

**City of Utica  
Industrial Development Agency  
Application**

The information required by this form is necessary to determine the eligibility of your project for IDA benefits. Please answer all questions; insert "NONE", or "NOT APPLICABLE", where necessary. If an estimate is given, put "EST." after the figure. Attach additional sheets if more space is needed for a response than is provided. Return three copies of this application to the City of Utica Industrial Development Agency.

All information contained in this form will be treated confidentially, to the extent permitted by law.

A project financed through this Agency involves the preparation and execution of significant legal documents. Please consult with an attorney before signing any documents in connection with the proposed project.

PART I

Applicant

Applicant's legal Name: Utica Property Development LLC

Principal Address: 302 Washington Avenue Extension  
Albany, NY 12203

Project Address: A portion of 1600 Burrstone Road  
Utica, NY 13502

Telephone Number(s): (518) 452-8200

Federal Identification Number: 83-0573036

Company IRS Filing Office Location: P.O. Box 37008, Hartford, CT 06176-7008

Company Officer completing this application:

Name: Robert R Calli

Title: Authorized Person

Phone: (315) 601-7690 cell \_\_\_\_\_ office \_\_\_\_\_

Email: bcalli@uticamha.org

1. A. **Is the applicant a:**

( ) Corporation: If YES, Public ( ) Private ( )  
 If a PUBLIC Corporation, on which exchange is it listed?

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- ( ) Sole Proprietorship
  - ( ) Partnership
  - ( ) Subchapter S
  - ( ) DISC
  - (X) Other (specify) Limited Liability Company

B. State of incorporation, if applicable: New York

2. **Stockholders, Directors, Officers, Partners or Members**

A. Provide the following information in regard to principal stockholders or parties:

<u>Name</u>	<u>Home Address</u>	<u>Social Security No.</u>	<u>Percentage of Ownership</u>
Municipal Housing Authority of Utica	509 Second Street Utica, NY 13501		15%
BBL Entity	302 Washington Ave Ext Albany, NY 12203		85%

B. Provide the following information in regard to officers and directors:

<u>Company Officer</u>	<u>Name and Home Address</u>	<u>Social Security Number</u>	<u>Other Principal Business Affiliation</u>
Stephen Obermayer for BBL Entity	302 Washington Ave Ext Albany, NY 12203	RRRRRRRRRR FFNNNNNNFF	BBL Entities + Projects
Robert Calli for Municipal Housing Authority Entity	509 Second Street Utica, NY 13501	-----	Other Municipal Housing Projects

C. Is the applicant or any of the persons listed in 2(A) above related, directly or indirectly, to any other entity by more than 50% common ownership? If also, indicate name of such entity and the relationship.

NO

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D. Is the applicant affiliated with any other entity, directly or indirectly, other than as indicated in response to paragraph C above? If YES, please indicate name and relationship of such other entity and the address thereof:

NO

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3. Applicant's accountant

Name and **Title**: \_\_\_\_\_

Name of Firm: Teal, Becker & Chiaramonte

Address: 7 Washington Square

Albany, NY 12205

Telephone Number: (518) 456-6663 Email: \_\_\_\_\_

4. Applicant's attorney

Name and Title: Debra J. Lambek, Esq.

Name of Firm: \_\_\_\_\_

Address: 302 Washington Avenue Extension

Albany, NY 12203

Telephone: (518) 862-9133 Email: dlambek@columbiadev.com

5. **References** (Individuals and institutions in this section may be contacted)

A. Banking/Financial Institution:

<u>Name of Institution</u>	<u>Address and Phone Number</u>	<u>Account Officer/ Contact Person</u>
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The Applicant has retained Axiom Capital, a highly reputable capital investment firm located in Clifton Park, New York to secure financing for the Project. Axiom Capital has vast experience in the college housing marketplace and has been in close contact and communication with a number of banks and investment institutions who finance endeavors of this nature. As such, while no financial commitment has been received to date, the Applicant has no reservations concerning the financing of this initiative and is moving forward with its intentions to commence construction in June 2018.

B. Business suppliers (list three largest accounts)

<u>Name of Supplier</u>	<u>Address and Phone Number</u>	<u>Account Officer/ Contact Person</u>	<u>Terms of Sale</u>	<u>Annual Dollar % Volume</u>
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N/A

C. Major customers (list three largest and show percentage of gross business obtained from each):

<u>Name of Customer</u>	<u>Address and Phone Number</u>	<u>Account Officer/ Contact Person</u>	<u>Terms of Sale</u>	<u>Annual Dollar % Volume</u>
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N/A

6. **Business Description**

A. Describe nature of business and principal products and/or services:

Utica Property Development LLC is a single purpose entity created by the Utica Municipal Housing Authority and BBL Entity to be utilized as the entity to enter into a long term ground lease with Utica College for purposes of constructing the following on-campus facilities on a 6.3 +/- acre parcel of land: three (3) three (3) story buildings containing 144 beds plus two (2) residential directors units, a one (1) story community building, and approximately 183 +/- parking spaces. The total projected construction costs are estimated to be approximately \$13,000,000. Construction must commence in June, 2018 in order to insure occupancy for the Fall of 2019.

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B. Describe the geographical market(s) served:

Predominately Utica College students

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7. **Present location(s) of business operations**

A. List present location(s):

1. N/A

2.

3.

B. For what purpose is each of these used? N/A

1.

2.

3.

C. For each of your present locations which are RENTED, provide the following information: N/A

<u>Name of Landlord</u>	<u>Landlord's Address</u>	<u>Landlord's Telephone Number</u>
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1.

2.

3.

<u>Amount of Space</u>	<u>Annual Rental</u>	<u>Lease Termination Date</u>
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1.

2.

3.

D. For each of your present locations which you OWN, provide the following information: N/A

<u>Location</u>	<u>Annual Mortgage Payment</u>	<u>Termination Date</u>
1.		
2.		
3.		

E. List which of your present locations, if any, will be vacated if IDA approval for your project is given:

None

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If any of these locations will be sublet or sold, provide information concerning your ability to do so:

N/A

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PART II

Reasons for Project

Please explain in detail why you want to undertake this project:

Approximately two (2) years ago, Utica College announced a new strategic plan wherein the annual tuition at enrollment was scaled back from approximately \$40,000 to \$20,000.

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As a result of said tuition reduction plan, the College presently lacks sufficient on-campus housing to meet the demands of its student population, thereby necessitating the rental of local hotel units to serve as off-campus housing.

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In 2017, the Housing Authority consulted with the College to ascertain whether it had any interest in adding additional on-campus housing utilizing the services of a third party developer.

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In light of the College's healthy enrollment and need for additional on-campus facilities as well as a general shift by colleges to utilizing third party developers for purposes of creating additional college housing facilities to focus its financial resources

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on educational purposes. The Utica Municipal Housing Authority and BBL Construction shall co-develop the proposed four (4) building, 144 bed student housing complex to be constructed on the Utica College campus.

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The Project shall be owned, managed, and maintained by the Applicant or its members.

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Why are you requesting the involvement of the IDA in your project?

In order to be able to provide an economically feasible project (i.e. - being able to charge students an affordable housing option), we require financial assistance from the IDA.

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How will the applicant's plans be affected if IDA approval is not granted?

The applicant may not be able to move forward with the project.

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Please confirm by checking the box, below, if there is likelihood that the Project would not be undertaken but for the Financial Assistance provided by the Agency?

Yes or  No

If the Project could be undertaken without Financial Assistance provided by the Agency, then provide a statement in the space provided below indicating why the Project should be undertaken by the Agency:

N/A

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Identify the assistance being requested of the Agency (select all that apply):

1. Exemption from Sales Tax                      X   Yes or      No
2. Exemption from Mortgage Tax              X   Yes or      No
3. Exemption from Real Property Tax        X   Yes or      No
4. Tax Exempt Financing \*                        Yes or   X   No  
\* (typically for not-for-profits & small qualified manufacturers)



A. Type of Project

Check category or categories best describing your project (O -Owner) and all end-users (T- Tenant(s)) and the square footage of each:

	Manufacturing		sf
	Industrial (Assembly or Service)		sf
	Research and Development		sf
	Warehousing		sf
	Commercial		sf
	Pollution Control		sf
	Housing		sf
	Back Office		sf
	Facility for Aging		sf
X	Multi-Tenant	57,405 SF	sf
	Retail		sf
	Recreational		sf
X	Other (specify) Community Building and Resident Director Apartment	3,100 SF	sf
	Total	60,505 SF	sf

\*3 Apartment Buildings 57,405 SF | Community Building+ Resident Director Apartment 3,100 SF

B. Description of Proposed Project

Check all appropriate categories which apply to the proposed project:

- |  |        |       |
|--|--------|-------|
| 1. Acquisition of land (Leasehold interest)      | YES(X) | NO( ) |
| 2. Acquisition of existing building              | YES( ) | NO(x) |
| 3. Renovations to existing building              | YES( ) | NO(x) |
| 4. Construction of addition to existing building | YES( ) | NO(X) |
| 5. Demolition                                    | YES( ) | NO(x) |
| 6. Construction of a new building                | YES(X) | NO( ) |
| 7. Acquisition of machinery and/or equipment     | YES(x) | NO( ) |
| 8. Installation of machinery and/or equipment    | YES(X) | NO( ) |
| 9. Other (specify) _____                         | YES( ) | NO(X) |

C. What is the zoning classification of the proposed site?

R5-2 with special use permit approved by City of Utica Zoning Board of Appeals.

D. For what purpose was the site most recently used (e.g. light manufacturing, heavy manufacturing, assembly, etc.)?

Vacant land located on Utica College

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<u>Location(s)</u>	<u>Street Address</u>	<u>Number of Floors</u>	<u>Square Footage per Floor</u>
Utica College Campus	Portion of 1600 Burrstone Rd	3 buildings of Student Housing 1 Community Building + Resident Director Apts.	57,405 SF 3,100 SF

F. Is the site in an Empire Zone? ( ) Yes (x) No

Is the business Empire Zone certified at this location: ( ) Yes ( ) No N/A

Attach a copy of the last Business Annual Report filed. N/A

Is the proposed project located within the boundary of a Central New York Regional Transportation (Centro) District? ( ) Yes ( ) No

G. 1. Please describe in detail the facility to be acquired, constructed or renovated (including number of buildings and other existing structures or facilities) and attach plot plans, photos or renderings, if available.

Acquisition of +/- 6.3 acre ground lease parcel of land located on Utica College Campus, construction of 4 buildings, consisting of 3 - 3 story walkups and 1 - 1 story building. There will be a total of +/- 144 beds, +/- 2 resident director units and community space.

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2. If construction or renovation work on this project has already begun, please describe the work in detail.

Permits and approvals, feasibility and engineering.

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3. What is the estimated useful life of the:

a. Facility: 50 Years

b. Equipment: 5 - 15 Years

H. List the principal items or categories of equipment to be acquired as part of the project.  
Furniture fixtures and equipment for multiple housing units.

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I. If any of this equipment has already been purchased or ordered, please attach all invoices and purchase orders and list amounts paid and dates of expected delivery as well as a brief description:

N/A

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J. If the construction or operation of the proposed project will require any local ordinance or variance to be obtained or requires a permit or prior approval of any state or federal agency or body (other than normal occupancy/construction permits), please specify:

Site Plan Approval

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K. Will the project have a significant effect on the environment, YES ( ) NO (x). If so, please describe the effect. **Important: please attach Environmental Assessment Form to this Application**

See attached

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L. Will a related real estate holding company, partnership or other entity be involved in the ownership structure of the Transaction? YES( ) NO(x) If YES, please explain:

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M. 1. With regard to the present owner of the project site, please give:

Name: Utica College

Address: 16 Burrstone Road

Utica, New York

Telephone Number: \_\_\_\_\_

2. If the applicant already owns the project site, indicate:

a. date of purchase: N/A

b. purchase price: N/A

3. If the project site is mortgaged, please indicate:

a. balance of mortgage: \_\_\_\_\_

b. holder of mortgage: Charter One Bank

N. Is there a relationship, legally, by virtue of common control, or through related persons, directly or indirectly, between the applicant and the present owner of the project site? YES  
 NO ( ) If YES, please explain:

\_\_\_\_\_  
\_\_\_\_\_

O. Is the company currently a tenant in the building to be occupied?

YES ( ) NO (X)

P. Are you planning to use/develop the entire proposed facility?

YES (X) NO ( )

If NO, give the following information with respect to present tenants:

1. Present Tenant Information

a. 

<u>Name of Business</u>	<u>Floors Occupied</u>	<u>Square Feet Occupied</u>	<u>Nature of Tenant's Business</u>
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N/A

b. Which of the above tenants will be vacating upon your initial use of the facility? How many jobs will be affected? N/A

<u>Name of Firm</u>	<u>Jobs</u>	<u>Square Footage Now Occupied</u>
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N/A

c. For those tenants who will remain after your initial occupancy of the site, provide the following transaction:

<u>Name of Tenant</u>	<u>Term of Lease</u>	<u>Renewal Options</u>	<u>Square Footage Now Occupied</u>
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N/A

Are any of the above tenants related to the owner of the facility? YES ( ) NO ( ) N/A

d. If the applicant will be occupying the premises of any of the tenants listed in (c) when their lease expires, please list.

N/A

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e. Please provide copies of all present lease(s) at the proposed project site. N/A

- f. Do you propose to lease part of the project facility to firms not presently tenants?  
YES (X) NO ( )

If YES, provide details of your proposals:

The facility will be occupied by Utica College pursuant to the terms of a license agreement.

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- g. Will financing by the Agency for the Project result in the removal or abandonment of a plant or other facility of the applicant or any related entity presently located in another area in the State of New York? YES ( ) NO (X)

If the answer is yes, please explain briefly the reasons for the move.

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Is the proposed project reasonably necessary to discourage the project occupant from removing such other plant or facility to a location outside the State of New York?

YES ( ) NO (X)

Is the proposed project reasonably necessary to preserve the competitive position of the project occupant in its respective industry? YES ( ) NO (X)

- h. If any of the parties who will be tenants in this project are related to or affiliated with the applicant, please identify them:

N/A

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1. Please attach any written agreements (e.g., options, purchase contracts, invoices, etc.) concerning the acquisition of the real property or equipment for this proposed facility.

The applicant is negotiating a ground lease for the real property with Utica College, together with License Agreement.

2. Employment \*

- a. List your present employment in the City of Utica, if any, and an estimate of the employment at the proposed facility at the end of two years. NOTE: New York State considers Full Time employment as 35 hours or more. In order to calculate Part Time into Full Time Equivalents (FTE), divide the total typical and consistent number of hours worked per week by 35.

Employment	Current # of applicant's jobs at/or to be located at proposed project location <small>or in City of Utica</small>	Number of FTE jobs to be RETAINED	Number of FTE jobs to be CREATED two years after project completion	Estimate number of residents in Labor Market Area that will fill projected jobs two years after project completion
Full Time (FTE)	60**	0	2	2
Total	60	0	2	2

The Labor Market Area consists of the following counties: Oneida, Lewis, Herkimer, Otsego, Madison and Oswego

- b. Characterize the labor force to be associated with this project location according to the following categories: +/- 50 Construction jobs will be created and contractor intends to hire from local area as much as possible to the extent available.

Category	Current	Avg Salary or Salary Range	Avg Fringe Benefits or Range
Officers	0		
Sales/Supervisory	0		
Clerical	0	\$15,000 - 25,000 each	\$3,000 - 5,000 each
Plant/Production	0		
Other (specify)	0		

- c. Estimate the Annual Payroll for the employees associated with the project location.

Currently	End of Year One	End of Year Two
\$ 0	\$ 0	\$ +/- \$50,000 total for 2 positions

**\* Company/Applicant will be required to submit Annual Project Monitoring Reports (attached) along with a copy of the NYS 45ATT (four quarters) for a minimum of five (5) years for any commercial project and ten (10) years for any industrial/manufacturing project, or for the length of UIDA involvement in the project. Annual Project Monitoring Reports will be compared to employment counts as stated above and companies whose reported counts fall below those levels above will be subject to the Agency's Recapture Provisions Policy.**

\*\* The housing authority was created by State Authority in 1937 and currently owns and manages approximately 1,000 units of affordable housing. Employment figures denote current housing authority employment levels.





### 3. Estimated Project Cost

Listed the costs necessary for the construction, acquisition or renovation of the project (this should NOT include working capital needs, moving expenses, work in progress, stock in trade, applicant's debt repayment, real estate broker fees or your legal fees):

Acquisition of Land	\$	0
Acquisition of Building(s)	\$	0
Renovation Costs	\$	0
New Construction of Buildings and Site Work	\$	9,932,769
Machinery and Equipment (other than furniture costs)	\$	
Furniture and Fixtures	\$	544,313
Installation Costs	\$	
Architectural/Engineering Fees	\$	514,000
Fees (other than your own counsel and brokerage fees)	\$	250,000
Interest on Interim Financings	\$	349,131
Other (specify) <u>Studies, surveys, permits</u>	\$	156,935
<u>contingencies/fees</u>		\$1,298,671
 Total Project Cost	\$	13,045,819

Sales and Use Tax: Gross amount of costs for goods and services that are subject to State and local Sales and Use tax - said amount to benefit from the Agency's Sales and Use Tax exemption benefit:

\$ 5,510,697.50

Estimated State and local Sales and Use Tax Benefit (product of 8.75% multiplied by the figure, above):

\$ 482,186

**4. Real Estate Taxes**

List separately the proposed project's Real Estate Taxes and/or Assessed Value as it applies to land and building:

Project's	Real Estate Taxes	Assessed Value
Land(s)	\$ The site is currently part of Utica College and is tax exempt.	\$
Building(s)	\$	\$
Total	\$	\$

Calculate the value of the PILOT exemption anticipated for the project described:

\$ \_\_\_\_\_

**5. Project Schedule**

Indicate the estimated dates for the following:

- a. Construction commencement: June 2018
- b. Construction completion: June 2019
- c. Project financing: List the dates and in what amounts the estimated funds will be required:

N/A - Typical construction loan advances

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- d. Indicate the name of the incorporated municipality in which the facility will be located and the applicant's (or any related entity's) estimated capital expenditures in such municipality during the past three years:

City of Utica - The Housing Authority constructed a multimillion dollar expansion of its Humphrey Gardens development 3 years ago and is currently building a \$15 million scattered site affordable housing development known as Roosevelt Residences.

- e. What do you expect the applicant's (or any related entities) capital expenditures to be in the above municipality during the next three years (including this project):

The Housing Authority is continually looking for opportunities to invest in capital expenditures within the City of Utica.

- f. If the applicant or any related entity has previously secured the benefit of tax exempt financing in the City of Utica, whether through IDA, the New York Job Development Authority or any other entity, please explain (indicate date, location of financed facility, and outstanding balance):

The Housing Authority recently secured a PILOT for another affordable housing endeavor, Roosevelt Residences, from the City of Utica.

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- g. Has the applicant or any related entity received the benefit of tax exempt financing anywhere within the United States within the past 90 days or is the applicant or any related entity contemplating the receipt of such financing assistance within the next 90 days? YES ( ) NO (x) if yes, please explain.
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#### 6. Project Financing Efforts

IT IS THE APPLICANT'S RESPONSIBILITY TO SECURE A PURCHASER FOR IDA BONDS ISSUED IN CONJUNCTION WITH THIS PROJECT. Below are a series of questions relating to your efforts to secure financing for your project if IDA approval is granted.

- A. Has the applicant contacted any bank, financial/lending institution or private investor in regard to the financing for this project? YES ( ) NO (x) If YES, please give details:

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B. Have you obtained a financial commitment for this project? YES ( ) NO (x)

1. If Yes, please briefly describe this commitment and attach related correspondence:

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2. If No, please explain how you will be able to finance this project:

The members of the entity have been in the real estate construction and development business for  

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over 25 years. Over that time they have obtained millions of dollars in financing and has long standing  

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relationships with many lending institutions.  

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C. Are there any other governmental agencies that you have contacted concerning financial assistance in regard to your proposed project? YES ( ) NO (x) If YES, please explain:

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D. 1. Will the applicant's obligations be guaranteed, and if so, by whom?

DRL, LLC - A limited liability company which is owned by a trust created by Don Led Duke, founder  

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of BBL Construction Company. BBL is constructing the project and the trust and BBL affiliates will  

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be members of the applicant.

2. Is the guarantor related to or affiliated with the applicant?

Yes, member  

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E. Financial Information (Attach the Following).

1. Financial Statements for the last three fiscal years. N/A - New company
2. Pro forma Balance Sheet as at start of operations at project site. N/A
3. Projected Profit and Loss Statements for first two years of operation at project site. N/A
4. Projected "Cash Flow" Statement, by quarters, for first year of operation at project site. See attached

**REPRESENTATIONS AND CERTIFICATION BY APPLICANT**

The undersigned requests that this Application be submitted for review to the City of Utica Industrial Development Agency (the "Agency") and its Board of Directors.

Approval of the Application can be granted solely by this Agency's Board of Directors. The undersigned acknowledges that Applicant shall be responsible for all costs incurred by the Agency and its counsel in connection with the attendant negotiations whether or not the transaction is carried to a successful conclusion.

The Applicant further understands and agrees with the Agency as follows:

1. **Annual Sales Tax Filings.** In accordance with Section 858-b(2) of the New York General Municipal Law, the Applicant understands and agrees that, if the Project receives any sales tax exemptions as part of the Financial Assistance from the Agency, in accordance with Section 874(8) of the General Municipal Law, the Applicant agrees to file, or cause to be filed, with the New York State Department of Taxation and Finance, the annual form prescribed by the Department of Taxation and Finance, describing the value of all sales tax exemptions claimed by the Applicant and all consultants or subcontractors retained by the Applicant.
2. **Annual Employment Reports.** The Applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, the Applicant agrees to file, or cause to be filed, with the Agency, on an annual basis, reports regarding the number of people employed at the project site as well as tax benefits received with the action of the Agency. Failure to provide such reports as provided in the transaction documents will be an Event of Default under the Lease (or Leaseback) Agreement between the Agency and Applicant. In addition, a Notice of Failure to provide the Agency with an Employment Report may be reported to Agency board members, said report being an agenda item subject to the Open Meetings Law.
3. **Absence of Conflict of Interest.** The Applicant has consulted the Agency website of the list of the Agency members, officers and employees of the Agency. No member, officer, or employee of the Agency has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as herein after described (if none, state "none"):
4. **Hold Harmless.** Applicant hereby releases the Agency and its members, officers, servants, agents and employees from, agrees that the Agency shall not be liable for and agrees to indemnify, defend and hold the Agency harmless from and against any and all liability arising from or expense incurred by (A) the Agency's examination and processing of, and action pursuant to or upon, the attached Application, regardless of whether or not the Application or the Project described therein or the tax

exemptions and other assistance requested therein are favorably acted upon by the Agency, (B) the Agency's acquisition, construction and/or installation of the Project described therein and (C) any further action taken by the Agency with respect to the Project; including without limiting the generality of the foregoing, all causes of action and attorneys' fees and any other expenses incurred in defending any suits or actions which may arise as a result of any of the foregoing. If, for any reason, the Applicant fails to conclude or consummate necessary negotiations, or fails, within a reasonable or specified period of time, to take reasonable, proper or requested action, or withdraws, abandons, cancels or neglects the Application, or if the Agency or the Applicant are unable to reach final agreement with respect to the Project, then, and in the event, upon presentation of an invoice itemizing the same, the Applicant shall pay to the Agency, its agents or assigns, all costs incurred by the Agency in the processing of the Application, including attorneys' fees, if any.

5. The Applicant acknowledges that the Agency has disclosed that the actions and activities of the Agency are subject to the Public Authorities Accountability Act signed into law January 13, 2006 as Chapter 766 of the 2005 Laws of the State of New York.
6. The Applicant acknowledges that the Agency is subject to New York State's Freedom of Information Law (FOIL). **Applicant understands that all Project information and records related to this application are potentially subject to disclosure under FOIL subject to limited statutory exclusions.**
7. The Applicant acknowledges that it has been provided with a copy of the Agency's recapture policy (the "Recapture Policy"). The Applicant covenants and agrees that it fully understands that the Recapture Policy is applicable to the Project that is the subject of this Application, and that the Agency will implement the Recapture Policy if and when it is so required to do so. The Applicant further covenants and agrees that its Project is potentially subject to termination of Agency financial assistance and/or recapture of Agency financial assistance so provided and/or previously granted.
8. The Applicant understands and agrees that the provisions of Section 862(1) of the New York General Municipal Law, as provided below, will not be violated if Financial Assistance is provided for the proposed Project:

§ 862. Restrictions on funds of the agency. (1) No funds of the agency shall be used in respect of any project if the completion thereof would result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state, provided, however, that neither restriction shall apply if the agency shall determine on the basis of the application before it that the project is reasonably necessary to discourage the project occupant from removing such other plant or facility to a location outside the state or is reasonably necessary to preserve the competitive position of the project occupant in its respective industry.

9. The Applicant confirms and acknowledges that the owner, occupant, or operator receiving Financial Assistance for the proposed Project is in substantial compliance with applicable local, state and federal tax, worker protection and environmental laws, rules and regulations.
10. The Applicant confirms and acknowledges that the submission of any knowingly false or knowingly misleading information may lead to the immediate termination of any Financial Assistance and the reimbursement of an amount equal to all or part of any tax exemption claimed by reason of the Agency's involvement the Project.

11. The Applicant confirms and hereby acknowledges that as of the date of this Application, the Applicant is in substantial compliance with all provisions of Article 18-A of the New York General Municipal Law, including, but not limited to, the provision of Section 859-a and Section 862(1) of the New York General Municipal Law.

12. The Applicant and the individual executing this Application on behalf of the Applicant acknowledge that the Agency will rely on the representations made herein when acting on this Application and hereby represent that the statements made herein do not contain any untrue statement of a material fact and do not omit to state a material fact necessary to make the statements contained herein not misleading.

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

Robert R. Calli, being first duly sworn, deposes and says:

1. That I am a Member of Utica Property Development LLC (Applicant) and that I am duly authorized on behalf of the Applicant to bind the Applicant.

2. That I have read the attached Application, I know the contents thereof, and that to the best of my knowledge and belief, this Application and the contents of this Application are true, accurate and complete.

By: [Signature]  
Utica Property Development LLC  
(Signature of Officer)  
Robert R. Calli - Member

Subscribed and affirmed to me under penalties of perjury  
this 8 day of June, 2018.

[Signature]  
(Notary Public)

JOHN J. FURMAN  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01FU6300603  
Qualified in Oneida County  
My Commission Expires 04-07-2022

If the application has been completed by or in part by other than the person signing this application for the applicant please indicate who and in what capacity:

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**Return the original application and six copies with a check in the amount of \$250-00 made payable to: Utica Industrial Development Agency, 1 Kennedy Plaza, Utica, New York, Attn.: Jack N. Spaeth, Executive Director.**