

At a Special Term of the Supreme Court of the State of New York held in and for the County of Franklin at the Courthouse in the Village of Malone, New York, on the 30th day of January, 2017.

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF FRANKLIN**

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In the Matter of the Application of
ADIRONDACK RAILWAY PRESERVATION
SOCIETY, INC.,

Petitioner,

-against-

NEW YORK STATE ADIRONDACK PARK AGENCY;
LEILANI ULRICH, in her capacity as
Chairperson of the New York State
Adirondack Park Agency; NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION;
and BASIL SEGGOS, in his capacity as
Acting Commissioner of the New York State
Department of Environmental Conservation;
NEW YORK STATE DEPARTMENT OF TRANSPORTATION;
and MATTHEW DRISCOLL, in his capacity as
Commissioner of the New York State
Department of Transportation,

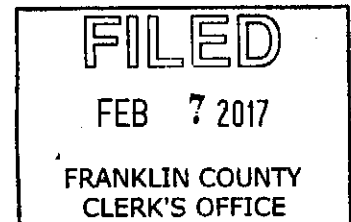
Respondents.

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ORDER

Index Number
2016-213

RJI Number
16-1-2007-0129



PRESENT: HON. ROBERT G. MAIN, JR., Acting Supreme Court Justice

The above-captioned proceeding is before this Court pursuant to article 78 of the Civil Practice Law and Rules. The parties appeared by and through counsel for the return upon the Third Amended Verified Petition, filed June 29, 2016.

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The proceedings having been previously adjourned and stayed for a variety of reasons upon consent of counsel and with approval of this Court. The most recent adjournment of the original return was based upon the Stipulation and Order signed November 17, 2016. Such adjournment was occasioned by potential title issues affecting New York State's title and interest to the property along the Remsen to Lake Placid Travel Corridor (Segment 2, Tupper Lake to Lake Placid).

Upon the return, the parties were accorded a full and complete opportunity to be heard, and counsel for petitioner and respondents engaged in oral argument supporting their respective positions.

In the course of the oral argument it became clear that the issues affecting New York State's title and interest to the property along Segment 2 of the Remsen to Lake Placid Travel Corridor remained unclear and had not been finally resolved.

It also became clear that a plan to avoid or mitigate adverse impacts in compliance with the Parks Recreation and Historical Preservation Law has not been developed or considered. Respondents' counsel filed a copy of a letter addressing the mitigation plan during the oral argument.

Subsequent to oral argument, a conference was conducted between the Court and counsel. The Court indicated to counsel that the significant, and unanswered, questions as to title pertaining to Segment 2 of the Remsen to Lake Placid Travel Corridor required further research and input for New York State before the Court could meaningfully decide this matter.

Based on all proceedings had heretofore, and all submissions to this Court, and upon its own motion, it is hereby

ORDERED that all proceedings herein shall be stayed until further order this Court pursuant to Civil Practice Law and Rules § 7805; and it is further

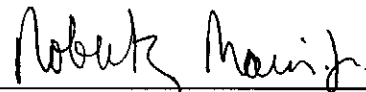
ORDERED that during the stay ordered herein, neither the State of New York nor any of its agents, authorities, agencies, subdivisions, nor any entity acting on its behalf, shall remove any rail infrastructure from the corridor as

contemplated by the 2016 Unit Management Plan along Segment 2 of the Remsen to Lake Placid Travel Corridor; and it is further

ORDERED that respondents shall provide a full and complete report to this Court respecting the title and/or interest possessed by the State of New York along Segment 2 of the Remsen to Lake Placid Travel Corridor, provided, specifically, that said report shall be submitted no later than **March 8, 2017**, on notice to the petitioner, and petitioner shall reply or respond to said report no later than **March 22, 2017**; and it is further

ORDERED that the parties shall each provide a written status update as to its position on the status of any mitigation or avoidance plan and as to compliance with the Parks Recreation and Historical Preservation Law no later than **March 8, 2017**. Such report may include, in the discretion of each party, factual updates and supplemental memoranda of law. Each party may reply or respond to said report no later than **March 22, 2017**.

ENTER



Acting Supreme Court Justice

Dated at Malone, New York, this 7th day of February, 2017.