

## **AUTHORIZING RESOLUTION**

*(1175 Warburton Ave LLC Project – Extension of Sales Tax Exemption Package)*

A regular meeting of the City of Yonkers Industrial Development Agency was convened on Tuesday, December 19, 2017.

The following resolution was duly offered and seconded, to wit:

### **Resolution No. 12/2017 - 61**

**RESOLUTION AUTHORIZING THE CITY OF YONKERS INDUSTRIAL DEVELOPMENT AGENCY TO (i) EXTEND THE AGENT STATUS OF 1175 WARBURTON AVE LLC (THE "COMPANY") IN CONNECTION WITH A CERTAIN PROJECT UNDERTAKEN BY THE COMPANY, AS AGENT OF THE AGENCY, LOCATED AT 1175 WARBURTON AVENUE (A/K/A 1183 WARBURTON AVENUE), YONKERS, NEW YORK, AND (ii) EXECUTE AND DELIVER AN EXTENDED SALES TAX EXEMPTION PACKAGE AND EXTENDED NYS FORM ST-60 AND RELATED DOCUMENTS**

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended, and Chapter 83 of the Laws of 1982 of the State of New York, as amended (hereinafter collectively called the "Act"), the **CITY OF YONKERS INDUSTRIAL DEVELOPMENT AGENCY** (hereinafter called "Agency") was created with the authority and power to own, lease and sell property for the purpose of, among other things, acquiring, constructing and equipping civic, industrial, manufacturing and commercial facilities as authorized by the Act; and

WHEREAS, by resolutions previously adopted by the Agency, the Agency appointed **1175 WARBURTON AVE LLC** (the "Company") the true and lawful agent of the Agency to undertake a certain project (the "Project") consisting of (i) the acquisition by the Agency of a leasehold interest in certain land located in approximately 1.3 acres of land located at 1175 Warburton Avenue (a/k/a 1183 Warburton Avenue), Yonkers, New York (the "Land") and the existing improvements located thereon, if any (collectively, the "Existing Improvements"); (ii) the demolition of the Existing Improvements and the construction on the Land of a three (3)-story, fifty-five (55)-unit rental apartment building containing one (1) affordable housing unit as well as market-rate units (collectively, the "Improvements"); and (iii) the acquisition of and installation in and around the Improvements of certain items of equipment and other tangible personal property (the "Equipment" and, collectively with the Improvements and the Existing Improvements, the "Facility"); and

WHEREAS, in connection with the Project and to effectuate the agent status of the Company, the Agency executed, among other things, a certain sales tax exemption package, as extended from time to time (as so extended, the "Sales Tax Exemption Package") and an NYS Form ST-60, "IDA Appointment of Project Operator or Agent", as extended from time to time and currently expiring December 31, 2017 (as so extended from time to time, the "NYS Form ST-60"); and

WHEREAS, the Agency desires to adopt a resolution extending the agent status of the Company to December 31, 2018, and authorizing the execution and delivery of a Sales Tax Exemption Package and NYS Form ST-60 expiring on December 31, 2018; and

WHEREAS, the Company has represented that the amount of purchases subject to a sales and use tax exemption and the Project size have not increased from the amounts previously approved by the Agency and has requested that the Agency extend the term of the Sales Tax Exemption Letter and NYS Form ST-60 to December 31, 2018, to provide additional time for the Company to complete the Project.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE CITY OF YONKERS INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:

Section 1. Executive Director of the Agency is hereby authorized, on behalf of the Agency, to extend the agent status of the Company from December 31, 2017, to December 31, 2018; and the Executive Director, President, CFO, Vice President, Chairman, Vice Chairman and/or Secretary of the Agency are hereby authorized to execute and deliver a Sales Tax Exemption Package and NYS Form ST-60 expiring December 31, 2018. The Agency is further authorized to file the NYS Form ST-60 expiring December 31, 2018, with New York State Tax Department's IDA Unit.

Section 2. The officers, employees and agents 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 the officer, employee or agent 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 3. These Resolutions shall take effect immediately.

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

	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Absent</i>
Mayor Mike Spano	[ ✓ ]	[ ]	[ ]	[ ]
Wilson Kimball	[ ✓ ]	[ ]	[ ]	[ ]
Melissa Nacerino	[ ✓ ]	[ ]	[ ]	[ ]
Hon. Cecile D. Singer	[ ✓ ]	[ ]	[ ]	[ ]
Peter Kischak	[ ✓ ]	[ ]	[ ]	[ ]

The Resolutions were thereupon duly adopted.

Resolution No. 12/2017-61  
Authorizing Resolution: 1175 Warburton Avenue LLC  
December 19, 2017  
TC: Harris Beach PLLC

**SECRETARY'S CERTIFICATION**

*(1175 Warburton Ave LLC Project – Extension of Sales Tax Exemption Package)*

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

I, the undersigned, Secretary of the City of Yonkers Industrial Development Agency DO HEREBY CERTIFY:

That I have compared the annexed extract of minutes of the meeting of the City of Yonkers Industrial Development Agency (the "Agency"), including the resolution contained therein, held on December 19, 2017, 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 resolution 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 all members of said Agency had due notice of said meeting, that the meeting was in all respects duly held and that, pursuant to Article 7 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, and that public notice of the time and place of said meeting was duly given in accordance with such Article 7.

I FURTHER CERTIFY, that there was a quorum of the members of the Agency present throughout said meeting.

I FURTHER CERTIFY, that as of the date hereof, the attached resolution is in full force and effect and has not been amended, repealed or modified.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Agency this 19<sup>th</sup> day of December, 2017.

  
\_\_\_\_\_  
Wilson Kimball, Secretary

[SEAL]