



Resolution No. 21-04

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 “Board”) 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. the right and responsibility to, among other things, operate all functions at the Franchised Racetracks; and

WHEREAS, pursuant to section 212(8)(a)(viii) of the New York Racing, Pari-Mutuel Wagering and Breeding Law, the Board has the authority 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 law; and

WHEREAS, the Board has retained the New York State Office of General Services (“General Services”) as its agent to provide construction, demolition, and other permitting, engineering and certification services at all 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 (“Transportation”); and

WHEREAS, New York Arena Partners seeks to have Transportation make traffic improvements on Hempstead Turnpike including turn lanes, bus pullouts, and traffic signals in the vicinity of Gate 5 at Belmont Park; and

WHEREAS, New York Arena Partners will provide funding for such traffic improvements as part of the UBS Arena development; and

WHEREAS, for Transportation to undertake such improvement, Transportation must utilize a portion of land in front of and on either side of Gate 5 to extend highway access onto the Belmont Park property, which is under the jurisdiction of the Board; and

WHEREAS, in order to confirm that Transportation will be responsible for the construction and maintenance of the traffic improvements and the strip of land on which they sit, Transportation has requested that the strip of land be transferred to their jurisdiction in accordance with section 3(4) of the New York Public Lands Law, 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, Transportation has prepared a Transfer of Jurisdiction Map (the “Maps”) identifying the land to be transferred, which Maps are attached hereto; and

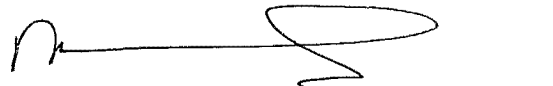
WHEREAS, after careful review of the Maps, General Services counsel and Board counsel recommend the Board consent to the transfer of jurisdiction of the two strips of land to Transportation.

NOW, THEREFORE, be it resolved that the Board hereby approves the transfer of jurisdiction to Transportation of the strip of land consistent as illustrated on the Maps and hereby authorizes the Board Chairman to execute the Maps and any other documents necessary to carry out this resolution.

VOTE:

<u>Member</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Joseph J. Rabito	x			
James T. Towne, Jr.	x			
Giovanni Warren	x			
Robert Williams	x			

Adopted by the affirmative vote of a majority of the members at a duly constituted meeting of the Board conducted on June 16, 2021.



Robert Williams
Chairman