



State of New York
Franchise Oversight Board
State Capitol
Albany, NY 12224

Resolution No. 13-04

WHEREAS, Belmont Park is owned by the People of the State of New York, acting by and through the Franchise Oversight Board (the "FOB"), and operated by The New York Racing Association, Inc. ("NYRA"); and

WHEREAS, the FOB has retained the New York State Office of General Services ("OGS") as its agent to provide construction, demolition, and other permitting, engineering and certification services at all of the franchised racetracks, including Belmont Park; and

WHEREAS, New York State Route 24, also known as Hempstead Turnpike, is a public highway maintained by the New York State Department of Transportation ("DOT"); and

WHEREAS, DOT recently undertook a project to redeck the bridge on Hempstead Turnpike that crosses over the private road that links two parking lots at Belmont Park, which necessitated moving portions of the guiderails on both sides of Hempstead Turnpike onto the Belmont Park property, which is under the jurisdiction of the FOB; and

WHEREAS, in order to confirm that DOT will be responsible for the maintenance of the guiderails and the two strips of land on which they sit, DOT has requested that the strips of land be transferred to DOT's jurisdiction in accordance with Public Lands Law § 3(4), which provides that the Commissioner of General Services may transfer jurisdiction of lands from one State entity to another upon the consent of the State entity having jurisdiction over those lands; and

WHEREAS, DOT has prepared a Transfer of Jurisdiction Map for both strips of land (the "Maps"), which Maps are attached hereto, and the Maps expressly provide that the transfer of jurisdiction is "subject to the continued use and maintenance by the New York State Franchise Oversight Board and the franchised corporation authorized to operate Belmont Park Racetrack [currently, NYRA] to the underpass area of Hempstead Turnpike that connects the parking areas to the north and south of said roadway"; and

WHEREAS, after carefully reviewing the Maps, OGS counsel and counsel to the FOB recommend that the FOB consent to the transfer of jurisdiction of the two strips of land to DOT.

NOW, THEREFORE, be it resolved that the FOB hereby approves the transfer of jurisdiction to DOT of the two strips of land as shown on the Maps and hereby authorizes

Robert Williams, Chair of the FOB, to execute the Maps and any other documents necessary to carry out this resolution.

VOTES:

<u>Member</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Robert Williams, Chair	x			
Beth Garvey	x			
Steven Newman	x			

Adopted by the affirmative vote of a majority of the members at a duly constituted meeting of the Franchise Oversight Board on September 16, 2013.



Robert Williams
Chair
Franchise Oversight Board

September 16, 2013