

Agenda #7F

**RESOLUTION OF THE GLEN COVE INDUSTRIAL DEVELOPMENT AGENCY
AUTHORIZING THE IDA TO TAKE CERTAIN ACTIONS REGARDING THE
MAINTENANCE OF THE PUBLIC PORTIONS OF THE GARVIES POINT PROJECT**

WHEREAS, the Glen Cove Industrial Development Agency (“IDA”) is a public benefit corporation created pursuant to Section 919 of the New York General Municipal Law (“GML”) to accomplish any and all of the purposes and powers set forth in GML Article 18-A, Title 1; and

WHEREAS, the IDA is authorized and empowered under the GML to acquire, use and dispose of property in furtherance of its corporate purposes; and

WHEREAS, on or about November 22, 2016, the IDA transferred by bargain and sale deed (“Deed”) certain land to RXR Glen Isle Partners LLC (“Company”) with respect to the Garvies Point Project (“Project”); and

WHEREAS, in connection with the Deed, the IDA obtained a perpetual exclusive easement (“Easement”) in favor of the IDA and the general public for public use of the public use easement areas (“Public Use Easement Areas”) within the Project; and

WHEREAS, the IDA has caused (and is continuing to cause) certain public improvements to be constructed on the Public Use Easement Areas, including, but not limited to, parks and playgrounds, an esplanade, underground utilities, wetlands, marine bulkheads, marinas, boardwalks and other walkways, an amphitheater, an ecology pier, landscaping, lighting, roadways, and other public improvements, infrastructure and amenities (collectively, the “Public Use Improvements”)

WHEREAS, the IDA owns the Public Use Improvements within the Public Use Easement Areas; and

WHEREAS, the IDA desires to appoint the Garvies Point Master Association, Inc. (“HOA”) as its agent for an initial five-year term to oversee and manage the maintenance of the Public Use Easement Areas and Public Use Improvements in accordance with specific standards and conditions to ensure high quality public spaces at the waterfront, comparable to other projects of this scale; and

WHEREAS, the IDA will require that the HOA enter into a maintenance agreement with the IDA, in a form and substance substantially similar to the conceptual maintenance agreement annexed to the Easement (“Maintenance Agreement”), with such modifications to further clarify certain provisions, whereby the HOA will maintain and repair the Public Use Easement Areas and Public Use Improvements upon the terms and conditions set forth therein; and

WHEREAS, the IDA will also require that the Company amend that certain Garvies Point Continuing Covenants Agreement, dated as of November 22, 2016 (“CCA”), and any other documents relating to the Project, as the IDA deems necessary regarding the HOA’s maintenance and repair of the Public Use Improvements and Public Use Easement Areas; and

WHEREAS, the IDA is desirous of entering into a Maintenance Agreement with the HOA, amending the CCA, and undertaking any other action that is necessary or appropriate with respect to facilitating the maintenance and repair of the Public Use Improvements and Public Use Easement Areas consistent with the purposes of this Resolution; and

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

Section 1. The IDA hereby authorizes the appointment of the HOA as its true and lawful agent to oversee and manage the maintenance and repair of the Public Use Easement Areas and Public Use Improvements, pursuant to the Maintenance Agreement.

Section 2. The IDA authorizes and directs the Chairman and the Executive Director of the IDA, acting individually or jointly, to negotiate and enter into a Maintenance Agreement with the HOA and amendments to the CCA with the Company, and to negotiate and enter into any new agreements and/or undertake any other actions with respect to the maintenance and repair of the Public Use Improvements and Public Use Easement Areas, together with such other documents, instruments and agreements as such officer(s) may deem advisable or necessary, to effectuate this Resolution (collectively, the “Maintenance Documents”), the execution and delivery of such Maintenance Documents by the IDA being subject to the satisfaction of such terms and conditions as such officer(s) shall deem necessary or advisable. The execution and delivery of the Maintenance Documents by any one of said officers shall be conclusive evidence of due authorization and approval.

Section 3. The Chairman and the Executive Director, acting individually or jointly, are hereby authorized to do all things necessary, convenient or appropriate for the accomplishment of the purposes of this Resolution. All acts heretofore taken by the IDA with respect to the foregoing are hereby ratified and confirmed.

Section 4. The IDA determines that the proposed action for a previously approved project is a Type II Action pursuant to SEQRA, involving “continuing agency administration,” which does not involve “new programs or major reordering of priorities that may affect the environment” (6 N.Y.C.R.R. §617.5(c)(26)), and therefore no findings or determination of significance are required under SEQRA.

Section 5. This Resolution shall take effect as of the date of its adoption.

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

	<u>VOTING</u>
Timothy Tenke, Chairman	AYE
Vincent Hartley, Vice Chairman	AYE
James Cappiello, Member	AYE
Joseph Gioino, Member	AYE
John Tetta	Absent

The foregoing Resolution was thereupon declared duly adopted 4/28/20

Camille Byrne, Secretary
Glen Cove Industrial Development Agency