FOR CONSIDERATION
June 24, 2010

TO: The Directors

FROM: Dennis M. Mullen

SUBJECT: Non-Discretionary Project

REQUEST FOR: Authorization to Adopt the Amended General Project Plan; Authorization to Make a Grant and to Take Related Actions

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Attached is the summary of one project sponsored by the New York State Executive Branch:

	Arts and Cultural Projects (Governor)			
	Project Name	**Proj #**	**Grantee**	**Assistance up to**
A	Museum for African Art Capital	W610	Museum for African Art	0[1]
	1– this $6M grant was approved by the ESD Directors on August 19, 2009. The subject request is to amend the project scope and budget, and does not involve new funding.			
	1 project		**Sub-total**	**$0**
	TOTAL NON-DISCRETIONARY – 1 PROJECT		**TOTAL**	**$0**

I. Statutory Basis

The project is sponsored by the Executive Office, and was authorized or reappropriated in the 2009-2010 New York State budget. No residential relocation is required as there are no families or individuals residing on the site.

II. Environmental Review

Unless otherwise noted on the project summary, ESD staff has determined that the project constitutes a Type II action as defined by the New York State Environmental Quality Review Act and the implementing regulations for the New York State Department of Environmental Conservation. No further environmental review is required in connection with the project.

III. Affirmative Action

ESD's Non-Discrimination and Affirmative Action policy will apply to the project. Unless otherwise noted on the project summary, grantee and/or the beneficiary company, as applicable, is encouraged to provide for the meaningful participation of minorities and women in any job or training opportunities created by the project and to solicit and utilize Minority and Women-owned Businesses for any contractual opportunities generated in connection with the project.

IV. ESD Employment Enforcement Policy

Unless otherwise noted on the project summary, the ESD Employment Enforcement Policy will not apply since the project will not directly create or retain jobs.

V. ESD Financial Assistance Subject to Availability of Funds and Additional Approval

The provision of ESD* financial assistance is contingent upon the availability of funds and the approval of the State Division of the Budget.

* The New York State Urban Development Corporation doing business as the Empire State Development Corporation ("ESD" or the "Corporation")

VI. Additional Requirements

Pursuant to direction received from the New York State Office of the Attorney General ("OAG"), individual project summaries may be subject to comment and approval by the OAG.

Due diligence has been exercised by ESD staff in reviewing information and documentation received from grantees/borrowers and other sources, in preparation for bringing projects to the ESD Directors for approval. The due diligence process also involves coordination with a number of external constituents, including the OAG, and grantees have provided ESD with the required Disclosure and Accountability Certifications.

VII. Additional Submissions to Directors

New York State Map
Resolution
Project Summary

June 24, 2010

Arts and Cultural Projects - Findings and Determinations Pursuant to Section 10 (g) of the Act; Authorization to Adopt the Amended General Project Plan; Authorization to Make a Grant and to Take Related Actions

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RESOLVED, that on the basis of the materials presented to this meeting, a copy of which is hereby ordered filed with the records of the Corporation, relating to the Arts and Cultural Projects (the "Project"), the Corporation hereby determines pursuant to Section 10 (g) of the New York State Urban Development Corporation Act of 1968, as amended (the "Act"), that there are no families or individuals to be displaced from the project area; and be it further

RESOLVED, that the Corporation does hereby adopt, subject to the requirements of Section 16(2) of the Act, the amended General Project Plan (the "Plan") for the Project submitted to this meeting, together with such changes therein as the Chairman and Chief Executive Officer of the Corporation or his designee(s) may deem appropriate, a copy of which Plan, together with such changes, are hereby ordered filed with the records of the Corporation; and be it further

RESOLVED, that upon written finding of the Chairman and Chief Executive Officer of the Corporation or his designee(s) that no substantive negative testimony or comment has been received at the public hearing held on the Plan, such Plan shall be effective at the conclusion of such hearing, and that upon such written finding being made, Chairman and Chief Executive Officer of the Corporation or his designee(s) be, and each of them hereby is, authorized to make a grant to the party and for the amount listed below from Arts and Cultural Projects, for the purposes, and substantially on the terms and conditions, set forth in the materials presented to this meeting, with such changes as the Chairman and Chief Executive Officer of the Corporation or his designee(s) may deem appropriate, subject to the availability of funds and the approval of the State Division of the Budget; and be it further

RESOLVED, that the Chairman and Chief Executive Officer of the Corporation or his designee(s) be, subsequent to the making of the grant, and each of them hereby is, authorized to take such actions and make such modifications to the terms of the grant as he or she may deem necessary or appropriate in the administration of the grant; and be it further

RESOLVED, that the provision of ESD financial assistance is expressly contingent upon: (1) the approval of the Public Authorities Control Board, if applicable, and (2) receipt of all other necessary approvals; and be it further

Arts and Cultural Projects - Project Summary Table

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			TOTAL	**$0**

RESOLVED, that the Chairman and Chief Executive Officer of the Corporation or his designee(s) be, and each of them hereby is, authorized in the name and on behalf of the Corporation to execute and deliver any and all documents and to take all actions as he or she may in his or her sole discretion consider to be necessary or proper to effectuate the foregoing resolutions.

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