

RESOLUTION 2024-03-02
OF THE
ADVANCE ALBANY COUNTY ALLIANCE
LOCAL DEVELOPMENT AUTHORITY

WHEREAS, the mission of the Advance Albany County Alliance Local Development Corporation (the "Corporation") is to collaborate with public, private, and nonprofit interests to create robust economic opportunity for all residents by diversifying the County's economy through the growth, expansion and attraction of business activity, promotion of strategic infrastructure projects and the active promotion of the County as a business-friendly location; and

WHEREAS, in March 2024 the Albany County Legislature authorized the Albany County Executive to provide \$450,000 of funding from the American Rescue Plan Act ("ARPA") to the Corporation for the acquisition, stabilization and maintenance of real property and improvements consisting of one (1) tax parcel totaling approximately 3.65 acres located at 106 South Pearl Street improved by an approximately 3, 148 square feet, one-story, slab on grade building (the site is formerly known as the "South End Grocery") from the present owner AACC Holdings. LLC which has defaulted on its mortgage loans and ceased business operations; and

WHEREAS, the Corporation has determined that subject property ("106SP") has a significant potential to be redeveloped into a property which could contribute to increasing employment and development of economic activity in Albany County in direct support of its mission; and

WHEREAS, the Corporation anticipates acquiring title to 106SP pursuant to a deed-in-lieu of foreclosure transaction which would likely involve the following parties: (i) the involved mortgage banks with security interests (in order of priority: Broadview.. \$200,000, KeyBank - \$100,000, and Albany County Capital Resources Corporation -- \$200,000); (ii) AACC Holdings, LLC as the present owner; (iii) the Corporation; and (iv) a limited liability company to be formed by the Corporation of which the Corporation is the sole member ("Corporation LLC"); and

WHEREAS, it is intended that the to-be-formed Corporation LLC would be the entity to take title to 1106SP in order to provide liability protection for the Corporation; and

WHEREAS, the Board has determined that: (i) entering into an agreement with the County related to the acceptance of the \$450,000 of ARPA funding to acquire, stabilize and maintain 106SP ("County Funding Agreement"); (ii) formation of the Corporation LLC; and (iii) negotiating and entering into a purchase and sale agreement with the involved mortgage banks and present 106SP owner to acquire 106SP ("PSA"); and (iv) the acquisition, stabilization and maintenance of 106SP by the Corporation or

Corporation LLC at a cost not to exceed \$450,000 are all actions in direct support of the Corporation's mission, and that such actions are in the best interests of the Corporation to approve.

STATE ENVIRONMENTAL QUALITY REVIEW ACT RESOLUTION WHEREAS, the Board has caused to be prepared a Short Environmental Assessment Form (FAF) pursuant to the mandates of the State Environmental Quality Review Act (SEQRA) to determine whether the acquisition, stabilization and maintenance of the 106SP, including the related actions of entering into the County Fuding Agreement, entering into the PSA, and forming the Corporation LLC to take title to 106SP (collectively the "Project") would have a negative impact on the environment; and

WHEREAS, the Corporation has duly considered the contents of the EAF and completed Parts 2 and 3 thereof; and

WHEREAS, the Corporation has identified the relevant areas of environmental inquiry and taken a hard look at them and has determined that the Project will not result in any large or important impact(s), and therefore, is one which will not have a significant impact on the environment.

RESOLVED, the Corporation hereby adopts a negative declaration under SEQRA with respect to the Project which is attached hereto and made a part hereof as Exhibit A (along with the EAF).

PROJECT AUTHORIZING RESOLUTIONS

RESOLVED, the Board hereby approves the execution, implementation and completion of the Project.

RESOLVED, that the Chief Executive Officer ("CEO") of the Corporation is authorized and directed, for and on behalf of the Corporation, to make such filings and applications, to execute and deliver such documents and instruments, and to do such lawful acts and things as the CEO deems necessary or advisable in order to implement the Project and these foregoing resolutions.

RESOLVED, that the CEO of the Corporation is authorized and directed, for and on behalf of the Corporation, to take any and all such further lawful actions and execute any and all such additional documents as the CEO deems necessary or appropriate to implement the Project and carry out the purposes of the above resolutions.

Dated: March 27, 2024


Secretary

Motion made by: *Alexandr, A*

Seconded by: Brooks, H

Vote: %_D

Exhibit A

STATE _ENVIRONMENTAL QUALITY REVIEW

NEGATIVE DECLARATION

NOTICE OF DETERMINATION OF NON-SIGNIFICANCE

This notice is issued pursuant to NYCRR Part 617, implementing Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law. The Board of Directors of the Advance Albany County Alliance Local Development Corporation has determined that the proposed action described below will not have a significant impact on the environment and a draft environmental impact statement 'Will not be prepared.

Action: (1) Acquisition, stabilization and maintenance of real property and improvements consisting of one (1) tax parcel totaling approximately 3.65 acres located at 106 South Pearl Street improved by an approximately 3, 148 square feet, one-story, slab on grade building (the site is formerly known as the "South End Grocery") by a single member limited liability company to be formed by the Advance Albany County Alliance Local Development Corporation ("AACA"); and
(2) negotiating and entering into an agreement with Albany County to receive \$450,000 of ARPA funding from the County to pay for the property acquisition and related costs; and
(3) negotiation and entering into an agreement among the mortgage banks involved in the property, the present Owner and the AACA (and/or the to be formed LLC) to acquire the property, likely via a deed-in-foreclosure transaction; and
(4) forming a limited liability company (of which the AACA would be the sole member) for liability protection purposes.

SEORA Status: This is an unlisted Action.

Conditioned Negative Declaration: No.

Description of Action: The proposed action is the acquisition, stabilization and maintenance of real property and improvements consisting of one (1) tax parcel totaling approximately 3.65 acres located at 106 South Pearl Street improved by an approximately 3,148 square feet, one-story, slab on grade building (the site is formerly known as the "South End Grocery") by the Corporation or a single member limited liability company to be formed by the Advance Albany County Alliance Local Development Corporation pursuant to a purchase and sale agreement involving those parties with a present interest (including the mortgage banks and owner) in the subject

property. Funding for the acquisition, stabilization and maintenance of the property in the amount \$450,000 is being provided to AACA by Albany County.

Reasons Supporting this Determination:

The proposed action is transactional in nature and will not result in the immediate redevelopment of property, disturbance of land, or any changes to the existing buildings

and property. There are zero present plans or potential projects for the property beyond acquisition, stabilization and maintenance. As such, the purchase will not have an impact on land, surface waters (including wetlands), groundwater, flooding, air, plants and animals, agricultural resources, aesthetic resources, historic and archeological resources, open space, critical environmental areas, transportation, energy, public service, noise/odor/light, and human health.

If the LLC, Corporation, or any party in the future, decides to redevelop or disturb any of the property involved in this action, any such action will also need to comply with SEQRA and all relevant approval/permitting requirements.