

**RESOLUTION NO. 34 OF 2013
TOWN OF CLAYTON
A RESOLUTION TO APPROVE A PILOT AGREEMENT – CLAYTON HARBOR
HOTEL, LLC.
JANUARY 28, 2013**

Title: A resolution to approve a PILOT Agreement – Clayton Harbor Hotel, LLC.

At a meeting of the Town Board of the Town of Clayton held at the Village Municipal offices located at 425 Mary Street, Clayton, New York 13624, on the 28th day of January, 2013, at 5:30 PM prevailing time there were:

PRESENT:

Justin A. Taylor, Supervisor

George E. Kittle, Councilmember

Lance Peterson, Councilmember

Robert W. Cantwell III, Councilmember

Christopher D. Matthews, Councilmember

WHEREAS, The Jefferson County Industrial Development Agency (the “Agency”) was created by Chapter 369 of the Laws of 1971 of the State of New York pursuant to Title 1 of Article 18-A of the General Municipal Law of the State of New York (collectively, the “Act”), and

WHEREAS, The Agency has agreed to acquire from Clayton Harbor Hotel, LLC (the “Company”), an interest in certain property located at 200 Riverside Drive, Clayton, New York (Tax Parcel Nos. 20.39-1-8, 20.39-1-1.1, 20.39-1-19, 20.39-1-11 and 20.39-1-9), in the Town of Clayton more particularly described in the payment in lieu of taxes agreement (the “PILOT Agreement”), and

WHEREAS, The Agency has agreed to lease the property to the Company pursuant to a lease agreement by and between the Agency and the Company, and the Company intends to construct on the property a 105-room hotel together with a 300-person

ballroom/conference center, restaurant, indoor swimming pool and other facilities (the "Project"), and

WHEREAS, Pursuant to Section 874(1) of the Act, and Section 412(A) of the Real Property Tax Law of the State of New York, the Agency is exempt from the payment of taxes and assessments imposed upon real property and improvements in which it has a leasehold interest other than special ad valorem levies, special assessments and services charges against real property located in Jefferson County which are or may be imposed for special improvements or special district improvements, and

WHEREAS, the Town of Clayton has determined that the Project is in the best interest of the Town and deems it appropriate for the Agency to enter into the Payment in Lieu of Taxes Agreement making provision for payments in lieu of taxes by the Company to the Agency for the benefit of the respective taxing jurisdictions within which the property is located in substantially the same form as presented at this meeting.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Clayton hereby consents to entering into a Payment in Lieu of Taxes Agreement with Clayton Harbor Hotel, LLC in substantially the same form as presented at this meeting and which is attached to this resolution as **Exhibit "A"**.

A motion to adopt the foregoing Resolution was made by Supervisor Justin A. Taylor and seconded by Councilmember Christopher D. Matthews and upon a roll call vote of the Board was duly adopted as follows:

Supervisor Justin A. Taylor	yes <u>_X_</u>	no ___
Councilmember George E. Kittle	yes <u>_X_</u>	no ___
Councilmember Lance Peterson	yes <u>_X_</u>	no ___
Councilmember Robert W. Cantwell, III	yes <u>_X_</u>	no ___
Councilmember Christopher D. Matthews	yes <u>_X_</u>	no ___

Dated: January 28, 2013

Kathleen E. LaClair, Town Clerk

(Seal)