

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 Fattley 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:

	<i>Yea</i>	<i>Nay</i>	<i>Absent</i>	<i>Abstain</i>
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.

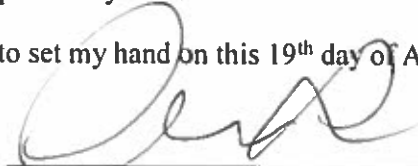
STATE OF NEW YORK )  
COUNTY OF MONROE ) ss.:

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 19<sup>th</sup> day of April, 2022.

  
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Ana J. Liss, Executive Director