

TOWN OF BROOKHAVEN INDUSTRIAL DEVELOPMENT AGENCY

APPLICATION FOR CONSENT TO SUBLEASE

APPLICATION OF: _____ (“Company”)

FOR CONSENT TO SUBLEASE TO

_____ (“Subtenant”)

FACILITY/PROJECT: _____

Please respond to all items either by filing in blanks, by attachment (by marking space “see attachment number 1”, etc.) or by N.A., where not applicable. Application must be filed in two copies. A \$750.00 non-refundable application fee is required at the time of submission to the Agency.

Information provided herein will not be made public by the Agency prior to the passage of an official Resolution, but may be subject to disclosure under the New York State Freedom of Information Act.

Please write or call:
Town of Brookhaven Industrial Development Agency
c/o Town of Brookhaven Division of Economic Development

One Independence Hill
Farmingville, New York 11738

(631) 451-6563

I. COMPANY DATA

A. COMPANY:

NAME: _____

ADDRESS: _____

CONTACT: _____

POSITION: _____

PHONE: _____

FEDERAL EMPLOYER I.D.: _____

B. RELATED USERS OF THE FACILITY:

NAME	RELATIONSHIP
_____	_____
_____	_____
_____	_____

C. COMPANY COUNSEL:

FIRM NAME: _____

ADDRESS: _____

INDIVIDUAL ATTORNEY: _____

PHONE: _____

D. PRINCIPAL STOCKHOLDERS, MEMBERS OR PARTNERS, IF ANY, OF COMPANY AND RELATED USERS (5% OR MORE EQUITY):

NAME	PERCENT OWNED	COMPANY/ RELATED USER
_____	_____	_____
_____	_____	_____

E. HAS THE OWNER, OR ANY SUBSIDIARY OR AFFILIATE OF THE OWNER, OR ANY STOCKHOLDER, PARTNER, MEMBER, OFFICER, DIRECTOR OR OTHER ENTITY WITH WHICH ANY OF THESE INDIVIDUALS IS OR HAS BEEN ASSOCIATED WITH:

i. EVER FILED FOR BANKRUPTCY, BEEN ADJUDICATED BANKRUPT OR PLACED IN RECEIVERSHIP OR OTHERWISE BEEN OR PRESENTLY IS THE SUBJECT OF ANY BANKRUPTCY OR SIMILAR PROCEEDING? (IF YES, PLEASE EXPLAIN)

ii. BEEN CONVICTED OF A FELONY, OR MISDEMEANOR, OR CRIMINAL OFFENSE (OTHER THAN A MOTOR VEHICLE VIOLATION)? (IF YES, PLEASE EXPLAIN)

II. PROJECT/FACILITY DATA

A. LOCATION OF PROJECT:

ADDRESS: _____

S.C. TAX MAP:

DISTRICT _____ SECTION _____ BLOCK _____ LOT _____

B. PROJECT SITE:

1. ACREAGE:

2. BUILDING:

A) SIZE

B) CURRENT OCCUPANTS, AREA OCCUPIED AND USES

CURRENT OCCUPANT	AREA OCCUPIED (Sq. Ft.)	USE
_____	_____	_____
_____	_____	_____
_____	_____	_____

III. PROPOSED SUBTENANT

A. NAME AND ADDRESS

B. AFFILIATES' NAMES AND ADDRESSES

C. CURRENT LOCATION

D. NAME AND ADDRESS OF PRINCIPALS OF SUBTENANT AND AFFILIATES

E. RELATIONSHIP OF SUBTENANT TO COMPANY

F. PROPOSED AREA TO BE OCCUPIED

G. PROPOSED USE BY SUBTENANT

H. DOES PROPOSED USE AND OCCUPANCY COMPLY WITH ALL PLANNING, ZONING, BUILDING, HEALTH AND ENVIRONMENTAL LAWS, REGULATIONS AND REQUIREMENTS, AND ALL COVENANTS, AGREEMENTS AND DECLARATIONS OF RECORD?

I. PROPOSED SUBLEASE TERMS

TERM:

COMMENCEMENT DATE:

GUARANTORS:

BASE RENT:

BASE RENT INCREASES:

COMMON AREA RENT:

REAL ESTATE TAXES:

IMPROVEMENTS TO PROPOSED DEMISED AREA TO BE MADE BY COMPANY

DESCRIPTION: _____

COST: _____

SOURCE OF PAYMENT: _____

IMPROVEMENTS TO PROPOSED DEMISED AREA TO BE MADE BY SUBTENANT

DESCRIPTION: _____

COST: _____

SOURCE OF PAYMENT: _____

**FAIR MARKET RENT EVALUATION
IS RENT TO BE CHARGED FAIR MARKET?**

HOW WAS FAIR MARKET RENT DETERMINED? (ATTACH SUPPORTING DOCUMENTATION)

DOES OR WILL ANY OF THE "FINANCIAL ASSISTANCE" PROVIDED BY THE AGENCY, INCLUDING REAL ESTATE TAX EXEMPTION, SALES AND USE TAX EXEMPTION AND MORTGAGE RECORDING TAX EXEMPTION, BENEFIT THE SUBTENANT IN ANY MANNER? IF SO, EXPLAIN.

ATTACH COPY OF EXECUTED SUBLEASE (MAY BE CONDITIONED UPON AGENCY APPROVAL).

J. HOW MANY EMPLOYEES ARE THERE NOW

HOW MANY ADDITIONAL EMPLOYEES ARE EXPECTED IN REGARDS TO THIS APPLICATION

IV. MORTGAGEES

HAVE THE HOLDERS OF ALL MORTGAGES OF RECORD CONSENTED TO THE PROPOSED SUBLEASE? (ATTACH EVIDENCE THEREOF).

COMPANY CERTIFICATION

_____ [Insert name of chief executive officer/manager/partner of proposed subtenant] DEPOSES AND SAYS THAT HE IS THE _____ [insert title] OF _____ [insert name of Company], THE COMPANY NAMED IN THE ATTACHED APPLICATION; THAT HE HAS READ THE FOREGOING APPLICATION AND KNOWS THE CONTENTS THEREOF; THAT THE SAME IS TRUE TO HIS KNOWLEDGE.

DEPONENT FURTHER SAYS THAT THE REASON THIS VERIFICATION IS BEING MADE BY THE DEPONENT AND NOT BY _____ [insert name of Company] IS BECAUSE THE SAID COMPANY IS A _____ [insert type of entity]. THE GROUNDS OF DEPONENT’S BELIEF RELATIVE TO ALL MATTERS IN THE SAID APPLICATION WHICH ARE NOT STATED UPON HIS OWN PERSONAL KNOWLEDGE, ARE INVESTIGATIONS WHICH DEPONENT HAS CAUSED TO BE MADE CONCERNING THE SUBJECT MATTER OF THIS APPLICATION AS WELL AS INFORMATION ACQUIRED BY DEPONENT IN THE COURSE OF HIS DUTIES AS AN OFFICER OF AND FROM BOOKS AND PAPERS OF SAID COMPANY.

AS AN _____ [insert position, e.g., officer, member, manager, partner] OF SAID COMPANY (HEREINAFTER REFERRED TO AS THE “APPLICANT”), DEPONENT ACKNOWLEDGES AND AGREES THAT APPLICANT SHALL BE AND IS RESPONSIBLE FOR ALL COSTS INCURRED BY THE TOWN OF BROOKHAVEN INDUSTRIAL DEVELOPMENT AGENCY (HEREINAFTER REFERRED TO AS THE “AGENCY”) IN CONNECTION WITH THIS APPLICATION AND ALL MATTERS RELATING TO THE PROPOSED SUBLEASE, INCLUDING THE AGENCY’S ATTORNEYS’ FEES, REGARDLESS OF WHETHER OR NOT THE APPLICANT FAILS TO CONCLUDE OR CONSUMMATE NECESSARY NEGOTIATIONS OR FAILS TO ACT WITHIN A REASONABLE OR SPECIFIED PERIOD OF TIME TO TAKE REASONABLE, PROPER, OR REQUESTED ACTION OR WITHDRAWS, ABANDONS, CANCELS, OR NEGLECTS THE APPLICATION OR IF THE APPLICANT IS UNABLE TO CONSUMMATE THE SUBLEASE FOR ANY REASON. UPON PRESENTATION OF INVOICES, APPLICANT SHALL PAY TO THE AGENCY, ITS AGENTS OR ASSIGNS, ALL COSTS INCURRED WITH RESPECT TO THE APPLICATION, INCLUDING FEES TO COUNSEL FOR THE AGENCY AND FEES OF GENERAL COUNSEL FOR THE AGENCY.

Chief Executive Officer/Member/Manager/Partner
of Company

Sworn to before me this
_____ day of _____.

NOTARY PUBLIC

SUBTENANT CERTIFICATION

_____ [Insert name of chief executive officer/manager/partner of proposed subtenant] DEPOSES AND SAYS THAT HE IS THE _____ [insert title] OF _____, THE PROPOSED SUBTENANT [insert name of subtenant] NAMED IN THE ATTACHED APPLICATION; THAT HE HAS READ THE FOREGOING APPLICATION AND KNOWS THE CONTENTS THEREOF; THAT THE SAME IS TRUE TO HIS KNOWLEDGE.

DEPONENT FURTHER SAYS THAT THE REASON THIS VERIFICATION IS BEING MADE BY THE DEPONENT AND NOT BY _____ [insert name of subtenant] IS BECAUSE THE SAID PROPOSED SUBTENANT IS A _____ [insert type of entity]. THE GROUNDS OF DEPONENT'S BELIEF RELATIVE TO ALL MATTERS IN THE SAID APPLICATION WHICH ARE NOT STATED UPON HIS OWN PERSONAL KNOWLEDGE, ARE INVESTIGATIONS WHICH DEPONENT HAS CAUSED TO BE MADE CONCERNING THE SUBJECT MATTER OF THIS APPLICATION AS WELL AS INFORMATION ACQUIRED BY DEPONENT IN THE COURSE OF HIS DUTIES AS AN OFFICER OF AND FROM BOOKS AND PAPERS OF SAID PROPOSED SUBTENANT.

Chief Executive Officer/Member/Manager/Partner
of Proposed Subtenant

Sworn to before me this _____ day of _____.

NOTARY PUBLIC