



County of Monroe Industrial Development Agency

PROJECT MODIFICATION REQUEST

If you have any questions or need assistance, please call 585.753.2000.

Applicant:	FiveTwentyFive East Broad LLC		
Project Address:	2 Adventure Place (Bldg A); 30 Adventure Place (Bldg B); 50 Adventure Place (C); and 61 South Union St. (D)		
Contact Name:	Gary T. Izzo		
Contact Company:	Konar Properties		
Contact Address:	75 Thruway Park Drive		
Contact Email:	gizzo@konarproperties.com		Contact Phone: (585) 334-4110

Employment in Monroe County:	4	0	10/16/20
	Full Time	Part Time	As of Date

Modification Requested: Check all that apply. (Attach additional page if necessary). Legal fees apply.

A substantial change in project costs or scope may require a new application.

☒ **Increase in Project Costs:** Must complete page 2. (If there is a significant change in Project Scope, an application will be required.)

Assistance Requested: Check all that apply.

☒ Property Tax Abatement

☒ Mortgage Tax Exemption

☒ Sales Tax Exemption

Project Cost Information: \$ 42,342,912

\$ 6,714,300

\$ 49,057,212

Original Project Cost

Increase in Project Costs

New Project Costs

☒ **Extend or Renew Sales Tax Exemption:** (If exemption date has expired, a \$350 fee applies.)

06/30/2021

03/31/2022

\$ 316,767

Current Expiration Date

Requested Expiration Date

Amount of Exemptions Taken to Date

Reason for Extension:

Delay in commencement of construction due to redesign for Buildings A, B, & D, as well as COVID 19.

☐ **New Tenant:** Include name, business description, and square feet to be occupied.

Applicant hereby represents that (i) it is not in default under any documents executed in connection with the Project being modified; (ii) Applicant will pay all applicable fees of the Agency and its counsel in connection with the modification of the Project.

Signed: Gary T. Izzo Date: 10/23/20

Print Name and Title: Gary T. Izzo

Staff Use Only:

2/20

Date Received 10/23/20 Date of Original Approval: 8/20/19 New Code 2602 19 026 B

Project Modification Request - Page 2

Required when requesting an Increase in Project Costs

A. Applicant Project Costs	Original/Current Approval	Requested Increase Modification	Revised Approval Requested
Building Construction or Renovation			
a. Materials	\$ 13,138,145	\$ 4,174,925	\$ 17,313,070
b. Labor	\$ 23,356,702	\$ 2,612,904	\$ 25,969,606
Site Work			
c. Materials	\$ 1,100,297	\$ -328,149	\$ 772,148
d. Labor	\$ 1,650,446	\$ -105,383	\$ 1,545,063
e. Non-Manufacturing Equipment	\$	\$	\$ 0
f. Furniture & Fixtures	\$	\$	\$ 0
g. Land and/or Building Purchase	\$	\$	\$ 0
h. Manufacturing Equipment	\$	\$	\$ 0
i. Soft Costs (Legal, Architect, Engineer)	\$ 1,063,658	\$ -63,339	\$ 1,000,319
Other Costs (specify)			
j. Permits & Fees	\$ 555,818	\$ 49,511	\$ 605,329
k. Insurance & Taxes	\$ 162,711	\$ 53,000	\$ 215,711
l. Financing	\$ 1,315,135	\$ 320,831	\$ 1,635,966
m. _____	\$	\$	\$ 0
Total Project Costs	\$ 42,342,912	\$ 6,714,300	\$ 49,057,212
Sources of Funds for Project Costs			
a. Tax Exempt Industrial Revenue Bond	\$	\$	\$ 0
b. Taxable Industrial Revenue Bond	\$	\$	\$ 0
c. Tax Exempt Civic Facility Bond	\$	\$	\$ 0
d. Bank Financing (subject to recording tax)	\$ 25,600,000	\$ 6,030,000	\$ 31,630,000
e. Public Sources	\$	\$	\$ 0
f. Equity	\$ 16,742,912	\$ 684,300	\$ 17,427,212
Total Sources	\$ 42,342,912	\$ 6,714,300	\$ 49,057,212

B. Reason for Increase:

See Attachment A.

C. Amount of Sale Tax Exemptions Taken to Date: \$ 316,767.00

**FiveTwentyFive East Broad LLC
COMIDA Modification Request-Buildings A-D
Attachment A**

The increased cost for buildings A-D is due to supply shortages and material price increases due to the pandemic, along with ongoing engineering and architectural design changes as highlighted below:

- Site conflicts requiring relocation and revisions to buildings A and B size and shape
- Buried utility lines w/ asbestos sleeves requiring remediation
- Buried foundations and other debris requiring removal
- Additional storm retention systems required
- Addition of LULA lift, mechanical room, and bathrooms to service rooftop deck
- Additional soundproofing measures
- Upgraded exterior materials not detailed in bid documents (bids were solicited prior to final exterior design)
- Addition of "screen wall" on Building C, and canopy over retail sections on buildings B, C and D (not detailed in original bid documents)
- Added storage closets under stairs in all THs
- Upgraded LVT flooring after significant issues with flooring used in building E
- Addition of mobile islands
- Exterior lighting upgrades
- Additional sidewalks not shown in original civil drawings

Motion By: Troy Hilke
Seconded By: Tony Helen

RESOLUTION
(FiveTwentyFive East Broad LLC Project)

A regular meeting of the County of Monroe Industrial Development Agency (the "Agency"), was held at the Agency's offices at 50 West Main Street, Suite 1150, Rochester, New York 14614, on November 17, 2020 at 12:00 p.m., in accordance with Executive Order Number 202.1, as extended by subsequent executive orders.

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 (THE "AGENCY") AUTHORIZING (i) ADDITIONAL FINANCIAL ASSISTANCE TO FIVETWENTYFIVE EAST BROAD LLC (THE "COMPANY") IN AMOUNTS EXCEEDING THE AMOUNTS APPROVED BY THE AGENCY IN ITS RESOLUTION ADOPTED ON AUGUST 20, 2019; AN EXTENSION OF THE SALES AND USE TAX EXEMPTION BENEFITS (AS HEREINAFTER DEFINED) THROUGH JUNE 30, 2022; and (iii) THE EXECUTION OF RELATED DOCUMENTS.

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 Agency appointed **FiveTwentyFive East Broad 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 acquisition of a leasehold interest in a portion of an aggregate approximately 1.67-acre parcel of land located at 15 Manhattan Square Drive [Tax Map No.: 121.330-0001-004] and 47 Savannah Street [Tax Map No.: 121.330-0001-006.100], each in the City of Rochester, Monroe County, New York (collectively, the "Land"); (B) the construction on the Land of four (4) buildings containing, in the aggregate, (i) approximately 221,161 square feet of residential space including townhomes, studio, one-bedroom and two-bedroom apartments, at least 77 of the units will be used as "affordable housing" and (ii) approximately 18,000± square feet of retail space (collectively, 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"); and

WHEREAS, the Agency previously approved a mortgage amount of \$25,600,000 which would result in mortgage recording tax savings through the Agency of \$192,000; and

WHEREAS, the Company, by Project Modification Request dated October 23, 2020 (the "Project Modification Request"), has requested the Agency approve the increase in mortgage amount to \$31,630,000 which would result in mortgage tax savings through the Agency of \$237,225; 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 \$14,238,442, 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 \$1,139,075, through June 30, 2021; and

WHEREAS, the Company has requested, by the Project Modification Request, 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 amount up to \$18,085,218, which would result in New York State and local Sales and Use Tax Exemption Benefits not to exceed \$1,446,817 (as amended and increased, the "Sales and Use Tax Exemption Benefits"); and

WHEREAS, due to project delays, the Company has requested the Agency grant an extension to the Sales and Use Tax Exemption Benefits through June 30, 2022; and

WHEREAS, the Agency desires to adopt a resolution authorizing (i) the increase in mortgage amount and savings on mortgage recording tax; (ii) the increase in Sales and Use Tax Exemption Benefits; (iii) the extension of the Sales and Use Tax Exemption Benefits; and (iv) the execution and delivery of any documents necessary and incidental thereto.

NOW, THEREFORE, BE IT RESOLVED by the County of Monroe Industrial Development Agency as follows:

Section 1. Based upon the representation and warranties made by the Company in its request, the Agency hereby authorizes and approves (i) a mortgage in the amount of **\$31,630,000**, which results in mortgage recording tax savings through the Agency of **\$237,225**; (ii) 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 **\$18,085,218**, which result in New York State and local Sales and Use Tax Exemption Benefits not to exceed **\$1,446,817** through **June 30, 2022**. 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 a partial mortgage recording tax exemption and the increase in Sales and Use Tax Exemption Benefits.

Section 3. The Executive Director or any officer 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. In consequence of the foregoing, the officers, employees and agents of the Agency are further authorized and directed for and in the name and on behalf of the Agency to execute and deliver any future mortgage, security agreement and such other collateral instruments as may be required by the Company's lender for the purpose of subjecting the Agency's interest in the Facility (except its Unassigned Rights, as defined in the Leaseback Agreement) to the lien of a mortgage and for no other purpose.

Section 5. 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:

	<u>Yea</u>	<u>Nay</u>	<u>Absent</u>	<u>Abstain</u>
Jay Popli	✗			✗
Anthony Meleo	✗			
Troy Milne	✗			
Lisa Bolzner	✗			
Joseph Alloco			✗	
Rhett King	✗			
Ann L. Burr	✗			

The Resolutions were thereupon duly adopted.

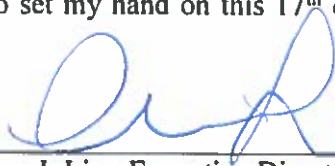
STATE OF NEW YORK)
COUNTY OF MONROE) ss.:

I, the undersigned Executive Director of the County of Monroe Industrial Development Agency, DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the County of Monroe Industrial Development Agency (the "Agency"), including the resolutions contained therein, held on November 17, 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 17th day of November, 2020.



Ana J. Liss, Executive Director



COUNTY OF MONROE
COMIDA
INDUSTRIAL DEVELOPMENT AGENCY

PROJECT MODIFICATION REQUEST

If you have any questions or need assistance, please call 585.753.2000.

Applicant: FiveTwentyFive East Broad LLC
Project Address: 50 Adventure Place (C)
Contact Name: Gary T. Izzo
Contact Company: Konar Properties
Contact Address: 75 Thruway Park Drive
Contact Email: gizzo@konarproperties.com Contact Phone: (585) 334-4110

Employment in Monroe County: 5 1 10/31/21
Full Time Part Time As of Date

Modification Requested: Check all that apply. (Attach additional page if necessary). Legal fees apply.

A substantial change in project costs or scope may require a new application.

☐ **Increase in Project Costs:** Must complete page 2. (If there is a significant change in Project Scope, an application will be required.)

Assistance Requested: Check all that apply.

☐ Property Tax Abatement

☐ Mortgage Tax Exemption

☐ Sales Tax Exemption

Project Cost Information: \$ \$ \$ 0
Original Project Cost Increase in Project Costs New Project Costs

☐ **Extend or Renew Sales Tax Exemption:** (If exemption date has expired, a \$350 fee applies.)

 \$
Current Expiration Date Requested Expiration Date Amount of Exemptions Taken to Date

Reason for Extension:

☒ **New Tenant:** Include name, business description, and square feet to be occupied.

Nerdvana is a scratch kitchen and craft bar focused on the celebration of video game and board game culture located in Frisco, TX. They will occupy the complete 5,766+/- SF of Building C. Nerdvana has an existing establishment in Frisco, TX,

Applicant hereby represents that (i) it is not in default under any documents executed in connection with the Project being modified; (ii) Applicant will pay all applicable fees of the Agency and its counsel in connection with the modification of the Project.

Signed: Gary T. Izzo Date: 11/17/21
Print Name and Title: GARY T. IZZO FINANCE DIRECTOR

Staff Use Only:

Date Received 11/17/21 Date of Original Approval: 8/20/19 New Code 2602 19026B
phase 2

2/20

Motion By:

Seconded By:

L. Bolzner
R. King

RESOLUTION

(FiveTwentyFive East Broad LLC Project)

OSC Code 2602-19-026B

A regular meeting of the County of Monroe Industrial Development Agency (the "Agency"), was held via Zoom on December 21, 2021 at 12:00 p.m.

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 (THE "AGENCY") AUTHORIZING THE SUBLEASE BY FIVETWENTYFIVE EAST BROAD LLC (THE "COMPANY") OF A PORTION OF THE FACILITY (DEFINED BELOW) KNOWN AS BUILDING C (5,766+/- SQ. FT.), TO NERDVANA; AND THE EXECUTION OF RELATED DOCUMENTS.

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 Agency appointed **FiveTwentyFive East Broad 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 acquisition of a leasehold interest in a portion of an aggregate approximately 1.67-acre parcel of land located at 15 Manhattan Square Drive [Tax Map No.: 121.330-0001-004] and 47 Savannah Street [Tax Map No.: 121.330-0001-006.100], each in the City of Rochester, Monroe County, New York (collectively, the "Land"); (B) the construction on the Land of four (4) buildings containing, in the aggregate, (i) approximately 221,161 square feet of residential space including townhomes, studio, one-bedroom and two-bedroom apartments, at least 77 of the units will be used as "affordable housing" and (ii) approximately 18,000± square feet of retail space (collectively, 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"); and

WHEREAS, in connection with the Facility, the Agency and the Company entered into a certain lease agreement, dated as of December 1, 2019, a certain leaseback agreement, dated as of December 1, 2019; and a certain Payment-In-Lieu-Of-Tax Agreement, dated as of December 1, 2019 (the "PILOT Agreement"); and

WHEREAS, the Company, by Project Modification Request, dated November 17, 2021 (the "Project Modification Request"), has requested the Agency approve Nerdvana, a scratch

kitchen and craft bar, as a tenant of approximately 5,766 square feet of space in Building C of the Facility; and

WHEREAS, the Agency desires to adopt a resolution (i) approving the appointment of Nerdvana as a new tenant and (ii) approving the execution of any and all documents necessary to effectuate this change.

NOW, THEREFORE, BE IT RESOLVED by the County of Monroe Industrial Development Agency as follows:

Section 1. The Agency hereby consents to the appointment of Nerdvana as a new tenant and approves the continuation of the PILOT Agreement for the remainder of its term, with Nerdvana as a tenant.

Section 2. The Executive Director, Deputy 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 effectuate the above-described change with respect to the Facility.

Section 3. The Executive Director, Deputy 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, Deputy 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.

[Remainder of Page Intentionally Left Blank]

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

	<u>Yea</u>	<u>Nay</u>	<u>Absent</u>	<u>Abstain</u>
Jay Popli				✓
Anthony Meleo	✓			
Troy Milne	✓			
Lisa Bolzner	✓			
Joseph Alloco			✓	
Rhett King	✓			
Ann L. Burr	✓			

The Resolutions were thereupon duly adopted.

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

I, the undersigned Executive Director of the County of Monroe Industrial Development Agency, DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the County of Monroe Industrial Development Agency (the "Agency"), including the resolutions contained therein, held on December 21, 2021, 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 21st day of December, 2021.



Ana J. Liss, Executive Director



PROJECT MODIFICATION REQUEST

If you have any questions or need assistance, please call 585.753.2000.

Applicant: FiveTwentyFive East Broad LLC
Project Address: 61-91 South Union Street a/k/a 50 Adventure Place
Contact Name: Gary T. Izzo
Contact Company: Konar Properties
Contact Address: 75 Thruway Park Drive
Contact Email: gizzo@konarproperties.com Contact Phone: (585) 334-4110

Employment in Monroe County: 5 1 03/31/22
Full Time Part Time As of Date

Modification Requested: Check all that apply. (Attach additional page if necessary). Legal fees apply.

A substantial change in project costs or scope may require a new application.

☐ **Increase in Project Costs:** Must complete page 2. (If there is a significant change in Project Scope, an application will be required.)

Assistance Requested: Check all that apply.

☐ Property Tax Abatement

☐ Mortgage Tax Exemption

☐ Sales Tax Exemption

Project Cost Information: \$ _____ \$ _____ \$ 0
Original Project Cost Increase in Project Costs New Project Costs

☐ **Extend or Renew Sales Tax Exemption:** (If exemption date has expired, a \$350 fee applies.)

Current Expiration Date

Requested Expiration Date

\$ _____
Amount of Exemptions Taken to Date

Reason for Extension:

Although the 4 buildings structures, and apartments and townhouse will be complete, we have just begun to lease the retail portion which will require buildouts.

☒ **New Tenant:** Include name, business description, and square feet to be occupied.
See Attachment A.

Applicant hereby represents that (i) it is not in default under any documents executed in connection with the Project being modified; (ii) Applicant will pay all applicable fees of the Agency and its counsel in connection with the modification of the Project.

Signed: Gary T. Izzo Date: 4/5/22

Print Name and Title: GARY T. IZZO FINANCE DIRECTOR

Staff Use Only:

Date Received 4/5/22 Date of Original Approval: 8/20/19 New Code 2602 19 0260 2/20

FiveTwentyFive East Broad LLC
Modification
Attachment A

Fathey Beer Company is a bottle shop, tap room and a craft community experience. They feature a large selection of craft beer, wine, cider, seltzer, non-alcoholic drinks and gourmet snacks.

The company currently has five locations in Buffalo and Ellicottville, NY. They will occupy approximately 1,800 SF in Building D.

Motion By:
Seconded By:

J. Allaco
J. Milne

RESOLUTION
(FiveTwentyFive East Broad LLC Project)
OSC Code 2602-19-026C

A regular meeting of the County of Monroe Industrial Development Agency (the "Agency"), was held at the Ebenezer Watts Center, 47 S. Fitzhugh St., Rochester, New York 14614, on April 19, 2022 at 12:00 p.m.

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 (THE "AGENCY") AUTHORIZING THE SUBLEASE BY FIVETWENTYFIVE EAST BROAD LLC (THE "COMPANY") OF A PORTION OF THE FACILITY (DEFINED BELOW), TO FATTEY BEER COMPANY; AND THE EXECUTION OF RELATED DOCUMENTS.

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 Resolutions duly adopted on August 20, 2019 and November 17, 2020, the Agency appointed **FiveTwentyFive East Broad 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 acquisition of a leasehold interest in a portion of an aggregate approximately 1.67-acre parcel of land located at 15 Manhattan Square Drive [Tax Map No.: 121.330-0001-004] and 47 Savannah Street [Tax Map No.: 121.330-0001-006.100], each in the City of Rochester, Monroe County, New York (collectively, the "Land"); (B) the construction on the Land of four (4) buildings containing, in the aggregate, (i) approximately 221,161 square feet of residential space including townhomes, studio, one-bedroom and two-bedroom apartments, at least 77 of the units will be used as "affordable housing" and (ii) approximately 18,000± square feet of retail space (collectively, 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"); and

WHEREAS, the Company, by Project Modification Request, dated March 31, 2022 (the "Project Modification Request"), has requested the Agency approve Fattey Beer Company as a tenant of approximately 1,800 square feet of space in Building D of the Facility; and

WHEREAS, the Agency desires to adopt a resolution authorizing (i) the sublease of approximately 1,800 square feet of space in Building D of the Facility to Fattey Beer Company and (ii) the execution of any and all documents necessary and incidental thereto.

NOW, THEREFORE, BE IT RESOLVED by the County of Monroe Industrial Development Agency as follows:

Section 1. The Agency hereby consents to the sublease of approximately 1,800 square feet of space in Building D of the Facility to Fattey Beer Company.

Section 2. The Executive Director, Deputy 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 effectuate the above-described change with respect to the Facility.

Section 3. The Executive Director, Deputy 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, Deputy 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.

[Remainder of Page Intentionally Left Blank]

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

	<u><i>Yea</i></u>	<u><i>Nay</i></u>	<u><i>Absent</i></u>	<u><i>Abstain</i></u>
Jay Popli			X	
Troy Milne	X			
Lisa Bolzner			X	
Joseph Alloco	X			
Rhett King	X			
Ann L. Burr	Ø			

The Resolutions were thereupon duly adopted.

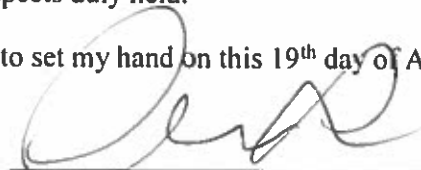
STATE OF NEW YORK)
COUNTY OF MONROE) ss.:

I, the undersigned Executive Director of the County of Monroe Industrial Development Agency, DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the County of Monroe Industrial Development Agency (the "Agency"), including the resolutions contained therein, held on April 19, 2022, 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 19th day of April, 2022.



Ana J. Liss, Executive Director