

## RESOLUTION

072622-03

At a regular meeting of the Herkimer County Industrial Development Agency held at 420 E. German Street, Herkimer, New York, on July 26, 2022 at 8:30 A.M.

The meeting was called to order by the Chairman, and, upon the roll being called, the following were

PRESENT: Vincent (Jim) Bono, Cory Albrecht, John Scarano, Michael Werenczak, Ann Gaworecki, Timothy Day, Alana Basloe

ABSENT:

ALSO PRESENT: Anthony Hallak, John Piseck, Stacey Holleran

The following resolution was offered and seconded with the members voting:

AYE

NAY

All

None

**RESOLUTION OF THE HERKIMER COUNTY INDUSTRIAL DEVELOPMENT AGENCY (the "AGENCY") TAKING ACTION TO CONSENT TO THE ASSIGNMENT OF A CONTRACT FOR THE SALE OF LANDS IN THE SCHUYLER BUSINESS PARK BETWEEN THE AGENCY AND MARCUS VENTURES, INC. (THE "ASSIGNOR").**

WHEREAS, the Herkimer County Industrial Development Agency (the “Agency”) is authorized and empowered by Title 1 of Article 18-A of the General Municipal Law of the State of New York Chapter 410 of the Laws of 1970 and Chapter 158 of the Laws of 1981 of the State (collectively, the “Act”) to promote, develop, encourage and assist in the constructing, reconstructing, improving, maintaining, equipping and furnishing of industrial, manufacturing, warehousing, pollution control, commercial, research and recreation facilities for the purpose of promoting, attracting developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York (the “State”); to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to purchase and sell real property; and

WHEREAS, the Agency and Assignor have entered into a Contract dated as of April 2022 for the sale of land in the Schuyler Business Park which contract may not be assigned without the consent of the Agency; and

WHEREAS, Assignor has found a suitable developer for said land and has requested the Agency consent to assignment of the Contract to Bloom Utica LLC (the “Assignee”); and

WHEREAS, the Agency has given due consideration to the terms of the Contract and to representations by Assignor and Assignee.

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

1. Based upon the representations made by Assignor and Assignee, the Agency hereby consents to the Assignment of Contract dated July 26, 2022 from Marcus Ventures, Inc. to Bloom Utica LLC.
2. A copy of this Resolution, and the Assignment shall be placed on file in the offices of the Agency.
3. This Resolution shall take effect immediately.

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

I, the undersigned Assistant Secretary of the Herkimer County Industrial Development Agency, do hereby certify that I have compared the foregoing extract of the minutes of the Herkimer County Industrial Development Agency (the "Agency") held on July 26, 2022 with the original thereof of file in my office, and that the same is a true and correct copy of the original and of the whole of the original insofar as the same relates to the subject matters therein referred to.

I, FURTHER CERTIFY that (i) all members of the Agency had due notice of the meeting, (ii) the meeting was in all respects duly held, (iii) pursuant to Section 99 of the Public Officers Law (Open Meetings Law), the meeting was open to the general public, and public notice of the time and place of the meeting was duly given to the public and news media in accordance with Section 99 and (iv) there was a quorum of the members of the Agency present throughout the 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 and rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this 26th day of July 26, 2022.

**HERKIMER COUNTY INDUSTRIAL  
DEVELOPMENT AGENCY**

By: Stacey Holleran  
Stacey Holleran, Assistant Secretary