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THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK

Date: May 10, 2023

Sponsored by Council Members: Resciniti, Burns, Strawn, Scaringi

Introduced by Committee: Planning

RESOLUTION*entitled*

A RESOLUTION AUTHORIZING THE ADOPTION AND PUBLICATION BY THE CITY COUNCIL OF THE CITY OF BINGHAMTON OF THE DETERMINATION AND FINDINGS UNDER SECTION 204 OF THE NEW YORK EMINENT DOMAIN PROCEDURE LAW CONCERNING THE PROPOSED CONDEMNATION OF CERTAIN REAL PROPERTY CONSISTING PRINCIPALLY OF FIVE TAX PARCELS AND APPROXIMATELY 24.21 ACRES IN CONNECTION WITH THE PROJECT

WHEREAS, the City of Binghamton (the "City") is a municipal corporation with the authority, pursuant to subdivision 2 of Section 20 of the General City Law of the State of New York, as amended (hereinafter called the "Legislation"), to take real property, either within or outside the limits of the City, required for any public purpose; and

WHEREAS, the City Council of the City of Binghamton (the "City Council") desires to exercise its power of eminent domain, if necessary, for the "acquisition" of certain "real property" as such quoted terms are defined in the New York Eminent Procedure Domain Law (the "EDPL") located in the City of Binghamton, Broome County, New York comprising of approximately 24.21 acres +/- of real property consisting of five (5) tax parcels located at 31 W State Street (identifiable by Tax ID#: 144.74-1-19; approximately 2.72 acres), 37 W State Street (identifiable by Tax ID#: 144.66-1-17; approximately 0.61 acres), 33 W State Street (identifiable by Tax ID#: 144.74-1-1; approximately 20.38 acres), 41 W State Street (identifiable by Tax ID#: 144.74-1-7; approximately 0.43 acres) and 29 W State Street (identifiable by Tax ID#: 144.74-1-8; approximately 0.07 acres), and upon which is located, among other things, an existing and predominantly vacant multi-tenant retail shopping center with a mixed-use office building, along with three (3) outparcels, one (1) of which is vacant (collectively referred to as the "Parcel" and commonly known as the "Binghamton Plaza"), all in connection with the Project (as defined in the hereinafter defined Determination and Findings); and

WHEREAS, in accordance with the EDPL, the City Council conducted a duly noticed public hearing on February 21, 2023 at 2:00 p.m. to inform the public and to review the public use, benefit or purpose to be served by the Project, the proposed location of the Project and its general effect on the environment and the residents of the locality where the Project is proposed to be

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constructed and whereat, the public was provided an opportunity to provide any comments (the "Hearing"); and

WHEREAS, by Resolution adopted prior hereto on May 10, 2023, the City Council, in accordance with the EDPL and pursuant to the New York State Environmental Quality Review Act, Article 8 of the New York Environmental Conservation Law and the regulations promulgated thereunder at 6 N.Y.C.R.R. Part 617 (collectively referred to as "SEQRA"), issued a Negative Declaration determining that the Project will not result in a potential significant adverse impact to the environment and thereby satisfying the applicable requirements set forth in SEQRA as necessary; and

WHEREAS, the City Council, having considered the foregoing, now desires to adopt and publish the Determination and Findings in accordance with the EDPL and any applicable laws, rules, or regulations.

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session does hereby:

RESOLVE that the City Council, pursuant to Section 204 of the EDPL, hereby (i) adopts the determination and findings in the form presented at this meeting with such changes as approved by Counsel to the City (the "Determination and Findings") as more fully set forth in Exhibit A annexed hereto and made a part hereof and (ii) authorizes its members, officers, employees and agents of the City, (including Corporation Counsel and special Counsel to the City) to (A) publish a brief synopsis of the Determination and Findings (B) mail notice of such brief synopsis to owner(s) of the Parcel (and/or their attorney of record) and (C) take all steps appropriate to comply with applicable provisions of the EDPL and all other applicable laws, rules or regulations to implement this Resolution; and be it further

RESOLVED that this Resolution take effect immediately.

Introductory No. R23-34

Permanent No. R23-34

Sponsored by City Council Members:
Resciniti, Burns, Strawn, Scaringi

A RESOLUTION AUTHORIZING THE ADOPTION AND PUBLICATION BY THE CITY COUNCIL OF THE CITY OF BINGHAMTON OF THE DETERMINATION AND FINDINGS UNDER SECTION 204 OF THE NEW YORK EMINENT DOMAIN PROCEDURE LAW CONCERNING THE PROPOSED CONDEMNATION OF CERTAIN REAL PROPERTY CONSISTING PRINCIPALLY OF FIVE TAX PARCELS AND APPROXIMATELY 24.21 ACRES IN CONNECTION WITH THE PROJECT

The within Resolution was adopted by the Council of the City of Binghamton.

5/10/23
Date

[Signature]
City Clerk

5/11/23
Date Presented to Mayor

5/11/23
Date Approved

[Signature]
Mayor

	Ayes	Nays	Abstain	Absent
Councilwoman Resciniti	✓			
Councilwoman Riley		✓		
Councilwoman Friedman		✓		
Councilman Burns	✓			
Councilman Strawn	✓			
Councilman Scanlon	✓			
Councilman Scaringi	✓			
Total	5	2	0	0

Code of the City of Binghamton

Adopted Defeated

5 Ayes 2 Nays 0 Abstain 0 Absent

I hereby certify the above to be a true copy of the legislation adopted by the Council of the City of Binghamton at a meeting held on 5/10/23. Approved by the Mayor on 5/11/23 [Signature]

EXHIBIT A

Form of Determination and Findings

Attached Hereto

DETERMINATION AND FINDINGS OF THE CITY OF BINGHAMTON ADOPTED PURSUANT TO SECTION 204 OF THE NEW YORK EMINENT DOMAIN PROCEDURE LAW FOR THE ACQUISITION OF CERTAIN REAL PROPERTY LOCATED AT 31 W STATE STREET, 37 W STATE STREET, 33 W STATE STREET, 41 W STATE STREET AND 29 W STATE STREET IN THE CITY OF BINGHAMTON, BROOME COUNTY, NEW YORK COMPRISING FIVE (5) TAX PARCELS COMPRISING APPROXIMATELY 24.21 acres +/- ACRES.

Overview and Background

The City of Binghamton (hereinafter referred to as the "City") is a municipal corporation with the authority, pursuant to subdivision 2 of Section 20 of the General City Law of the State of New York, as amended (hereinafter called the "Legislation"), to take real property, either within or outside the limits of the City's boundaries, required for any public purpose.

The City desires to exercise its power of eminent domain, if necessary, for the "acquisition" of certain "real property" (as such quoted terms are defined in the New York Eminent Procedure Domain Law, herein the "EDPL") located in the City of Binghamton, Broome County, New York and comprising approximately 24.21 acres +/- consisting of five (5) tax parcels identifiable by the following street addresses and tax identification numbers (collectively, the "Parcel" and commonly known as the "Binghamton Plaza"): (1) 31 W State Street (identifiable by Tax ID#: 144.74-1-19; approximately 2.72 acres), (2) 37 W State Street (identifiable by Tax ID#: 144.66-1-17; approximately 0.61 acres), (3) 33 W State Street (identifiable by Tax ID#: 144.74-1-1; approximately 20.38 acres), (4) 41 W State Street (identifiable by Tax ID#: 144.74-1-7; approximately 0.43 acres) and (5) 29 W State Street (identifiable by Tax ID#: 144.74-1-8; approximately 0.07 acres), and upon which is located, among other things, an existing and predominantly vacant multi-tenant retail shopping center with a mixed-use office building, along with three (3) outparcels, one (1) of which is vacant, all

in connection with a certain "public project" (as such quoted term is defined in the EDPL; and collectively referred to herein as the "Project") consisting of facilitating the productive reuse and redevelopment of the predominantly vacant, underutilized and derelict Parcel through the undertaking of (A)(i) a public park expansion of the City's existing and adjacent Cheri A. Lindsey Memorial Park (the "Cheri Lindsey Park") located at the northern portion of the Parcel to provide for additional and enhanced City public park and recreation facilities, improvements, amenities and open space together with landscaping, site, infrastructure and other ancillary and related amenities, facilities and improvements (collectively, "City Park Expansion Improvements" and constituting approximately 2.25 acres of the Parcel) and (ii) a new and enhanced public access to the existing and adjacent multi-use Two Rivers Greenway Trail (Chenango Promenade Segment) system (the "River Walk") located along the eastern bank of the Chenango River and at the western portion of the Parcel together with landscaping, site, infrastructure and other ancillary and related amenities, facilities and improvements (collectively, "River Trail Access Improvements" and constituting approximately 9.5 acres of the Parcel) and (B) site and infrastructure improvements, as appropriate and allowable, including, without limitation, demolition of the improvements located at the Binghamton Plaza, surface subsidence restoration, sidewalk repairs and other ancillary and related amenities, facilities and improvements, on approximately 12.45 acres of the Parcel and along the eastern portion of the Parcel along W State Street, in each case contemporaneously or in stages pursuant to the EDPL, all in connection with serving the public use, benefit or purpose described herein.

In addition, the Project is consistent with the goals of and will complement and advance the public purposes envisioned by the (A) North Chenango river Corridor Brownfield Opportunity Area Step 2 – Nomination Study (October 2014) (the "North Chenango BOA

Study"; available at <https://docs.dos.ny.gov/opd/boa/BinghamtonNCRCBOA.pdf> and is incorporated herein by reference) and (B) Blueprint Binghamton: Forward Together (August 2014 update to the City's 2003 Comprehensive Plan) (as so updated, the "Comprehensive Plan"; available at <https://www.binghamton-ny.gov/government/departments/planning-zoning-historic-preservation-department/plans-reports-studies> and is incorporated herein by reference). The Binghamton Plaza has been a focal point of both the North Chenango BOA Study and the Comprehensive Plan, as the Binghamton Plaza is the most prominent commercial property on the North Side, if not in the entire City of Binghamton, in large part due to its riverfront location at the confluence of three major interstates, and redevelopment and reuse of the Binghamton Plaza is an impactful way to revitalize the area.

The Binghamton Plaza is one of the focus areas of the North Chenango BOA Study due to the potential positive impact the rehabilitation/redevelopment of the Parcel would likely have on the local community regarding the potential to create meaningful employment opportunities (p 4). The North Chenango BOA Study identified nine (9) different development opportunities for the Binghamton Plaza, all of which prioritize the goal of connecting the riverfront/riverwalk with the balance of the community (pp 4-5, 34-35, 54, 61) and generally creating a more cohesive district (pp 4-5, 55, 61-62). As a strategic site identified under the North Chenango BOA Study, the focus of redevelopment activities at the Binghamton Plaza were targeted at those that would have a positive benefit to the surrounding community in the form of new economic activity which would generate new jobs and tax revenue and in turn spur additional reinvestment in the area (p 5). Other goals identified in the North Chenango BOA Study emphasized both the enhancement of Cheri Lindsey Park and redevelopment that reinforces the West State Street Corridor through infill development at the street edge (pp 4-5, 34, 54, 61-62).

In a similar vein, the Comprehensive Plan identifies the Binghamton Plaza as a focus point for redevelopment, as was the case in the City's 2003 adopted Comprehensive Plan (pp 4, 279). It notes that "Binghamton Plaza is an unattractive and underperforming commercial property" and its "existing condition as a single use commercial space is not conducive to the current market conditions and does not serve the community's needs" as evidenced at such time by the large number of vacancies at the Binghamton Plaza (p 279), and which remains the case today. It emphasizes that any future investment in the Binghamton Plaza should incorporate improved access to the River Walk trail and Cheri Lindsey Park and also notes that a plan which "meets the street and offers a connection to the River and trail would greatly benefit the community and City" (pp 247, 250, 279). Thus, the acquisition of the Parcel in connection with the Project is fully consistent with both the North Chenango BOA Study and the Comprehensive Plan and, in addition, is within the City's statutory authority and will fulfill its statutory purposes.

In order to complete the Project, it may be necessary for the City to exercise its power of eminent domain if a voluntary transfer of the Parcel is not consummated. No alternative locations exist in the City that are being considered for the Project.

The Public Hearing and Comment Period

In accordance with the EDPL, on February 21, 2023 at 2:00 p.m., a duly noticed public hearing (the "Hearing") was held in the City Council Chambers located at Binghamton City Hall, 38 Hawley Street in the City, to inform the public and to review the public use, benefit or purpose to be served by the Project, the proposed location of the Project and its general effect on the environment and the residents of the locality where the Project is proposed to be constructed. At the Hearing, the public was provided an opportunity to provide any comments and a record of the

Hearing was made, including written statements submitted at or prior to the Hearing, and was provided to the members of the City Council.

The comments received during the Hearing have been reviewed, made part of the record and accorded full consideration by the City. The EDPL does not require that the City address in its determination and findings any specific concern or objection raised at the Hearing. The City's responses to certain of the comments that were received during the Hearing are summarized below, and in some cases as more fully set forth in the determination and findings:

- (i) In response to the comment that the notice of the Hearing was defective or "vague" insofar as it referred to the proposed acquisition of "all or a portion" of the Parcel, the City adequately described the Parcel and thus adequately provided the public with notice and an opportunity to present their views on the Project. The City adequately described the location of the Project for purposes of the EDPL because the notice set forth the location of the Parcel and/or described such location with reasonable specificity, including by reference to both the addresses and Tax ID numbers of the Parcel. The EDPL does not require that the City describe the location of the Parcel with exacting accuracy. Further, the EDPL sets forth the required contents of a notice of public hearing, which the City's notice of the Hearing complied with in all respects.
- (ii) In response to comments questioning whether the City has sufficiently identified the public use to be served by the proposed acquisition of the Parcel, and whether it would serve a valid public purpose, the EDPL simply requires that the determination to exercise eminent domain power be rationally related to a conceivable public purpose. As set forth herein, the City's proposed acquisition of the Parcel serves multiple public purposes because it would permit the City to undertake: (A) both the City Park Expansion Improvements and the River Trail Access Improvements, in each case, furthering the public purpose of providing additional public park and open green space; and (B) site and infrastructure improvements on the remainder of the Parcel and along the eastern portion of the Parcel along W State Street in order to return the underutilized Parcel to productive use, thereby furthering the public purpose of advancing the general prosperity and economic welfare of the residents of the City by attracting and accommodating appropriate and allowable development and end user(s) and thereby, among other things, allowing for the provision of the much needed City Park Expansion Improvements and the River Trail Access Improvements and allowing for safe, welcoming and convenient access to such recreation amenities for the residents of the City and the general public thereby to promote their health, safety, wellness and general welfare, creating employment opportunities, promoting economic revitalization, decreasing the negative impacts associated

with large vacant buildings within the City and increasing the City sales tax revenues and the property tax base within the City. Additionally, an outline of the public purposes to be served may be brief, and there is no requirement under the EDPL that every aspect of a project, or its implementation, be contained within the outline of the public purpose.

- (iii) In response to the comment that the public purposes outlined in the notice of the Hearing are "illusory" because public statements made by the City's Mayor in July 2022 did not specifically outline the public purpose to be served by the proposed acquisition of the Parcel, the notice of the Hearing, dated February 6, 2023, governs for purposes of whether the requirements of the EDPL have been met, and the notice adequately described the public purposes for the reasons previously set forth herein.
- (iv) In response to the comments that the City violated Sections 101 and 301 of the EDPL because the City made no attempt to negotiate an acquisition with the current owner of the Parcel prior to issuing the notice of the Hearing, and that the City has not complied with the Constitutional requirement that it pay just compensation for taking the Parcel under its eminent domain powers, a municipality is not obligated to make an offer to justly compensate a person for property it intends to acquire by eminent domain, or to negotiate concerning what constitutes just compensation, *until* the municipality determines to exercise its eminent domain powers. Upon the City's adoption of the Determination and Findings, the City will comply in all respects with its obligations under the EDPL as it proceeds with initiation of eminent domain proceedings.
- (v) In response to the contradictory comments that, on the one hand, the City's proposed Project would disrupt the environmental remediation of the Parcel, and, on the other hand, would require the City to undertake extensive and expensive environmental remediation to make it suitable for the uses contemplated under the Project, the City is aware of the current environmental status of the Parcel, including the Environmental Easement held by NYSDEC, and will comply in all respects with applicable statutes and regulations in its reuse and/or redevelopment of the Parcel. The City does plan on doing additional remediation at the Parcel.
- (vi) In response to comments that the public purpose and economic development goals sought to be achieved by the City's acquisition of the Parcel are "contradictory" or "unnecessary" because the current owner is equally as capable of advancing the public purposes sought to be advanced, the mere fact that an individual is ready, willing and able to participate in redevelopment of underutilized property does not prohibit the City from acquiring the Parcel for its own public purposes, provided it satisfies the requirements set forth in the EDPL which the City has for the reasons set forth herein.

- (vii) In further response to comments suggesting the current owner is capable of redeveloping the Parcel, the record of the Hearing and information available to the City suggests that the current owner of the Parcel is either not willing, or able, to accomplish redevelopment of the Parcel to return it to productive use, insofar as over eight (8) years have lapsed since issuance of the Brownfield Cleanup Program (BCP) certificate of completion for the Parcel (Hearing Ex. I[2], dated December 23, 2014), and approximately four (4) years have lapsed since the date of the "conceptual schematic site plan" of the current owner's purported plan for redevelopment of the Parcel presented at the Hearing (Hearing Ex. I[1], dated April 17, 2019), and yet the Parcel now has an even higher vacancy rate than prior to its participation in the BCP, notwithstanding the availability of lucrative tax credits to the current owner to incentivize redevelopment. The credibility of the current owner in developing the Parcel is suspect when their "conceptual schematic site plan" presented at the Hearing is dated over four (4) years ago (April 17, 2019) and yet they claim they are very near to an agreement with a "national developer". No explanation was given for this years-long delay in action by the current owner on its redevelopment plan (or why it took over four years from receipt of the Certificate of Completion to devise a redevelopment plan). And, despite the current owner's statements at the Hearing that it is now "close to an agreement with a national developer" to complete its redevelopment plan, the City is aware that the current owner approached a local affordable housing not-for-profit to set up a meeting to discuss potentially partnering for development at the Parcel as recently as April 2023 (i.e., after the date of the Public Hearing).
- (viii) In response to comments that because the current owner of the Parcel has been actively seeking to redevelop and/or or repurpose the Parcel, and there are active tenants at the Parcel, including a daycare, the Parcel is thus not underutilized, the City refers to its prior responses regarding its ability to acquire property for its own public purpose even though an individual is otherwise ready, willing and able to privately develop or redevelop said property. Further, the City is vested with broad discretion in determining what use of property is necessary to serve its public purpose and it is not for the property owner, or its tenants, to suggest that alternative uses may be more suitable for the public purposes sought to be served.
- (ix) In response to the comment suggesting that the City violated the EDPL by failing to conduct a SEQRA review prior to the Hearing, the EDPL does not require that a SEQRA review be completed prior to a public hearing. Prior to the approval of the Determination and Findings, the City conducted a SEQRA review as set forth more fully in the City Council's SEQRA Resolution. The City has also evaluated the general effect of the Project on the environment as discussed below. The environmental review required under SEQRA and the EDPL, while similar and overlapping, nonetheless impose different responsibilities, and under the EDPL, all that is required is that the City assess the general effects of the acquisition on the environment, which it did at the Hearing and within this Determination and Findings.

- (x) In further response to the comment concerning SEQRA, the City has undertaken a review in accordance with the requirements of SEQRA by identifying the relevant areas of environmental concern, taking the necessary hard look of the potential impacts, and setting forth a reasoned elaboration.
- (xi) At the Hearing, it was referenced by the City that the website of Galesi Group, believed to be the management company and/or affiliate of the current owner, made no mention of the Binghamton Plaza. This was noted as seemingly contradictory to any notion that the current owner is interested in increasing occupancy at the Binghamton Plaza and/or redeveloping the Parcel. The current owner's counsel acknowledged Galesi Group is, in fact, related to the current owner "in terms of the family," but stated Galesi Group is an "entirely different entity than that which deals with and owns and operates and is involved in the Binghamton Plaza, Inc." Nonetheless, documents on file with the Broome County Clerk indicate that Francesco Galesi, the current Chairman of Galesi Group, previously served as Binghamton Plaza Inc.'s President, and other publicly available records confirm the "family" affiliation alluded to at the Hearing, specifically, that Francesco Galesi is the older brother of the current CEO of Binghamton Plaza, Inc., M. Michael Galesi. In any event, the affiliation between these entities, or even a lack thereof, is a red herring. The point is that the current owner has demonstrated over a course of many years that it is either unable, or unwilling, to either increase the occupancy rate of the Binghamton Plaza in its current form, or to accomplish redevelopment of the Parcel to put it to some other productive use.

EDPL Section 204

At a duly noticed and scheduled meeting on May 10, 2023, in addition to the above findings, the City makes the following specific determination and findings (collectively with the foregoing, the "Determination and Findings") concerning the Project pursuant to EDPL Section 204:

- I. The Public Use, Benefit or Purpose To Be Served by the Project [EDPL § 204(B)(1)].

The proposed acquisition of the Parcel in connection with the undertaking of the Project will serve a public use, benefit and/or purpose because it will advance the overall general prosperity and economic and social welfare of the residents of the City by returning the underutilized and derelict Parcel to productive use and by attracting and accommodating

appropriate and allowable development and end user(s), and thereby, among other things, (i) allowing for the provision of additional and much needed public park and open green space and allowing for safe, welcoming and convenient access to recreation amenities for the residents of the City and the general public thereby to promote their health, safety, wellness and general welfare, (ii) create employment opportunities, (iii) combat economic stagnation at the Parcel through stimulating, promoting and/or supporting new and/or existing economic revitalization and redevelopment efforts, (iv) decrease the negative impacts associated with large vacant buildings within the City, (v) enhance the overall functionality and/or attractiveness of the area and surrounding area, (vi) increase the City sales tax revenues and the property tax base within the City and/or (vii) as appropriate, may include, but not limited to, compliment and/or advance any public purpose contemplated by the North Chenango BOA Study and the Comprehensive Plans.

II. Location of the Project and Reasons for Selection of that Location [EDPL § 204(B)(2)].

The location of the Project is in the City and identifiable by the following street addresses and tax identification numbers: (1) 31 W State Street (identifiable by Tax ID#: 144.74-1-19; approximately 2.72 acres), (2) 37 W State Street (identifiable by Tax ID#: 144.66-1-17; approximately 0.61 acres), (3) 33 W State Street (identifiable by Tax ID#: 144.74-1-1; approximately 20.38 acres), (4) 41 W State Street (identifiable by Tax ID#: 144.74-1-7; approximately 0.43 acres) and (5) 29 W State Street (identifiable by Tax ID#: 144.74-1-8; approximately 0.07 acres). Such location was determined based upon information in each of the North Chenango BOA Study and the Comprehensive Plan, the longstanding vacancies and derelict condition of the Binghamton Plaza, the sheer footprint of the Parcel within the City, the proximity to major highways, the Chenango River and open green park space and its potential

for economic revitalization and redevelopment. No alternative locations exist in the City that are being considered for the Project.

III. General Effect of the Project on the Environment and Residents of the Locality [EDPL § 204 (B)(3)].

By resolution of the City Council, duly adopted on May 10, 2023 (the "City SEQRA Resolution") and the completed Full Environmental Assessment Form ("FEAF"), including Parts 1, 2 and 3 of the FEAF and the attachments thereto, the City Council, pursuant to the New York State Environmental Quality Review Act, Article 8 of the New York Environmental Conservation Law and the regulations promulgated thereto at 6 N.Y.C.R.R. Part 617 (collectively known hereafter as "SEQRA"), having found that the Project constituted a "Type I" action (as that term is defined in SEQRA) and conducted a coordinated SEQRA review of the Project, further concluded that the Project will not result in a potential significant adverse environmental impact. Such determination of the City Council constituted the adoption of a Negative Declaration which required no further review or action pursuant to SEQRA with respect to the Project. The City SEQRA Resolution and the FEAF, together with any other documents and information on which it was based, is incorporated herein by reference and is made a part hereof.

In sum, the City Council concluded that the Project, including the acquisition of the Parcel, will not result in a potential significant adverse impact on the environment. Any potential impacts from any future development of the 12.45-acre portion of the Parcel will be appropriately addressed in accordance with applicable land use and zoning reviews, including a SEQRA review, once the details of the future developments plans are formulated, and such review will be no less protective of the environment. The acquisition of the Parcel, the City Park Expansion and the River Trail Access Improvements, as well as the potential future development

of the 12.45-acre portion of the Parcel will positively impact the residents of the City, thereby expanding the benefits of the City's parks and recreation areas, advancing the creation of additional job opportunities, expanding the tax base in the City, and otherwise supporting the general prosperity and economic welfare of the City's residents.

IV. Other Relevant Factors [EDPL § 204 (B)(4)].

The City has given due consideration to the Hearing record including, but not limited to, comments received during the Hearing. In addition, the City has taken into account public opinion and concerns, if any, expressed through the SEQRA process associated with the Project. If a voluntary transfer of the Parcel cannot be consummated by the City, then the City may proceed with condemnation of the Parcel in connection with the undertaking of the Project.

Conclusion

Based on due consideration of the foregoing, the City hereby makes its Determination and Findings in accordance with the EDPL in connection with the acquisition of the Parcel by condemnation, if necessary, in connection with the undertaking of the Project.

Dated: May 10, 2023

* * *