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May 9, 2025

Howard Siegel, Chairman, Treasurer and Chief Financial Officer
County of Sullivan Industrial Development Agency
548 Broadway
Monticello, New York 12701

RE: Application of Empire Resorts, Inc. and Monticello Raceway Management, Inc. to the County of Sullivan Industrial Development Agency

Dear Chairman Siegel and Members of the Board of Directors:

We represent Empire Resorts, Inc., (“ERI”), and Monticello Raceway Management, Inc. (“MRMI”) in connection with its application for financial assistance (the “Application”) from the County of Sullivan Industrial Development Agency (the “Agency”) consistent with the project described in the Fifth Omnibus Amendment to Project Documents, dated March 1, 2018, by and among EPR Concord II, LP and EPT Concord II, LLC and the Agency, which amends the Master Development and Agent Agreement, dated October 21, 2013 (“MDAA”), and as further described in the Application, which is attached hereto.

Should you require additional information in support of this Application, please do not hesitate to contact me.

Very truly yours,

George Duke

Attachments

A Pennsylvania Limited Liability Partnership

California Colorado Delaware District of Columbia Florida Georgia Illinois Massachusetts Minnesota Missouri
Nevada New Jersey New York North Carolina Oklahoma Pennsylvania South Carolina Texas Washington

COUNTY OF SULLIVAN INDUSTRIAL DEVELOPMENT AGENCY

548 Broadway

Monticello, New York 12701

845-428-7575

APPLICATION FOR FINANCIAL ASSISTANCE

I. A. APPLICANT INFORMATION:

Company Name: Monticello Raceway Management, Inc.

Address: 204 Route 17B, Monticello, NY 12701

Phone No.: 718-215-2811

Telefax No.: _____

Email Address: Walter.Bogumil@rwnewyork.com

Fed Id. No.: ██████████

Contact Person: Walter Bogumil, Chief Financial Officer

Principal Owners/Officers/Directors (list owners with 15% or more in equity holdings with percentage ownership): SEE ATTACHED.

Principal Owners (Shareholders/Members/Owners): — *

Directors/Managers: — *

Officers: — *

Corporate Structure (attach schematic if Applicant is a subsidiary or otherwise affiliated with another entity)

Form of Entity:

X Corporation (Sub-s)

Date of incorporation: May 31, 1996

State of incorporation: New York

____ Partnership

General _____ or Limited _____

Number of general partners _____

If applicable, number of limited partners _____
Date of formation: _____
Jurisdiction formation: _____

_____ Limited Liability Company/Partnership (number of members _____)

Date of organization: _____
State of organization: _____

_____ Sole Proprietorship

If a foreign organization, is the Applicant authorized to do business in the State of New York? Yes___ No___ N/A___ (If so, please append Certificate of Authority.)

B. APPLICANT INFORMATION:

Company Name: Empire Resorts, Inc.

Address: 204 Route 17B, Monticello, NY 12701

Phone No.: 718-215-2811

Telefax No.: _____

Email Address: Walter.Bogumil@rwnewyork.com

Fed Id. No.: ██████████

Contact Person: Walter Bogumil, Chief Financial Officer

Principal Owners/Officers/Directors (list owners with 15% or more in equity holdings with percentage ownership): SEE ATTACHED.

Principal Owners (Shareholders/Members/Owners): _____

Directors/Managers: _____

Officers: _____

Corporate Structure (attach schematic if Applicant is a subsidiary or otherwise affiliated with another entity)

Form of Entity:

X Corporation (Sub-s)

Date of incorporation: March 19, 1993
State of incorporation: Delaware

 Partnership

General or Limited
Number of general partners
If applicable, number of limited partners
Date of formation:
Jurisdiction formation:

 Limited Liability Company/Partnership (number of members)

Date of organization:
State of organization:

 Sole Proprietorship

If a foreign organization, is the Applicant authorized to do business in the State of New York? Yes X No N/A (If so, please append Certificate of Authority.)

APPLICANT'S COUNSEL

Name: Fox Rothschild, LLP Attn: George Duke, Esq.
Address: 101 Park Avenue, 17th Floor, NY, NY 10178
Phone No.: 212-450-9847 201-736-0948
Telefax No.:
Email Address: gduke@foxrothschild.com

II. REQUESTED FINANCIAL ASSISTANCE

Estimated Value

Real Property Tax Abatement (estimated)	\$ <u> </u> *
Mortgage Tax Exemption	\$ <u> </u>
Sales and Use Tax Exemption	\$ <u> </u>
Issuance by the Agency of Tax Exempt Bonds	\$ <u> </u>

* The requested financial assistance is consistent with the remaining terms as set forth in the Amended and Restated Master Development and Agent Agreement by and among the Agency and EPT Concord II, LLC and EPR Concord II, LLC dated October 21, 2023 and related transaction documents.

III. PROJECT INFORMATION

A.) Project Location:

Project Address: See attached.
Tax Map Number(s): "
Located in the Village of:
Located in Town of Thompson
Located in the School District of Monticello CSD
Located in Hamlet of N/A

(i) Are Utilities on Site?

Water/Sewer X Electric X
Gas Storm Sewer

(ii) Present legal owner of the site: EPR Concord II, LP and Adelaar Developer, LLC

If other than Applicant, by what means will the site be acquired for this Project:

(iii) Zoning of Project Site: Current: PRD 250-272. Proposed: Same

(iv) Are any variances needed: No.

(v) Principal Use of Project upon completion: Uses consistent with Approved Comprehensive Development Plan

B.) Will the Project result in the removal of a plant or facility of the Applicant or a proposed Project occupant from one area of the State of New York to another area of the State of New York? No; If yes, please explain:

C.) Will the Project result in the abandonment of one or more Plants or facilities of the Applicant or a proposed Project occupant located in the State of New York? No; If yes, please explain:

D.) If the answer to either question B or C above is yes, you are required to indicate whether any of the following apply to the Project:

1. Is the Project reasonably necessary to preserve the competitive position of the Applicant or such Project Occupant in its industry? Yes _____; No _____. If yes, please explain:

2. Is the Project reasonably necessary to discourage the Applicant or such Project Occupant from removing such other plant or facility to a location outside the State of New York? Yes _____; No _____. If yes, please explain:

E.) Will the Project include facilities or property that will be primarily used in making retail sales of goods or provide services to customers who personally visit such facilities? No; If yes, please contact the Agency for additional information.

F.) Please provide a narrative of the Project and the purpose of the Project (new build, renovations, and/or all equipment purchases). Identify specific uses occurring within the Project. Describe any and all tenants and any/all end users. Describe the proposed acquisitions, construction or reconstruction and a description of the costs and expenditures expected. Attach additional sheets, if necessary.

See Cover Letter.

G.) COSTS AND BENEFITS OF THE PROJECT

Costs = Financial Assistance

Estimated Sales Tax Exemption	\$ _____	*
Estimated Mortgage Tax Exemption	\$ _____	
Estimated Property Tax Abatement	\$ _____	
Estimated Interest Savings IRB Issue	\$ _____	

Benefits= Economic Development

Jobs created	\$ _____
Jobs retained	\$ _____
Private funds invested	\$ _____
Other Benefits	\$ _____

Estimate how many construction/permanent jobs will be created or retained as a result of this Project:

* The requested financial assistance is consistent with the remaining terms as set forth in the Amended and Restated Master Development and Agent Agreement by and among the Agency and EPT Concord II, LLC and EPR Concord II, LLC dated October 21, 2023, and related transaction documents.

Construction:	—
Permanent:	—
Retained (at current facility):	—

Project Costs (Estimates)	
Land and Existing Buildings	\$ —
Soft Costs (5%)	\$ —
Other	\$ —
Total	\$ —

In addition to the above estimated capital costs of the project, which must include all costs of real property and equipment acquisition and building construction or reconstruction, you must include details on the amounts to be financed from private sector sources, an estimate of the percentage of project costs financed from public sector sources and an estimate of both the amount to be invested by the Applicant and the amount to be borrowed to finance the Project.

In addition to the job figures provided above, please indicate the following:

- 1) The projected number of full time equivalent jobs that would be retained and that would be created if the request for financial assistance is granted.

- 2) The projected timeframe for the creation of new jobs.

- 3) The estimated salary and fringe benefit averages or ranges for categories of the jobs that would be retained or created if the request for financial assistance is granted.

- 4) An estimate of the number of residents of the economic development region as established pursuant to section two hundred thirty of the Economic Development Law, in which the project is located that would fill such jobs. The

labor market area defined by the agency (Mid-Hudson Economic Development Region)

H.) State whether there is a likelihood that the project would not be undertaken but for the financial assistance provided by the Agency, or, if the project could be undertaken without financial assistance provided by the Agency, a statement indicating why the project should be undertaken by the Agency This project cannot be completed without financial assistance from the Agency. The requested issuance of bonds by SCRFLDC relies on the amendment of the IDA project documents requested herein.

IV. REPRESENTATIONS BY THE APPLICANT

The Applicant understands and agrees with the Agency as follows:

- A) Job Listings. In accordance with Section 858-b (2) of the New York General Municipal Law, the Applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, new employment opportunities created as a result of the Project will be listed with the New York State Department of Labor Community Services Division (the "DOL") and with the administrative entity (collectively with the DOL, the "JTPA Entities") of the service delivery area created by the federal job training partnership act (Public Law 97-300) ("JTPA") in which the Project is located.
- B) First Consideration for Employment. In accordance with Section 858-b (2) of the New York General Municipal Law, the Applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, where practicable, the Applicant will first consider persons eligible to participate in JTPA programs who shall be referred by the JTPA Entities for new employment opportunities created as a result of the Project.
- C) Annual Sales Tax Filings. In accordance with Section 874(8) of the New York General Municipal Law, the Applicant understands and agrees that, if the Project receives any sales tax exemptions as part of the Financial Assistance from the Agency, in accordance with Section 874(8) of the General Municipal Law, the Applicant agrees to file, or cause to be filed, with the New York State Department of Taxation and Finance, the annual form prescribed by the Department of Taxation and Finance, describing the value of all sales tax exemptions claimed by the Applicant and all consultants or subcontractors retained by the Applicant.
- D) Annual Employment Reports. The Applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, the Applicant agrees to file, or cause to be filed, with the Agency, on an annual basis, reports regarding the number of people employed at the project site.

E.) Absence of Conflicts of Interest. The Applicant has received from the Agency a list of the members, officers, and employees of the Agency. No member, officers or employee of the Agency has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as hereinafter described.

F.) The Applicant represents that the provisions of Section 862(1) of the New York General Municipal Law, as provided below, will not be violated if Financial Assistance is provided for the proposed Project:

§ 862. Restrictions on funds of the agency. (1) No funds of the agency shall be used in respect of any project if the completion thereof would result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state, provided, however, that neither restriction shall apply if the agency shall determine on the basis of the application before it that the project is reasonably necessary to discourage the project occupant from removing such other plant or facility to a location outside the state or is reasonably necessary to preserve the competitive position of the project occupant in its respective industry.

G.) The Applicant confirms and acknowledges that the owner, occupant, or operator receiving Financial Assistance for the proposed Project is in substantial compliance with applicable local, state and federal tax, worker protection and environmental laws, rules and regulations.

H.) The Applicant confirms and acknowledges that the submission of any knowingly false or knowingly misleading information may lead to the immediate termination of any Financial Assistance and the reimbursement of an amount equal to all or part of any tax exemption claimed by reason of the Agency's involvement the Project.

I.) The Applicant confirms and hereby acknowledges that as of the date of this Application, the Applicant is in substantial compliance with all provisions of Article 18-A of the New York General Municipal Law, including, but not limited to, the provision of Section 859-a and Section 862(1) of the New York General Municipal Law.

The Applicant and the individual executing this Application on behalf of the Applicant acknowledge that the Agency will rely on the representations made herein when acting on this Application and hereby represent that the statements made herein do not contain any untrue statement of a material fact and do not omit to state a material fact necessary to make the statements contained herein not misleading.

EMPIRE RESORTS, INC.



By: Karen M. Cho, Secretary

Date: 5/9/25

MONTICELLO RACEWAY MANAGEMENT, INC.



By: Karen M. Cho, Secretary

Date: 5/9/25

STATE OF NEW YORK)
COUNTY OF SULLIVAN) ss.:

Karen M. Cho, being first duly sworn, deposes and says:

1. That I am the Secretary of Empire Resorts; Monticello Raceway Management, Inc. (collectively, the "Applicant") and that I am duly authorized on behalf of the Applicant to bind the Applicant.
2. That I have read the attached Application, I know the contents thereof, and that to the best of my knowledge and belief, this Application and the contents of this Application are true, accurate and complete.



Karen M. Cho

Subscribed and affirmed to me under penalties of perjury
this 9th day of May, 2025.



(Notary Public)

NICHOLE MARIE BARBATO
NOTARY PUBLIC-STATE OF NEW YORK

No. 01BA6369197

Qualified in Sullivan County

My Commission Expires 01-02-2026

THIS APPLICATION SHALL BE SUBMITTED WITH (I) TWO CHECKS: ONE COVERING A \$250.00 APPLICATION FEE AND THE SECOND COVERING A \$5,000.00 UP-FRONT ESCROW DEPOSIT; AND (II) APPLICANT'S FORMATION DOCUMENTS (IE: IF A CORPORATION: ITS CERTIFICATE OF INCORPORATION AND BYLAWS; IF A LIMITED LIABILITY COMPANY: ITS ARTICLES OF ORGANIZATION AND OPERATING AGREEMENT; IF A LIMITED PARTNERSHIP: ITS CERTIFICATE OF LIMITED PARTNERSHIP AND LIMITED PARTNERSHIP AGREEMENT; OR IF A PARTNERSHIP: ITS PARTNERSHIP AGREEMENT TO:

**COUNTY OF SULLIVAN INDUSTRIAL DEVELOPMENT AGENCY
Executive Director
548 BROADWAY
MONTICELLO, NEW YORK 12701**

HOLD HARMLESS AGREEMENT

Applicant hereby releases the COUNTY OF SULLIVAN INDUSTRIAL DEVELOPMENT AGENCY and the members, officers, servants, agents and employees thereof ("Agency") from, agrees that the Agency shall not be liable for and agrees to indemnify, defend and hold the Agency harmless from and against any and all liability arising from or expense incurred by (A) the Agency's examination and processing of, and action pursuant to or upon, the attached Application, regardless of whether or not the Application or the Project described therein or the tax exemptions and other assistance requested therein are favorably acted upon by the Agency, (B) the Agency's acquisition, construction and/or installation of the Project described therein and (C) any further action taken by the Agency with respect to the Project; including without limiting the generality of the foregoing, all causes of action and attorneys' fees and any other expenses incurred in defending any suits or actions which may arise as a result of any of the foregoing. If, for any reason, the Applicant fails to conclude or consummate necessary negotiations, or fails, within a reasonable or specified period of time, to take reasonable, proper or requested action, or withdraws, abandons, cancels or neglects the Application, or if the Agency or the Applicant are unable to reach final agreement with the respect to the Project, then, and in the event, upon presentation of an invoice itemizing the same, the Applicant shall pay to the Agency, its agents or assigns, all costs incurred by the Agency in the processing of the Application, including attorneys' fees, if any.

EMPIRE RESORTS, INC.



By: Karen M. Cho, Secretary

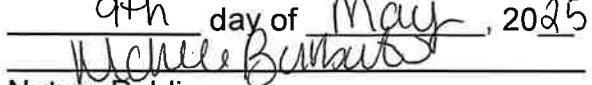
Date: 5/9/25

MONTICELLO RACEWAY MANAGEMENT, INC.



By: Karen M. Cho, Secretary

Date: 5/9/25

Sworn to before me this
9th day of May, 2025

Notary Public

NICHOLE MARIE BARBATO
NOTARY PUBLIC-STATE OF NEW YORK
No. 01BA6369197
Qualified in Sullivan County
My Commission Expires 01-02-2026

Schedule of Resort Property

<u>Premises</u>	<u>Section</u>	<u>Block</u>	<u>Lot</u>	<u>Acreage</u>
State Route 42	9	1	18.1	20.13
184 Concord Road	9	1	35	11.30
State Route 42	13	1	28	8.95
Concord Road	13	3	5	1.17
Concord Road	13	3	7	4.70
Rock Ridge Drive	13	3	12	0.98
Rock Ridge Drive	13	3	17	0.46
Rock Ridge Drive	13	3	18	25.04
Concord Road	13	3	19.1	33.43
Concord Road	13	3	19.3	0.95
Rock Ridge Drive	13	3	20.1	63.04
Rock Ridge Drive	13	3	20.2	0.40
Rock Ridge Drive	13	3	20.3	1.82
Rock Ridge Drive	13	3	22	22.00
Rock Ridge Drive	13	3	25.1	62.17
Rock Ridge Drive	13	3	25.2	3.61
Rock Ridge Drive	13	3	25.3	0.09
Thompson Road	13	3	26.2	7.21
Concord Road	13	3	45	1.00
111 Kiamesha Lake Road	15	1	4	1.70
103 Kiamesha Lake Road	15	1	5	0.75
Kiamesha Lake Road	15	1	11.1	43.00
Co. Highway 161	15	1	11.2	68.60
107-110 Kiamesha Lake Road	15	1	12.1	31.70
107-110 Kiamesha Lake Road	15	1	12.3	2.05
Chalet Road	15	1	13.1	78.11
Chalet Road	15	1	13.2	3.68
Chalet Road	15	1	13.5	0.51
218 Concord Road	15	1	14.2	35.32
Concord Road	15	1	14.3	5.27
Concord Road	15	1	14.6	2.09
Chalet Road	15	1	14.7	3.19
Thompson Road	15	1	16.1	4.20
Thompson Road	15	1	17.1	0.86
Thompson Road	15	1	18.1	1.72
32 Chalet Road	15	1	19.1	11.97
Thompson Road	15	1	22	25.32
Thompson Road	15	1	24	1.50
Thompson Road	15	1	25	49.90
Chalet Road	15	1	35.7	120.31
Kiamesha Lake Road	15	1	49	0.21

143 Chalet Road	15	1	50.1	15.00
Chalet Road	15	1	51	27.08
State Route 17	23	1	48.2	0.70
State Route 17	23	1	50.2	36.98
State Route 17	23	1	51.2	36.90
Thompson Road	23	1	52.2	10.05
Joyland Road	23	1	55	79.20
Joyland Road	23	1	65.1	13.50
Joyland Road	23	2	1	20.87
Joyland Road	23	2	2	0.75
Joyland Road	23	2	3	0.20
Joyland Road	23	2	4	3.25
Joyland Road	23	2	6	1.00
Joyland Road	23	2	8	50.87
Thompson Road	23	2	10	72.80
Joyland Road	23	2	31	0.20
1-3 Towner Road	23	2	32	1.20
Cimarron Road	23	2	33	1.80
23 Towner Road	23	2	34	0.33
State Route 42	13	1	53	0.70
				1133.79