

22-46-09

**RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER A LEASE
FOR SPACE LOCATED ON THE FIFTH FLOOR OF 54 STATE STREET ALBANY,
NEW YORK**

WHEREAS, the Regulating District's agreement for a three year lease with DF Acquisitions, LLC for two spaces occupied by the Hudson River Area Office (HRAO) within 350 Northern Blvd., Albany, New York expired on September 30, 2021; and

WHEREAS, after an extensive search of available lease space, the Board authorized the Executive Director to enter into a Facilities Use Agreement (FUA) with Fuller Road Management Corporation (FRMC), effective September 1, 2021 for 2,752 square feet of space on the 3rd Floor of 575 Broadway, Albany, New York; and

WHEREAS, following a successful initial one-year term, the Executive Director executed a second FUA with Fuller Road Management Corporation for a second one-year term commencing September 1, 2022; and

WHEREAS, pursuant to the FUA, either party may elect to terminate the agreement by providing written notice to the other party at least forty-five (45) days prior to the effective date of such termination; and

WHEREAS, in light of reports that FRMC has entered into an agreement to sell the building at 575 Broadway to a developer whose plans do not include the Regulating District's continued tenancy therein, staff have again engaged in an extensive search of available lease space; and

WHEREAS, staff identified space at 54 State Street as a preferred option based on cost and operational suitability; and

WHEREAS, through negotiations with the Regulating District, staff have obtained an agreement to provide a turnkey build-out based upon an agreed to floor plan and work scope utilizing building standard materials at no cost to the Regulating District; and

WHEREAS, staff recommend 2,659 square feet of rentable space on the fifth floor of 54 State Street, Albany, New York which can accommodate the Regulating District's Albany staff; and

WHEREAS, the five-year lease term would commence November 1, 2022 at a base rent per annum of \$50,521.00; and

WHEREAS, the Regulating District will be charged \$2.25 per rentable square foot in Year 1 for electric utilities; and

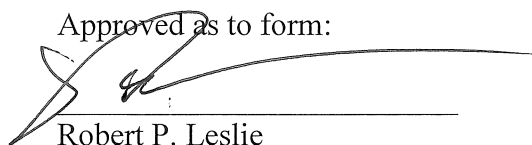
WHEREAS, the Regulating District will be charged a pro-rata share (1.8%) of increases in the Property Taxes over a 2023 Base Year and School Taxes over the 2022/23 School Taxes; and

WHEREAS, the Regulating District will be charged a pro-rata share (1.8%) of increases in the Operating Expenses over a 2023 Base Year;

NOW THEREFORE BE IT RESOLVED, the Board of the Hudson River –Black River Regulating District hereby authorizes the Executive Director to execute a new lease agreement for space on the fifth floor of 54 State Street, Albany, New York, with a five-year term, effective November 1, 2022 at the specified fee per annum; and

BE IT FURTHER RESOLVED that the contract is subject to review and approval of the Office of the New York State Attorney General and the New York State Office of the State Comptroller.

Approved as to form:



Robert P. Leslie
General Counsel

Motion was made by Mr. Allen and seconded by Mr. Hayes that the Resolution be approved.

Present and Voting:

<u>MEMBER</u>	<u>AYE</u>	<u>NOE</u>	<u>ABSTAIN</u>
Mr. Finkle.....	_____	_____	<u>EXCUSED</u>
Mr. Hayes.....	<u>X</u> _____	_____	_____
Mr. DeWitt.....	<u>X</u> _____	_____	_____
Mr. Bird.....	<u>X</u> _____	_____	_____
Mr. Candido.....	<u>X</u> _____	_____	_____
Mr. Reagan.....	_____	_____	<u>EXCUSED</u>
Ms. Allen.....	<u>X</u> _____	_____	_____