

RESOLUTION

A regular meeting of the Syracuse Local Development Corporation was convened on November 5, 2018 at 9:00 a.m.

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

PRESENT: Michael Frame, Steven Thompson, Kathleen Murphy, Kenneth Kinsey

EXCUSED: Rickey T. Brown

THE FOLLOWING PERSONS WERE ALSO PRESENT: Honora Spillane, Judith DeLaney, John Vavonese and Susan Katzoff, Esq.

The following resolution was offered by Kathleen Murphy and seconded by Kenneth Kinsey:

**RESOLUTION CLASSIFYING A CERTAIN PROJECT AS
A TYPE I ACTION AND DECLARING THE INTENT OF
THE SYRACUSE LOCAL DEVELOPMENT
CORPORATION TO BE LEAD AGENCY FOR PURPOSES
OF A COORDINATED REVIEW PURSUANT TO THE
STATE ENVIRONMENTAL QUALITY REVIEW ACT**

WHEREAS, pursuant to the purposes and powers contained within Section 1411 of the Not-for-Profit Corporation Law ("*N-PCL*") of the State of New York (the "*State*"), as amended (hereinafter collectively called the "*Act*"), and pursuant to its Certificate of Incorporation filed on March 15, 2010 (the "*Certificate*"), the Syracuse Local Development Corporation (the "*SLDC*") was established as a not-for-profit local development corporation of the State pursuant to Sections 402 and 1411 of the Not for Profit Corporation Law of the State and has the power to acquire by purchase, lease, gift, bequest, devise or otherwise real or personal property or interests therein, to borrow money and to issue negotiable bonds, notes and other obligations therefor and has the authority to sell, lease, mortgage or otherwise dispose of or encumber any of its real or personal property or any interest therein upon such terms as it may determine exclusively in furtherance of the charitable or public purposes of relieving and reducing unemployment, promoting and providing for additional and maximum employment, bettering and maintaining job opportunities, instructing or training individuals to improve or develop their capabilities for such jobs, by encouraging the development of, or retention of, an industry in the community or area, lessening the burdens of government and acting in the public interest; and

WHEREAS, in March 1997, the Mutual Life Insurance Company of New York sold an underground parking garage (the "**South Parcel**") to the City of Syracuse (the "**City**") pursuant to a sale agreement dated March 27, 1997. The garage acquired by the City sits beneath what is now the Tech Garden (the "**Tech Garden**" and together with the South Parcel, collectively, the "**City's Parcel**") and adjacent to and adjoining another underground garage parcel which sits below what is commonly known as the AXA Tower Complex (the "**North Parcel**" and together with the South Parcel, collectively, the "**Garage**"); and

WHEREAS, contemporaneous with the City's purchase of the South Parcel, the City entered into an agreement whereby Towers Realty LR, Ltd, the owner of the North Parcel (the "**Owner**") leased the North Parcel to the City and the City agreed to operate and maintain the North Parcel in good working repair (the "**Garage Lease Agreement**"); and

WHEREAS, notwithstanding the Garage Lease Agreement, the Owner remained liable for all repairs to infrastructure located in the North Parcel that supports the improvements above the garage; namely, the AXA Tower Complex; and

WHEREAS, the Garage Lease Agreement also provides, that notwithstanding the foregoing, the Owner agrees to maintain the plaza level on top of the North Parcel in a manner that is architecturally appropriate to minimize leakage from the plaza level into or onto the membrane covering the garage ceiling; and

WHEREAS, the City and the Owner agree that the North Parcel has not been satisfactorily maintained either due to a lack of ongoing repair, and/or water and other damage leaking from the plaza level above, or a combination of both; and

WHEREAS, the City and the Owner engaged engineers to undertake a joint assessment of the repairs necessary to repair the Garage and ensure its safety and arrived at a global scope of repairs with estimated costs (the "**Scope of Repairs**"). The Scope of Repairs includes, renovations to the Garage to include structural, mechanical, electrical, plumbing and fire protection repairs and upgrades as well as renovations to the plaza level including removal and replacement of the waterproofing membrane, removal and resetting of pavers and replacement of the expansion joints and repair and/or replacement of planters (collectively, the "**100 Madison Street Renovation Project**"); and

WHEREAS, the parties have agreed that single ownership of the Garage will facilitate the repairs and the ongoing operation of the Garage for the benefit of the tenants of both the Tech Garden, the AXA Tower Complex and the general public, as available and to further benefit a larger economic development strategy in that area of the City; and

WHEREAS, the City wishes to transfer ownership of the City's Parcel to the SLDC and the Owner wishes to transfer ownership of the North Parcel to the SLDC such that the SLDC will have single ownership and control over the Garage and each are undertaking the necessary steps to do so; and

WHEREAS, it is within the SLDC's authority and powers to own property and to lessen the burdens of government; and

WHEREAS, 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**"), the SLDC is required to make a determination whether the "action" (as said quoted term is defined in SEQRA) to be taken by the SLDC may have a "significant impact on the environment" (as said quoted term is utilized in SEQRA) and approving the Project constitutes such an action; and

WHEREAS, to aid the SLDC in determining whether the Project may have a significant impact upon the environment, the SLDC has prepared an Environmental Assessment Form (the "**EAF**") with respect to the Project; and

NOW, THEREFORE, be it resolved by the members of the Syracuse Local Development Corporation as follows:

(1) Based upon an examination of the EAF prepared by the SLDC, the criteria contained in 6 NYCRR §617.7(c), and based further upon the SLDC's knowledge of the area surrounding the Project, and such further investigation of the Project and its environmental impacts as the SLDC has deemed appropriate, the SLDC makes the following findings and determinations with respect to the Project pursuant to SEQRA:

(2) The Project consists of the components described above in the seventh WHEREAS clause of this Resolution; and

(3) The Project constitutes a "Type I Action" (as said quoted term is defined in SEQRA); and

(4) As a consequence of the foregoing, the SLDC hereby declares its intent to act as "Lead Agency" (as said term is defined in SEQRA) with respect to a coordinated environmental review of the Project pursuant to SEQRA; and

(5) There are no other "involved agencies" (as said term is defined in SEQRA); and

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

(7) This Resolution shall take effect immediately. The Secretary and/or Executive Director of the SLDC is hereby authorized to distribute copies of this Resolution and 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 vote on a roll call, which resulted as follows:

	<u>AYE</u>	<u>NAY</u>
Michael Frame	X	
Steven Thompson	X	
Kathleen Murphy	X	
Kenneth Kinsey	X	

The foregoing Resolution was thereupon declared duly adopted.

