or avoids adverse environmental effects to the maximum extent practicable;

(d) The granting of easement rights will be carried out in accordance with the conditions and thresholds established in the Final SGEIS and/or Findings Statement, thus avoiding, minimizing or mitigating, as reasonably practicable, adverse environmental impacts.

Section 2. The form and substance of the Easement (in substantially the form presented to this meeting and which, prior to the execution and delivery thereof, may be redated) is hereby approved.

Section 3. (A) The Executive Director of the Agency is hereby authorized, on behalf of the Agency, to execute and deliver the Easement in substantially the forms thereof presented to this meeting with such changes, variation, omissions and insertions as the Executive Director shall approve, the execution thereof by the Executive Director to constitute conclusive evidence of such approval.

(B) The Executive Director of the Agency is hereby further authorized, on behalf of the Agency, to designate any additional Authorized Representatives of the Agency.

Section 4. This Resolution shall take effect immediately.

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			
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 April 11, 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 22 day of April, 2024.

Alejo Rodriguez
Secretary

(SEAL)

EXHIBIT A



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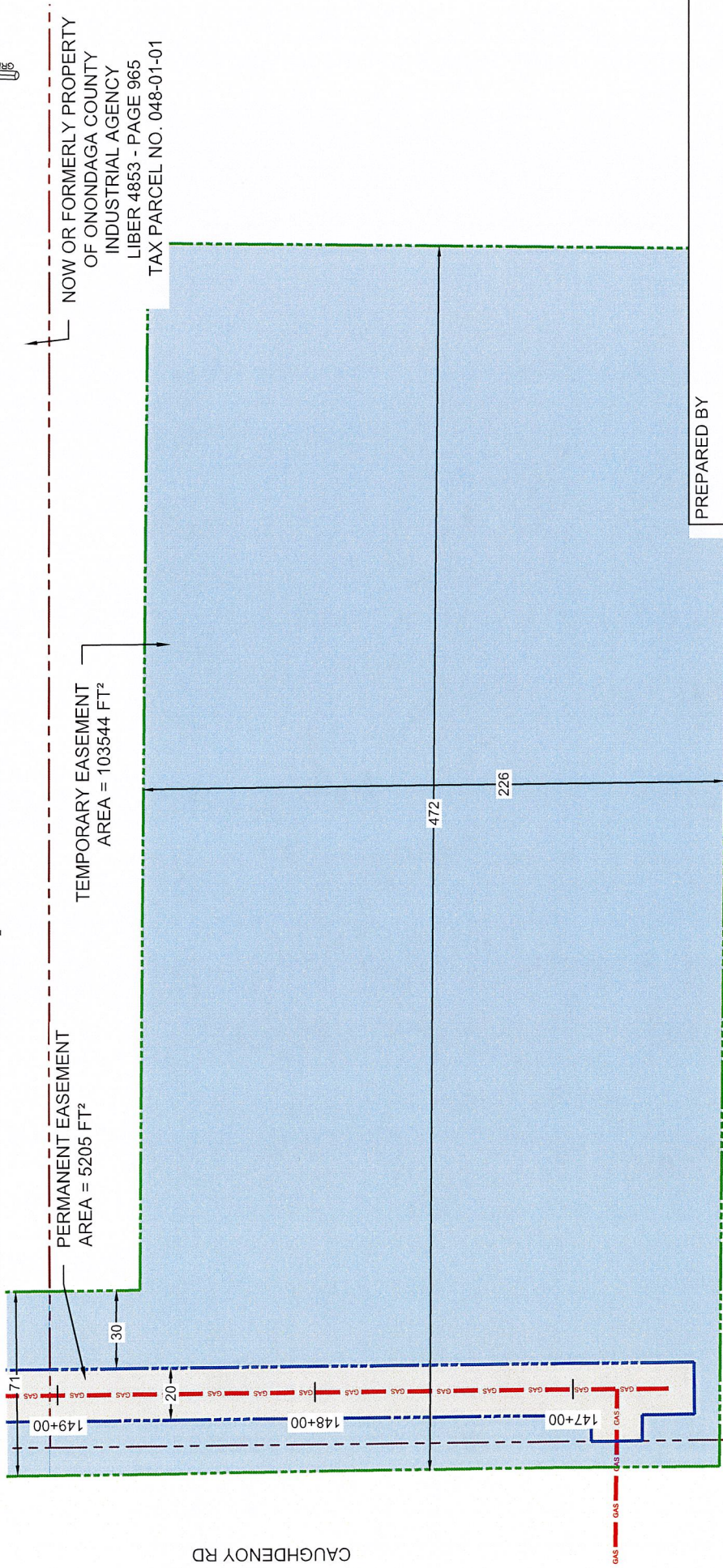
120

180



DATUM
U.S. SURVEY FEET NYSPCS
CENTRAL ZONE HORIZONTAL:
NAD(83) (2011)

HORIZONTAL SCALE: 1"=60'
SCALE ONLY CORRECT IF PRINTED TO 8 1/2" X 11" PAPER SIZE



CAUGHDENY RD

PERMANENT EASEMENT
AREA = 5205 FT²

TEMPORARY EASEMENT
AREA = 103544 FT²

NOW OR FORMERLY PROPERTY
OF ONONDAGA COUNTY
INDUSTRIAL AGENCY
LIBER 4853 - PAGE 965
TAX PARCEL NO. 048-01-01

PROPERTY OF
ONONDAGA COUNTY INDUSTRIAL AGENCY
LIBER 4900 - PAGE 188
TAX PARCEL NO. 046-02-01

LEGEND

- PERMANENT EASEMENT
- TEMPORARY EASEMENT
- PROPOSED GAS MAIN
- EXISTING PROPERTY LINE

PREPARED BY

NIAGARA MOHAWK POWER CORPORATION

EXHIBIT "A"

MICRON GAS MAIN EXTENSION PROJECT
EASEMENTS TO BE OBTAINED FROM

ONONDAGA COUNTY INDUSTRIAL AGENCY
TOWN OF CLAY ONONDAGA COUNTY, N.Y.

DES	DR	CK	DATE: 2/21/24	SCALE: 1"=60'
REV. 2				INDEX: 4.2-R35-M49
REV. 1				No. 100171SH001



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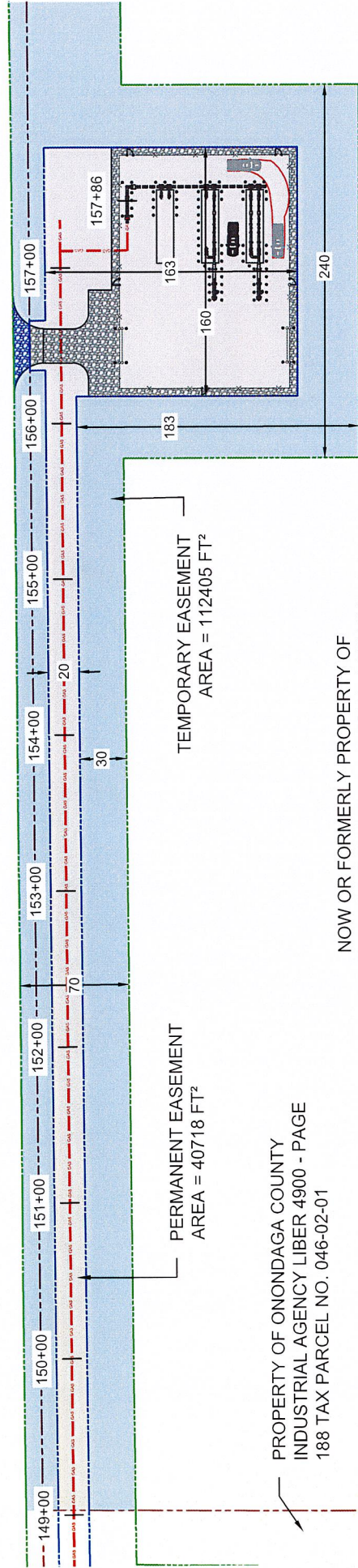
NOW OR FORMERLY
PROPERTY OF
AZALIA M. KING LIBER
5329 - PAGE 839 TAX
PARCEL NO.
047-01-14.4

NOW OR FORMERLY
PROPERTY OF
ELIZABETH J. BROWN
LIBER 5329 - PAGE 191
TAX PARCEL NO.
047-01-14.1

NOW OR FORMERLY
PROPERTY OF 8721
CAUGHDENY ROAD
PARTNERSHIP LIBER
4293 - PAGE 58
TAX PARCEL NO.
047-01-14.2

NOW OR FORMERLY PROPERTY OF 8721
CAUGHDENY ROAD PARTNERSHIP LIBER
4293 - PAGE 58 TAX PARCEL NO. 047-01-14.3

CAUGHDENY RD



PROPERTY OF ONONDAGA COUNTY
INDUSTRIAL AGENCY LIBER 4900 - PAGE
188 TAX PARCEL NO. 046-02-01

NOW OR FORMERLY PROPERTY OF
ONONDAGA COUNTY INDUSTRIAL AGENCY
LIBER 4853 - PAGE 965
TAX PARCEL NO. 048-01-01

TEMPORARY EASEMENT
AREA = 112405 FT²

PERMANENT EASEMENT
AREA = 40718 FT²

LEGEND

- PERMANENT EASEMENT
- TEMPORARY EASEMENT
- PROPOSED GAS MAIN
- EXISTING PROPERTY LINE

PREPARED BY

NIAGARA MOHAWK POWER CORPORATION

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EASEMENTS TO BE OBTAINED FROM

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