

BWI HOTEL ACQUISITIONS I, LLC

**SEQRA RESOLUTION
(3101-19-04A)**

A special meeting of the Onondaga County Industrial Development Agency (the "Agency") was convened in public session on October 31, 2019, at 8:30 a.m. at the OnCenter Meeting Rooms 1/2/3, located at 800 South State Street, Syracuse, New York.

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

PRESENT: Patrick Hogan
Janice Herzog
Steve Morgan
Susan Stanczyk
Kevin Ryan
Fanny Villarreal

ABSENT: Victor Ianno

ALSO PRESENT: Robert M. Petrovich, Executive Director
Anthony P. Rivizzigno, Esq., Agency Counsel
Jeffrey W. Davis, Esq., Agency Counsel
Amanda M. Mirabito, Esq., Agency Counsel

The following resolution was offered by Susan Stanczyk, seconded by Steve Morgan, to wit:

RESOLUTION AUTHORIZING ADOPTION OF A SEQRA DETERMINATION OF SIGNIFICANCE IN CONNECTION WITH A PROJECT FOR BWI HOTEL ACQUISITIONS I, LLC (THE "COMPANY").

WHEREAS, Onondaga County Industrial Development Agency (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") and Chapter 435 of the Laws of 1970 of the State of New York and Chapter 676 of the Laws of 1975, 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 (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 one or more "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, BWI Hotel Acquisitions I, LLC, a Delaware limited liability company, authorized to do business in the State of New York (the "Company"), has submitted an application (the "Application"), on behalf of itself and entities formed or to be formed on its behalf, to the Agency, a copy of which Application is on file at the office of the Agency, which Application requests that the Agency consider undertaking a project (the "Project") for the benefit of the Company and/or entities formed or to be formed on its behalf, said Project consisting of the following: (A)(1) acquisition of an interest in several 50 x 148.5 square foot parcels of land located at 401, 403, 407, 409, 411 and 413 Prospect Avenue (tax map nos. 017.-03-05.0, 017.-03-06.0, 017.-03-07.0, 017.-03-08.0 and 017.-03-09.0) in the City of Syracuse, Onondaga County, New York (the "Land") and the approximately 43,090 square foot existing building thereon (the "Existing Building"); (2) the demolition of the Existing Building and the construction on the Land of an approximately 90 room extended-stay hotel, approximately 26 market rate apartments and structured parking (collectively, the "Facility"); and (3) the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other tangible personal property (collectively, the "Equipment") (the Land, the Facility and the Equipment being collectively referred to as the "Project Facility"); (B) the granting of certain "financial assistance" (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes, real property taxes, real estate transfer taxes and mortgage recording taxes (subject to certain statutory limitations) (the "Financial Assistance"); and (C) the lease (with an obligation to purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency; and

WHEREAS, pursuant to the State Environmental Quality Review Act ("SEQRA"), all agencies that undertake, fund or approve an "action" (as defined by SEQRA) are required to make a determination with respect to the environmental impact of such an action; and

WHEREAS, on August 26, 2019, the City of Syracuse Planning Commission ("Commission") classified the Project as a Type I action and declared itself lead agency for the purpose of conducting a coordinated environmental review of the Project; and

WHEREAS, on August 28, 2019, the Commission distributed a notice of intent to act as "Lead Agency" (as defined by SEQRA) concerning the coordinated environmental review of the Project and advised the Agency of its status as an "involved agency" (as defined by SEQRA); and

WHEREAS, the Agency consented to the Commission's Lead Agency designation in writing on September 3, 2019; and

WHEREAS, the Commission thoroughly analyzed the Project and all relevant materials and related information provided for the Project, and conducted such further investigation of the Project and its potential environmental effects as deemed appropriate under SEQRA; and

WHEREAS, by resolution adopted on October 28, 2019, the Commission determined that the Project would not result in any significant adverse environmental impacts and issued a negative declaration (“Negative Declaration”) pursuant to SEQRA;

NOW, THEREFORE, be it resolved by the members of the Onondaga County Industrial Development Agency, as follows:

(1) The Type I negative declaration issued by the Commission for the Project is binding on all involved agencies.

(2) The Agency, as an involved agency, hereby affirms and adopts the aforementioned Negative Declaration adopted by the Commission for the Project.

(3) 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.

(4) The Secretary of the Agency is 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.

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 | | |
| Victor Ianno | | | X |
| Steve Morgan | 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)

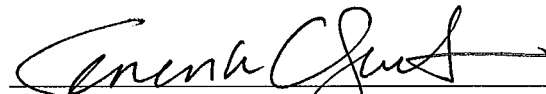
I, the undersigned Secretary of the Onondaga County Industrial Development Agency, DO HEREBY CERTIFY that I have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on October 31, 2019, with the original thereof on 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 31st day of October, 2019.

(SEAL)



GENEVIEVE A. SUITS, Secretary