

**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.

Once submitted with the IDA, this Application becomes public information and will be published on the IDA's website. If the applicant deems any information requested to be exempt from FOIL, please answer the question "CONFIDENTIAL" and submit the information on a separate attachment marked confidential and provide the statutory exemption

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: Mac-Clark Properties, LLC

Principal Address: 1034 Erie Street
Utica, New York 13501

Project Address: 1034 Erie Street
Utica, New York 13501

Telephone Number(s): (315) 725-1734

Federal Identification Number: 33-4864678

Company IRS Filing Office Location: _____

Company Officer completing this application:

Name: Harold T. Clark, III

Title: Member/Manager

Phone: (315) 725-1734 cell _____ office _____

Email: tomclark3rd@gmail.com

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

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

() Sole Proprietorship

() Partnership

() Subchapter S

() DISC

(x) Other (specify) Limited Liability Company

B. State of incorporation/organization, if applicable: _____

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>Percentage of Ownership</u>
Harold T. Clark, III	213 Higby Road	100
	Utica, NY 13501	

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

<u>Company Officer</u>	<u>Name and Home Address</u>	<u>Other Principal Business Affiliation</u>
Member/Manager	Harold T. Clark, III	Owner of McDonald's Restauran
	213 Higby Road	
	Utica, NY 13501	

- 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.

Harold T. Clark, III is the owner and operator of many McDonald's restaurants throughout New York State. Most of these restaurants are operated by different entities and own real property adjacent thereto. None of these entities receive IDA benefits.

- 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:

3. **Applicant's accountant**

Name and Title: Carrie Smith, Senior Manager
Name of Firm: Aprio Advisory Group, LLC
Address: 2002 Summit Boulevard, Suite 120
Atlanta, Georgia 30319-1498
Telephone Number: 770-761-7114 Email: carrie.smith@aprio.com

4. **Applicant's attorney**

Name and Title: Michael D. Callan
Name of Firm: Saunders Kahler, L.L.P.
Address: 185 Genesee Street, Suite 1400
Utica, NY 13501
Telephone: (315) 733-0419 Email: mcallan@saunderskahler.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>
Pathfinder Bank	214 W 1st St Oswego NY 13127	William Bower
	315-343-0057	

B. Business suppliers (list three largest accounts)

<u>Name of Supplier</u>	<u>Address and Phone Number</u>	<u>Account Officer/ Contact Person</u>
Anderson Dubose	41 Cook Drive, Rochester NY 14609	585-334-2400
Coca Cola	PO Box 101086 Atlanta GA 30309	800-638-1985
All Seasons	PO Box 222 Clinton NY 13323	315-853-1963

C. Major customers (list three largest)

<u>Name of Customer</u>	<u>Address and Phone Number</u>	<u>Account Officer/ Contact Person</u>
n/a		

6. **Business Description**

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

Restaurants

- B. Describe the geographical market(s) served:
The subject premises to be acquired will serve all of the McDonald's Restaurants
owned by the Mac-Clark Organization, which is centralized in Oneida County,
New York, but extends throughout New York State and into Pennsylvania.

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

- A. List present location(s):

1. This will be the first location owned by this LLC

2.

3.

- B. For what purpose is each of these used?

1. Provide the restaurants with HR, tech, accounting, management support, etc.

2. Service and maintain vehicles and equipment in the shop.

3. All other related restaurant support service, including, customer relations.

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

- D. Name of Landlord Landlord's Address Landlord's
Telephone Number

1. NA

2.

3.

Amount of Space

Annual Rental

Lease Termination Date

1. NA

2.

3.

E. For each of your present locations which you OWN, provide the following information:

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

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

NA

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

NA

PART II

Reasons for Project

Please explain in detail why you want to undertake this project and define scope of project:

This will be the new headquarters and training center for the McDonald's restaurants in this area. In addition to the creation of several new positions to staff/support the office, employees will be traveling to the location from several surrounding counties for training. This location will also allow for the upkeep on our company vehicle fleet.

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

Adirondack Bank is growing and expanding. We currently occupy the 15th Floor of the Adirondack Bank building, located at 185 Genesee Street, Utica, NY. Adirondack Bank will be utilizing our current space once we vacate. It is our understanding that the bank will commence renovations almost immediately so as to fit the 15th Floor out for bank purposes, including, office space for its employees.

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

Applicant will need to revisit its anticipated construction budget and required amount of financing if mortgage tax benefits are not granted. The current taxes would create a material hardship for applicant considering the costs of the move. Applicant would likely consider looking to acquire a smaller facility to decrease its tax burden.

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:

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

- | | | | | | |
|----|----------------------------------|-------------|--------|-------------|----|
| 1. | Exemption from Sales Tax | <u>X</u> | Yes or | <u> </u> | No |
| 2. | Exemption from Mortgage Tax | <u>X</u> | Yes or | <u> </u> | No |
| 3. | Exemption from Real Property Tax | <u>X</u> | Yes or | <u> </u> | No |
| 4. | Tax Exempt Financing * | <u> </u> | Yes or | <u>X</u> | 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
X	Back Office	4,000	sf
	Facility for Aging		sf
	Multi-Tenant		sf
	Retail		sf
	Recreational		sf
X	Other (specify)	5,600	sf
	Total		sf

B. **Description of Proposed Project**

Check all appropriate categories which apply to the proposed project:

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

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

Light manufacturing

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

E. Location(s) Street Address Number of Floors/ SF/floor

- F. Is the site in a former Empire Zone? () Yes (X) No
Is the business Empire Zone certified at this location: () Yes (X) No
Will the project contain an on-site Child Care component? () Yes (X) No
Is the proposed project located within the boundary of a Central New York Regional Transportation (Centro) District? () Yes (X) 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.

Applicant intends on acquiring a single story 9,600 sq. ft. commercial building.

The facility to be acquired will be fit out to house applicants back house office support for its numerous McDonald's restaurants in and around the City of Utica. Applicant Will also install vehicle maintenance lifts and equipment to service company vehicles.

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

Some renovations required to subdivide existing office space and create a modern training suite to suit the organization.

3. What is the estimated useful life of the:

a. Facility: 30 years

b. Equipment: 20 years

- H. List the principal items or categories of equipment to be acquired as part of the project.

Vehicle lifts, office furniture

- 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:
-
-

- 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:

N/A

- K. Will the project have a significant effect on the environment, YES () NO (X). If YES, please describe the effect. **Important: please attach Environmental Assessment**

Form to this Application

N/A

- 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:
-
-
-
-

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

Name: MANA Properties, LLC

Address: 6298 Trenton Road
Utica, NY 13502

Telephone Number: _____

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

a. date of purchase: _____

b. purchase price: _____

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

a. balance of mortgage: Unknown

b. holder of mortgage: UIDA

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 (X) 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>

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

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

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>

Are any of the above tenants related to the owner of the facility? YES () NO (X)

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

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

- f. Do you propose to lease part of the project facility to firms not presently tenants?

YES () NO (X) If YES, provide details of your proposals:

- 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.

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:

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.

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. Full-time jobs, plus the combination of two or more part-time jobs that, when combined together, constitute the equivalent hours of a full-time position (35 or more hours).

Employment	Current # of applicant's jobs at/or to be located at proposed project location	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)	10	10	3	3

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:

Category	Current/ Anticipated	Avg Salary or Salary Range	Avg Fringe Benefits or Range
Officers	2	270,000	
Sales/Supervisory	8	82,000	
Clerical	2	67,000	
Plant/Production			
Other (specify)	1 - mechanic	60,000	

Notes:

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

Currently	End of Year One	End of Year Two
\$ 1,100,000	\$ 1,390,000	\$ 1,459,500

* Company/Applicant will be required to submit Annual Project Monitoring Reports (attached) along with a copy of the NYS 45 (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.

Sources of Funds for Project Costs:**% of Total
project costs**

Bank Financing:	\$ <u>1,200,000</u>	<u>57</u>
Equity (excluding equity attributed to grants/tax credits)	\$ <u>906,500</u>	<u>43</u>
Tax Exempt Bond Issuance (if applicable)	\$ <u>0</u>	<u>0</u>
Taxable Bond Issuance (if applicable)	\$ <u>0</u>	<u>0</u>
Public Sources (Include sum total of all state and federal grants and tax credits)	\$ <u>0</u>	<u>0</u>

Identify each state and federal grant/credit:

_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____

Total Sources of Funds for Project Costs:	\$ <u>2,106,500</u>	<u>100</u>
---	---------------------	------------

Have any of the above costs been paid or incurred as of the date of this Application?

☐ Yes ☒ No. If Yes, describe particulars:

Mortgage Recording Tax Exemption Benefit: Amount of mortgage that would be subject to mortgage recording tax:Mortgage Amount (include sum total of construction/permanent/bridge financing): \$ 1,200,000Estimated Mortgage Recording Tax Exemption Benefit (product of mortgage \$ 9,000

Amount as indicated above multiplied by 0.75%):

Please Note: The New York State General Municipal Law was recently amended to reflect that industrial development agencies are not exempt from the additional mortgage recording tax of .25% that is assessed to properties that are located within a regional transportation district. Oneida County is located within the Central New York Regional Transportation District; as such, all UIDA projects will be exempt from .75% of mortgage recording tax, but must pay .25% of mortgage recording tax, which will be directed to the Transportation District.

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	\$ 50,000
Acquisition of Building(s)	\$ Included in above
Renovation Costs	\$ 100,000
New Construction of Buildings	\$ 0
Machinery and Equipment (taxable) (other than furniture costs)	\$ 85,000
Machinery and Equipment (non-taxable)	\$ 0
Furniture and Fixtures	\$ 40,000
Installation Costs	\$ 35,000
Architectural/Engineering Fees	\$ 10,000
Fees (other than your own counsel and brokerage fees)	\$ 6,500
Interest on Interim Financings	\$ 0
Other (specify) Legal	\$ 30,000
Total Project Cost	\$ 2,106,500

UIDA Agency Fee \$_____ (to be computed by UIDA)

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:

\$ 125,000

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

\$ 10,937.50

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)	\$	\$ 21,000
Building(s)	\$	\$ 324,000
Total	\$ \$24,584	\$ 345,000

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

\$ 12,292

5. Project Schedule

Indicate the estimated dates for the following:

- a. Construction commencement: July 11, 2025
- b. Construction completion: December 31, 2025
- c. Project financing: List the dates and in what amounts the estimated funds will be required:
- \$250,000 deposit (June 5) (\$50,000 already paid)
- \$1,200,000 mortgage at closing (July 10)
- \$300,000 cash at closing (July 10)
- 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 - expenditures unknown
- 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):
- Unknown

- 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):

None

- 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 () if YES, please explain.

None

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 (X) NO () If YES, please give details:

\$1,200,000 private note and mortgage to be executed.

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

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

Private Financing through note and mortgage in the
amount of \$1,200,000 at 3.363% per annum, with monthly payments
of \$8,000 and balloon of \$900,000 due in five years.

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

N/A

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:

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

Yes, Harold T. Clark, III

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

Yes, sole member.

E. Financial Information (Attach the Following).

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

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.
13. Applicant acknowledges receipt of notice from the Agency pursuant to Section 224-a(8)(d) of the New York Labor Law that the estimated mortgage recording tax exemption benefit amount, the estimated sales and use tax exemption benefit amount, and the estimated real property tax abatement benefit amount as so identified within this Application are "public funds" and not otherwise excluded under Section 224-a(3) of the New York Labor Law. Applicant further acknowledges and understands that you have certain obligations as related thereto pursuant to Section 224-a(8)a) of the New York Labor Law.

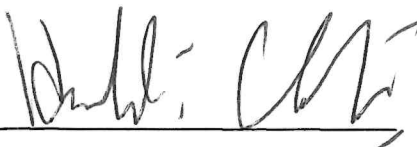
STATE OF NEW YORK)

) ss.:

COUNTY OF ONEIDA

Harold T. Clark, III, being first duly sworn, deposes and says:

1. That I am the Member (Corporate Officer) of Mac-Clark Properties, 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.


(Signature of Officer)

Subscribed and affirmed to me under penalties of perjury
this 5th day of June, 2025.

Michael D. Callan
(Notary Public)



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: Michael D. Callan

Name: Michael D. Callan

Title: Attorney

Date: 05/28/2025

**Return the original application materials with a check in the amount of \$300.00
made payable to: Utica Industrial Development Agency, 1 Kennedy Plaza, Utica,
New York 13502, Attn.: Jack N. Spaeth, Executive Director.**

**UTICA INDUSTRIAL DEVELOPMENT AGENCY
COST/BENEFIT ANALYSIS
Required by §859-a(3) of the
New York General Municipal Law**

TO BE ATTACHED TO AND MADE PART OF APPLICATION TO THE AGENCY

Name of Applicant: Mac-Clark Properties, LLC

Address of Project: 1034 Erie Street, Utica, New York 13501

Description of Project:

This will be the new headquarters and training center for the McDonald's
restaurants in this area. In addition to the creation of several new positions
to staff/support the office, employees will be traveling to the location from
several surrounding counties for training. This location will also allow
for the upkeep on our company vehicle fleet.

Name of all Sublessees or Other Occupants of Facility:

None

Principals or Parent Company of Applicant:

N/A

Principals of any Sublessee or Occupant:

N/A

Product/Services of Applicant:

Applicant's principal Harold T. Clark, III owns and operates numerous McDonald's restaurants in and around the City of Utica and will use the
facility for training, human resource, technology and other employee and customer related services.

Estimated Completion Date of Project: December 31, 2025

Type of Financing/Structure: Tax-Exempt Financing
 Taxable Financing
 x Lease/Leaseback, Sale/Leaseback
 Other

Explain: Lease of Facility to UIDA and Leaseback of Facility by UIDA to applicant.

Types of Benefits**Expected to Receive:**

☐ Tax-Exempt Bonds
☒ Sales Tax Until Completion Date
☒ Mortgage Tax Abatement
☒ Real Property Tax Abatement

Project Costs - Capital Investment

Land	\$ 50,000	Cost per Acre \$ 50,000
Existing Building	\$ 1,750,000	
Rehab of Existing Building	\$ 135,000	
Construction of New Building	\$ 0	Cost per Sq Ft \$ 0
Addition or Expansion	\$ 0	Cost per Sq Ft \$ 0
Engineering and Architectural Fees	\$ 10,000	
Equipment (detail below)	\$ 125,000	
Legal Fees		
Bank, Bond, Transaction, Company, Credit Provider, Trustee	\$ 30,000	
Finance Charges		
Title Insurance, Environmental Review, Bank Commitment Fee, Appraisals, etc.	\$ 16,500	
TOTAL COST OF PROJECT	\$ 2,116,500	

Type of Equipment to be Purchased	Vehicle lifts car bays \$85,000
	Office Furniture \$30,000
	Construction Materials \$10,000

Grants or Loans expected to be received (by who and amount)

None	\$
	\$
	\$

Company Information

Existing Jobs	10
Created Jobs (by year 3)	3
Retained Jobs	10

BENEFITS

Taxable Goods and Services

		Spending Rate	Wages	Expenditures	Sales Tax Rate	State/ Local Sales Tax Revenues
Direct Jobs						
<u>3</u>	Created	36.0%	$x \frac{202,000}{}$	$= \frac{72,720}{}$	$x 8.75\%$	$= \frac{6,363}{}$
<u>10</u>	Existing	36.0%	$x \frac{1,165,000}{}$	$= \frac{419,400}{}$	$x 8.75\%$	$= \frac{36,698}{}$
Indirect Jobs						
<u> </u>	Created	36.0%	$x \frac{ }{}$	$= \frac{ }{}$	$x 8.75\%$	$= \frac{ }{}$
<u> </u>	Existing	36.0%	$x \frac{ }{}$	$= \frac{ }{}$	$x 8.75\%$	$= \frac{ }{}$
<u> </u>	Construction	36.0%	$x \frac{ }{}$	$= \frac{ }{}$	$x 8.75\%$	$= \frac{ }{}$
(see below)	Totals		<u>1,367,000</u>	<u>492,120</u>		<u>43,061</u>
				$x 3 \text{ years} = \underline{129,183}$		

Real Property Taxes

Local (3 year) real property tax benefit (assuming 60 % of jobs existing and created own a residence with an average assessment of \$ 150,000 and the remainder of jobs existing and created pay real property taxes through rent based on an average assessment per apartment of \$ 50,000

Current tax rate = 71.25 per \$1000 of AV

Real Property Taxes Paid

\$ 103,312.50

3 Yr Comparative Benefits

\$ 232,495.50

COSTS

Real Property Taxes Abated on Improvements only (3-year period) \$ 30,730

Mortgage Tax Abated \$ 9,000

Estimated Sales Tax Abated During Construction Period \$ 10,937.50

3 Yr Comparative Costs

\$ 50,667.50

Calculation of Construction Jobs: Total project hard construction costs x .45 = Total Labor Costs / Construction term (in months) = Labor costs per month / \$3,750 (approx. average construction salary of \$45,000 per year / 12 months) = Number of construction employees. Use the Total Labor Costs as Construction Wages above.

Short Environmental Assessment Form

Part 1 - Project Information

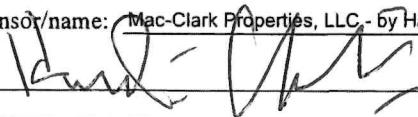
Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: Mac-Clark Relocation			
Project Location (describe, and attach a location map): 1034 Erie Street, Utica, New York 13501			
Brief Description of Proposed Action: This will be the new headquarters and training center for the McDonald's restaurants in this area. In addition to the creation of several new positions to staff/support the office, employees will be traveling to the location from several surrounding counties for training. This location will also allow for the upkeep on our company vehicle fleet.			
Name of Applicant or Sponsor: Mac-Clark Properties, LLC - c/o Harold T. Clark, III		Telephone: (315) 725-1734 E-Mail: tomclark3rd@gmail.com	
Address: 213 Higby Road			
City/PO: Utica		State: New York	Zip Code: 13501
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ .9 acres b. Total acreage to be physically disturbed? _____ 0 acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ .9 acres			YES <input type="checkbox"/>
4. Check all land uses that occur on, are adjoining or near the proposed action: <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	<input type="checkbox"/>	<input type="checkbox"/>
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <u>Mac-Clark Properties, LLC - by Harold T. Clark, III</u> Date: <u>May 28, 2025</u> Signature: <u></u> Title: <u>Member</u>		

**City of Utica Industrial Development Agency
One Kennedy Plaza, Utica, New York 13502**

RETAIL DETERMINATION

To ensure compliance with Section 862 of the New York General Municipal Law, the Agency requires additional information if the proposed Project is one where customers personally visit the Project site to undertake either a retail sale transaction or to purchase services.

Please answer the following:

- A. Will any portion of the project consist of facilities or property that are or will be primarily used in making sales of goods or services to customers who personally visit the project site?

☐ Yes or ☒ No. If the answer is yes, please continue.

For purposes of Question A, the term "retail sales" means (i) sales by a registered vendor under Article 28 of the Tax Law of the State of New York (the "Tax Law") primarily engaged in the retail sale of tangible personal property (as defined in Section 1101(b)(4)(i) of the Tax Law), or (ii) sales of a service to customers who personally visit the Project.

- B. What percentage of the cost of the Project will be expended on such facilities or property primarily used in making sales of goods or services to customers who personally visit the project? 0 %
If the answer is less than 33% do not complete the remainder of the retail determination.

If the answer to A is Yes **AND** the answer to Question B is greater than **33.33%**, indicate which of the following questions below apply to the project:

1. Will the project be operated by a not-for-profit corporation ☐ Yes or ☐ No.
2. Is the Project location or facility likely to attract a significant number of visitors from outside the City of Utica?

☐ Yes or ☐ No

If yes, please provide a third party market analysis or other documentation supporting your response.

3. Is the predominant purpose of the project to make available goods or services which would not, but for the project, be reasonably accessible to the residents of the municipality within which the proposed project would be located because of a lack of reasonably accessible retail trade facilities offering such goods or services?

☐ Yes or ☐ No

If yes, please provide a third party market analysis or other documentation supporting your response.

4. Will the project preserve permanent, private sector jobs or increase the overall number of permanent, private sector jobs in the State of New York?

☐ Yes or ☐ No.

If yes, explain _____

5. Is the project located in an area that has been designated an Empire Zone? ☐ Yes or ☐ No

The undersigned hereby certifies that the information contained in this Retail Determination is true, accurate and complete.

Print Name of Applicant: Mac-Clark Properties, LLC

Print Name of Authorized Representative: Harold T. Clark, III

Title: Member

Signature: 

Date: 05/28/25