

1. New York State Department of Environmental Conservation

a. Brownfield Cleanup Agreement – 8/31/04

Index No. W3-1004-04-06
Site No. c353008

This agreement between Concord Associates, L.P., an affiliate of the Applicant Concord Kiamesha LLC, and the New York State Department of Environmental Conservation provides that Concord Associates is formally entered into the Brownfield Cleanup Program as it relates to the “Concord Hotel and Resort” project site. It states that the project site is in fact eligible for the Brownfield Cleanup Program and that Concord Associates is eligible to participate in the “BCP.” Entry into said program potentially affords the development entity an ability to receive certain tax benefits from the State of New York upon achievement of certain development milestones, including but not limited to full remediation of each of the parcels located within the Brownfield Cleanup Area and the receipt of certificates of completion of project components constructed on each of said parcels. Copy of Agreement included as Attachment 1.

b. Amended Brownfield Cleanup Agreement – 9/1/09

Index No. W3-1004-09-06
Site No. c353008

This agreement allows for a) an expansion of the Concord Brownfield Area to 20.579 acres and b) the adding of Concord Kiamesha LLC (the RFA License Applicant) as an additional volunteer under the BCA. Copy of Agreement attached as Attachment 2.

2. New York State Department of Transportation

Multi-Modal Grant Contract and Resolution – Form of Resolution approved at meeting on 11/12/09

Although the Contract and Resolution have been approved and drafted, they have not yet been signed as we were unable to close our anticipated construction loan in 2009. Notwithstanding the foregoing, NYDOT has allocated an amount of \$6mm for roadway and infrastructure improvements related to the redevelopment of the Concord Road in association with the redevelopment of the Concord Properties. Concord is not currently requesting the use of these funds but they were previously approved for use by NSDOT and approved by the County Board of Legislators (the governing body overseeing its application locally). Copy of Agreement and Resolution attached as Attachment 3.