

Company Contact (if different from individual completing application):

Name: N/A

Title: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-Mail: \_\_\_\_\_

**C) Company Counsel:**

Name of Attorney: Dan Yamagishi

Firm Name: DataBank General Counsel

Address: 1401 Wynkoop St., Suite 300, Denver CO 90202

Phone: 720.256.3759 Fax \_\_\_\_\_

E-mail: dyamagishi@databank.com

Name of Attorney: Peter Bergan

Firm Name: Jones Day

Address: 901 Lakeside Avencuc, Cleveland OH

Phonc: 216.586.7045 Fax \_\_\_\_\_

E-mail: pbergan@jonesday.com

**D) Identify the assistance being requested of the Agency (select all that apply):**

- |                                |                                     |           |                          |
|--------------------------------|-------------------------------------|-----------|--------------------------|
| 1. Exemption from Sales Tax    | <input checked="" type="checkbox"/> | Yes or No | <input type="checkbox"/> |
| 2. Exemption from Mortgage Tax | <input checked="" type="checkbox"/> | Yes or No | <input type="checkbox"/> |
| 3. Payment in Lieu of Taxes    | <input checked="" type="checkbox"/> | Yes or No | <input type="checkbox"/> |
| 4. Excmption from Mortgage Tax | <input checked="" type="checkbox"/> | Ycs or No | <input type="checkbox"/> |

**E) Business Organization (check appropriate category):**

- |                    |                          |                           |                                     |
|--------------------|--------------------------|---------------------------|-------------------------------------|
| Corporation        | <input type="checkbox"/> | Partnership               | <input checked="" type="checkbox"/> |
| Public Corporation | <input type="checkbox"/> | Joint Venture             | <input type="checkbox"/>            |
| Sole Proprietor    | <input type="checkbox"/> | Limited Liability Company | <input type="checkbox"/>            |

Other (please specify) Limited Partnership

Year Established: 2004

State in which Organization is established: Texas

Tax Exempt Bond Issuance (if applicable) \$ \_\_\_\_\_  
 Taxable Bond Issuance (if applicable) \$ \_\_\_\_\_  
 Public Sources (Include sum total of all state and federal grants and tax credits) \$ \_\_\_\_\_

Identify each state and federal grant/credit:  
 \_\_\_\_\_ \$ \_\_\_\_\_  
 \_\_\_\_\_ \$ \_\_\_\_\_  
 \_\_\_\_\_ \$ \_\_\_\_\_

**TOTAL Sources of Funds for Project Costs: \$ 254,480,648**

Have any of the above costs been paid or incurred as of the date of this Application?  Yes or No

If yes, describe particulars: modest due diligence and legal expenses

**Estimate of Tax Exemption Benefit:**

**Mortgage Recording Tax Exemption Benefit:** Amount of mortgage that would be subject to mortgage recording tax:

Mortgage Amount (include sum total of construction/permanent/bridge financing): \$ 199,624,000  
 Estimated Mortgage Recording Tax Exemption Benefit (product of mortgage amount as indicated above multiplied by 1.05%): \$ 2,096,052

**Sales and Use Tax:** Gross amount of costs for goods and services that are subject to State and local Sales and Use tax - said amount to benefit from the Agency's Sales and

Use Tax exemption benefit (DataBank): \$92,771,900

Estimated State and local Sales and Use Tax Benefit (product of 8.375% multiplied by the figure, above): \$7,769,647

*Note that the estimate above will be provided to the New York State Department of Taxation and Finance. The Applicant acknowledges that the transaction documents may include a covenant by the Applicant to undertake the total amount of investment as proposed within this Application, and that the estimate, above, represents the maximum amount of sales and use tax benefit that the Agency may authorize with respect to this Application. The Agency may utilize the estimate, above, as well as the proposed total Project Costs as contained within this Application, to determine the Financial Assistance that will be offered.*

**Real Property Tax Benefit:**

If seeking a PILOT agreement via the Rockland IDA, please see **ATTACHMENT A – PAYMENT IN LIEU OF TAX AGREEMENT (PILOT) POLICIES AND PROCESS GUIDELINES.**

Identify and describe if the Project will utilize a real property tax exemption **OTHER THAN** the Agency's PILOT benefit: No

**Percentage of Project Costs financed from Public Sector sources:**

Agency staff will calculate the percentage of Project Costs financed from Public Sector sources based upon Sources of Funds for Project Costs as depicted above in Section II (I) of the Application.