

RESOLUTION AUTHORIZING AGENCY TO TAKE ALL APPROPRIATE ACTIONS UNDER THE NEW YORK EMINENT DOMAIN PROCEDURE LAW TO ACQUIRE PROPERTY FOR THE WHITE PINE COMMERCE PARK PROJECT

A special meeting of the Onondaga County Industrial Development Agency (the “Agency”) was convened in public session on August 24, 2021, at 8:00 a.m., local time.

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
Victor Ianno
Steve Morgan
Susan Stanczyk

ABSENT: Kevin Ryan
Fanny Villarreal

ALSO PRESENT: Robert M. Petrovich, Executive Director
Jeffrey W. Davis, Esq., Agency Counsel
Mark R. McNamara, Esq., Agency Counsel

The following resolution was offered by Victor Ianno, seconded by Steve Morgan, to wit:

RESOLUTION OF THE ONONDAGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY AUTHORIZING VARIOUS ACTIONS PURSUANT TO THE NEW YORK EMINENT DOMAIN PROCEDURE LAW WITH RESPECT TO THE WHITE PINE COMMERCE PARK PROJECT

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”), 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, 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, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire by eminent domain pursuant to the New York Eminent Domain Procedure Law (“EDPL”) or other means those real property interests necessary and/or appropriate to further its stated purposes; and

WHEREAS, the Agency manages the White Pine Commerce Park (“Park”) which currently consists of approximately 723± acres owned by the Agency and which is located northeast of the intersection of NYS Route 31 and CR 49 (Caughdenoy Road) in the Town of Clay, Onondaga County, New York; and

WHEREAS, the Park was originally created to be capable of supporting a mix of industrial and/or commercial uses with related office space, advanced state-of-the-art research, large- or small-scale manufacturing, assembly, warehousing, data management, material processing facilities in a campus-like setting, to that end, since 2013, the Agency has attempted to market the Park for development around the United States to potential manufacturing, industrial, and commercial users, but those efforts have been unsuccessful and the Park remains vacant; and

WHEREAS, through its marketing efforts and communications with desired tenants around the United States, the Agency has determined that the Park is not geographically large enough and must be expanded significantly to be considered an attractive, viable location for prospective large- and small-scale manufacturing and industrial developers, particularly in the semiconductor industry, which will bring high-tech facilities and high paying jobs to Onondaga County but which requires a larger geographic footprint to support this industry and the associated investment required by such tenants; and

WHEREAS, to improve the Agency’s ability to market the Park to a larger, more diverse mix of large- and small-scale industrial, manufacturing, and commercial users, the Agency by previous resolutions has proposed to expand the Park to approximately 1,250± acres (the “Project” or “Action”) with the real property and improvements to be acquired being parcels located in the Town of Clay and contiguous to the current Park generally bounded on the north by the northern lot boundaries of parcels 048.-01-02.2, 048.-01-19.0, 048.-01-23.1, 048.-01-21.0, and 048.-01-22.0; on the east by the boundary between the towns of Clay and Cicero; on the south by NYS Route 31; and on the west by Caughdenoy Road (“Project Site”) including, but not limited to, real property and improvements the Agency has under contract to purchase or is in negotiations to acquire by purchase, and various permanent easements in real property described below; and

WHEREAS, the purpose of the expanded Park and Project includes, but is not limited to: enabling the Agency to market the Project to a larger, more diverse mix of potential industrial and commercial developers by making the site more attractive to a broader scope of industries and particularly the semiconductor industry since: i) the expanded Park will be capable of supporting a mix of industrial and/or commercial uses including large scale semiconductor industrial development with related office space, advanced state-of-the-art research, large- or small-scale manufacturing, assembly, warehousing, data management, material processing and distribution facilities in a campus-like setting; ii) the Project will provide an expanded and improved “shovel

ready” facility, demonstrating to industrial and commercial prospects that governmental approvals needed for the infrastructure development and construction have already been secured, or can be readily secured within certain thresholds or permit criteria all of which will advance the job opportunities, health, general prosperity and economic welfare of the people of Onondaga County and the State of New York and to improve their prosperity and standard of living and prevent unemployment and economic deterioration; and

WHEREAS, in addition to the real property the Agency currently owns at the Park, the Agency is considering acquiring the other real property and improvements at the Project Site necessary to develop the Project; and

WHEREAS, in addition to the real property within the Project Site, the Agency is considering acquiring property interests in fee and permanent right of way and/or temporary easements necessary to develop the Project, which rights will be located in lands within and immediately adjacent to the existing Niagara Mohawk Power Corporation utility easements running from 8720 Caughdenoy Road to the Niagara Mohawk Power Corporation substation located at 4459 NYS Route 31 including, but not limited to, portions of the following properties located in the Town of Clay:

Property Address	Tax Map Number
Van Hoesen Road	044.-01-29.1
4806 Appaloosa Trail	044.-01-50.0
4800 Appaloosa Trail	044.-01-49.0
4796 Appaloosa Trail	044.-01-48.0
4790 Appaloosa Trail	044.-01-47.0
4782 Appaloosa Trail	044.-01-45.0
4780 Appaloosa Trail	044.-01-44.0
Ver Plank Road	044.-01-17.1
Van Hoesen Road	044.-01-18.1
8761 Van Hoesen Road	044.-01-19.0
8790 Van Hoesen Road	047.-01-03.0
4936 Ver Plank Road	047.-01-09.1
8721 Caughdenoy Road	047.-01-14.3
Caughdenoy Road	047.-01-13.0
4401 State Route 31	029.-01-06.1
4531 State Route 31	029.-01-10.1
4523 State Route 31	029.-01-11.1
4541 State Route 31	029.-01-09.1
Henry Clay Boulevard	045.-01-02.1
4647 State Route 31	045.-01-05.1

and, a temporary easement running to the west of the Ver Plank Road Niagara Mohawk Power Corporation substation complex in an approximately linear direction from Ver Plank Road to the existing Niagara Mohawk Power Corporation utility easement area (collectively, the “Easement Property”); and the acquisition of various roadway property interests in fee and temporary, and permanent easements along NYS Route 31 from west of the NYS Route 11 intersection and continuing east along NYS Route 31 to the Lakeshore Spur intersection; the triangle created by

Lakeshore Road, Lakeshore Road Spur, and NYS Rte. 31; the I-481/Caughdenoy Road/Maple Road Roundabout; and the Caughdenoy Road/NYS Rte. 31 intersection (collectively, "Roadway Interests").

WHEREAS, in an effort to transform the Park into a modern industrial park for advanced manufacturing and state-of-the-art industrial uses, the Agency previously performed a thorough environmental review of the Park and its anticipated environmental impacts pursuant to Article 8 of the Environmental Conservation Law of the State of New York, as amended, and the regulations of the Department of Environmental Conservation of the State of New York promulgated thereunder (collectively referred to hereinafter as "SEQRA"), which included, but was not limited to, the following: (1) classifying the Park project as a Type 1 action; (2) acting as Lead Agency for the purpose of a coordinated environmental review; (3) conducting necessary studies and holding required hearings in connection with the preparation of a Generic Environmental Impact Statement ("GEIS") to address anticipated potential impacts associated with the proposed multi-use industrial park; (4) preparation of a subsequent Final GEIS ("FGEIS") that incorporated the DGEIS by reference and included responses to public comments received; and (5) preparation and issuance by the Agency of a Findings Statement in October of 2013 that (a) concluded the project avoided or minimized adverse environmental impacts to the maximum extent practicable, (b) incorporated mitigation measures that were considered practicable, and (c) identified certain impact thresholds that, if exceeded, may require supplemental determinations of their significance and/or impact evaluation, and possibly mitigation measures in addition to those identified; and

WHEREAS by Resolution dated December 8, 2020 the Agency, based on its review and evaluation of the Full Environmental Assessment Form for the Project, determined that:

- i) the Project represents a significant change from the Park's current footprint and will result in changed circumstances from those previously evaluated by the Agency in the DGEIS/FGEIS, and that the preparation of a Supplemental GEIS ("SGEIS") is necessary to adequately identify and evaluate potential significant adverse impacts associated with the Project that are not addressed or are inadequately addressed in the existing DGEIS/FGEIS;
- ii) a supplement to the FGEIS should be prepared, and, therefore, issued a Notice of Intent to prepare a supplemental GEIS (i.e., a positive declaration);
- iii) declared its intent to act as "Lead Agency" (as said term is defined in SEQRA) with respect to a coordinated agency review of the Project pursuant to SEQRA, including the preparation of a SGEIS, and published notice of its determination and intent to be "Lead Agency;"

and,

WHEREAS, pursuant to SEQRA the Agency prepared, accepted, and issued the Draft SGEIS on May 6, 2021, held a public comment hearing with respect to the Draft SGEIS on May 24, 2021, closed the public comment period on June 11, 2021, prepared and issued the Final SGEIS at a special meeting of OCIDA on July 16, 2021 and made its SEQRA Findings on July 27, 2021; and

WHEREAS, Agency representatives have contacted the record owners of the Property and certain other properties located within the Project Site to negotiate the possible acquisition of their respective parcels and improvements but such negotiations, to date, have been unsuccessful;

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

- (1) The Agency Executive Director, staff, and the Agency's legal counsel, Barclay Damon LLP, are hereby authorized and directed:
 - a. To do such things or perform such acts and execute such documents as are necessary and/or appropriate to duly notice and conduct a public hearing as provided for under EDPL Article 2 including, but not limited to, retaining any professionals, consultants and contractors necessary to provide materials required under the EDPL in connection with a public hearing and the possible acquisition of the real property within the Project Site and, in addition, the Easement Property and Roadway Interests by eminent domain or negotiated purchase; and
 - b. To take all actions under EDPL § 404 to allow for and facilitate Agency officers, agents, and contractors to enter upon the real property located within the Project Site, the Easement Property, and Roadway Interests for the purpose of making surveys, test pits and borings, or other investigations, and also for temporary occupancy during construction.

(2) A copy of this Resolution, together with the attachments hereto, shall be placed on file in the office of the Agency where the same shall be available for public inspection during business hours.

(4) 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>	<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 foregoing resolution was thereupon declared duly adopted.

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

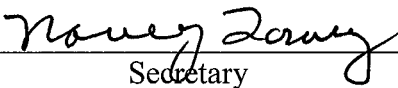
I, the undersigned Secretary of the Onondaga County Industrial Development Agency, DO HEREBY CERTIFY that I have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on August 24, 2021, with the original thereof on 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"), as modified by New York State Executive Order 202.79, 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 10th day of August, 2021.

(SEAL)


Secretary