

**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: 253 **NEW CENTURY, LLC**

Principal Address: **6308 Fly Road East Syracuse, New York 13057**

Telephone Number: **315-432-9400**

Federal Identification Number: ~~XXXXXXXXXX~~ 6

Company IRS Filing Office Location: _____

Company Officer completing this application:

Name: **Bryan Bowers**

Title: **Managing Member**

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, 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>
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Bryan Bowers	6750 East Sorrell Hill Rd Warners, NY 13164	XXXXXXXXXX	50% 50%
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Eric Smithers	7652 Poplar Field Circle Baldwinsville, New York 13027	XXXXXXXXXX	0% 0%
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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>
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Bryan Bowers	6750 East Sorrell Hill Rd Warners, NY 13164	XXXXXXXXXX	Member
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Eric Smithers	7652 Poplar Field Circle Baldwinsville, New York 13027	XXXXXXXXXX	Member
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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.

a. **The same percentage and participation of ownership is in 120 Security, LLC**

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:

NONE

3. **Applicant's accountant**

Name and Title: **JESSE KINCH, CPA**
Name of Firm: **VALORE CONSULTING, LLC**
Address: **8176 Cranes Watch Circle**
Baldwinsville, New York 13027
Telephone Number: **315-497-7850**

4. **Applicant's attorney**

Name and Title: **Stephen A. Marshall**
Name of Firm: **Harris Beach PLLC**
Address: **333 W. Washington Street**
Syracuse, New York 13202
Telephone: **315-423-7100**

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. First Street Oswego, NY 13126	Ron Tascarella

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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- 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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6. **Business Description**

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

Applicant is specifically formed to re-develop and own the building at 253 Genesee Street Utica, New York. The building will consist of office and/or retail tenancy. Any retail will be to the general public and the office will be for the customary services offered by the office tenant.

- B. Describe the geographical market(s) served:

Specifically, the greater Utica, New York area and the Mohawk Valley area in general.

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

A. List present location(s):

1. **NONE**

B. For what purpose is each of these used:

1. **N/A**

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

Name of Landlord Landlord's Address Landlord's Telephone Number

1. **N/A**

Amount of Space Annual Rental Lease Termination Date

1. **N/A**

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

Location Annual Mortgage Payment Termination
Date

N/A

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

NONE - _____

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

N/A

PART II

Reasons for Project

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

Like most urban centers in Upstate New York, the City of Utica is rich with historically significant buildings. Most of these century old structures share a common architectural character. However, only one building was home to a women's civic club that was responsible for reshaping the education, parks and outdoor recreation, and youth justice system during the early 1900s. The New Century Club, located at 253 Genesee Street was designed by Utica resident and acclaimed architect, Frederick Hamilton Gouge. His Greek-revival design, highlighted by curved entranceways and windows, led to the building's addition to the National Register of Historic Places on September 12, 1985.

Sadly, the building's appearance and economic productivity plummeted nearly a decade ago. Vacant and suffering from wide-spread asbestos contamination, it became municipally-owned in 2008. The Utica Urban Renewal program has been attempting to resell the building ever since, an extremely difficult task given it is not safe for anyone to enter the premises due to asbestos contamination and structural issues. After years of continued water intrusion and structural degradation, the building is now on the brink of being lost forever.

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

The project is contingent on receiving a PILOT agreement because the rental market would not otherwise drive the expenditure of such large capital to clean, save and rehabilitate this building. Without a satisfactory PILOT agreement, the project's viability is questionable.

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

The project is contingent on receiving a PILOT agreement because the rental market would not otherwise drive the expenditure of such large capital to clean, save and rehabilitate this building. Without a satisfactory PILOT agreement, the project's viability is questionable.

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 Yes or No
2. Exemption from Mortgage Tax Yes or No
3. Exemption from Real Property Tax Yes or No
4. Tax Exempt Financing * Yes or 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	12,000sf
	Facility for Aging	sf
	Multi-Tenant	sf
	Retail	3,000sf
	Recreational	sf
	Other (specify)	sf
	Total	sf

B. Description of Proposed Project

Check all appropriate categories which apply to the proposed project:

- | | | |
|--|---------|--------|
| 1. Acquisition of land | YES() | NO(X) |
| 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 - INTERIOR ONLY | YES(X) | NO() |
| 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(X) | NO() |
| 9. Other (specify) | YES() | NO() |

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

Commercial _____

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

Office _____

E.	<u>Location(s)</u>	<u>Street Address</u>	<u>Number of Floors</u>	<u>Square Footage per Floor</u>
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253 Genesee St Utica, NY

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- F. Is the site in an Empire Zone? (X) Yes () No
Is the business Empire Zone certified at this location: () Yes (X) No
Attach a copy of the last Business Annual Report filed. If not certified, explain why not:

No business currently occupying the building.

Is the proposed project located within the boundary of a Central New York Regional Transportation (Centro) District? (X) 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.

Complete renovation and rehabilitation of the entire building

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

Roof replacement and select environmental remediation and structural repairs have begun. This is necessitated by the onset of winter and the need to save the structure from failure.

3. What is the estimated useful life of the:

- a. Facility: 40 plus years
- b. Equipment: N/A

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

Elevator equipment, HVAC Equipment

- 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:
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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:

State and Federal Historical Review.

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

See the attached Environmental Compliance Checklist.

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

The applicant is a holding company for purposes of redevelopment of this site. A sister company is a holding company for another redevelopment within the Utica city limits.

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

Name: **253 New Century, LLC**

Address: **6308 Fly Rd E. Syracuse, NY 13057**

Telephone Number: **315- 432-9400**

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

a. date of purchase: **October 20, 2016**

b. purchase price: **\$10,000.00**

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

a. balance of mortgage: **NONE**

b. holder of mortgage: _____

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 (X) NO () If YES, please explain:

The present owner acquired the building with the intent of redevelopment.

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 () NO (X)

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

1. Present Tenant Information

a. Name of Business Floors Occupied Square Feet Occupied Nature of Tenant's Business

NONE

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

Name of Firm Jobs Square Footage Now Occupied

NONE

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

Name of Tenant Term of Lease Renewal Options Square Footage Now Occupied

NONE

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.

NONE

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 (X) NO ()

If YES, provide details of your proposals:

The intent is to rent the front portion of the building to office tenants (professional offices) on floors 2 and 3 and either retail or office on the first floor.

- 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:

NONE _____

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. In order to calculate Part Time into Full Time Equivalent (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	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)	0		15	15
Total	0		15	15

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	Avg Salary or Salary Range	Avg Fringe Benefits or Range
Officers			
Sales/Supervisory			
Clerical			
Plant/Production			
Other (specify)			

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

Currently	End of Year One	End of Year Two
\$ 0.00	\$ 240,000	\$ 480,000

* **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.

Sources of Funds for Project Costs:

		% of Total project costs
Bank Financing:	\$350,000.00	15%
Equity (excluding equity attributed to grants/tax credits)	\$ 10,000.00	_____
Tax Exempt Bond Issuance (if applicable)	\$ _____	_____
Taxable Bond Issuance (if applicable)	\$ _____	_____
Public Sources (Include sum total of all state and federal grants and tax credits)	\$ 2,150,000.00	85%
Identify each state and federal grant/credit:		
Historic Tax Credit (estimate)	\$ 600,000.00	
Restore and CFA	\$ 1,000,000.00	
National Grid Grant	\$ 300,000.00	
County and City Grant	\$ 250,000.00	
Total Sources of Funds for Project Costs:	\$ 2,150,000.00	100%

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

Yes or No. If Yes, describe particulars: **Purchase Price together with approximately \$100,000 of owner funds.**

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): \$ 360,000.00

Estimated Mortgage Recording Tax Exemption Benefit (product of mortgage Amount as indicated above multiplied by 0.75%): **\$ 3,600.00**

(if approval prior to July 1st, then benefit will be 1% or \$3,600. It is expected to be approved prior to July 1st so we used the \$3,600 instead of 0.75% or \$2,700)

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	\$0.00
Acquisition of Building(s)	\$10,000.00
Renovation Costs	\$2,000,000.00
New Construction of Buildings	\$0.00
Machinery and Equipment (other than furniture costs)	\$200,000.00
Fixtures	\$0.00
Installation Costs	\$0.00
Fees (other than your own counsel and brokerage fees)	\$100,000.00
Architectural/Engineering Fees	\$150,000.00
Interest on Interim Financings	\$ 50,000.00
Other (specify)	\$ _____
Subtotal	\$ _____
Total Project Cost	\$2,510,000.00

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:

\$1,100,000.00

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

\$96,250.00

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)	\$0.00	\$ 7,100
Building(s)	\$0.00	\$ 292,900
Total	\$0.00	\$ 300,000

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

\$ 51,670.00

5. Project Schedule

Indicate the estimated dates for the following:

- a. Construction commencement: **March 10, 2017**
- b. Construction completion: **April 1, 2018**
- c. Project financing: List the dates and in what amounts the estimated funds will be required:

Funds will be used or reimbursed as the grants are approved. The financing will be done through a bank/lending institution on a rolling basis as completion of project milestones dictates reimbursable timelines.

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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, New York

- 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):

\$5,010,000.00

- 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):

Simultaneous with this application, a related entity, 120 Security, LLC is applying for a PILOT for 120 Bleecker St. Utica, NY.

- 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 (X) NO () if yes, please explain.

See answer to 5(f) above.

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:

Yes, we have received oral commitment from Pathfinder Bank and expect our project funding to be secured this month (February, 2017)

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:

Financial commitment expected to be secured by the end of the month (February 2017)

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

We will be selling the historic tax credits to a bank or financial institution. In addition, we have applied for various State, County and City and National Grid grants to assist with the financing. Any shortfall will be through a loan/mortgage through a bank or financial institution.

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

We have applied for County and State grants specifically for the redevelopment of blighted or economically challenged buildings. We also intend to apply for historic tax credits from State and Federal programs.

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

The obligations are secured through claw back provisions contained within the various grants. Any material deviation from the proposed re-development plan gives rise to the City of Utica repossession of the building.

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

NO

E. Financial Information (Attach the Following).

1. Financial Statements for the last three fiscal years. N/A

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.

See attached for P&L and Cash Flow Statement

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. 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:

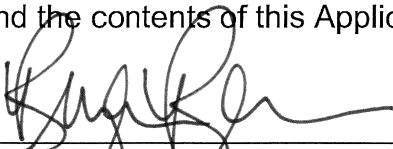
§ 862. Restrictions on funds of the agency. (1) No funds of the agency shall be used in respect of any project if the completion thereof would result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment 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.:

I BRYAN BOWERS, being first duly sworn, deposes and says:

1. That I am the MANAGING MEMBER (Corporate Office) of 253 NEW CENTURY, 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 2nd day of March, 2017.

Carol Lee Beck

(Notary Public)

CAROL LEE BECK
Notary Public - State of New York
No. 01BE4833571
Qualified in Onondaga County
My Comm. Expires 01/19/2017

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.