

Adopted August 9, 2022

Introduced by Joseph Semione
who moved its adoption.

Seconded by Dave D'Amore

**RESOLUTION APPROVING OF AN INCREASE IN SALES TAX EXEMPTION IN
CONNECTION WITH THE VIREO HEALTH OF NEW YORK PERTH FACILITY
EXPANSION PROJECT**

WHEREAS, Vireo Health of New York, LLC, a limited liability company organized in the State of New York, and its permitted assigns (the "Company"), has received approval from the Agency financial assistance in the form of a payment in lieu of taxes, a mortgage recording tax exemption and sales tax abatements regarding a project (the "Project") to consist of: (i) the acquisition of an interest in a certain parcel or parcels of real property located at County Highway 107, Town of Perth, County of Fulton, State of New York (the "Land") and being a portion of tax map parcel number 164.-5-1; (ii) the construction of a 324,000+/- square foot addition to the existing facility for manufacturing space for Cannabis products, a large scale indoor cultivation wing and a warehouse (collectively referred to as (the "Facility"); and (iii) the acquisition and installation therein of certain furnishing and fixtures (the "Equipment" and together with the Land and the Facility, collectively (the "Project Facility") to be used in connection with the contemplated uses; and (iv) the lease of the Project Facility back to the Company, all pursuant to Title 1 of Article 18-A of the General Municipal Law of the State of New York and Section 895-c of the General Municipal Law (collectively, the "Act"); and

WHEREAS, the Agency and the Company entered into a Project Agreement and Agent Agreement dated as of July 26, 2021 in regard to the Project, as more particularly defined therein; and

WHEREAS, due to revised project design and increased costs, the total cost of the Project has increased to an estimated amount of \$77,465,438.00, previously projected at \$55,000,000.00; and

WHEREAS, in order to complete the Project, the Company has made application to the Agency requesting that the Agency extend the project completion date and sales tax appointment date through May 31, 2023 and to increase the amount of the sales tax exemption based on increased project costs; and

WHEREAS, on July 12, 2022, the Agency extended the sales tax authorization date through May 31, 2023; and

WHEREAS, a public hearing was duly held on July 26, 2022 pursuant to Article 18-A of the Act before taking official action relating to the Project.

NOW, THEREFORE, BE IT RESOLVED:

1. That the Agency does hereby acknowledge and approve of an increase in the total project cost in the amount of Twenty Two Million Four Hundred Sixty Five Thousand Four Hundred Thirty Eight Dollars (\$22,465,438.00) resulting in a total project cost of Seventy Seven Million Four Hundred Sixty Five Thousand Four Hundred Thirty Eight Dollars (\$77,465,438.00).

2. That the Agency does hereby approve of an increase in the purchase of sales tax exempt items to Forty One Million Fifty Six Thousand Six Hundred Eight Two Dollars (\$41,056,682.00) (previously \$2,251,520.00), thereby increasing the total sales tax exemption authorization to Three Million Two Hundred Eighty Four Thousand Five Hundred Thirty Five Dollars (\$3,284,535.00).

3. That the Company shall be responsible for any fees, costs and expenses relating to this transaction, including the additional administrative fee due the Agency based on the increase in the total project cost, Agency's legal fees and any other fees and expenses.

4. That the Agency does hereby authorize the Chief Executive Officer or the Chair of the Agency, upon advice and consent of Agency Counsel, to execute and deliver on behalf of the Agency any and all documents necessary to consummate the transaction.

5. This resolution shall take effect immediately.

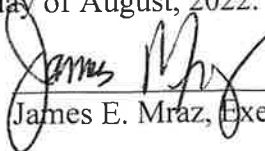
The foregoing resolution was thereupon declared duly adopted.

AYES: 6
NAYS: 0
ABSENT: 1 (Gillis)
ABSTAIN: 0

This is to certify that I, James E. Mraz, Executive Director of the Fulton County Industrial Development Agency, do hereby certify that the foregoing is a true and correct copy and the whole thereof of a Resolution duly adopted by the Fulton County Industrial Development Agency on the 9th day of August, 2022.

In witness whereof, I have hereto set my hand and affixed the official seal of the Fulton County Industrial Development Agency on this 9th day of August, 2022.

[SEAL]


James E. Mraz, Executive Director