



Franchise Oversight Board

Resolution No. 20-02

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 City of Saratoga Springs (the “City”) in the County of Saratoga, seeks the right, privilege and easement on, over, under, across, through and along certain portions of land at Saratoga Race Course to construct and operate a fire station and any necessary appurtenances on lands at Saratoga Race Course; and

WHEREAS, Racing, Pari-Mutuel Wagering and Breeding Law (“Racing Law”) § 206(1) authorizes the FOB to approve alternative uses of State racing franchise lands currently used for purposes unrelated to racing and Racing Law § 212(8)(a)(viii) authorizes the FOB to act on behalf of the People of the State of New York to enter into any real property transactions in furtherance of the purposes and intent of the Racing Law; and

WHEREAS, the FOB finds that the granting of such easement to the City for the fire station is necessary to protect the health and safety of the residents of the City, is beneficial to the Saratoga Race Course and its patrons, and can be accomplished without adversely impacting racing operations; and

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

NOW, THEREFORE, be it resolved that the FOB hereby approves the use of certain portions of land at Saratoga Race Course for a fire station and any necessary appurtenances to be operated by the City, 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 Saratoga 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 City 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 City for the proposed fire station and any necessary appurtenances 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			
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 March 9, 2020.


Robert Williams
Chair
Franchise Oversight Board
March 9, 2020