

STATE OF NEW YORK
SUPREME COURT

COUNTY OF SCHENECTADY

VILLAGE OF SCOTIA,

Plaintiff,

-against-

CSX TRANSPORTATION, INC.; NIAGARA
MOHAWK POWER CORPORATION; DELAWARE
AND HUDSON RAILWAY COMPANY a/k/a
DELAWARE AND HUDSON RAILWAY
COMPANY, INC.; CANADIAN PACIFIC
RAILWAY COMPANY; CANADIAN PACIFIC
RAILWAY LIMITED; KEY BANK, N.A., AS
TRUSTEE FOR THE UNITED STATES OF
AMERICA; BANK OF AMERICA, AS TRUSTEE;
THE UNITED STATES OF AMERICA s/i/i UNITED
STATES RAILWAY ASSOCIATION; NATIONAL
RAILROAD PASSENGER CORPORATION; and
THE PEOPLE OF THE STATE OF NEW YORK,

**STIPULATION OF
SETTLEMENT AND
DISCONTINUANCE**

Index No. 2022-1586

Defendants

WHEREAS the plaintiff, VILLAGE OF SCOTIA, (hereinafter "Plaintiff") commenced the present action seeking declaratory judgment and to quiet title to the real property described in **Exhibit A** annexed hereto ("Property"); and

WHEREAS defendant, THE PEOPLE OF THE STATE OF NEW YORK ("New York State") was timely and properly served with a copy of the summons and complaint; and

WHEREAS Plaintiff has named the People of the State of New York because it may have an interest in the Property based upon appropriation maps filed by the New York State Department of Transportation and described in the complaint;

WHEREAS the State of New York affirmatively states that the only interest that New York State Department of Transportation has in the subject property is a permanent easement for highway purposes that was obtained by the filing of the appropriation map for Map No. 9, Parcel No. 14 in the Office of the Schenectady County Clerk on February 18, 1982, that burdens a portion of the Property and is more particularly described in **Exhibit B** annexed hereto ("Easement");

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorneys of record, as follows:

1. The only interest that the New York State Department of Transportation has in the Property is the Easement as described above and more particularly described in **Exhibit B** annexed hereto.

2. Plaintiff's ownership in the Property is subject to the New York State Department of Transportation's interest in the Easement.
3. Plaintiff's interest in the Property in no way alters or abrogates New York State's interest in the Easement on the Property.
4. The above titled action is hereby discontinued as against the People of the State of New York in its entirety, with prejudice, and without costs to either party as against the other
5. This Stipulation shall be governed by the laws of the State of New York, and any dispute relating to, or arising from, its terms shall be construed as if mutually drafted with no presumption of any type against any party that may be found to have been the drafter.
6. This Stipulation constitutes the entire agreement of the parties regarding the subject matter hereof. No modifications or amendments of this agreement shall be effective unless they are set forth in writing and signed by the parties
7. This Stipulation may be executed in counterparts and by facsimile and/or electronic transmission, each counterpart of which shall be deemed an original and all of which taken together shall constitute one and the same instrument.
8. This Stipulation may be filed without further notice with the Clerk of the Court.

Dated: February 4, 2024



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Dated: February __, 2024

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