

**STATE OF NEW YORK  
APPELLATE DIVISION, THIRD DEPARTMENT**

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**ADIRONDACK HISTORICAL ASSOCIATION**

9097 State Route 30, P.O. Box 99  
Blue Mountain Lake, NY 12812,

Petitioner,

-against-

**VILLAGE OF LAKE PLACID/  
LAKE PLACID VILLAGE, INC.**

2693 Main Street  
Lake Placid, NY 12946

Respondent.

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**PETITION TO ANNUL  
RESPONDENT/CONDEMNOR  
VILLAGE OF LAKE PLACID'S  
DETERMINATION AND  
FINDING THAT A PUBLIC  
USE, BENEFIT OR PURPOSE  
WILL BE SERVED BY THE  
PROPOSED ACQUISITION  
OF PETITIONER'S  
MAIN STREET  
LAKE PLACID PROPERTY**

**TO THE SUPREME COURT OF THE STATE OF NEW YORK,  
APPELLATE DIVISION, THIRD DEPARTMENT:**

The verified petition of Adirondack Historical Association (hereinafter the "Petitioner"), by its attorneys, McPhillips, Fitzgerald & Cullum L.L.P., respectfully shows and alleges that:

**PARTIES:**

1. Adirondack Historical Association is a New York not-for-profit corporation having a place of business at 9097 State Route 30, P.O. Box 99, Blue Mountain Lake, New York 12812 (hereinafter the "Petitioner").
2. The Petitioner is the owner of the Adirondack Museum, now named the "Adirondack Experience, the museum on Blue Mountain Lake."
3. Upon information and belief, the Village of Lake Placid or alternatively, Lake Placid Village, Inc., is a municipal corporation organized and existing under the laws of the State

of New York with an address of 2693 Main Street, Lake Placid, New York 12946 (hereinafter the "Respondent").

**SUBJECT PROPERTY:**

4. Petitioner is the owner of real property located at 2476-2478 Main Street, Lake Place, New York, by virtue of a deed dated October 12, 2005 from Adirondack Church of the Nazarene of Lake Placid to the Adirondack Historical Association and recorded in the Essex County Clerk's Office on January 9, 2006 in Book 1475 of Deeds at page 224 (hereinafter the "Subject Property").
5. The Subject Property is listed and identified on the assessment rolls for the Respondent and the Town of North Elba by two tax map parcel identifiers as follows:

<b><u>STREET ADDRESS</u></b>	<b><u>TMP</u></b>	<b><u>ACRES</u></b>
2476 Main Street Lake Placid, NY 12946	42.158-9-11.100	.25
2478 Main Street Lake Placid, NY 12946	42.158-9-11.200	.10

**PRELIMINARIES**

6. Respondent desires to acquire Petitioner's property located on the Main Street of Lake Placid, New York by the power of eminent domain pursuant to the Eminent Domain Procedure Law of the State of New York (hereinafter the "EDPL").
7. Petitioner has fully disclosed to the Respondent its investment in the Subject Property, together with other financial aspects of the Subject Property, as set forth in the chart below:

<u>EVENT</u>	<u>DOLLAR AMOUNT</u>
Original Purchase Price	\$1,340,000
Purchase Price plus Additional Expenditures	\$1,882,520 (including Demolition)
Book Value (2017)	\$1,486,470
Appraised Value: July 27, 2015	\$1,500,000
Assessed Value 2013-2016	\$1,188,000 (Assessor's fair market value)

8. Notwithstanding Petitioner's full disclosure of its investment in the Subject Property to the Respondent, and notwithstanding the official assessment of the Subject Property as of March 13, 2017 in the amount of \$1,188,000, the Respondent has not made every reasonable and expeditious effort to justly compensate the Petitioner in accordance with EDPL §301 and has made no written offer to acquire the Subject Property in accordance with EDPL §303. To the contrary, the Respondent's mayor has admitted that only "on and off discussions" with the Petitioner to obtain the Subject Property have taken place over a number of years.

**EDPL §203 - PUBLIC HEARING**

9. On March 13, 2017, the Respondent held a public hearing at the Town of North Elba Town Hall, 2693 Main Street, Lake Placid, New York, to consider whether to acquire by eminent domain the Subject Property (hereinafter the "Public Hearing").
10. At the Public Hearing the Respondent proposed to utilize the Subject Property to construct a parking garage to allegedly improve parking and traffic flow on Main Street in the Village of Lake Placid (the "Proposed Project").

11. The Petitioner appeared at the Public Hearing and was represented by its Executive Director, David M. Kahn, one of its Trustees, and legal counsel, and at the Public Hearing the Petitioner's representatives addressed the investment in the Subject Property, the Petitioner's purposes, and its desire for fair treatment during the course of any eminent domain proceedings relative to the value of the Subject Property.
12. Members of the public also appeared at the Public Hearing, many of whom were in opposition to the Proposed Project and Respondent's use of the power of eminent domain against the Subject Property. Some members of the public were in opposition to the location and need for the construction of a parking garage at the location of the Subject Property.
13. The Respondent did not undertake a public environmental review of the Proposed Project at the Public Hearing, as required by EDPL §201 and the State Environmental Quality Review Act (hereinafter "SEQRA"), and the Respondent did not give the public the opportunity to formally comment on the environmental significance of the Proposed Project in the context of a completed Full Environmental Assessment Form checklist (i.e., a "FEAF").

#### **REVOCATION OF EXEMPT STATUS**

14. The day after the Public Hearing, the Petitioner was notified by the Town of North Elba Assessor that its exempt status on the Subject Property for purposes of real property taxation had been unilaterally revoked and that its combined assessment on the Subject Property, after being previously reduced to \$1,188,000, and being stabilized at that level

of assessment for the years 2013-2016, was further reduced to \$850,000, upon which the Petitioner will now be required to pay real property taxes due to the revocation of the exempt status. The Petitioner is challenging the revocation of its exempt status in a separate proceeding under Article 7 of the Real Property Tax Law.

#### **EDPL §204 AND SEQRA NON-COMPLIANCE**

15. The Respondent did not comply with EDPL §204 in that it did not within ninety (90) days after the conclusion of the Public Hearing on March 13, 2017 make its determination and findings concerning the Proposed Project and did not publish a brief synopsis of such determination and findings in two successive issues of the official newspaper.
16. The Respondent did not comply with SEQRA in that it did not hold a SEQRA public hearing with respect to the acquisition of the Subject Property.
17. Upon information and belief, the Respondent was not and is not entitled to any exemptions from compliance with the EDPL as provided by EDPL §206.

#### **SPECIAL MEETING**

18. Upon information and belief, upon its default in compliance with SEQRA and the EDPL, Respondent conducted a "Special Village Board Meeting" on Monday, June 12, 2017 (hereinafter the "Special Meeting") 91 days after the Public Hearing for the purpose of:
  - "a. Approve - SEQRA Resolution Relating to Main Street Reconstruction Project.
  - b. Approve - Determination and Findings Relating to Eminent Domain Public Hearing."

19. Upon information and belief, the Special Meeting was not a public hearing, thereby foreclosing meaningful public input relative to the environmental aspects of the Proposed Project in the context of the Respondent's use of the power of eminent domain to acquire the Subject Property, thus preventing the Petitioner and the public from providing comment on each and every element listed in a FEAF so as to require the Respondent to adhere to the "Hard Look" standard required by SEQRA.
20. At the Special Meeting, the Respondent passed Resolution #125-207 entitled "SEQRA Resolution Relating to Main Street Reconstruction Project" dated June 12, 2017, a copy of which is attached hereto and marked **EXHIBIT "A"** (hereinafter the "SEQRA Resolution").
21. The SEQRA Resolution admits that the SEQRA review process ended on February 6, 2017, more than a month before the eminent domain Public Hearing on March 13, 2017.
22. The SEQRA Resolution admits that the acquisition of the Subject Property pursuant to the EDPL is an action subject to impact review pursuant to SEQRA but that acquisition of the Subject Property by eminent domain was not an action considered by the earlier SEQRA process that ended on February 6, 2017.
23. Upon information and belief, without adequate notice to the public and/or the Petitioner, and without giving the Petitioner the opportunity to prepare or be heard during a SEQRA review process, the Respondent short circuited the SEQRA process by having its engineering consultant submit a "Short Environmental Assessment form pursuant to 6 NYCRR 617.6(a)(3) (i.e. the "Short Form") pertaining to the use of eminent domain to

acquire the Subject Property, even though the power of eminent domain is one of the most powerful weapons in the municipal arsenal that can be used against private property.

24. Upon information and belief, the Short Form is not adequate to address the implications of the Proposed Project on the Main Street of Lake Placid, particularly in the absence of any traffic flow studies and in the absence of allowing the public or the Petitioner to be heard on the subject.
25. Upon information and belief, the Respondent did not take the SEQRA required "Hard Look" at the environmental implications of acquiring the Subject Property, nor did it take a "Hard Look" at alternative sites, even though some such sites were identified by the public at the Public Hearing.

#### **DETERMINATION AND FINDINGS**

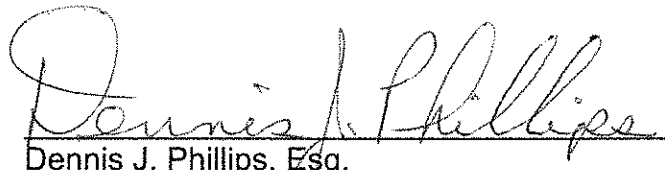
26. The Respondent made a determination and findings dated June 12, 2017, 91 days after the public hearing and out of compliance with EDPL §204, a copy of which is attached hereto and marked **EXHIBIT "B"** (hereinafter the "Determination").
27. The Respondent states that the acquisition of the Subject Property and the purpose of the project is to construct a parking garage to improve parking and traffic flow on Main Street in the Village of Lake Placid.
28. The Respondent admits, however, at paragraph 11 of the Determination that some of the people who attended the Public Hearing were against the Proposed Project, some of the people did not want to see the exercise of eminent domain, and others wished that

parking problems should be addressed in other ways or other locations. Although these concerns were properly raised, the Respondent apparently ignored them and did not provide any reasoning or analysis in the Determination for parking at alternative places and other locations.

29. In actuality, the taking of the Subject Property and the construction of the Proposed Project in the middle of Lake Placid will exacerbate the parking problem and the flow of traffic, in that during periods of high traffic, left-hand turns out of the proposed parking garage will be difficult to execute and will most likely stop and back up traffic the whole length of Main Street.
30. Furthermore, the Subject Property and the Proposed Project is not a location most advantageous to the public because there already exists on the southern end of Main Street a larger municipal parking area in a less congested area, which area could be expanded by the acquisition and development of adjoining property. Upon information and belief, Respondent did not thoroughly consider or analyze this alternative site at the Public Hearing or in the Determination.
31. On July 12, 2017 Petitioner served a demand upon Respondent to file with this Court a copy of the written transcript of the record of the proceedings before it, and a copy of its Determination and Findings in this proceeding, a copy of which is annexed hereto and marked **EXHIBIT "C"** (the "Demand"). The Affidavits of Service of Dennis J. Phillips and Martiena Haymon attesting to personal service and to service by mail of the Demand are attached hereto under **EXHIBIT "D."**



**WHEREFORE**, it is respectfully requested that this Court reject the Respondent/Condemnor Village of Lake Placid's Determination and Findings concerning the proposed acquisition of the Subject Property on the ground that a public use, benefit or purpose will not be served by such acquisition and for such other relief as the court deems proper.



Dennis J. Phillips, Esq.  
McPHILLIPS, FITZGERALD & CULLUM L.L.P.  
Attorneys for Adirondack Historical Association  
288 Glen Street, P.O. Box 299  
Glens Falls, New York 12801  
Tel. (518) 792-1174

TO:

The Hon. Robert D. Mayberger  
Clerk of the Court  
State of New York  
Supreme Court, Appellate Division  
Third Judicial Department  
P.O. Box 7288, Capitol Station  
Albany, NY 12224-0288

Eileen M. Clark, Village Clerk  
Village of Lake Placid  
301 Main Street  
Lake Placid, NY 12946

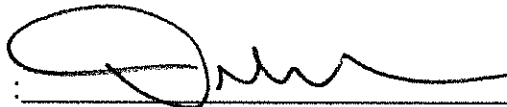
Patrick L. Seely, Jr., Esq.  
Jones Hacker Murphy LLP  
28 Second Street  
Troy, NY 12180

VERIFICATION

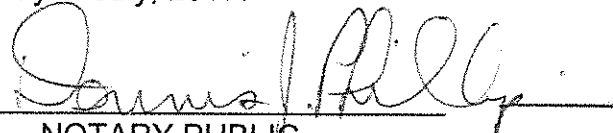
STATE OF NEW YORK    )  
                                  ) ss.:  
COUNTY OF WARREN    )

David M. Kahn, being duly sworn, says that he is the Executive Director of the Adirondack Historical Association; that he has read the foregoing Petition and knows the contents thereof and that the contents are true to his knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters he believes them to be true.

**ADIRONDACK HISTORICAL ASSOCIATION**

By :   
Name : David M. Kahn  
Title : Executive Director  
Date : 7-11-17

Sworn to before me this 11<sup>th</sup>  
day of July, 2017.

  
\_\_\_\_\_  
NOTARY PUBLIC

**DENNIS J. PHILLIPS**  
Notary Public, State of New York  
Warren County, No. 4528162  
My Commission Expires Nov. 30, 2018



# LAKE PLACID VILLAGE, INC.

## SEQRA RESOLUTION RELATING TO MAIN STREET RECONSTRUCTION PROJECT

Resolution #125 – 2017

On motion by Trustee Jason Leon, seconded by Trustee Peter Holderied, the following Resolution was unanimously adopted by roll call vote:

WHEREAS, the Village of Lake Placid authorized preparation of Preliminary Design Plans and Engineers Report for the proposed “Lake Placid Main Street Reconstruction Project” (Project), and

WHEREAS, the Board of Trustees of the Village of Lake Placid is required to comply with the NYS Environmental Quality Review Act (SEQRA) and its implementing regulations contained within 6 NYCRR Part 617, and

WHEREAS, the Board of Trustees of the Village of Lake Placid on November 29, 2016, notified all Involved Agencies of their intention to be the Lead Agency, and

WHEREAS, the Board received no objection before December 29, 2016 to their request to be Lead Agency, and

WHEREAS, the Board reviewed and considered a SEQRA Full Environmental Assessment Form (FEAF) in consultation with its Engineering Consultant; and

WHEREAS, the Board, having reviewed all information, concluded that the Lake Placid Main Street Reconstruction Project will not have a significant negative environmental impact and adopted a Negative Declaration and Determination of Significance on February 6, 2017 concluding the SEQRA review process; and

WHEREAS, since the conclusion of the overall project’s SEQRA process, the Board determined that efforts to purchase a parcel at 2476-2478 Main Street adjoining its parking lot would be unsuccessful and that it would need to investigate acquisition of the property at 2476-2478 Main Street for the project by the process of eminent domain; and

WHEREAS, acquisition of property pursuant to the Eminent Domain Procedure Law is an action subject to impact review pursuant to the NYS Environmental Quality Review Act, and

**EXHIBIT “A”**

WHEREAS, acquisition of property by eminent domain was not an action considered during the SEQRA process for the Lake Placid Main Street Reconstruction Project, and

WHEREAS, the Board hereby determines that further investigation of the use of eminent domain to acquire property to benefit the Lake Placid Main Street Reconstruction Project is warranted, and

WHEREAS, the Village's Engineering Consultant has submitted a Short Environmental Assessment Form pursuant to 6 NYCRR 617.6(a)(3) pertaining to the use of eminent domain to acquire property to benefit the Lake Placid Main Street Reconstruction Project,

NOW THEREFORE IT BE RESOLVED, that the Village of Lake Placid Village Board has identified no other interested or involved agencies pursuant to 6 NYCRR 617.6(a)(1) pertaining to the use of eminent domain to acquire property to benefit the Lake Placid Main Street Reconstruction Project and, as such, hereby declares itself Lead Agency to engage in SEQRA review and analysis of the use of eminent domain to acquire property located at 2476-2478 Main Street in the Village of Lake Placid for the Lake Placid Main Street Reconstruction Project, and

BE IT FURTHER RESOLVED, the Board has determined that of the use of eminent domain to acquire property to benefit the Lake Placid Main Street Reconstruction Project is an Unlisted Action pursuant to 6 NYCRR 617.6(a)(1), and

BE IT FURTHER RESOLVED, the Village Board determines that this additional SEQRA review process is warranted and justified due to the fact that the use of eminent domain for acquisition of property was not previously evaluated for potential environmental impacts during the SEQRA process because eminent domain was not considered as a potential method for property acquisition, and

BE IT FURTHER RESOLVED, conducting an additional SEQRA review for the use of eminent domain to acquire property located at 2476-2478 Main Street in the Village of Lake Placid is more protective of the environment and will better enable analysis of potential environmental impacts stemming specifically from the use of eminent domain than just amending the prior SEQRA determination to include this action, and

BE IT FURTHER RESOLVED, the Board has thoroughly reviewed the information submitted by its Engineering Consultant contained within Part 1 of the Environmental Assessment Form and utilized such information to analyze the potential for environmental impacts that may result from the use of eminent domain to acquire property for the Lake Placid Main Street Reconstruction Project, and

BE IT FURTHER RESOLVED, the Board has discussed and completed Part II of the Environmental Assessment Form and has identified no potential for any type of negative environmental impact resulting from the use of eminent domain to acquire property to benefit the Lake Placid Main Street Reconstruction Project, and

BE IT FURTHER RESOLVED, the Board acting as SEQRA Lead Agency hereby determines that the use of eminent domain for acquisition of property for the Lake Placid Main Street Reconstruction Project will not create the potential for any negative environmental impact and hereby adopts a Negative Declaration and Determination of Significance pertaining to the use of eminent domain proceedings to acquire property for Lake Placid Main Street Reconstruction Project and authorizes the Mayor to complete Part 3 of the Environmental Assessment Form pursuant to 6 NYCRR 617.7, and

BE IT FURTHER RESOLVED, Resolution #84-2017 is hereby rescinded and replaced by this Resolution.

Whereupon, the Resolution was put to a roll call vote, recorded as follows,

Trustee Art Devlin	Voting AYE	Trustee Scott Monroe	Voting AYE
Trustee Jason Leon	Voting AYE	Trustee Peter Holderied	Voting AYE
Mayor Randall	Voting AYE		

This Resolution shall take effect immediately.

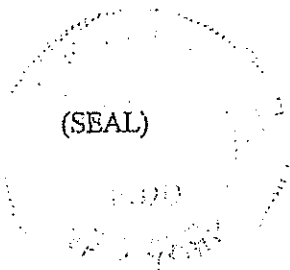
Dated: June 12, 2017.

State of New York  
County of Essex      SS:  
Village of Lake Placid

I, Ellen M. Clark, Village Clerk of the Village of Lake Placid, DO HEREBY CERTIFY, that the above Resolution was adopted by the Village Board of the Village of Lake Placid at a Special Board Meeting held on the June 12, 2017.

I DO FURTHER CERTIFY that each of the members of said Village Board had due notice of said meeting and that Mayor Craig H. Randall, Trustee Art Devlin, Trustee Scott Monroe, Trustee Peter Holderied and Trustee Jason Leon were present at said meeting.

  
Ellen M. Clark, Village Clerk



**DETERMINATION AND FINDINGS  
OF THE  
BOARD OF TRUSTEES OF THE VILLAGE OF LAKE PLACID**

A public hearing was held by this Board on March 13, 2017, at the Town of North Elba Town Hall, 2693 Main Street, Lake Placid, New York, to consider whether to acquire by eminent domain property located at 2476-2478 Main Street, Lake Placid, New York that is owned by The Adirondack Historical Association (“subject property”) as part of the Village’s proposed parking management and rehabilitation project.

Having heard the presentation and reviewed the Exhibits marked A through I, and the written statements submitted on or before the close of business on March 20, 2017, the Board makes the following findings and determination.

**FINDINGS**

1. Notice of the Public Hearing was duly published in the Adirondack Daily Enterprise from February 23 – March 3, 2017.

2. Consultants for the Village of Lake Placid (“Village”) were available for questions before the hearing beginning at 6:30 on the evening of the hearing.

3. The purpose of the project is to construct a parking garage to improve parking and traffic flow on Main Street in the Village, particularly in close proximity to the businesses located in the Main St. Corridor where shoppers prefer to park when patronizing these businesses.

4. The subject property is located next to an existing municipal parking lot on Main Street. The subject property is no longer improved by any structures; there had been a church on this parcel that was demolished by the owner in 2008.

5. Along the shared boundary between the subject property and the Village’s

existing parking facility a portion of each property, approximately sixteen (16) feet wide each, is subject to a shared easement for ingress and egress in favor of each other property.

7. The Board reviewed environmental impacts on the area and the residents and has adopted a negative declaration pursuant to the New York State Environmental Quality Review Act (“SEQRA”) related to the acquisition by eminent domain of the subject property.

8. The following Exhibits labeled A through I were made part of the record at the public hearing:

- A. Public Notice of the March 13, 2017 public hearing;
- B. General overview drawing of Main Street in the Village;
- C. Existing configuration of Village’s parking lot next to the subject property;
- D. Diagram labeled PG1(proposed parking garage 1<sup>st</sup> floor);
- E. Diagram labeled PG2 (proposed parking garage 2<sup>nd</sup> floor);
- F. Diagram showing existing environment at the parking lot next to the subject property;
- G. Statement from David Kahn, Executive Director Adirondack Museum;
- H. Statement from Michael Beglin, Chair, Board of Directors of the Regional Offices of Sustainable Tourism; and
- I. Statement from Lake Placid Business Association.

9. Stenographic minutes were recorded at the hearing for Board members to review.

10. The public was provided the opportunity to submit further written statements or documents up to a week following the hearing. Sixteen (16) such statements or documents were received.

11. In addition to the exhibits, twenty (20) attendees at the hearing spoke, some in favor of the Project, some against. Some people did not want eminent domain exercised at all, others wished parking problems would be addressed in other ways or in other locations. Some completely supported the proposed acquisition and parking garage.

12. No one asserted that traffic and parking were not problems on Main Street,

particularly in the summer and two (2) or three (3) other weeks during the year.

### **DETERMINATION**

Based upon the public hearing held on March 13, 2017, the Exhibits submitted at the hearing, the written comments submitted on or before March 20, 2017, and the stenographic minutes recorded at the hearing, the Board makes the following determination:

1. The Village shall acquire the subject property by exercising its power of eminent domain;
2. This acquisition is necessary to address the amount and location of parking on Main Street in the Village;
3. This is the best location because the Village owns the property next door that will be included in the construction of the proposed parking garage and is located centrally to the businesses in the Main Street commercial corridor; and
4. There is no significant environmental impact that could not be mitigated with reasonable measures.

Dated: June 12, 2017.



**STATE OF NEW YORK  
APPELLATE DIVISION, THIRD DEPARTMENT**

---

**ADIRONDACK HISTORICAL ASSOCIATION**  
9097 State Route 30, P.O. Box 99  
Blue Mountain Lake, NY 12812,

Petitioner,

-against-

**VILLAGE OF LAKE PLACID/  
LAKE PLACID VILLAGE, INC.**  
2693 Main Street  
Lake Placid, NY 12946

Respondent.

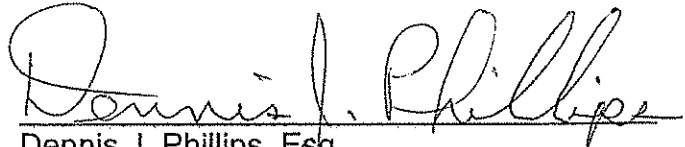
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**DEMAND ON CONDEMNOR  
VILLAGE OF LAKE PLACID  
TO FILE A COPY OF A  
WRITTEN TRANSCRIPT OF  
THE RECORD OF THE  
PROCEEDING BEFORE IT,  
AND A COPY OF ITS  
DETERMINATION AND  
FINDINGS**

To: Village of Lake Placid and/or Lake Placid Village, Inc.

Demand is hereby made upon you, pursuant to Eminent Domain Procedure Law §207, to file with the Supreme Court of the State of New York, Appellate Division, Third Judicial Department, P.O. Box 7288, Capitol Station, Albany, New York 12224-0288, a copy of a written transcript of the record of the public meetings and proceedings held before you to determine the eminent domain need for the taking of the Petitioner's property located at 2476-2478 Main Street, Lake Placid, New York 12946 as part of the Lake Placid Main Street Reconstruction Project prior to acquisition, as well as copies of your Resolutions and Determination and Findings in the proceeding.

Dated: Glens Falls, New York  
July 11, 2017



Dennis J. Phillips, Esq.  
McPHILLIPS, FITZGERALD & CULLUM L.L.P.  
Attorneys for Adirondack Historical Association  
288 Glen Street, P.O. Box 299  
Glens Falls, New York 12801  
Tel. (518) 792-1174

TO:

The Hon. Robert D. Mayberger  
Clerk of the Court  
State of New York  
Supreme Court, Appellate Division  
Third Judicial Department  
P.O. Box 7288, Capitol Station  
Albany, NY 12224-0288

Eileen M. Clark, Village Clerk  
Village of Lake Placid  
301 Main Street  
Lake Placid, NY 12946

Patrick L. Seely, Jr., Esq.  
Jones Hacker Murphy LLP  
28 Second Street  
Troy, NY 12180

**EXHIBIT "D"**

**STATE OF NEW YORK  
APPELLATE DIVISION, THIRD DEPARTMENT**

**ADIRONDACK HISTORICAL ASSOCIATION**

9097 State Route 30, P.O. Box 99  
Blue Mountain Lake, NY 12812,

Petitioner,

**AFFIDAVIT OF PERSONAL  
SERVICE OF DEMAND AND  
PETITION ON CONDEMNOR  
VILLAGE OF LAKE PLACID**

-against-

**VILLAGE OF LAKE PLACID/  
LAKE PLACID VILLAGE, INC.**

2693 Main Street, Lake Placid, NY 12946

Respondent.

STATE OF NEW YORK )  
COUNTY OF WARREN ) ss.:

Dennis J. Phillips, being duly sworn, deposes and says that he served the Demand and Petition on Condemnor in the above entitled action upon the following named respondent at the following place and time, viz:

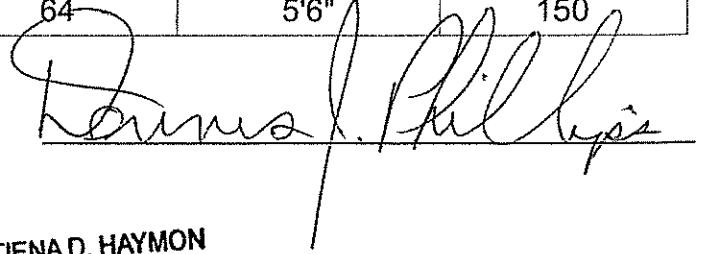
<u>NAME</u>	<u>STREET, CITY &amp; STATE</u>	<u>TIME &amp; DATE</u>
Ellen M. Clark Village Clerk	2693 Main Street Lake Placid, NY 12946	3:20 p.m. July 12, 2017

by delivering to and leaving with respondent, personally, one true copy thereof, and deponent further says that he knew the person so served to be the same person mentioned and described in the Demand and Petition on Condemnor as respondent herein, and that at the times of making such service, deponent was over eighteen years of age and not a party to this action. That he asked respondent whether respondent was in the military service of the United States Government, in any capacity whatever, and respondent replied he was not. Respondent was clad in ordinary civilian clothes and wore no military uniform of any kind.

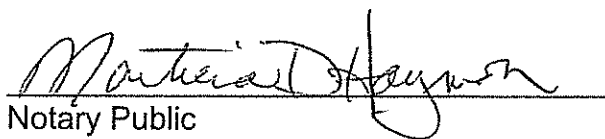
Deponent further states that he describes the person actually served as follows:

<u>SEX</u>	<u>SKIN COLOR</u>	<u>HAIR COLOR</u>	<u>AGE (APPROX.)</u>	<u>HEIGHT (APPROX.)</u>	<u>WEIGHT (APPROX.)</u>
F	W	Blonde	64	5'6"	150

Other identifying features:



Sworn to before me this  
12<sup>th</sup> day of July, 2017.

  
Notary Public

MARTIENA D. HAYMON  
Notary Public, State of New York  
Warren Co. #01HA5086014  
Commission Expires Sept. 29, 20 17

STATE OF NEW YORK  
APPELLATE DIVISION, THIRD DEPARTMENT

**ADIRONDACK HISTORICAL ASSOCIATION**

9097 State Route 30, P.O. Box 99  
Blue Mountain Lake, NY 12812,

Petitioner,

**AFFIDAVIT OF SERVICE  
BY MAIL**

-against-

**VILLAGE OF LAKE PLACID/  
LAKE PLACID VILLAGE, INC.**

2693 Main Street, Lake Placid, NY 12946

Respondent.

STATE OF NEW YORK )  
COUNTY OF WARREN ) ss:

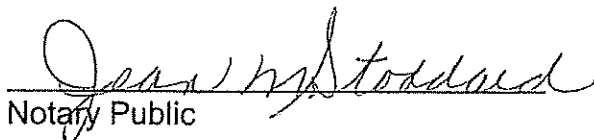
Martiena D. Haymon, being duly sworn, says: I am not a party to this action, am over 18 years of age and reside at 38 West Notre Dame Street, Glens Falls, New York 12801.

On July 12, 2017, I served a true copy of the "Petition to Annul Respondent/Condemnor Village of Lake Placid's Determination and Finding that a Public Use, Benefit or Purpose will be Served by the Proposed Acquisition of Petitioner's Main Street, Lake Placid Property," and a true copy of the "Demand on Condemnor Village of Lake Placid to File a Copy of a Written Transcript of the Record of the Proceeding before it, and a Copy of its Determination and Findings" by mailing the same in a sealed envelope, with postage prepaid thereon, in a post office depository of the U.S. Postal Service within the State of New York, addressed to the last known address of the addressee as indicated below:

Patrick L. Seely, Jr., Esq. Jones Hacker Murphy LLP 28 Second Street Troy, NY 12180	Gregg Randall, Mayor Village of Lake Placid 2693 Main Street Lake Placid, NY 12946
----------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------

  
MARTIENA D. HAYMON

Sworn to before me this  
13 day of July, 2017.

  
Notary Public

JEAN M. STODDARD  
Notary Public, State of New York  
Qualified in Washington County  
Registration No. 01ST6168155  
Commission Expires June 11, 2019