

June 26, 2014

VIA UPS OVERNIGHT

Ms. Gail Thorpe
Supervisor of Contract Administration
New York State Gaming Commission
Contracts Office
One Broadway Center
Schenectady, NY 12301-7500

Re: *Submission of Support Resolution by the Town Board for the Town of Tyre*

Dear Ms. Thorpe:

On behalf of the Town of Tyre, regarding the application of Whitetail 414, LLC for a gaming license, enclosed please find an original certified Resolution of Support adopted by the Town Board for the Town of Tyre on June 12, 2014.

Please call me if you have any questions.

Sincerely,

BOND, SCHOENECK & KING, PLLC

Virginia C. Robbins / MRB

Virginia C. Robbins

VCR/sm
Enclosure

cc: Hon. Ronald F. McGreevy, Tyre Town Supervisor (with copy of enclosure)
(by electronic mail only)
Charles Shaffer, Esq., Tyre Town Attorney (with copy of enclosure)
(by facsimile only)

**RESOLUTION OF THE TOWN BOARD FOR THE TOWN OF TYRE IN SUPPORT OF
THE APPLICATION OF WHITETAIL 414, LLC TO DEVELOP AND OPERATE A
GAMING FACILITY ON LAND LOCATED IN THE TOWN OF TYRE**

June 12, 2014

WHEREAS, on March 31, 2014, the New York Gaming Facility Location Board (the “State Gaming Board”) issued a Request for Applications to Develop and Operate a Gaming Facility in New York State for a gaming license to be issued by the New York State Gaming Commission (the “RFA”) pursuant to The Upstate New York Gaming Economic Development Act of 2013; and

WHEREAS, Whitetail 414, LLC has entered into an option agreement to purchase approximately 84.9 acres of land in the Town of Tyre, County of Seneca, known as Tax Account No. 12.00-01-36, such Project Site being situated on New York State Route 414 in the area east of New York State Route 414 and north of the New York State Thruway (the “Project Site”) where Whitetail 414, LLC intends to develop a gaming facility; and

WHEREAS, Whitetail 414, LLC, its members, affiliates and principals, have substantial experience in financing, developing and operating entertainment, restaurant and gaming facilities at other locations; and

WHEREAS, Whitetail 414, LLC has stated an intent to file an application with the State Gaming Board in response to the RFA (the “Application”) seeking a license to develop and operate a gaming facility, known as the Wilmot Casino and Resort, that will consist of a casino and accessory uses including a hotel, retail space and entertainment venues and other amenities (the “Gaming Facility”) on the Project Site; and

WHEREAS, as a condition of filing a response to the RFA with the State Gaming Board, each applicant is required to submit to the State Gaming Board a resolution passed by the local legislative body of the host municipality supporting an application; and

WHEREAS, the Town Board recognizes a landowner's right to develop and has no opposition to development, as long as the development is a responsible one that complies with all applicable laws and ensures proper protections of resources as well as the public interest.

WHEREAS, in March and April 2014, the Town Board received from Whitetail 414, LLC an application for an amendment to the Town’s Zoning Law and Map to create a planned unit development (“PUD”) District at the Project Site, development plans and site plans for approval from the Town Board to locate the Gaming Facility within a PUD District at the Project Site in the Town of Tyre; and

WHEREAS, the landowners of the Project Site provided written consent to the Town Board in support of Whitetail 414, LLC’s application for the creation of the PUD District at the Project Site for the Gaming Facility; and

WHEREAS, at a duly noticed special meeting of the Town Board on June 12, 2014, the Town Board, after satisfying the requirements of the State Environmental Quality Review Act, approved (a) an amendment to the Town's Zoning Law and Map for the creation of a PUD District at the Project Site for the Gaming Facility, (b) the development plans for the Gaming Facility, (c) the site plans for the Gaming Facility, and (d) the terms of a Host Community Agreement among the Town, the Applicant and an affiliate of the Applicant; and

WHEREAS, the Town Board believes that the development and operation of the Gaming Facility within the Town of Tyre will have a positive effect on the Town of Tyre and the County of Seneca through increased revenues and the expansion of employment opportunities for their citizens; and

WHEREAS, any such project, even if approved for a license by the New York State Gaming Commission, would still be required to comply with the state, county and local planning, zoning and environmental review processes for all appropriate approvals in order to ensure the protection of the health, safety and welfare of the residents of the community.

NOW, THEREFORE, IT IS HEREBY RESOLVED, that in furtherance of the above goals, the Town of Tyre hereby agrees to the location of the Wilmot Casino and Resort Gaming Facility at the Project Site within the Town of Tyre.

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to the State Gaming Board.

BE IT FURTHER RESOLVED, that this Resolution will be filed in the Office of the Town Clerk in files that are readily accessible to the public and made available upon request, subject only to the limitations established by the Freedom of Information Law.

The adoption of the foregoing Resolution was moved by Mr. Aceto, seconded by Mr. Delpapa, and duly put to vote, which resulted as follows:


	Yea	Nay	Abstain	Absent
Supervisor Ronald F. McGreevy	[X]	[]	[]	[]
Councilman Joseph Delpapa	[X]	[]	[]	[]
Councilman James Rogers	[X]	[]	[]	[]
Councilman Reginald Aceto	[X]	[]	[]	[]
Councilman Thomas Thomson	[X]	[]	[]	[]

The Resolution was thereupon duly adopted.

Dated: June 12, 2014

June 16, 2014

I hereby certify that the preceding is a copy of a resolution adopted by the Town Board of the Town of Tyre on the 16th day of June, 2014; that I have compared the same with said original on file in my office and find it to be the same and the whole thereof.


 Elizabeth Sutterby, Town Clerk
 Town of Tyre