

**NOTICE PURSUANT TO ARTICLE 2 OF THE NEW YORK EMINENT DOMAIN  
PROCEDURE LAW FOR THE ACQUISITION OF CERTAIN REAL PROPERTY  
LOCATED IN THE TOWN OF HENRIETTA, MONROE COUNTY, NEW YORK**

**NOTICE IS HEREBY GIVEN** to all persons that a public hearing, pursuant to Article 2 of the New York Eminent Domain Procedure Law ("EDPL"), will be held by the County of Monroe Industrial Development Agency d/b/a Imagine Monroe Powered By COMIDA (the "Agency") on April 15, 2019, beginning at 10:30 a.m., local time, in the Main Meeting Room at the Henrietta Town Hall, 475 Calkins Road, Henrietta, New York 14467.

The Agency is currently under a "straight-lease transaction" (as such quoted term is defined in Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended) pursuant to which the Agency acquired a leasehold interest in certain parcels of land comprising in the aggregate approximately 125±-acres and located at 3400 West Henrietta Road (identifiable by Tax ID#: 161.12-1-1.11), 10 Miracle Drive (identifiable by Tax ID#: 161.12-1-1.1/C), 15 Miracle Drive (identifiable by Tax ID#: 161.12-1-1.1/D), 20 Miracle Drive (identifiable by Tax ID#: 161.12-1-1.1/B), 25 Miracle Drive (identifiable by Tax ID#: 161.12-1-1.1/A), 30 Miracle Drive (identifiable by Tax ID#: 161.12-1-1.1/G), 1100 Miracle Drive (identifiable by Tax ID#: 161.12-1-1.1/F) and 1200 Miracle Mile Drive (identifiable by Tax ID#: 161.12-1-1.1/E) all located in the Town of Henrietta, New York (collectively, the "Land") and upon which is located, among other things, the shopping center referred to as The Marketplace Mall and The Outlets at Marketplace Mall, including, but not limited to, the Main Mall building, the Sears department store, the JC Penney department store, the former Bon-Ton department store, the Former Macy's Parcel (as defined below), the Dick's Sporting Goods store and the Field & Stream store (collectively, the "Mall Improvements", and collectively with the Land, the "Mall Facility").

The Proposed Site (as defined below) consists of (i) the situs at the Mall Facility of the former, and now vacant, approximately 149,009 square foot Macy's Department Store and existing Macy's improvements, adjoining and/or nearby parking fields and related improvements located at 20 Miracle Mile Drive (identifiable by Tax ID#: 161.12-1-1.1/B) and containing in the aggregate approximately 9.53 acres (collectively, the "Former Macy's Parcel"), (ii) the Triangular Parcel (as defined below) that is to become part of the Former Macy's Parcel and (iii) such portions of the Mall Facility adjoining and/or near the Former Macy's Parcel containing in the aggregate approximately 25 acres that are to become part of the Former Macy's Parcel by way of modification by the Town of Henrietta, New York, to the existing lot lines (collectively, the "Addition to Macy's Parcel", and collectively with the Former Macy's Parcel and the Triangular Parcel, the "Proposed Site").

The Marketplace, a New York limited partnership, for itself and on behalf of its affiliate, MMPO, LLC or other entities to be formed (collectively, the "Company") has requested the Agency to assist in a certain project (collectively, the "Project") consisting of the "acquisition" (as such quoted term is defined under the EDPL; hereinafter referred to as the "Acquisition") by the Agency of all or a portion of certain "real property" (as such quoted term is defined under the EDPL) interests of only those certain tenants of the Mall Facility and/or parties identified by the Company as Old Navy, LLC, Sears, Roebuck and Co., J.C. Penney Properties, Inc., Victoria's Secrets Stores, LLC, Bath & Body Works, LLC, Express Fashion Operations, LLC, Dick's

Sporting Goods, Inc. (Field & Stream), Galyan's Trading Company, LLC (Dick's Sporting Goods) and Dave & Buster's of New York, Inc., and their respective successors or assigns, including, without limitation, any and all rights, rights of approval, interests, privileges or easements of any and all such tenants and/or parties, their respective successors or assigns, under any and all leases, instruments or agreements, including, without limitation, any leasehold interest of J.C. Penney Properties, Inc. (or any of its successors or assigns) with respect to such portions of the Mall Facility constituting a triangular shaped parking field and related improvements adjoining and/or near the eastern portion of JC Penney Department Store located at 25 Miracle Mile Drive (identifiable by Tax ID#: 161.12-1-1.1/A) and containing in the aggregate approximately 3 acres (the "Triangular Parcel") and any and all operating covenant agreements (or similar agreements), reciprocal easement agreements (or similar agreements) whether or not recorded (collectively, the "Proposed Interests"), all as may be needed in order to facilitate and in connection with the productive reuse and redevelopment by the Company of the underutilized Proposed Site and any and all related parking realignments, parking improvements, infrastructure or site improvements or modifications necessary therefor at the Mall Facility, including, without limitation, related parking garages, buildings of heights in excess of two (2) stories and signage, contemporaneously or in stages pursuant to the EDPL, to further the public purpose of advancing the general prosperity and economic welfare of the residents of Monroe County, New York by attracting and accommodating new tenant(s) and/or end user(s) and thereby, among other things, attract additional visitors to the Mall Facility, create employment opportunities and decrease the negative impacts associated with large vacant buildings within Monroe County, New York.

In addition to informing the public, said public hearing is being held for the purpose of considering (i) the Acquisition of all or a portion of the Proposed Interests located at the Mall Facility and (ii) the public purpose of the proposed Acquisition, location of the Project, general effects of the proposed Acquisition on the environment and the residents of the locality and other relevant information. No proposed alternate locations are being considered.

All interested persons are invited to attend said public hearing and present their views regarding the proposed Acquisition. Persons unable to attend the public hearing, or persons in attendance at the public hearing, may submit to the Agency, either prior to, during or after the public hearing, any written comments or other related documents regarding the proposed Acquisition. Any written comments and related documents received by the hearing date or within seven (7) calendar days of the public hearing will become part of the official public hearing record. Written comments can be sent to the County of Monroe Industrial Development Agency d/b/a Imagine Monroe Powered By COMIDA, c/o Lydia Birr, 8100 CityPlace, 50 West Main Street, Rochester, New York 14614. Comments received after the close of business on April 22, 2019, will not be considered.

Dated: April 4, 2019

COUNTY OF MONROE INDUSTRIAL  
DEVELOPMENT AGENCY D/B/A  
IMAGINE MONROE POWERED BY  
COMIDA