



County of Monroe Industrial Development Agency

PROJECT MODIFICATION REQUEST

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

Applicant: Midtown Parcel 2 Ground LLC

Project Address: 260 East Broad Street, Rochester, NY 14604

Contact Name: Christopher Cimini

Contact Company: Buckingham Properties LLC

Contact Address: 259 Alexander Street, Rochester, NY 14607

Contact Email: ccimini@buckprop.com Contact Phone: (585) 287-5852

Employment in Monroe County: N/A N/A

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.)

12/31/202012/31/2022\$ \$255,848.78

Current Expiration Date

Requested Expiration Date

Amount of Exemptions Taken to Date

Reason for Extension:

Project still in progress

☐ **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: Christopher Cimini Date: 11/15/2020

Print Name and Title: Christopher R Cimini, Agent/CFO

Staff Use Only:

Date Received 11/17/20 Date of Original Approval: 9/17/19 New Code 2602 19022 B

2/20

Motion By:

Seconded By:

T. Milne
T. Popli

RESOLUTION
(Buckingham Properties 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 December 15, 2020, 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 THE EXTENSION OF THE SALES TAX EXEMPTION BENEFIT GRANTED TO BUCKINGHAM PROPERTIES LLC (THE "COMPANY") THROUGH DECEMBER 31, 2022; 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 September 17, 2019 (the "Authorizing Resolution"), the Agency appointed **Buckingham Properties 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 approximately 0.79-acre parcel of land located at 260 East Broad Street in the City of Rochester, Monroe County, New York (the "Land"); (B) the construction thereon of a five-story, approximately 106,000 square-foot mixed-use building, the first floor of which will be for retail use, the second and third floors will be used as office space by Butler/Till Media Services, Inc. (the "Tenant") and the fourth and fifth floors will be a mix of market-rate and affordable residential units (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 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 (the "Sales and Use Tax Exemption Benefits") through December 31, 2020; and

WHEREAS, the Company, pursuant to a certain Project Modification Request dated November 15, 2020, has requested the Agency grant an extension to its sales tax exemption through December 31, 2022; and

WHEREAS, the Agency desires to adopt a resolution authorizing the extension of Sales and Use Tax Exemption Benefits to the Company and 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 the Company, as its agent, to continue 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 through **December 31, 2022**. The Agency agrees to consider any requests by the Company for another extension or 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 necessary to effectuate the above-described changes with respect to the Facility.

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:

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

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 15, 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 15th day of December, 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: Midtown Parcel 2 Ground LLC
 Project Address: 260 East Broad Street, Rochester, NY 14604
 Contact Name: Aaron Malbone
 Contact Company: Buckingham Properties LLC
 Contact Address: 259 Alexander Street, Rochester, NY 14607
 Contact Email: amalbone@buckprop.com Contact Phone: (585) 287-5846

Employment in Monroe County: 196 57 6/30/2022
 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.)

12/31/2022

12/31/2024

\$ 1,097,605.67

Current Expiration Date

Requested Expiration Date

Amount of Exemptions Taken to Date

Reason for Extension:

New tenants occupying remaining vacant commercial spaces.

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

40CAY Wines LLC dba 260 Wine and Spirits - Wine and liquor store occupying 516 sqft. 40CAY LLC dba Unwine'd - Wine bar occupying 1,786 sqft. SCN Hospitality LLC - Steakhouse occupying 5,248 sqft.

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: Aaron Malbone Date: 9/21/2022

Print Name and Title: Aaron Malbone VP of Construction and Development

Staff Use Only:

Date Received 9/21/22 Date of Original Approval: 9/17/19 New Code 2602 19022 B

2/20

Motion By: R. King
Seconded By: L. Balzner

RESOLUTION
(Midtown Parcel 2 Ground LLC Project)
OSC Code: 2602-19-022 **RC**

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 September 20, 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 MIDTOWN PARCEL 2 GROUND LLC (THE "COMPANY") OF PORTIONS OF THE FACILITY (DEFINED BELOW), TO (A) 40CAY WINES LLC D/B/A 260 WINE AND SPIRITS, (B) 40CAY LLC D/B/A UNWINE'D; (III) SCN HOSPITALITY LLC; (B) THE EXTENSION OF THE SALES TAX EXEMPTION TO DECEMBER 31, 2024; AND (C) 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 September 17, 2019 and December 15, 2020 (collectively, the "Authorizing Resolution"), the Agency appointed **Midtown Parcel 2 Ground 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 approximately 0.79-acre parcel of land located at 260 East Broad Street in the City of Rochester, Monroe County, New York (the "Land"); (B) the construction thereon of a five-story, approximately 106,000 square-foot mixed-use building, the first floor of which will be for retail use, the second and third floors will be used as office space by Butler/Till Media Services, Inc. (the "Tenant") and the fourth and fifth floors will be a mix of market-rate and affordable residential units (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 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 (the "Sales and Use Tax Exemption Benefits") through December 30, 2020; and

WHEREAS, the Company, pursuant to a certain Project Modification Request dated November 15, 2020, has requested the Agency grant an extension to its sales tax exemption through December 31, 2022; 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 (the "Sales and Use Tax Exemption Benefits") through December 30, 2020; and

WHEREAS, the Company has, pursuant to a certain Project Modification Request dated September 21, 2022, requested the Agency grant an extension to its sales tax exemption through December 31, 2024; and

WHEREAS, the Company, by Project Modification Request, dated September 21, 2022 (the "Project Modification Request"), has requested the Agency approve (i) 40CAY Wines LLC d/b/a 260 Wine and Spirits, a wine and liquor store to occupy approximately 516 square feet of space on the first floor, (ii) 40CAY LLC d/b/a Unwine'd, a wine bar to occupy approximately 1,786 square feet of space on the first floor and (iii) SCN Hospitality LLC, a steakhouse to occupy approximately 5,248 square feet of space on the first floor; and

WHEREAS, the Agency desires to adopt a resolution authorizing (i) the extension of the Sales and Use Tax Exemption Benefits to the Company; (ii) the sublease of the approximately 516 square feet of space on the first floor of the Facility to 40CAY Wines LLC d/b/a 260 Wine and Spirits; (iii) the sublease of approximately 1,786 square feet of space on the first floor of the Facility to 40CAY LLC d/b/a Unwine'd; (iv) the sublease of approximately 5,248 square feet of space on the first floor of the Facility to SCN Hospitality LLC; and (v) 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. 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 continue 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 through **December 31, 2024**. The Agency agrees to consider any requests by the Company for another extension or 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 Agency hereby consents to (i) the sublease of the approximately 516 square feet of space on the first floor of the Facility to 40CAY Wines LLC d/b/a 260 Wine and Spirits; (ii) the sublease of approximately 1,786 square feet of space on the first floor of the Facility to 40CAY LLC d/b/a Unwine'd; (iii) the sublease of approximately 5,248 square feet of space on the first floor of the Facility to SCN Hospitality LLC.

Section 3. 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 4. 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 5. 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			
Norman Jones			X	
Ann L. Burr	X			

The Resolutions were thereupon duly adopted.

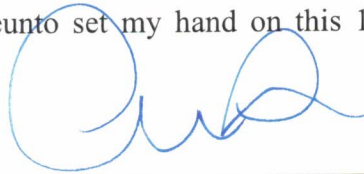
STATE OF NEW YORK)
COUNTY OF MONROE) ss.:

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 October 18, 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 18th day of October, 2022.



Ana J. Liss, Executive Director