

RESOLUTION

(Cacace Garage Project-Architectural Services Funding)

A regular meeting of the Yonkers Economic Development Corporation was convened on March 30, 2020.

The following resolution was duly offered and seconded, to wit:

Resolution No. 03/2020-04

RESOLUTION OF THE YONKERS ECONOMIC DEVELOPMENT CORPORATION (“CORPORATION”) AUTHORIZING ENTERING INTO AN AGREEMENT WITH THE CITY OF YONKERS FOR THE PURPOSES OF FUNDING ARCHITECTURAL SERVICES RELATED TO A POTENTIAL PROJECT OF THE CORPORATION AT CACACE JUSTICE CENTER.

WHEREAS, pursuant to the purposes and powers contained within Section 1411 of the Not-for-Profit Corporation Law of the State of New York (the “State”), as amended, and pursuant to its certificate of incorporation filed on May 31, 2007, the **YONKERS ECONOMIC DEVELOPMENT CORPORATION** (the “Corporation”) was established as a not-for-profit local development corporation of the State with the authority and power to own, lease and sell personal and real property for the purposes of, among other things, acquiring, constructing and equipping certain projects exclusively in furtherance of the charitable or public purposes of relieving and reducing unemployment, promoting and providing for additional and maximum employment, bettering and maintaining job opportunities, instructing or training individuals to improve or develop their capabilities for such jobs, by encouraging the development of, or retention of, an industry in the community or area, and lessening the burdens of government and acting in the public interest; and

WHEREAS, in 2019, the City sold the former Chicken Island parking lot (“Development Site”) to a private developer, who plans on improving the Development Site into a mixed use residential center with hundreds of new units and a luxury hotel (the “Development Project”); and

WHEREAS, due to the proposed construction of the Development Project, 335 existing, public parking spaces, located on the Development Site, will be lost; and

WHEREAS, to address this loss of public parking, the City of Yonkers (“City”) is exploring the construction of a new public parking garage on the site of the Cacace Justice Center, located at 100 South Broadway, Yonkers, New York 10701 (“New Cacace Parking Garage Project”); and

WHEREAS, the Development Site is in very close proximity to the New Cacace Parking Garage Project site; and

WHEREAS, the City desires to involve the Corporation in the New Cacace Parking Garage Project; and

WHEREAS, it is envisioned that the Corporation will issue tax-exempt civic facility bonds to finance the construction of the New Cacace Parking Garage Project; and

WHEREAS, the New Cacace Parking Garage Project will absorb the impact of any lost public parking spaces on the Development Site and complement the recently built Fire Station 1 on New School Street and Phase III of the Saw Mill Daylighting along New School Street; and

WHEREAS, the Corporation, by way of Resolution 2/2020-04, has authorized up to \$20,000 for engineering services and site borings in furtherance of the New Cacace Parking Garage Project; and

WHEREAS, in order to determine the feasibility of the New Cacace Parking Garage Project, certain architectural work must be performed ("Work"); and

WHEREAS, the Corporation is willing to fund the Work up to an amount not to exceed one hundred thousand U.S. dollars (\$100,000) ("Transfer"), provided that in the event that the Corporation is not the issuer of the bonds for the New Cacace Parking Garage Project, the Transfer will be reimbursed to the Corporation by the City; and

WHEREAS, there are sufficient funds in the Corporation account for the Transfer.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE YONKERS ECONOMIC DEVELOPMENT CORPORATION AS FOLLOWS:

Section 1. The officers, employees and agents of the Corporation are hereby authorized, on behalf of the Corporation, to execute the Transfer and execute and deliver any and all documents reasonably contemplated by this resolution to accomplish the Transfer and, where appropriate, the Secretary or Assistant Secretary of the Corporation is hereby authorized to affix the seal of the Corporation to any Transfer documents and to attest the same, all with such changes, variations, omissions and insertions as the officers of the Corporation shall approve, the execution thereof by any officer of the Corporation to constitute conclusive evidence of such approval. All acts of the officers, employees and agents of the Corporation in furtherance of the Transfer are hereby ratified and confirmed by the Corporation.

Section 2. The officers, employees and agents of the Corporation are hereby authorized and directed for and in the name and on behalf of the Corporation to do all acts and things required and to execute and deliver all such agreements, certificates, instruments and documents, as negotiated, drafted and approved by legal counsel to the Agency, and to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the Transfer and the foregoing resolution and to cause compliance by the Corporation with all of the terms, covenants and provisions of the documents executed for and on behalf of the Corporation.

Section 3. This Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Absent</i>
Mayor Mike Spano	[✓]	[]	[]	[]
Peter Kischak	[✓]	[]	[]	[]
Wilson Kimball	[✓]	[]	[]	[]
Melissa Nacerino	[✓]	[]	[]	[]
Hon. Cecile D. Singer	[✓]	[]	[]	[]

The Resolution was thereupon duly adopted.

SECRETARY'S CERTIFICATION
(Cacace Garage Project-Architectural Services Funding)

STATE OF NEW YORK)
) ss:
COUNTY OF WESTCHESTER)

I, the undersigned, Secretary of the Yonkers Economic Development Corporation, DO HEREBY CERTIFY:

That I have compared the annexed extract of minutes of the meeting of the Yonkers Economic Development Corporation (the "Corporation"), including the resolutions contained therein, held on March 30, 2020, with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings of the Corporation and of such resolutions set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

I FURTHER CERTIFY, that all directors of said Corporation had due notice of said meeting, that the meeting was in all respects duly held and that, pursuant to Article 7 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, and that public notice of the time and place of said meeting was duly given in accordance with such Article 7.

I FURTHER CERTIFY, that there was a quorum of the directors of the Corporation present throughout said meeting.

I FURTHER CERTIFY, that as of the date hereof, the attached resolutions are in full force and effect and have not been amended, repealed or modified.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Corporation this 31ST day of MARCH, 2020.



Wilson Kimball, Secretary