

AMENDMENT TO MEMORANDUM OF UNDERSTANDING AND AGREEMENT

THIS AMENDMENT dated September ____, 2021 is to a MEMORANDUM OF UNDERSTANDING AND AGREEMENT dated the 23rd day of December, 2015 and an Acknowledgment concerning the Annexation of Parcel 9-1-25 (collectively "Memorandum") by and between the VILLAGE OF TUXEDO PARK, a municipal corporation with its principal offices at 80 Lorillard Road, Tuxedo Park, New York 10987 (the "Village"), and MICHAEL BRUNO and ALEXANDER JAJOWEC, individuals residing at 172 West Lake Road, Tuxedo Park New York 10987 (the "Donors")

W I T N E S S E T H:

WHEREAS, the Memorandum required Donors to exercise an Option to purchase a parcel of land and to annex the sale to the Village not later than December 31, 2020, and

WHEREAS, a world-wide pandemic of the virus known as Covid-19 has prevented much of the regular and customary personal and business activities since approximately March 2020, and

WHEREAS, based on the Covid-19 pandemic, the requirements of the Option cannot be completed by December 31, 2020, and

WHEREAS, the parties previously extended the Memorandum of Agreement terms from January 1st to March 31st, 2021 and then April 1st to June 30th, 2021; and

WHEREAS, Village and Donors still desire to exercise the Option and complete the requirements of the Memorandum, and

WHEREAS, the Village of Tuxedo Park has authorized the exercise of its Option under the Memorandum.

NOW, THEREFORE, the Village and Donors agree as follows:

1. It is expressly understood and agreed by and between the parties herein that, in the event there shall be any conflict or inconsistency between the provisions of the Memorandum and the provisions of this Addendum ("Addendum") it is understood and agreed that the provisions of this Addendum shall prevail.

2. It is further understood that the Village has exercised its Option pursuant to paragraph 7(c) of the Memorandum by Resolution of the Village Board with respect to the acquisition by Donors of Parcel 4.
3. The Parties acknowledge that since the 2015 Memorandum, Donors have acquired ownership of the Annexation parcels (S/B/L: 8-1-25 and 9-1-26) via an entity controlled wholly by Donors and also referred to as part of “Donors” herein. The Parties further acknowledged that Donors are the current owners of the Annexation Parcels and have not sold or transferred the Annexation Parcels to entities or persons not under their control or ownership.
4. The Parties acknowledge that Donors have submitted Annexation Petitions for the Annexation Parcels to the Village of Tuxedo Park and the Town of Tuxedo prior to the date of this Amendment.
5. The Village and Donors still desire to carry out the provisions of the Memorandum, including the Annexation of the two Annexation Parcels set forth in the Memorandum and the extension of the Memorandum for such purposes.
6. The Parties agree that the Memorandum, to the extent not inconsistent with this Amendment, is hereby extended until **November 30, 2021** in order to carry out the purposes of the Memorandum.
7. The Parties may further mutually extend this Amendment, in writing, for additional periods of time.
8. All remaining terms of the Memorandum (a copy of which is annexed hereto and made a part hereof) shall remain in full force and effect.

IN WITNESS WHEREOF, the Village and Donors has caused this Agreement to be duly executed and delivered by its duly authorized officer, and the Employee has duly executed and delivered this Agreement, as of the date first written above.

VILLAGE OF TUXEDO PARK

By:

Authorized by Resolution of the Village Board dated September 21, 2021

Michael Bruno

Alexander Jakowec