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## NOTICE OF PUBLIC HEARING

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NOTICE IS HEREBY GIVEN that a public hearing pursuant to Article 18-A of the New York State General Municipal Law will be held by the Town of Brookhaven Industrial Development Agency (the “**Issuer**”) on the 1<sup>st</sup> day of May, 2018, at 2:00 p.m. local time, at Lake Grove Village Hall Courtroom, 980 Hawkins Avenue, Lake Grove, New York 11755, in connection with the following matters:

The Issuer has previously provided its assistance to BK at Lake Grove, LLC, a limited liability company organized and existing under the laws of the State of New York, on behalf of itself and/or the principals of BK at Lake Grove, LLC and/or an entity formed or to be formed on behalf of any of the foregoing (collectively, the “**Original Company**”) in order to finance (i) certain costs of an industrial development facility consisting of the acquisition of five (5) parcels of land totaling approximately 6.32 acres located at 2995 Middle Country Road, Lake Grove, Town of Brookhaven, County of Suffolk, New York (the “**Land**”), the construction, equipping and furnishing of a three-story above-grade approximately 125,000 square foot building to be located thereon for use by the Original Company as an assisted living residential facility consisting of approximately 136 assisted living units for use by elderly citizens in the community as a fully integrated residence including living, dining, housekeeping, personal laundry and transportation services, and a portion of the building is contemplated to be designated for use by residents in the early stages of Alzheimer’s disease (the “**Facility**”), (ii) the payment of interest on the Series 2013 Bonds (as hereinafter defined) during the period until completion of the Facility; and (iii) the payment of other costs relating to the Bonds (hereinafter defined) and the deposit of certain amounts in the Debt Service Reserve Fund (hereinafter, clauses (i), (ii) and (iii) are collectively referred to as the “**Project**”); and the sale of the facilities financed with the Series 2013 Bonds to the Original Company or such other person as may be designated by the Original Company and agreed upon by the Issuer, by issuing its \$10,000,000 Industrial Development Revenue Bonds, Series 2013A (BK at Lake Grove, LLC Facility) (the “**Series 2013A Bonds**”), its \$14,980,000 Industrial Development Revenue Bonds, Series 2013B (BK at Lake Grove, LLC Facility) (the “**Series 2013B Bonds**”) and its \$15,015,000 Industrial Development Revenue Bonds, Series 2013C (BK at Lake Grove, LLC Facility) (the “**Series 2013C Bonds**”); and, together with the Series 2013A Bonds and the Series 2013B, the “**Series 2013 Bonds**”), pursuant to Section 142(a)(7) of the Internal Revenue Code of 1986, as amended (the “**Code**”), which are payable from payments to be made by the Original Company under the Installment Sale Agreement dated as of December 1, 2013 between the Issuer and the Original Company (the “**Installment Sale Agreement**”). The Facility is currently owned, operated and/or managed by the Original Company. The Issuer acquired title to the Facility and is selling the Facility to the Original Company. At the end of the sale term, the Original Company will purchase the Facility from the Issuer.

Harrison Street Real Estate Capital, LLC, a Delaware limited liability company on behalf of itself and/or the principals of Harrison Street Real Estate Capital, LLC and/or an entity formed or to be formed on behalf of any of the foregoing (collectively, the “**Applicant**” and “**Company**”), has now requested the Issuer’s consent to the assignment by the Original

Company of all of its rights, title, interest and obligations under the Installment Sale Agreement and certain other agreements in connection with the Facility to the Company, and the assumption by the Company of all such rights, title, interest and obligations of the Original Company, and the release of the Original Company from any further liability with respect to the Facility under the Installment Sale Agreement subject to certain requirements of the Issuer. The Facility will be initially owned, operated and/or managed by the Company

The Issuer contemplates that it will provide financial assistance to the Company in the form of exemptions from mortgage recording taxes in connection with the financing or any subsequent refinancing of the Facility and exemptions from sales and use taxes, and abatement of real property taxes, all consistent with the policies of the Issuer.

A representative of the Issuer will, at the above-stated time and place, hear and accept written comments from all persons with views in favor of or opposed to either the proposed financial assistance to the Company or the location or nature of the Facility. At the hearing, all persons will have the opportunity to review the application for financial assistance filed by the Company with the Issuer and an analysis of the costs and benefits of the proposed Facility.

Dated: April 20, 2018

**TOWN OF BROOKHAVEN INDUSTRIAL  
DEVELOPMENT AGENCY**

By: Lisa MG Mulligan

Title: Chief Executive Officer