

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ULSTER

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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.

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Common Council Resolution 251 of 2021, enacted by Respondent City of Kingston Common Council on December 7, 2021, is rescinded by agreement of parties and this so-ordered Stipulation will be entered into the records of the Common Council.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

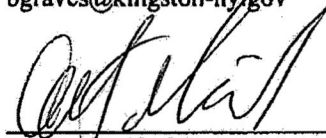
3. The notice of the public hearing is to include the date, place, time, and location of the public hearing, a description describing the portion of Fair Street Extension to be abandoned, as well as a reference to the City website which will have a map that depicts that part of the Fair Street Extension 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

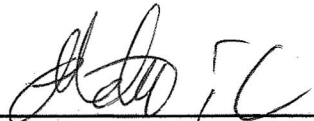
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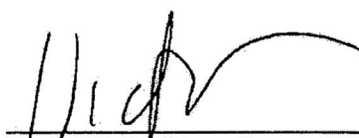
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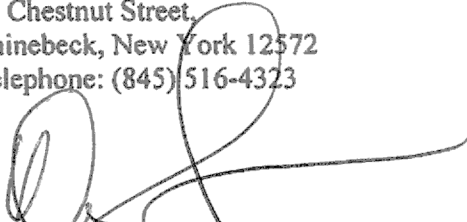
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**ENTERED:**

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**Honorable Richard Mott, J.S.C.**