



## Project Modification Request

DATE:	December 9, 2019
APPLICANT:	45 Becker Road LLC
PROJECT NAME:	45 Becker Road Project/Orolia
PROJECT ADDRESS:	45 Becker Road West Henrietta, NY 14586

MODIFICATION REQUESTED: *(Check all that apply)*

Increase in Project Costs of:                      \$ 360,000                      Original Project Cost:                      \$ 3328801

Extend Sales Tax Exemption Date to:                      \_\_\_\_\_

Reason for extension:

\*Amount of Exemptions Taken to Date:                      \$ \_\_\_\_\_

New Tenant: *Provide Name, Business Description, Square Feet to be occupied:*

Other:  
**See Attachment A**

*Assistance Requested: (check all that apply)*

Property Tax Abatement                      \_\_\_\_\_

Mortgage Tax Exemption                      \_\_\_\_\_

Sales Tax Exemption                      \_\_\_\_\_

*Current Employment in Monroe County*

As of:                      December 5, 2019

Full Time:                      104

Part Time:                      1

*Applicant hereby represents that (i) it is not in default under any documents executed in connection with the Project being modified; (ii) if assignment, assignee must agree to assume Applicant's rights, interest, duties, obligations and liability set forth in any documents executed in connection with the Project being modified; and (iii) Applicant will pay all applicable fees of the Agency and its counsel in connection with the modification/assignment of said Project.*

Signed:                       Date: 12/9/19

Print Name: GARY T. IZZO

**Approval for Modification is recommended**

Date of Original Approval                      \_\_\_\_\_

Estimated value of incremental benefits:                      \_\_\_\_\_

Executive Director                      \_\_\_\_\_                      Date:                      \_\_\_\_\_

**45 Becker Road LLC  
COMIDA Modification Request-Orolia  
Attachment A**

Orolia has requested change orders since the original application. The change orders include the following:

1. Construct a mezzanine over offices.
2. Construct an engineering test room.
3. Flooring changes and additional partitioning.
4. Electrical and millwork additions.

Motion By:

L. Bolzner

Seconded By:

J. Popli

**RESOLUTION**  
(45 Becker Road, LLC Project)

A regular meeting of the County of Monroe Industrial Development Agency d/b/a Imagine Monroe (the "Agency"), was held at the Ebenezer Watts Center, 47 S. Fitzhugh St., Rochester, New York 14614, on January 24, 2020.

After the meeting had been duly called to order, the Chair announced that among the purposes of the meeting was to consider and take action on certain matters pertaining to a certain Project more particularly described below.

RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY D/B/A IMAGINE MONROE (THE "AGENCY") AUTHORIZING ADDITIONAL FINANCIAL ASSISTANCE TO 45 BECKER ROAD, LLC (THE "COMPANY") IN AMOUNTS EXCEEDING THE AMOUNTS APPROVED BY THE AGENCY IN ITS RESOLUTION ADOPTED ON AUGUST 20, 2019.

WHEREAS, by Title I of Article 18-A of the General Municipal Law of the State of New York, as amended and Chapter 55 of the Laws of 1972 of the State of New York (collectively, the "Act"), the Agency was created with the authority and power among other things, to assist with the acquisition of certain industrial development projects as authorized by the Act; and

WHEREAS, by Resolution duly adopted on August 20, 2019 (the "Authorizing Resolution"), the Agency appointed **45 BECKER ROAD, LLC**, a New York limited liability company, for itself or an entity formed or to be formed (collectively, the "Company"), the true and lawful agent of the Agency to undertake a certain project (the "Project") consisting of: (A) the retention of a leasehold interest in a portion of an approximately 12.57-acre parcel of vacant land located at 45 Becker Road in the Town of Henrietta, New York (the "Land") and the approximately 60,000 square-foot flex building thereon (the "Existing Improvements"); (B) the buildout of an approximately 40,000 square-foot portion of the Existing Improvements (the "Improvements"); and (C) the acquisition and installation therein, thereon or thereabout of certain machinery, equipment and related personal property (the "Equipment" and, together with the Land and the Improvements, the "Facility"), to be subleased to Orolia USA, Inc. (the "Tenant") to accommodate sales, finance, engineering and operations in connection with its business as the world's leading resilient positioning, navigation & timing platform critical for governments, military, aerospace and defense markets; all pursuant the Act; and

WHEREAS, the Company has notified the Agency, pursuant to a Project Modification Application, dated December 9, 2019, that the cost of the Project has increased as result of substantial modifications to tenant space including, but not limited to, construction of a mezzanine over offices, construct an engineering test room, flooring changes and electrical and millwork additions; and

WHEREAS, the Agency previously appointed the Company as its true and lawful agent to make purchases of goods and services relating to the Project that would otherwise be subject to New York State and local sales and use tax in an amount up to \$1,271,106, which would result in New York State and local sales and use tax exemption benefits (the "Original Sales and Use Tax Exemption Benefits") not to exceed \$101,688; and

WHEREAS, the Company has now requested that the Agency authorize the Company to make purchases of goods and services relating to the Project that would otherwise be subject to New York State and local sales and use tax in an the amount up to \$1,451,106, which would result in New York State and local Sales and Use Tax Exemption Benefits not to exceed \$116,088; and

WHEREAS, the Agency desires to adopt a resolution authorizing increase in the Sales and Use Tax Exemption Benefits and the execution and delivery of any document necessary and incidental thereto.

NOW, THEREFORE, BE IT RESOLVED by the County of Monroe Industrial Development Agency d/b/a Imagine Monroe as follows:

Section 1. Based upon the representation and warranties made by the Company in its request, the Agency hereby authorizes and approves the Company, as its agent, to make purchases of goods and services relating to the Project and that would otherwise be subject to New York State and local sales and use tax in an amount up to \$1,451,106, which result in New York State and local Sales and Use Tax Exemption Benefits not to exceed \$116,088. The Agency agrees to consider any requests by the Company for an increase to the amount of Sales and Use Tax Exemption Benefits authorized by the Agency upon being provided with appropriate documentation detailing the additional purchases of property or services.

Section 2. The Executive Director, Chairman or Vice Chairman of the Agency are hereby authorized, on behalf of the Agency, to execute and deliver any agreements, documents or certificates necessary and incidental to providing the Company with the Sales and Use Tax Exemption Benefits and partial mortgage recording tax exemption.

Section 3. The Executive Director, Chairman or Vice Chairman of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of such Executive Director, Chairman or Vice Chairman of the Agency acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 4. This resolution shall take effect immediately.

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

	<i>Yea</i>	<i>Nay</i>	<i>Absent</i>	<i>Abstain</i>
Jay Popli	X			
Anthony Meleo			X	
Troy Milne	X			
Lisa Bolzner	X			
Ann L. Burr	X			

The Resolutions were thereupon duly adopted.

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

I, the undersigned Secretary of the County of Monroe Industrial Development Agency d/b/a Imagine Monroe, DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the County of Monroe Industrial Development Agency d/b/a Imagine Monroe (the "Agency"), including the resolutions contained therein, held on January 24, 2020, with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings of the Agency and of such resolutions set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

I FURTHER CERTIFY that public notice of the time and place of said meeting was duly given to the public and the news media in accordance with Sections 103 and 104 of the New York Public Officers Law (Open Meetings Law) that all members of the Agency had due notice of the meeting and that the meeting was in all respects duly held.

IN WITNESS WHEREOF, I have hereunto set my hand on this 24<sup>th</sup> day of January, 2020.

  
\_\_\_\_\_  
Lisa Bolzner, Secretary