

EASEMENT RESOLUTION

A regular meeting of the Onondaga County Industrial Development Agency (the "Agency") was convened in public session on April 9, 2026, at 8:30 a.m., at 335 Montgomery Street, Floor 2M, Syracuse, New York.

The meeting was called to order by the (Vice) Chairperson of the Agency and, upon roll being called, the following members of the Agency were:

PRESENT: Randy Wolken
Mark Muthumbi
Alan Marzullo
Cydney Johnson

ABSENT: Leslie English
Elizabeth Dreyfuss
Garard Grannell

ALSO PRESENT: Robert M. Petrovich, Executive Director
Jeffrey W. Davis, Esq., Agency Counsel

The following resolution was offered by Alan Marzullo, seconded by Mark Muthumbi, to wit:

RESOLUTION AUTHORIZING THE EXECUTION OF EASEMENTS IN AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, the Agency is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the "Enabling Act"), Chapter 435 of the Laws of 1970 of the State of New York and Chapter 676 of the Laws of 1975 of the State of New York, as amended, constituting Section 895 of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the "Act") to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of manufacturing, warehousing, research, commercial and industrial facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire by purchase, grant, lease, gift, pursuant to the provisions of the eminent domain procedure law, or otherwise and to use, real property or rights or easements therein necessary for its corporate purposes in compliance with the local zoning and planning regulations

and shall take into consideration regional and local comprehensive land use plans and state designated heritage area management plans, and to sell, convey, mortgage, lease, pledge, exchange or otherwise dispose of any such property in such manner as the Agency shall determine; and

WHEREAS, the Agency currently owns certain real property located on Burnet Road, Caughdenoy Road and State Route 31 commonly referred to as the White Pine Commerce Park in the Town of Clay, Onondaga County, New York (the “Premises”); and

WHEREAS, Niagara Mohawk Power Corporation (the “Grantee”) desires to obtain a perpetual easement and right-of-way, on, over, under, through, and across the Premises with the right, privilege, and authority to, among other things, construct, reconstruct, relocate, extend, repair, maintain, operate, inspect, patrol, and, at its pleasure, abandon or remove electric lines, natural gas pipeline, gas regulator station, and related infrastructure and equipment, now within or hereafter placed within the Premises, as Grantee shall from time to time deem useful, appropriate or necessary, which easement shall include a line or lines of pipe, valves, fittings, handholes, manholes, conduit, vaults, housings, connectors, pedestals, closures, markers, cables, connections to aboveground facilities, braces, fittings, foundations, anchors, lateral service lines, and other fixtures and appurtenances including electric to support the facilities (collectively, the “Facilities”), which Grantee shall require from time to time, for the transmission and distribution of electric and gas for public or private use, in, upon, over, under, and across that portion of the Premises, and the highways abutting or running through the Premises, and to renew, replace, add to, and otherwise change the Facilities and each and every part thereof and the location thereof within the Premises, and utilize the Facilities within the Premises (collectively, the “Easement Rights”); and

WHEREAS, the Agency desires to execute and deliver one or more documents evidencing the grant of the Easement Rights to the Grantee (collectively, the “Easement”); and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law of the State of New York, as amended, and the regulations of the Department of Environmental Conservation of the State of New York promulgated thereunder (collectively referred to hereinafter as “SEQRA”), granting of the Easement Rights and entering into the Easement had been subject to an environmental review resulting in the acceptance of a final Environmental Impact Statement on November 7, 2025 and the adoption of a Findings Statement by the Agency by resolution dated November 18, 2025 (the “SEQRA Determination”); and

WHEREAS, the members of the Agency have determined to consent to and join in the execution and delivery of the Easement.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONONDAGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:

Section 1. (A) The Executive Director is hereby authorized, on behalf of the Agency, to negotiate, finalize, execute and deliver the Easement and any other related necessary documents in the form and substance approved by and upon the advice of counsel to the Agency; and (B) the Executive Director is hereby further authorized, on behalf of the Agency, to designate any additional Authorized Representatives of the Agency.

Section 2. The Chairperson, Vice Chairperson and/or Executive Director of the Agency are hereby authorized and directed to distribute copies of this Resolution and to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution.

Section 3. This Resolution shall take effect immediately upon adoption.

	<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Randy Wolken	X		
Leslie English			X
Elizabeth Dreyfuss			X
Garard Grannell			X
Mark Muthumbi	X		
Alan Marzullo	X		
Cydney Johnson	X		

The Resolution was thereupon declared duly adopted.

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

I, the undersigned Secretary of the Onondaga County Industrial Development Agency, DO HEREBY CERTIFY that I have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on April 9, 2026, with the original thereof on file in my office, and that the same is a true and correct copy of such proceedings of the Agency and of such Resolution set forth therein and of the whole of said original so far as the same relates to the subject matter therein referred to.

I FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting, (B) said meeting was in all respects duly held, (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law"), said meeting was open to the general public and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law, and (D) there was a quorum of the members of the Agency present throughout said meeting.

I FURTHER CERTIFY that as of the date hereof, the attached Resolution is in full force and effect and has not been amended, repealed, or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand this 9th day of April 2026.


Secretary

(SEAL)