

RESOLUTION AUTHORIZING THE PUBLICATION OF A
NOTICE OF PUBLIC HEARING UNDER EMINENT DOMAIN
PROCEDURE LAW §201 IN CONNECTION WITH THE
CENTRAL UTICA BUILDING, LLC PROJECT

WHEREAS, the Oneida County Industrial Development Agency (the "Agency") is authorized and empowered by Title I of Article 180A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the "Enabling Act") and Chapter 372 of the 1970 Laws of New York, as amended, (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 industrial, manufacturing, warehousing, commercial, research and recreation facilities, including industrial pollution control facilities, educational or cultural facilities, railroad facilities, horse racing facilities and continuing care retirement communities, among others, for the purpose of promoting, attracting, encouraging and developing recreation, and 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 and to improve their recreation opportunities, 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, improve, maintain, equip or furnish one or more "projects" (as defined in the Act); to sell, convey, mortgage, lease, pledge, exchange or otherwise dispose of said projects; and to issue bonds and provide for the rights of the holders thereof; and

WHEREAS, pursuant to General Municipal Law §858(4), the Agency has the power to acquire real property or rights or easements by eminent domain pursuant to the Eminent Domain Procedure Law; and

WHEREAS, Central Utica Building, LLC ("CUB"), on behalf of itself and/or an entity formed or to be formed on behalf of CUB (collectively, the "Company"), presented an application (the "Application") to the Agency for financial assistance in connection with its development of a certain approximately 94,000 square foot medical office building and a fully licensed six (6) suite ambulatory surgery center in the footprint of the Wynn Hospital located at 601 State Street (corner of State and Columbia) consisting of several contiguous tax parcels, all for the purpose of improving healthcare for the residents of Oneida County and the betterment of individual and community prosperity within Oneida County (hereinafter called the "MOB Project"); and

WHEREAS, on or about January 14, 2022, in connection with the MOB Project, the Company requested that the Agency consider the acquisition of the certain real property known as 411 Columbia Street (SBL No.: 318.41-2-38) in the City of Utica (the "Additional Project Land") by eminent domain pursuant to the EDPL (the "Supplemental Application"); and

WHEREAS, the Company has represented that the Additional Project Land is needed to accommodate parking for the MOB Project since without the Additional Project Land , the MOB Project does not have sufficient area for parking; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York (collectively, the "SEQR Act" or "SEQRA"), the Agency constitutes a "State Agency"; and

WHEREAS, the Agency was listed and named as an involved agency on the environmental review pursuant to SEQRA that was conducted by the City of Utica Planning Board, as the Lead Agency, which approved the certain Findings Statement for the Mohawk Valley Health System – Integrated Health Campus dated April 30, 2019 (the "Findings Statement").

NOW, THEREFORE, BE IT RESOLVED by the Oneida County Industrial Development Agency (a majority of the members thereof affirmatively concurring) that:

Section 1. The Agency has reviewed both the Application and Supplemental Application and based upon the representations made by the Company to the Agency in the Application and Supplemental Application and at this meeting, the Agency hereby makes the following findings and determinations with respect to the MOB Project and the Additional Project Land:

- (a) the MOB Project constitutes a "project" within the meaning of the Act; and
- (b) the development of the MOB Project will promote job opportunities, health and welfare, general prosperity and the economic welfare of the inhabitants of the County and the people of the State of New York and improve their standard of living and the delivery of healthcare to the residents of the County and the surrounding areas outside of the County, and thereby serve the public purposes of the Act; and
- (d) upon compliance with the provisions of the Act, the Agency would then be authorized under the Act to undertake the MOB Project in order to promote the job opportunities, health, general prosperity and economic welfare of the inhabitants of Oneida County, New York and the State of New York and improve their standard of living and the delivery of healthcare;

provided, however, that the foregoing determinations shall not entitle or permit the Company to commence the MOB Project as agent of or on behalf of the Agency, nor commit the Agency to grant any Financial Assistance with respect thereto or commence work on the MOB Project, as the agent of or on behalf of the Agency, unless and until: (i) the Agency shall decide to proceed with the MOB Project following a determination by the Agency that all requirements of SEQRA and the Act relating to the Project have been fulfilled; and (ii) the Agency shall have complied with the EDPL with respect to the acquisition of the Additional Project Land by eminent domain.

- Section 2. The Agency hereby authorizes the Executive Director of the Agency: (A) to establish a time, date and place for a public hearing of the Agency regarding the acquisition of the Additional Project Land pursuant to EDPL §201 (the "Public Hearing"); (B) to cause notice of such Public Hearing to be given to the public by publishing a notice of such Public Hearing in a newspaper of general circulation available to residents of the governmental units where the Project is to be located in at least five successive issues of a daily newspaper in substantially the form attached as Exhibit A hereto; (C) service of the notice of the Public Hearing on the record owner of the Additional Project Land by personal service or certified mail return receipt requested; (D) to conduct such Public Hearing; and (E) to cause a report of said Public Hearing fairly summarizing the views presented at said Public Hearing to be promptly prepared, and cause copies of said report to be made available to the members of the Agency and the public.
- Section 3. The law firm of Goldman Attorneys PLLC has been appointed as Special Counsel to the Agency in connection with the potential acquisition of the Additional Project Land by eminent domain pursuant to the EDPL.
- Section 4. The Chairman of the Agency is hereby authorized and directed to distribute copies of this resolution to the Company and to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this resolution.
- Section 5. This resolution shall take effect immediately.

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

I, the undersigned Secretary of the Oneida County Industrial Development Agency, DO HEREBY CERTIFY THAT:

I have compared the foregoing copy of a resolution of the Oneida County Industrial Development Agency (the "Agency"), with the original thereof on file in the office of the Agency, and that the same is a true and correct copy of such resolution and of the proceedings of the Agency in connection with such matter.

Such resolution was passed at a meeting of the Agency duly convened in public session on January 21, 2022 at eight o'clock a.m., local time, at 584 Phoenix Drive, Rome, New York, which the following members were:

Members Present:

Staff Present:

Others Present:

The question of the adoption of the foregoing resolution was duly put to vote on roll call, which resulted as follows:

and, therefore, the resolution was declared duly adopted.

I FURTHER CERTIFY that (i) all members of the Agency had due notice of said meeting, (ii) pursuant to Sections 103a and 104 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public and public notice of the time and place of said meeting was duly given in accordance with such Sections 103a and 104, (iii) the meeting in all respects was duly held, and (iv) there was a quorum present throughout.

IN WITNESS WHEREOF, I have hereunto set my hand this 21st day of January, 2022.

Shawna Papale, Secretary

EXHIBIT A

LEGAL NOTICE

ONEIDA COUNTY INDUSTRIAL DEVELOPMENT AGENCY NOTICE OF PUBLIC HEARING TO BE HELD ON _____, 2022 PURSUANT TO SECTIONS 201-203 OF THE EMINENT DOMAIN PROCEDURE LAW IN CONNECTION WITH THE ACQUISITION OF ADDITIONAL PROJECT LAND FOR THE CENTRAL UTICA BUILDING LLC PROJECT.

PLEASE TAKE NOTICE that a public hearing, open to all persons, will be held on _____, 2022 at _____, Oneida County, New York, commencing at _____ a.m. by the Oneida County Industrial Development Agency ("OCIDA"), pursuant to Sections 201-203 of the New York State Eminent Domain Procedure Law ("EDPL") to consider the proposed acquisition by condemnation of 411 Columbia Street (SBL No.: 318.41-2-38) in the City of Utica (the "Additional Project Land") in connection with the undertaking and development of a certain approximately 94,000 SF medical office building and a fully licensed six (6) suite ambulatory surgery center in the footprint of the Wynn Hospital located at 601 State Street (corner of State and Columbia) (the "Project") by Central Utica Building LLC, on behalf of itself and/or an entity formed or to be formed on behalf of CUB (collectively, the "Company"), which acquisition of the Additional Project Land has been represented by the Company to facilitate the delivery of healthcare services to the residents of Oneida County, create new and improved job opportunities, reduce unemployment, eliminate blight in the immediate area of the Project, promote urban renewal and redevelopment and on an overall basis result in the betterment of community prosperity within Oneida County. The Company has represented that the acquisition of the Additional Project Land is necessary for the development of the Project.

Pursuant to Article 2 of the EDPL, the purpose of the public hearing is to review the public use to be served by the acquisition of the Additional Project Land, and the impact of the acquisition of the Additional Project Land on the environment and residents of the locality where the Project is proposed to be constructed, and to give all interested persons an opportunity to present oral or written statements and to submit other documents concerning the Project and the acquisition of Additional Project Land proposed to be acquired pursuant to the EDPL.

The public purposes served by the Project and the Additional Project Land include: (1) improving healthcare for the community, (2) creating new and improved job opportunities, (3) reducing unemployment, (4) eliminate blight in the immediate area of the Project, (4) promote urban renewal and redevelopment, and (6) on an overall basis result in the betterment of community prosperity within Oneida County.

Additional Project Land and Description

The acquisition of the Additional Project Land has been represented to be essential to the development of the Project and the six (6) suite ambulatory surgery center therein that are proposed to constructed adjacent to the Wynn Hospital, because the Project by itself does not have sufficient proximately located parking.

Proposed Property Acquisition

The proposed property acquisition of the Additional Project Land involves the exercise by OCIDA of its power of eminent domain, either with or without negotiated agreements, to the property described as follows:

Reputed Owner	Address	County Tax Map No.
O'Brien	411 Columbia Street	318.41-2-38

Availability of Additional Information

More particular information concerning the Additional Project Land proposed to be acquired by the OCIDA pursuant to the EDPL, including legal descriptions and maps, and the Project are available for public inspection during normal business hours at OCIDA, 584 Phoenix Drive, Rome, New York 13441.

Receipt of Comments

All persons having an interest in the Additional Project Land and the Project are invited to attend the public hearing to give oral or written statements and to submit other documentation concerning this proposed publically needed project.

ACCORDING TO EDPL §202(C)(2), THOSE PROPERTY OWNERS WHO MAY SUBSEQUENTLY WISH TO CHALLENGE THE CONDEMNATION OF THEIR PROPERTY VIA JUDICIAL REVIEW, MAY DO SO ONLY ON THE BASIS OF ISSUES, FACTS, AND OBJECTIONS RAISED AT THE HEARING.

Comments on the proposed acquisition of the Project and the Additional Project Land may be made orally or in writing at the public hearing on _____, 2022, or presented in writing to OCIDA's address shown below on or before _____, 2022. Comments received after the close of business on _____, 2022 will not be considered.

Oneida County Industrial Development Agency
Attn: Chairman
584 Phoenix Drive
Rome, New York 13441

By: David C. Grow /s/
Chairman

Dated: January 21, 2022