

## DETERMINATION AND FINDINGS PURUANT TO ARTICLE 2 OF THE NEW YORK EMINENT DOMAIN PROCEDURE LAW

Public project: proposed condemnation of the city block enclosed by Charles St., Oriskany St., Broadway St. and Whitesboro St. in the City of Utica, New York.

In accordance with Section 204 of the New York Eminent Domain Procedure Law (“EDPL”) the Board of the Upper Mohawk Valley Auditorium Authority hereby approves the acquisition of the city block described below by eminent domain, if necessary, and adopts the following statutory findings:

1. Project Description and Objectives. The expansion of the Utica Memorial Auditorium is part of an effort to revitalize Brownfield Opportunity Area located in what was formerly known as the West Industrial Area in the City of Utica. The specific area that is the subject of the public hearing is the city block enclosed by Charles St., Oriskany St., Broadway St. and Whitesboro St. in the City of Utica, New York. The objective is to provide an area for the Utica Memorial Auditorium to build an additional structure enclosing a second sheet of ice, storage space, meeting rooms, and staging areas to accommodate conventions. In addition, the project would allow for removal of urban blight and provide for additional parking.

The Auditorium Authority has recently invested about \$9 million in renovating the Auditorium following the attraction of an American Hockey League franchise. These improvements have allowed the Auditorium to experience a dramatic increase in usage, and has helped to bring the Auditorium up to more modern standards expected by patrons of indoor auditoriums. Premium seating has been added, lighting, scoreboards, locker rooms and other components have been renovated or added to the Auditorium. Attendance and usage has increased dramatically as a result. Storage for flooring and equipment is currently in the basement hallway, and the current configuration prevents the use of existing bathrooms in the basement during hockey games. The Auditorium has contracted with a management firm to operate the Auditorium and it is contractually entitled to office space. Currently office space is contained in trailers that are parked outside the Auditorium. The project would be designed to alleviate these issues and allow the Auditorium to run a number of programs more economically.

2. EDPL Public Hearing. In accordance with Article 2 of the EDPL, the Auditorium Authority conducted a public hearing on October 30, 2014 to describe the project and to invite public comment on the public uses, benefits and purposes to be served by the proposed acquisition, the property interest to be acquired, the

reasons for acquiring property and the general effect of acquisitions on the environment and residents. Notices of the public hearing were duly published as required by the EDPL. Property owners and their attorneys were given advance notice of the hearing and they attended. As stated at the hearing, the record stayed open for ten additional days through November 9, 2014 and the public was invited to provide additional material.

At the hearing, the Auditorium Authority provided maps and conceptual drawings done for the City of Utica and the Auditorium Authority showing what the project might look like and outlining the specific property to be acquired. Board members of the Auditorium Authority were present to hear the public comments and a transcript of the hearing was made available to all of the Board members. All oral and written comments have been reviewed and given due consideration.

3. Location of Project. The proposed acquisition is the city block enclosed by Charles St., Oriskany St., Broadway St. and Whitesboro St. in the City of Utica, New York.

4. Public Use, Benefit, and Purposes. The Authority proposes building a second or additional structure to house a second sheet of ice, which would allow programs to be run at a lower cost, and would reduce scheduling conflicts. This would benefit current, longstanding youth hockey and figure skating clubs that utilize the Auditorium. The additional structure would also provide for staging areas and meeting rooms necessary to attract convention business, which has been turned away due to the limitations of the current structure. The Auditorium has recently dramatically increased usage of the Auditorium and requires additional space for storage for flooring and equipment, which is currently located in the basement hallway and requires the Auditorium Authority to rent storage space. The current configuration prevents the use of existing bathrooms in the basement during hockey games and there are long lines given the number of patrons attending games. The Auditorium has contracted with a management firm to operate the Auditorium and it is contractually entitled to office space. Currently office space is contained in rented trailers that are parked outside the Auditorium. Additional parking space would be available, which increases patrons' perception of safety and convenience to events. The project would also give the Authority the opportunity to bring more of the Auditorium up to standards of accessibility under the Americans With Disabilities Act. The project would be designed to alleviate these issues and allow the Auditorium to run a number of programs more economically. Given the public investment in the Auditorium and the surrounding

area to date, acquisition would also alleviate urban blight caused by the condition of the current property.

5. Reason for selection of Locations. The proposed structure would need to be near the mechanicals of the current building on the east side of the building. The Auditorium Authority already owns property on the West and North sides of the building, which are bounded by busy public streets, and which are currently used for parking.

6. General Effect of Acquisition on Environment and Residents. Currently there are no known environmental impacts or effects, and no residents in or near the proposed acquisition. The proposed acquisition was a former industrial laundry, and purchase of the property may require environmental clean-up and improvement. The removal of the current building on the site would reduce urban blight. The project's impact will continue and expand the benefits of the significant investment in the Auditorium and help ensure the success of the Auditorium for the foreseeable future.

Copies of this Determination and Findings by the Auditorium Authority are available and will be forwarded without cost and upon request to Martin & Rayhill, PC, 421 Broad St. #10, Utica, New York 13501.

Mr. Carl Annese  
President  
Upper Mohawk Valley Memorial Auditorium Authority  
400 Oriskany Boulevard  
Utica, New York 13502