

PROPOSED – NOT YET ACTED UPON.
AVAILABLE TO THE PUBLIC PURSUANT TO NEW YORK STATE OPEN MEETINGS LAW

August 8, 2019

Approval of Minutes

RESOLVED, that the minutes of the meeting of the Corporation held on March 19, 2019, as presented to this meeting, are hereby approved and all actions taken by the Corporation's employees, officers or Directors in furtherance of the matters referred to therein are hereby ratified and approved as actions of the Corporation.

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Authorization to Amend the Subrecipient Agreement with the City of New York Department of Small Business Services for the East River Waterfront Brooklyn Bridge Esplanade Settlement Funds Project

RESOLVED, that upon completion of all environmental review, and following HUD's approval of LMDC's request for release of funds and certification, if required, the Corporation is hereby authorized to amend the East River Waterfront Esplanade and Piers existing subrecipient agreement with City of New York Small Business Services in an amount not to exceed \$14,000,000, from the slate of Settlement Funds projects approved by the Board on March 18, 2016, for the Brooklyn Bridge Esplanade Project. This amendment will increase the funding under the agreement by \$14,000,000 to a total of \$167,980,000 as described in the materials presented to this meeting; and be it

FURTHER RESOLVED, that the expenditures approved hereby shall be allocated from funds included in the Settlement Funds activity in Partial Action Plan S-2; and be it

FURTHER RESOLVED, that the proper officers of the Corporation are hereby authorized to take any such action and to execute such instruments as may be necessary or appropriate to effect the foregoing; and be it

FURTHER RESOLVED, that all such actions previously taken in furtherance of the foregoing by the Corporation's employees, Officers or Directors are hereby ratified and approved in all respects.

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August 8, 2019

Affirmation and Adoption of Findings Pursuant to New York State
Urban Development Corporation Act

Adoption of Determination and Findings pursuant to New York
State Eminent Domain Procedure Law;

Authorization of Acquisition of Real Property Interests,
including Certain Parcels by Eminent Domain;

Determination of "No Reasonable Alternative" pursuant to Section
2897 of the Public Authorities Law;

Authorization of Disposition of Real Property Interests after
Consideration of Public Comments; and

Authorization to Take Other Related Actions

RESOLVED, that, on the basis of the materials presented to this meeting (the "Materials"), copies of which are hereby ordered filed with the records of the Corporation, after full consideration of the matters set forth or referred to therein, the Corporation hereby affirms the findings previously made by the Corporation in connection with the World Trade Center Memorial and Cultural Program Land Use and Civic Improvement Project (the "Project") as required by Section 10(c)(1), (2) and (3) of the New York State Urban Development Corporation Act (the "UDC Act"); and be it

FURTHER RESOLVED, that, on the basis of the Materials, after full consideration of the matters set forth or referred to therein, the Corporation hereby affirms the findings previously made by the Corporation in connection with the Project as required by Sections 10(d)(1), (2), (3) and (4) of the UDC Act; and be it

FURTHER RESOLVED, that, on the basis of the Materials, after full consideration of the matters set forth or referred to therein, the Corporation hereby affirms the finding previously made by the Corporation in connection with the Project that the requirements of Section 10(g) of the UDC Act are satisfied; and be it

FURTHER RESOLVED, that, on the basis of the Materials, after full consideration of the matters set forth or referred to therein, the Determination and Findings ("Determination and Findings") for the Phase 2 Street Transactions of the Project

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(the "Proposed Transfers") made pursuant to the New York State Eminent Domain Procedure Law in the form submitted to this meeting and finds that the Determination and Findings meets the requirements of Sections 201-204 of the New York State Eminent Domain Procedure Law, a copy of which Determination and Findings is hereby ordered filed with the records of the Corporation; and be it

FURTHER RESOLVED, that the Acting President of the Corporation or his designee is hereby authorized to take such action as deemed necessary or appropriate in connection with the Determination and Findings pursuant to the New York State Eminent Domain Procedure Law and the UDC Act and any other applicable law, including, without limitation, the providing, filing or making available of copies of the Determination and Findings and/or a synopsis thereof and the publication of the notices relating to the Determination and Findings; and be it

FURTHER RESOLVED, that it is necessary and convenient for the Corporation to acquire, or its immediate or future use in furtherance of its corporate purposes, in connection with the Proposed Transfers, all or part of the real property (as such term is defined by Section 3(8) of the UDC Act) comprising the Condemnation Parcels described in the attached Determination and Findings, all as more fully set forth in the Determination and Findings, as well as the Greek Church Parcel described in the Materials by negotiated transfer from The Port Authority of New York and New Jersey; and be it

FURTHER RESOLVED, that at such time or times and upon such terms that the Acting President of the Corporation or his designee deems appropriate, and in accordance with the Corporation's Guidelines for Acquisition and Disposition of Property, the officers of the Corporation be and each of them hereby is, authorized to cause the Corporation to acquire all or any part of such real property interests; and be it,

FURTHER RESOLVED, that it is the policy of the Corporation, as expressed in Section 301 of the New York State Eminent Domain Procedure Law, to make every reasonable and expeditious effort to justly compensate persons for the acquisition of their real property by negotiation and agreement; and be it

FURTHER RESOLVED, that at such time as the Acting President of the Corporation or his designee deems appropriate, the Corporation shall acquire the Condemnation Parcels, as described in the Determination and Findings, with no consideration being paid by the Corporation to the City of New York respecting any

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such interests, and acquire the Greek Church Parcel with no consideration being paid by the Corporation to The Port Authority of New York and New Jersey, at such time and in such manner as the Acting President of the Corporation or his designee deems appropriate; and be it

FURTHER RESOLVED, that in connection with the Proposed Transfers and prior to any acquisition of real property therefor, the Corporation shall publish all required notices, and comply with any and all other provisions of the New York State Eminent Domain Procedure Law, the UDC Act, the Public Authorities Law (as and to the extent applicable), or any other applicable provision of law; and be it

FURTHER RESOLVED, that, on the basis of the Materials, after full consideration of the matters set forth or referred to therein, the Corporation hereby finds that the proposed disposition of real property described in the Materials is in conformity with a plan for the clearance, replanning, reconstruction and rehabilitation of substandard and insanitary areas as set forth in the GPP; and be it

FURTHER RESOLVED, that, on the basis of the Materials, after full consideration of the matters set forth or referred to therein, the Corporation hereby finds that there is no reasonable alternative to the proposed below-market transfers described in the Materials that would achieve the same purpose of such transfers; and be it

FURTHER RESOLVED, that at such time or times and upon such terms that the Acting President of the Corporation or his designee deems appropriate, and in accordance with the Corporation's Guidelines for Acquisition and Disposition of Property, the officers of the Corporation be and each of them hereby is, authorized to cause the Corporation to convey to The Port Authority of New York and New Jersey all or any part of the Condemnation Parcels, without consideration, and to convey to The City of New York all or any part of the LMDC Southern Site Parcels and the Greek Church Parcel, in each case without consideration, as described in the Materials; and be it

FURTHER RESOLVED, that the Acting President of the Corporation or his designee be, and each of them hereby is, designated as the officer to execute the certificate of corporate purposes specified in Section 13 of the UDC Act, and to make all agreements, execute all other instruments or take any other action as the Acting President or his designee may deem necessary or appropriate to effectuate the foregoing

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resolutions in order that the Corporation may acquire and dispose of real property pursuant to these resolutions; and be it

FURTHER RESOLVED, that the Acting President of the Corporation or his designee is authorized to take such action, commence such litigation, or execute on behalf of the Corporation such documents as he may consider necessary or appropriate in connection with the resolutions adopted today and in furtherance of the Proposed Transfers.

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Authorization to Amend the Subrecipient Agreement with
University Settlement Society of New York

RESOLVED, that the Corporation is hereby authorized to amend its subrecipient agreement with University Settlement Society of New York to reflect project scope changes, as described in the materials presented to this meeting; and be it

FURTHER RESOLVED, that all such actions previously taken in furtherance of the foregoing by the Corporation's employees, Officers or Directors are hereby ratified and approved in all respects; and be it

FURTHER RESOLVED, that the proper officers of the Corporation are hereby authorized to take any such action and to execute such instruments as may be necessary or appropriate to effect the foregoing.

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Authorization to Extend Agreement for Environmental Services

RESOLVED, that the Corporation is hereby authorized to extend its contract for environmental services with AKRF, Inc., for a two-year period through September 30, 2021, as described in the materials presented to this meeting; and be it

FURTHER RESOLVED, that the expenditures approved hereby shall be allocated from funds included in the appropriate LMDC FYE 2020 and anticipated future Budgets for Planning and Administration or relevant Partial Action Plans; and be it

FURTHER RESOLVED, that the proper officers of the Corporation are hereby authorized to take any such action and to execute such instruments as may be necessary or appropriate to effect the foregoing; and be it

FURTHER RESOLVED, that all such actions previously taken in furtherance of the foregoing by the Corporation's employees, Officers or Directors are hereby ratified and approved in all respects.

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August 8, 2019

Election of President

RESOLVED, that Daniel A. Ciniello is hereby elected President of the Corporation, while retaining his existing responsibilities, and shall serve until such time as his successor is duly elected or until his earlier resignation or removal; and

FURTHER RESOLVED, that the Chair shall have the authority to negotiate the terms of employment of the President of the Corporation and to execute any contracts, on behalf of the Corporation, relating thereto, and to take such other actions as may be necessary or appropriate to effect the foregoing; and

FURTHER RESOLVED, that all such actions previously taken in furtherance of the foregoing by the Corporation's employees, Officers or Directors are hereby ratified and approved in all respects.

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