



**Resolution No. 15-01**

**WHEREAS**, in 2008, the New York State Legislature (i) amended the New York Racing, Pari-Mutuel Wagering and Breeding Law to establish the Franchise Oversight Board (the “FOB”) to represent the interests of the People of the State of New York as owner of the Aqueduct Racetrack, Belmont Park, and Saratoga Race Course (the “Franchised Racetracks”) and (ii) conferred upon The New York Racing Association, Inc. (“NYRA”) the right and responsibility to, among other things, operate all functions at the Franchised Racetracks; and

**WHEREAS**, pursuant to the Agreement among the FOB, NYRA, and the New York State Office of General Services (“OGS”) dated June 25, 2010, the FOB has retained OGS to act as its agent for construction, demolition and other permitting services at the Franchised Racetracks; and

**WHEREAS**, the Village of Floral Park (the “Village”) in the Town of Hempstead, Nassau County, seeks the right, privilege and easement on, over, under, across, through and along certain portions of land at Belmont Park to construct a recharge basin that will replace the current recharge basin operated by the Village on lands at Belmont Park; and

**WHEREAS**, the Village has submitted an engineering study demonstrating that the current recharge basin operated by the Village on lands at Belmont Park is insufficient to prevent flooding within the Village and that a new, larger recharge basin would alleviate such flooding; and

**WHEREAS**, Racing, Pari-Mutuel Wagering and Breeding Law § 206(1) authorizes the Board to approve alternative uses of State racing franchise lands currently used for purposes unrelated to racing; and

**WHEREAS**, the Board finds that the granting of such easement to the Village for the recharge basin is necessary to protect the health and safety of the residents of the Village and can be accomplished without adversely impacting racing operations; and

**WHEREAS**, the FOB, in consideration of good and valuable consideration provided by the Village, has agreed to grant such a right, privilege and easement in accordance with the terms of the draft Indenture (the “Easement”) attached to this resolution;

**NOW, THEREFORE**, be it resolved that the FOB hereby approves the use of certain portions of land at Belmont Park for a recharge basin to be operated by the Village, and directs Steven M. Lowenstein, Secretary to the FOB, to send written notice to NYRA to cease utilization of such land.

**BE IT FURTHER RESOLVED** that the FOB hereby approves the Easement and hereby authorizes Robert T. Williams, Chair of the FOB, to execute the Easement in substantially the form attached to this resolution and to execute any other documents necessary to record the Easement in the land records of Nassau County and carry out this resolution; and

**BE IT FURTHER RESOLVED** that Robert T. Williams, Chair of the FOB, is authorized to deliver to the Village the Easement and other documents necessary to record the Easement upon the receipt of notice from OGS that the construction, engineering or other plans submitted by the Village for the proposed recharge basin comply with all applicable code requirements and are acceptable in all other respects.

VOTES:

<u>Member</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Robert T. Williams, Chair	x			
Elizabeth C. Garvey	x			
Steven I. Newman	x			
Joseph J. Rabito	x			
James T. Towne, Jr.				x

Adopted by the affirmative vote of a majority of the members at a duly constituted meeting of the Franchise Oversight Board on April 27, 2015.



Robert Williams  
Chair  
Franchise Oversight Board

April 27, 2015