

**MICRON NEW YORK SEMICONDUCTOR MANUFACTURING LLC**

**EMINENT DOMAIN PROCEDURE LAW RESOLUTION  
(3101-23-07A)**

A regular meeting of the Onondaga County Industrial Development Agency (the “Agency”) convened in public session on June 13, 2024, at 8:30 a.m., local time, at 335 Montgomery Street, 2<sup>nd</sup> Floor, 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:** Janice Herzog  
Susan Stanczyk  
Fanny Villarreal  
Cydney Johnson

**ABSENT:** Patrick Hogan  
Kevin Ryan  
Elizabeth Dreyfuss

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

The following resolution was offered by Susan Stanczyk, seconded by Fanny Villarreal, to wit:

**RESOLUTION OF THE ONONDAGA COUNTY  
INDUSTRIAL DEVELOPMENT AGENCY AUTHORIZING  
AGENCY TO TAKE ALL APPROPRIATE ACTIONS  
UNDER THE NEW YORK EMINENT DOMAIN  
PROCEDURE LAW FOR POTENTIAL ACQUISITION OF  
PROPERTY INTERESTS BY PURCHASE OR EMINENT  
DOMAIN FOR THE MICRON NEW YORK  
SEMICONDUCTOR MANUFACTURING LLC PROJECT**

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”), and 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 (the "State"), 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, construct, reconstruct and install one or more "projects" (as defined in the Act), or to cause said projects to be acquired, constructed, reconstructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire by eminent domain pursuant to the New York Eminent Domain Procedure Law ("EDPL") or other means those real property interests necessary and/or appropriate to further its stated purposes; and

WHEREAS, the Agency owns the White Pine Commerce Park (the "Park") located northeast of the intersection of State Route 31 and Caughdenoy Road in the Town of Clay, Onondaga County, New York; and

WHEREAS, the Agency has received an application from Micron New York Semiconductor Manufacturing LLC (the "Applicant") seeking benefits in connection with the redevelopment of the Park; and

WHEREAS, the Applicant intends to invest over \$100 billion in the Park to build a semiconductor chip manufacturing facility, thereby creating over 4,000 jobs in the initial phase of facility completion, and simulating significant economic growth to the County (the "Proposed Micron Project"); and

WHEREAS, the Applicant is requesting that the Agency utilize its eminent domain authority to obtain easement rights over five parcels located in Clay, New York necessary for the installation of Applicant dedicated wastewater and reclaimed water utilities that promote the redevelopment of the Park and the Proposed Micron Project, namely: (SBL # 043.-01-32.1, SBL# 030.-01-01.0 SBL# 31.-01-16.1), SBL# 048.-01-02.3), and SBL# 048.-01-06.0 ) (hereafter referred to collectively as the "Eminent Domain Parcels"); and

WHEREAS, the potential public benefits created by the redevelopment of the Park and the Proposed Micron Project will be significant in the form of new infrastructure in an industry and manufacturing facility of local, state, and national importance, investment in workforce development, hundreds of construction jobs and thousands of permanent full-time positions and increased sales tax revenue; 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"), the Applicant submitted a Full Environmental Assessment Form and supporting documents to the Agency for the Proposed Micron Project; and

WHEREAS, on July 20, 2023 the Agency determined that the Proposed Micron Project is a Type I action which may have a “significant impact on the environment”, as said quoted term is utilized in SEQRA; and

WHEREAS, on September 14, 2023 the Agency was established as Lead Agency pursuant to SEQRA for the purposes of conducting a coordinated environmental review, and the Agency determined that an environmental impact statement (“EIS”) must be prepared to further access the impacts and possible mitigation, and to explore alternatives to avoid or reduce those impacts; and

WHEREAS, the Agency accepted a Draft SEQRA Scope of Work on September, 14, 2023, held a public scoping meeting on October 11, 2023, and declared the Final Scoping Document complete on December 14, 2023; and

WHEREAS, the Applicant is working to develop a draft EIS process for review and analysis by the Agency; and

WHEREAS, representatives for the Applicant have contacted the record owners of the Eminent Domain Parcels and continue to negotiate with them in order to obtain easement rights to those parcels without the use of eminent domain, however, such negotiations, to date, have been unsuccessful.

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

Section 1. The Agency’s Executive Director and staff, and the Agency’s legal counsel, Barclay Damon LLP, are hereby authorized and directed:

- a. To do such things or perform such acts and execute such documents as are necessary and/or appropriate to duly notice and conduct a public hearing as provided for under EDPL Article 2, including, but not limited to, retaining any professionals, consultants and contractors necessary to provide materials required under the EDPL in connection with a public hearing and the possible acquisition of real property interests in the Eminent Domain Parcels; and
- b. To take all actions under EDPL Section 404 to allow for and facilitate Agency officers, agents, and contractors to enter upon the Eminent Domain Parcels for the purpose of making surveys, test pits and borings, or other investigations, and also for temporary occupancy during construction.

Section 2. A copy of this Resolution, together with the attachments hereto, shall be placed on file in the office of the Agency where the same shall be available for public inspection during business hours.

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:

	<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Patrick Hogan			X
Janice Herzog	X		
Elizabeth Dreyfuss			X
Cydney Johnson	X		
Susan Stanczyk	X		
Kevin Ryan			X
Fanny Villarreal	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 June 13, 2024, 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 14 day of June, 2024.

(SEAL)

  
Secretary