

RESOLUTION OF THE TOWN OF HAMBURG INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") AUTHORIZING KEY CAPTURE ENERGY, LLC (THE "LESSEE") TO CONSTRUCT AND INSTALL A 20 MW UTILITY SERVICING BATTERY ENERGY STORAGE FACILITY FOR WHOLESALE ELECTRIC MARKETS AT 2026 ELECTRIC AVENUE IN THE VILLAGE OF BLASDELL, AS AGENT FOR THE AGENCY FOR LEASE TO THE AGENCY AND SUBSEQUENT LEASEBACK TO THE LESSEE AND TO TAKE OTHER ACTION.

WHEREAS, KEY CAPTURE ENERGY, LLC (the "Lessee") has entered into negotiations with the officials of the Town of Hamburg Industrial Development Agency (the "Agency") with respect to the construction and installation of a 20 MW utility servicing battery energy storage facility for wholesale electric markets at 2026 Electric Avenue in the Village of Blasdell for lease to the Agency and subsequent Leaseback to the Lessee (the "Project"); and

WHEREAS, the Agency induced the Project on September 10, 2021; and

WHEREAS, the Lessee has asked to substitute a related entity KCE NY 6, LLC as the Lessee to receive the same benefits as approved.

NOW, THEREFORE, THE TOWN OF HAMBURG INDUSTRIAL DEVELOPMENT AGENCY HEREBY RESOLVES AS FOLLOWS:

Section 1. The Agency hereby consents to the assignment of the approved benefits from Key Capture Energy, LLC to KCE NY 6, LLC

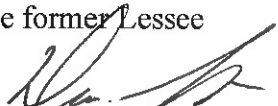
Section 2. The Agency hereby consents that KCE NY 6, LLC is now the Lessee.

Section 3. This resolution shall take effect immediately.

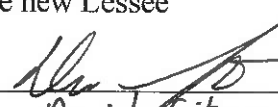
ADOPTED: November 17, 2021

ACCEPTED:

KEY CAPTURE ENERGY, LLC
as the former Lessee

By 
Daniel Fitzgerald,
Member

KCE NY 6, LLC
as the new Lessee

By 
Daniel Fitzgerald,
Member