



**Bruce A Smith**  
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January 14, 2022

BY E-MAIL

Shawna M. Papale, Executive Director  
Oneida County Industrial Development Agency  
584 Phoenix Drive  
Rome, New York 13441

Re: Central Utica Building Project

Dear Ms. Papale:

As described in my client's Application for Financial Assistance, Central Utica Building, LLC ("CUB") seeks to locate its approximately 94,000 square foot medical office building ("MOB") and appurtenant facilities including parking areas on the following four contiguous parcels located adjacent to the new Wynn Hospital: 318.041-2-37, 318.041-2-38, 318.041-2-39 and 318.041-2-40. The MOB will be located on parcel 318.041-2-37 and the parking necessary to support the MOB will be located on the remaining three parcels.

Parcels 318.041-2-37, 318.041-2-39 and 318.041-2-40 are owned by Mohawk Valley Health System and will be ground-leased to CUB. To accommodate the parking requirement for patients of the ambulatory surgery center, the medical practices and supporting medical uses located in the MOB the property located at 411 Columbia Street, tax map number 318.041-2-38 (the "O'Brien Parcel") must be included in the MOB's property assemblage. A copy of the concept plan showing the location of the MOB and the O'Brien Parcel within the required property assemblage is attached to this letter. **Without the O'Brien Parcel there will not be adequate parking to support the MOB and CUB will be unable to develop the MOB at that location.** As discussed at the December 17 OCIDA meeting, the location of the MOB and its ambulatory surgery center within the footprint of the Wynn Hospital is critical to MVHS.

On December 9, 2021 I delivered the attached letter to the attorney for the owner of the O'Brien Parcel offering to purchase the property. I was subsequently advised by the attorney that there is an existing and enforceable contract to purchase the O'Brien Parcel and, therefore, the owner is contractually unable to sell the property to another party.

The MOB project—including the Article 28 ambulatory surgery center—will be transformative both to downtown Utica and to the delivery of health care services in Oneida and surrounding counties. **Because ownership of the O'Brien Parcel is essential to the MOB development CUB is requesting that OCIDA immediately commence eminent domain proceedings to condemn the O'Brien Parcel.**



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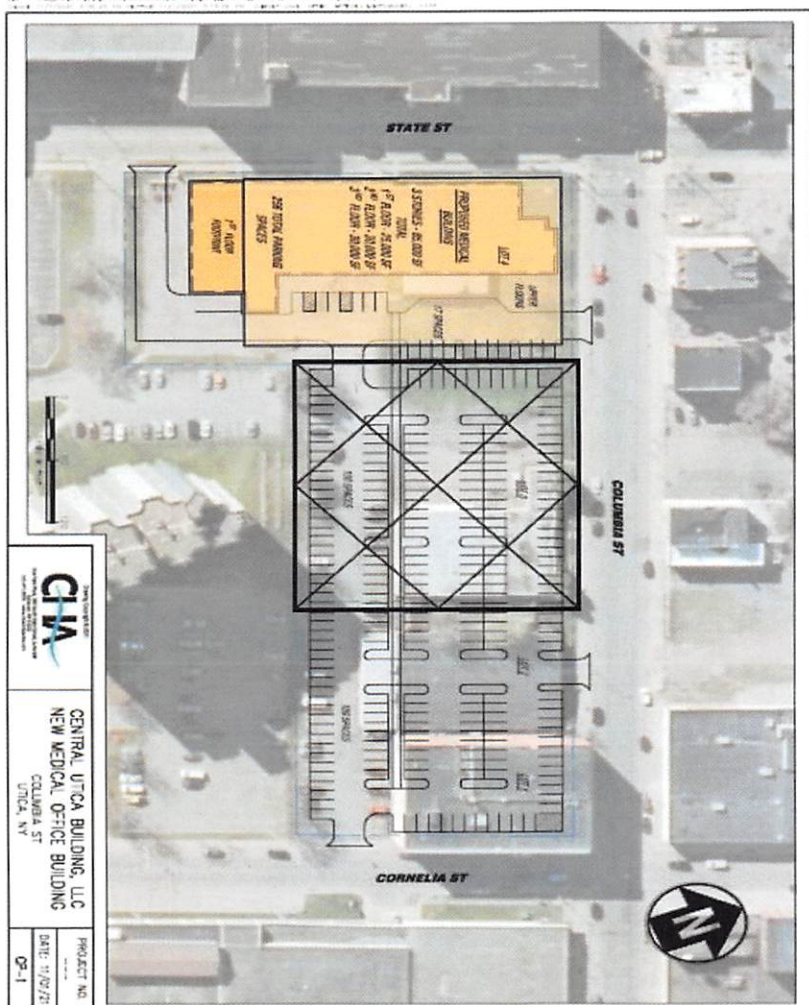
Thank you for your consideration.

Very truly yours,

*Bruce A. Smith*

Bruce A. Smith

O'Brien Parcel is cross-hatched





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December 9, 2021

**VIA HAND DELIVERY**

Douglas J. Mahr, Esq.  
Scolaro Fetter Grizanti & McGough, P.C.  
507 Plum Street, Suite 300  
Syracuse, New York 13204

Re: 411 Columbia Street, Utica, New York, Tax Map No. 318.41-2-38 (the "Property")

Dear Doug:

I represent Central Utica Building, LLC ("CUB"). CUB is developing an approximately 100,000 sf medical office building to be located at 601 State Street (corner of State and Columbia) in downtown Utica (the "MOB"). The MOB will be adjacent to, and within the footprint of the new Wynn Hospital of the Mohawk Valley Health System (the "Wynn Hospital"). Among the MOB's tenants will be a state-of-the-art Article 28-licensed, Medicare certified ambulatory surgery center with six operating rooms. The MOB and the ambulatory surgery center are part of the Integrated Health Campus in downtown Utica sponsored by Mohawk Valley Health System ("MVHS") and was included in MVHS' Certificate of Need application approved by the Department of Health.

To accommodate the parking requirements for the MOB CUB must obtain ownership of the Property. CUB hereby offers to purchase the Property from J.P. O'Brien Plumbing & Heating Supply, Inc. for a purchase price of \$750,000. The only contingency will be delivery of clean title. Closing will occur within 30 days from the delivery of the title commitment for the Property which I will order promptly following your acceptance of this letter.

This offer is open and may be accepted by your client up to 5:00 pm on December 16, 2021. If not accepted within this period the offer is withdrawn.

Very truly yours,

**COHEN COMPAGNI BECKMAN APPLER & KNOLL, PLLC**

A handwritten signature in black ink, appearing to be "B. Smith", written over a horizontal line.

Bruce A. Smith

BAS/jr:683383.1