

RESOLUTION 20 of 2022

**RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON,
NEW YORK, RESCINDING RESOLUTION 251 OF 2021**

Sponsored By: Finance/Audit Committee: Alderman: Scott-Childress, Davis, Olivieri, Hirsch, Schabot,

WHEREAS, by Resolution 251 of 2021 the Common Council approved the partial abandonment of Fair Street Extension; and

WHEREAS, by stipulation ordered by Ulster County Supreme Court on December 14, 2021, it was agreed between the parties under Index No. EF2021-3243 – 61 Crown Street, LLC, et al vs. City of Kingston Common Council, et al to rescind Resolution 251 of 2021.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK AS FOLLOWS:

SECTION 1. That Resolution 251 of 2021 is hereby rescinded pursuant to order of the Ulster County Supreme Court on December 14, 2021, which is attached hereto and made a part of the records of the Common Council.

SECTION 2. This resolution shall take effect immediately.

Submitted to the Mayor this ____ day of _____, 2022

Approved by the Mayor this ____ day of _____, 2022

Elisa Tinti, City Clerk

Steven T. Noble, Mayor

Adopted by Council on _____, 2022

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ULSTER

-----X
61 CROWN STREET, LLC, 311 WALL STREET, LLC
317 WALL STREET, LLC, 323 WALL STREET
OWNERS, LLC, 63 NORTH FRONT STREET, LLC,
314 WALL STREET, LLC, 328 WALL STREET, LLC, and
JAMES F. SHAUGHNESSY, JR.,

STIPULATION

Petitioner-Plaintiffs,

Index No.: EF2021-3243

For a Judgement Pursuant to Article 78 of the Civil Practice
Law and Rules ("CPLR") and a Declaratory Judgement
Pursuant to Section 3001 of the CPLR

Assigned Judge:
Honorable Richard Mott, J.S.C.

-against-

CITY OF KINGSTON COMMON COUNCIL, STEVEN T.
NOBLE in his capacity as MAYOR OF THE CITY OF
KINGSTON, CITY OF KINGSTON, KINGSTON
DEPARTMENT OF PUBLIC WORKS, JM DEVELOPMENT
GROUP, LLC, HERZOG SUPPLY CO., INC.,
KINGSTONIAN DEVELOPMENT, LLC, PATRICK PAGE
HOLDING, L.P., BLUE STONE REALTY LLP, and WRIGHT
ARCHITECT, PLLC,

Respondents-Defendants.

-----X

WHEREAS, the Petitioners brought by Verified Petition and Order to Show Cause the above captioned action on or about December 6, 2021 challenging the sufficiency of a public hearing held by the Respondent, City of Kingston Common Council (the "Common Council"), on December 2, 2021, regarding the partial abandonment of Fair Street Extension and seeking a temporary restraining order and preliminary injunction blocking the implementation of proposed Resolution 251 (the "Resolution"); and

WHEREAS, on December 7, 2021, the Common Council adopted the Resolution, which authorized the mayor to partially abandon Fair Street Extension in the City of Kingston, New York, and to execute any and all related documents; now therefore,

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned attorneys for the parties herein, as follows:

1. The Kingston Common Council Resolution 251 of 2021, enacted by Respondent City of Kingston Common Council on December 7, 2021, is rescinded by agreement of parties and this so-ordered Stipulation will be entered into the records of the Common Council.

2. A new public hearing with respect to the partial abandonment of the Fair Street Extension is to be held January 12, 2022, at 6:30 P.M. at a location to be determined that can accommodate at least 200 people under applicable COVID restrictions with notice thereof to be published by Friday, January 7, 2022, and with the location thereof to be designated by no later than December 24, 2021.

3. The notice of the public hearing is to include the date, place, time, and location of the public hearing, a description describing the portion of Fair Street Extension to be abandoned, as well as a reference to the City website which will have a map that depicts that part of the Fair Street Extension that the City of Kingston proposes to abandon. Such notice will be agreed upon by counsel for the City of Kingston and Petitioners before submission to the court for review.

4. The Petitioners' Petition and the Order to Show Cause are withdrawn without prejudice.

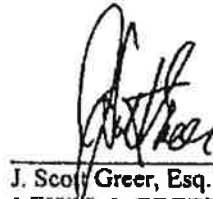
Dated: Kingston, New York
December 13, 2021



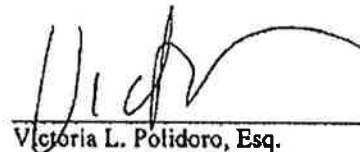
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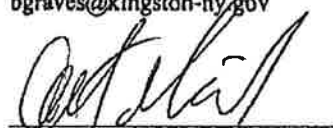
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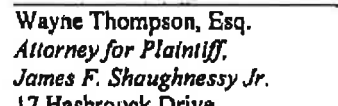

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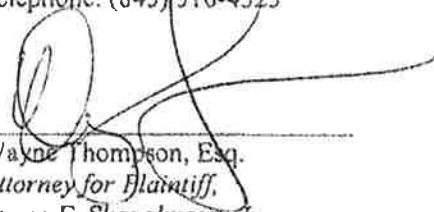
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SO ORDERED.



RICHARD MOTT, J.S.C.

Dated: DEC. 14, 2021
 Hudson, New York