



**Franchise Oversight  
Board**

**Resolution No. 21-05**

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

**WHEREAS**, pursuant to section 212(8)(a)(i) of the New York Racing, Pari-Mutuel Wagering and Breeding Law, the Board is responsible for representing the interests of the State in all real estate development proposed for the franchised racetracks and is authorized to do all things necessary to carry out these responsibilities; 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**, KeySpan Gas East Corporation (“KeySpan”) 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 installation, operation and maintenance of gas mains and gas service lines and pipes, together with all necessary appurtenances and accessories thereto (collectively, “the Gas Facilities”) on lands at Belmont Park; and

**WHEREAS**, KeySpan has submitted technical specifications for the project; and

**WHEREAS**, the Board finds that the granting of such easement is necessary for the successful completion of the Belmont Park Redevelopment Civil and Land Use Improvement Project goal of strengthening Belmont Park as a premier destination for entertainment, sports, recreation and hospitality complementary to horse racing and pari-mutuel wagering; and

**WHEREAS**, the Board finds that the performance of such work and the granting of such easement to KeySpan for the installation of the Gas Facilities can be accomplished without adversely impacting racing operations; and

**WHEREAS**, the Board, in consideration of good and valuable consideration provided by KeySpan, 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 Board hereby approves the use of certain portions of land at Belmont Park for the Gas Facilities to be operated by KeySpan.

**BE IT FURTHER RESOLVED** that the Board hereby authorizes the Board Chairman to execute the Easement in substantially the form attached to this resolution with the precise meets and bounds in substantially the location on the maps 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.

**BE IT FURTHER RESOLVED** that the Board Chairman is authorized to deliver to KeySpan the Easement and other documents necessary to record the Easement.

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