

# Warren County Board of Supervisors

## RESOLUTION NO. 283 OF 2012

**Resolution introduced by Supervisors Bentley, Merlino, Monroe, Conover, Wood, Taylor, Frasier, Dickinson and Mason**

**APPROVING AND AUTHORIZING THIRD AMENDMENT TO COUNTY OF WARREN,  
TOWN OF CORINTH, AND SARATOGA AND NORTH CREEK RAILWAY, LLC  
RAILROAD LICENSING AND OPERATING AGREEMENT**

WHEREAS, by Resolution No. 247 of 2011, and amended by Resolution Nos. 447 of 2011 and 520 of 2011, the Warren County Board of Supervisors authorized and approved a Railroad Licensing and Operating Agreement between Warren County, the Town of Corinth, and the Saratoga and North Creek Railway, LLC (“Railway”), and on June 10, 2011, the said agreement was executed by the parties and is hereinafter referred to as the “Operating Agreement”, and

WHEREAS, the Railway has proposed a schedule of capital improvements to the rail properties that are above and beyond the Railway’s obligations for ordinary repairs and maintenance as specified in the Operating Agreement, and

WHEREAS, Warren County and the Town of Corinth agree with the Railway that the intended capital improvements will benefit Warren County and the Town of Corinth through improved reliability, speed, and passenger comfort of train services operating over the rail properties, and

WHEREAS, Warren County and the Town of Corinth have agreed to equally share in the cost of proposed capital improvements up to a maximum of Five Hundred Thousand Dollars (\$500,000) with such sharing by Warren County and the Town of Corinth to occur through forgiveness of contractual payments beyond the maximums described in the Operating Agreement, and, therefore, Warren County and the Town of Corinth will be using only the revenues generated from the Operating Agreement to contribute towards the capital improvements, and

WHEREAS, the obligation of Warren County and the Town of Corinth to contribute towards the capital improvements shall not extend beyond the expiration of the initial term of the Operating Agreement

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which date is June 30, 2016, now, therefore, be it

RESOLVED, that the Warren County Board of Supervisors hereby approves the third amendment to the Operating Agreement and hereby authorizes and directs the Chairman of the Board to execute the aforementioned third amendment to the Operating Agreement which shall be subject to review and approval by the County Attorney, and the Chairman of the Board is hereby further authorized to execute such other and further documents as may be necessary to carry out the terms and provisions of the third amendment to the Operating Agreement and any other documents that may be related thereto, all in a form approved by the County Attorney, and be it further

RESOLVED, that this Resolution is subject to a concurring resolution issued by the Town of Corinth Town Board authorizing the same.