

**AFFIDAVIT OF MAILING OF THE
NOTICE OF THE COMPLETION OF THE SYNOPSIS
OF THE DETERMINATION AND FINDINGS MADE BY THE
ONEIDA COUNTY INDUSTRIAL DEVELOPMENT AGENCY
ON THE PROPOSED ACQUISITION OF
ADDITIONAL PROJECT LAND FOR THE
CENTRAL UTICA BUILDING, LLC PROJECT**

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

The undersigned, being duly sworn, deposes and says that I am over eighteen years of age and resides in the County of Albany, State of New York.

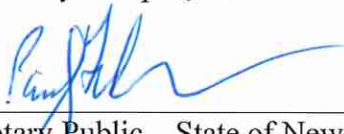
That on April 8, 2022, deponent mailed a copy of the notice of the completion of the synopsis of the Determination and Findings made by the Oneida County Industrial Development Agency, attached hereto as **Exhibit "A"**, relating to the proposed Central Utica Building, LLC Project to be undertaken by the Oneida County Industrial Development Agency, by *first class mail, postage prepaid* to the following:

Brown Duke & Fogel, P.C.
120 Madison Street
AXA Tower 2, Suite 1620
Syracuse, New York 13202

I declare under penalty of perjury that I am at least eighteen years of age, and as directed thereon by depositing a true copy of same enclosed in an envelope, properly addressed, in an official depository under the exclusive care and custody of the United States Post Office Department within the State of New York.


Audrey M. Michasiow

Sworn to before me this
15th day of April, 2022



Notary Public – State of New York

PAUL J. GOLDMAN
Notary Public, State of New York
Qualified in Albany County
ID No. 02GO4864023
Commission Expires: June 9, 20**22**

EXHIBIT "A"

**NOTICE OF COMPLETION OF THE SYNOPSIS
OF THE DETERMINATION AND FINDINGS**

ONEIDA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

584 Phoenix Drive
Rome, New York 13441

April 8, 2022

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

JP O'Brien Plumbing & Heating Supply, Inc.
411 Columbia Street
Utica, New York 13502

Bowers Development, LLC
6308 Fly Road
East Syracuse, New York 13057

Re: 411 Columbia Street, Utica, New York, Tax Map No. 318.41-2-38 (the "Property")

Dear Sir/Madam:

Pursuant to Section 204(C) of the New York State Eminent Domain Procedure Law ("EDPL"), this letter shall serve as the notice of the completion of the synopsis of the Determination and Findings made by the Onelda County Industrial Development Agency ("OCIDA") on April 7, 2022 with respect to the public purpose served by the acquisition of the above referenced Property by eminent domain (the "Findings").

1. Pursuant to Section 204(C)(1) of the EDPL, notice is hereby given that the approximate location of the proposed public project is the entirety of the Property and the reasons for the selection of the Property as surface parking is as follows:

There are no other immediately adjacent surface parking alternatives capable of handling the parking requirements of the Central Utica Building, LLC Medical Office Building ("CUB MOB") to the O'Brien Property since the location of the CUB MOB at the intersection of State and Columbia Streets is bounded by two public streets and an access easement to the Kennedy Plaza Apartments. The Kennedy Apartments is a midrise residential apartment complex to the northeast of the CUB MOB that does not have excess parking available to accommodate the CUB MOB. The property to the north owned by Chesapeake Holdings Orangeburg is not viable as parking for the CUB MOB since that parking area is separated by an access easement to the Kennedy Plaza Apartment which does not make for safe access to the CUB MOB. Further, the acquisition of the O'Brien Property will provide 229 spaces of proximately located and fully contiguous surface parking available to the general public users of the CUB MOB and the Wynn Hospital on weekends and evenings. Proximate adjacent parking is needed for the safe transportation of patients of the CUB MOB and the Wynn Hospital since the patients, care providers and relatives are infirm or elderly. Finally, the Final Environmental Impact Statement issued by the City of Utica Planning Board reflected that the O'Brien Property would be surface parking so that the taking of that property for public parking is consistent with that use. In sum, there are no other feasible alternatives for adjacent surface parking to the CUB MOB.

2. Pursuant to Section 204(C)(2) of the EDPL, a copy of the Findings will be forwarded by the OCIDA to any party making a written request for such Findings to the OCIDA, and the Findings will be provided at no cost to any party requesting the Findings. Any request for the Findings should be sent to OCIDA at 584 Phoenix Drive, Rome New York 13441 Attention: Shawna Papale, Executive Director.

3. Notice is hereby given that pursuant to EDPL Section 207, you have thirty (30) days from the completion by the OCIDA of the publication requirement set forth in EDPL Section 204(A) to seek judicial review of the Findings made by the OCIDA with respect to the above referenced Property.


4. Notice is hereby given that pursuant to EDPL Section 208, the exclusive venue for judicial review of the Findings of OCIDA for the Property is the Appellate Division Fourth Department, 50 East Avenue, Suite 200, Rochester, New York 14604.

5. For your convenience I have enclosed a copy of the synopsis of the findings made by the Agency pursuant to EDPL Section 204(A).

Very truly yours,

ONEIDA COUNTY INDUSTRIAL
DEVELOPMENT AGENCY

By:



David C. Grow, Chairman

cc. Ms. Shawna Papale, Executive Director (w/enclosure)
Paul J. Goldman, Esq. (w/enclosure)
Brown, Duke & Fogel, P.C. (w/enclosure).

SYNOPSIS OF THE DETERMINATION AND FINDINGS

On April 7, 2022, the Board of Directors of the Oneida County Industrial Development Agency (the "OCIDA") approved its certain Determination and Findings dated April 7, 2022 (the "Findings") in connection with respect to the proposed acquisition by eminent domain of the certain real property known as 411 Columbia Street, City of Utica, Oneida County, New York a/k/a Section 318.41, Block 2, Lot 38 (the "O'Brien Property"). Pursuant to Section 204(A) of the Eminent Domain Procedures Law (the "EDPL"), this letter is the brief synopsis of the Findings.

In the Findings and pursuant to EDPL Section 204(A) and Section 204(B), the OCIDA determined the following:

1. The public use, benefit, and purpose from the acquisition of the O'Brien Property and use as surface public parking will be served as follows:
 - (a) The proposed acquisition of the O'Brien Property at 411 Columbia Street for surface parking was reflected in the Final Environmental Impact Statement as being used as surface parking and will help solve traffic and congestion problems by providing parking for the residents accessing the Central Utica Building LLC Medical Office Building ("CUB MOB") and which parking will be available on the weekends and evenings to the general public needing to access the Wynn Hospital and is immediately needed since the renovation of the Kennedy Garage has not commenced.
 - (b) There is a need for better health care facilities in Oneida County (the "County") in order to improve the health and welfare of the residents of the County. The proposed acquisition of the O'Brien Property and use surface parking was part of the development of the Integrated Health Campus ("IHC") and is critical to the success of the CUB MOB and the Wynn Hospital since adjacent parking is required to operate the CUB MOB and the ambulatory surgery center therein as well as the new radiology and laboratory facilities.
 - (c) The development of the IHC has assisted in leading to the development of complimentary commercial businesses and development in the immediate area, examples of which are restaurants, a nearby brewing company and entertainment complex and conversion of empty building space into loft style apartments.
 - (d) The use of the O'Brien Property as public parking is a commercial project that is within the scope of the OCIDA's authority under General Municipal Law ("GML") Article 18-A.
2. The approximate location of the proposed public project and the reasons for the selection of the O'Brien Property as surface parking are as follows:
 - (a) There are no other immediately adjacent surface parking alternatives capable of handling the parking requirements of the CUB MOB to the O'Brien Property since the location of the CUB MOB at the intersection of State and Columbia Streets is bounded by two public streets and an access easement to the Kennedy Plaza Apartments. The Kennedy Apartments is

a midrise residential apartment complex to the northeast of the CUB MOB that does not have excess parking available to accommodate the CUB MOB. The property to the north owned by Chesapeake Holdings Orangeburg is not viable as parking for the CUB MOB since that parking area is separated by an access easement to the Kennedy Plaza Apartment which does not make for safe access to the CUB MOB. Further, the acquisition of the O'Brien Property will provide 229 spaces of proximately located and fully contiguous surface parking available to the general public users of the CUB MOB and the Wynn Hospital on weekends and evenings. Proximate adjacent parking is needed for the safe transportation of patients of the CUB MOB and the Wynn Hospital since the patients, care providers and relatives are infirm or elderly. Finally, the FEIS reflected that the O'Brien Property would be surface parking so that the taking of that property for public parking is consistent with that use. In sum, there are no other feasible alternatives for adjacent surface parking to the CUB MOB.

3. The general effect of the proposed project on the environment and the residents of the City of Utica and the County of Oneida are as follows:
 - (a) The Planning Board issued its Finding Statement pursuant to SEQRA. The OCIDA was listed as an involved agency for SEQRA purposes. In connection with the CUB MOB, the OCIDA incorporated the Findings Statement and determined that there was no material change in the scope of the project that would affect the Findings Statement adopted by the Planning Board.
 - (b) The development of the IHC, including the CUB MOB, is critical to the residents of Oneida County and the City of Utica as it will eliminate the blight that existed in the immediate area prior to the approval of the IHC and will markedly improve the delivery of health care to the community.
 - (c) The development of the IHC has led to the development of ancillary commercial development in the immediate area of the Wynn Hospital such as some restaurant development, the announced redevelopment of an empty building at 600 State Street and numerous renovations of empty building space into loft apartments.

4. The other factors considered by the OCIDA were as follows:
 - (a) The O'Brien Property was reflected on the FEIS as surface parking.
 - (b) The parking on the O'Brien Property has been represented to be available for the public.
 - (c) The fact that MVHS and various physician groups have both rejected the entreaties made by Bowers is not a relevant consideration since the OCIDA has listened and evaluated all statements at the Public Hearing and subsequent written submission and has determined that the development of the CUB MOB is feasible since it is 90% committed with a superior public use being an ambulatory surgery center.

- (d) The development of the new Wynn Hospital has and is expected spur additional economic development in the City of Utica.
- (e) The development of the CUB MOB enjoys the support of the MVHS.
- (f) Bowers did not provide substantive details on its proposed development nor were any leasing and/or construction financing commitments provided.
- (g) Bowers as the contract vendee has not acquired the O'Brien Property as of the date of these findings.

A copy of the Findings will be forwarded by the OCIDA to any party making a written request for such Findings to the OCIDA, and the Findings will be provided at no cost to any party requesting the Findings. Any request for the Findings should be sent to OCIDA at 584 Phoenix Drive, Rome New York 13441 Attention: Shawna M. Papale, Secretary/Treasurer/ Executive Director.

ONEIDA COUNTY INDUSTRIAL DEVELOPMENT AGENCY
By: 
David C. Grow, Chairman

April 7, 2022