

## **Attachment VIII.C.3.a.-13**

### **RESOLUTION**

A Meeting of the Village Board of the Village of Monticello, New York was convened on October 15, 2013 at 7:00 p.m.

The following Resolution was duly offered and seconded to wit:

### **SUPPLEMENTAL RESOLUTION REGARDING WATER SERVICE AGREEMENT**

WHEREAS, the Village Board of Trustees for the Village of Monticello, New York ("Board") having previously authorized their Attorneys, Feerick Lynch MacCartney, Esqs. ("Special Counsel") to undertake negotiations regarding a Water Services Agreement to provide 375,000 gallons of Village of Monticello's existing surplus of water to facilitate the regional destination resort project at the site of the former Concord Hotel (the "Agreement"); and

WHEREAS, the Board has received updates with regard to the status of negotiations from Special Counsel for the Village and has otherwise been kept informed concerning the progress and negotiations concerning the Agreement; and

WHEREAS, Special Counsel has advised the Board that the Agreement has been finalized subject to a satisfactory Resolution of one "Whereas" clause concerning employment opportunities in the Village; and

WHEREAS, Special Counsel has advised and the Board has acknowledged that all conditions precedent to execution of the Agreement have been satisfied, including the resolution of one "Whereas" clause concerning employment opportunities in the Village as well as the agreement on the content of Exhibit "B" to the Agreement; and

WHEREAS, on September 6, 2013, the Village Board of Trustees for the Village of Monticello, New York ("Board") adopted a resolution authorizing the execution of the Agreement with EPT Concord II, LLC, ("EPT Concord") which included all parties to the Agreement, including Monticello Raceway Management, Inc. ("MRMI"); and

NOW THEREFORE, it is resolved by the Village Board as follows:

1. All "WHEREAS" paragraphs are incorporated herein by reference as though set forth in full herein.
2. The Board confirms that by entering into the Agreement with EPT Concord, the Board authorized execution of the Agreement with all parties, including MRMI and by this Resolution the foregoing prior authorization is affirmed, ratified and otherwise

adopted by the Board as well as all actions in the execution of the Agreement and payments by EPT Concord pursuant to its Agreement with the Board. .

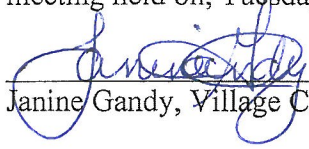
3. This Resolution shall take place effective immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Mayor Jenkins	[ x ]	[ ]	[ ]	[ ]
Deputy Mayor Bennett	[ x ]	[ ]	[ ]	[ ]
Trustee Matthews	[ x ]	[ ]	[ ]	[ ]
Trustee Rue	[ x ]	[ ]	[ ]	[ ]
Trustee Massey	[ x ]	[ ]	[ ]	[ ]

The Resolution was thereupon duly adopted.

I hereby certify the above resolution was adopted by the Village Board at a meeting held on, Tuesday, October 15th, 2013.

  
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Janine Gandy, Village Clerk