



January 20, 2011

**NOTICE LETTER**

To: Chief Executive Officers of  
Affected Tax Jurisdictions

Re: **Genesee County Industrial Development Agency d/b/a Genesee County  
Economic Development Center and Berkshire Hospitality LLC:  
Public Hearing**

Ladies and Gentlemen:

On Tuesday, February 1, 2011, at 4:00 p.m. local time, at Batavia Town Hall, 3833 W. Main Street Road, Batavia, New York 14020, the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center (the "Agency") will conduct a public hearing regarding the above-referenced project. Attached is a copy of the Notice of Public Hearing describing the project and the financial assistance contemplated by the Agency. The Notice has been submitted to *The Daily News* for publication.

You are welcome to attend such hearing at which time you will have an opportunity to review the project application and present your views, both orally and in writing, with respect to the project. We are providing this notice to you, pursuant to General Municipal Law Section 859-(a), as the chief executive officer of an affected tax jurisdiction within which the project is located.

Very truly yours,

**GENESEE COUNTY INDUSTRIAL  
DEVELOPMENT AGENCY d/b/a  
GENESEE COUNTY ECONOMIC  
DEVELOPMENT CENTER**

**Chief Executive Officers  
Of  
Affected Tax Jurisdictions**

**Genesee County Manager  
Genesee County Courthouse  
County Building I  
7 Main Street  
Batavia, New York 14020**

**Town of Batavia  
Attn: Supervisor  
3833 W. Main Street Road  
Batavia, New York 14020**

**Genesee County Legislature  
Attn: Chairman  
Old Courthouse  
7 Main Street  
Batavia, New York 14020**

**Batavia City School District  
Attn: Superintendent  
39 Washington Avenue  
Batavia, New York 14020**

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing pursuant to Article 18-A of the New York General Municipal Law will be held by the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center (the "Agency") on Tuesday February 1, 2011, at 4:00 p.m. local time, at the Batavia Town Hall, 3833 West Main Street Road, Batavia, New York 14020, in connection with the following matter:

Berkshire Hospitality LLC, for itself or on behalf of an entity to be formed (the "Company"), has submitted an application (the "Application") to the Agency requesting the Agency's assistance with a certain project (the "Project") consisting of (i) the acquisition by the Agency of a leasehold interest in a certain approximately 2.43-acre parcel of real property located on Commerce Drive, in the Town of Batavia, Genesee County, New York (the "Land"), (ii) the construction by the Company of an approximately 41,000 square foot four-story Holiday Inn hotel consisting of approximately 80 hotel rooms, a fitness room, an indoor pool, a lobby area and meeting space (the "Improvements"), and (iii) the acquisition of and installation in and around the Improvements by the Company of machinery, equipment, and other fixture-based items of tangible personal property (the "Equipment" and, collectively with the Land, the Existing Improvements and the Improvements, the "Facility").

The Agency will acquire title to, or a leasehold interest in, the Facility and lease the Facility back to the Company. The Company will operate the Facility during the term of the lease. At the end of the lease term, the Company will purchase the Facility from the Agency, or if the Agency holds a leasehold interest, the leasehold interest will be terminated. The Agency contemplates that it will provide financial assistance (the "Financial Assistance") to the Company in the form of sales and use tax exemptions and a mortgage recording tax exemption, consistent with the policies of the Agency, and a partial real property tax abatement.

A representative of the Agency will be at the above-stated time and place to present a copy of the Company's project Application (including a cost-benefit analysis) and hear and accept written and oral comments from all persons with views in favor of or opposed to or otherwise relevant to the proposed Financial Assistance.

Dated: January 19, 2011

By: GENESEE COUNTY INDUSTRIAL  
DEVELOPMENT AGENCY D/B/A  
GENESEE COUNTY ECONOMIC  
DEVELOPMENT CENTER