

SUPREME COURT OF THE STATE OF NEW YORK
 COUNTY OF GREENE

In the Matter of the application to acquire a 5.796-acre parcel and all improvements located thereon on Mansion Street in the Village of Coxsackie, County of Greene, New York, commonly referred to as Greene County Tax Map Parcel 56.14-2-37 by

**STIPULATED FINAL
 JUDGMENT**

VILLAGE OF COXSACKIE,

Index No. *EF2023-483*

Petitioner/Condemnor,

-against-

AMERICAN VALVE COMPANY, KEY BANK N.A.,
 CENTRAL HUDSON GAS AND ELECTRIC CORP.,
 COUNTY OF GREENE, and TOWN OF COXSACKIE,

Respondent/Condemnee.

WHEREAS, Petitioner/Condemnor Village of Coxsackie ("Village") is a municipal corporation organized under the laws of the State of New York and has exercised the power of eminent domain;

WHEREAS, Respondent/Condemnee American Valve Company is a corporation which was incorporated under the laws of the State of New Jersey and is the owner of an approximately 15.635-acre parcel of real property with improvements located at 170 Mansion Street, Village of Coxsackie, County of Greene, State of New York, and further identified as Greene County tax map parcel 56.14-2-37 (the "Property");

WHEREAS Respondent/Condemnee Key Bank N.A. is a national bank registered in the State of Ohio with a principal place of business in Cleveland, Ohio, which, upon information and belief, held or holds an interest in the real property, specifically in the form of one 1973 mortgage given by American Valve MFG Corp. to National Commercial Bank and Trust Company, predecessor in interest to Key Bank N.A., and a 1988 mortgage given by American Valve MFG. Corp to Respondent/Condemnee Key Bank N.A.;

WHEREAS Respondent/Condemnee Central Hudson Gas and Electric Corp, is a corporation organized under the laws of the State of New York with a principal place of business at 284 South Avenue, Poughkeepsie, New York 12601, which upon information and belief holds or held an interest in the real property at issue in the form of certain utility easements on the Property;

WHEREAS, Respondent /Condemnee County of Greene is a municipal corporation organized under the laws of the State of New York with a principal office at 411 Main Street, City of Catskill, County of Greene, State of New York which upon information and belief, holds or at one time held some right, lien, claim or interest in the Property;

WHEREAS, Respondent/Condemnee Town of Coxsackie is a municipal corporation organized under the laws of the State of New York with a principal office at 56 Bailey Street, Town of Coxsackie, County of Greene, State of New York, which, upon information and belief, holds or at one time held some right, lien, claim or interest in the Property;

WHEREAS, on or about July 13, 2023, the Village commenced the above-captioned special proceeding pursuant to the Eminent Domain Procedure Law Article 4 to file its acquisition map and thereby take title to the Property;

WHEREAS, on or about July 21, 2023, counsel for Respondent/Condemnee County of Greene entered an appearance in this action and waived service of all papers and notices except a decision and order,

WHEREAS, Respondent Condemnee County of Greene has not filed an answer in this special proceeding and the time to do so has expired;

WHEREAS on or about August 8, 2023, Respondent/Condemnee Central Hudson Gas and Electric Corp. filed an answer in this special proceeding;

WHEREAS no other Respondent/Condemnee has entered an appearance nor answered in this special proceeding and the time to do so has expired;

WHEREAS, on October 26, 2023, the Court held a hearing in this special proceeding at which counsel for Petitioner/Condemnor Village of Coxsackie and Respondent/Condemnee Central Hudson Gas and Electric Corp. were present;

WHEREAS no other Respondent/Condemnee appeared, either personally or by counsel, at the Court's October 26, 2023 hearing;

WHEREAS, on January 26, 2024, the Court held a further hearing in this special proceeding at which counsel for Petitioner/Condemnor Village of Coxsackie and Respondent/Condemnee Central Hudson Gas and Electric Corp. were present;

WHEREAS no other Respondent/Condemnee appeared, either personally or by counsel, at the Court's January 26, 2024 hearing;

WHEREAS the parties wish to resolve this matter on the terms set forth herein.

NOW, by stipulation of the Petitioner/Condemnor and the answering Respondent/Condemnee, it is hereby:

ORDERED, ADJUDGED, AND DECREED, that the Village is authorized to file the amended Acquisition Map attached as Exhibit A to this Stipulated Final Judgment in the Greene County Clerk's Office, and it is further;

ORDERED, ADJUDGED, and DECREED, that upon the filing of this Stipulated Final Judgment and the Acquisition Map, the Village shall be vested with exclusive fee simple title in the Property, subject only to the easement rights of Respondent/Condemnee Central Hudson Gas and Electric Corp. identified in the notes of the amended Acquisition Map; and it is further;

ORDERED, ADJUDGED, and DECREED, that, upon filing of this Stipulated Final Judgment and the Acquisition Map, Respondents/Condemnees shall be divested of any title or interest in the Property, except as specifically provided for Respondent/Condemnee Central Hudson Gas and Electric Corp above, and Respondents/Condemnees and all persons claiming under Respondents/Condemnees shall be and they are forever barred and foreclosed from asserting such title or interest in the; and it is further;

ORDERED, ADJUDGED, and DECREED, that Respondents/Condemnees shall have one hundred and twenty days from the Village's service of notice of acquisition to file any claim seeking just compensation under EDPL Article 5.

Dated: April 23, 2024

Catskill, ny

SO ORDERED

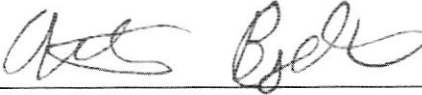

HON. SHARON A. GRAFF, J.S.C.

STIPULATED AND AGREED

Dated: April 19, 2024

WHITEMAN OSTERMAN & HANNA LLP

By:



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Dated: April 19, 2024

COOK KURTZ & MURPHY, P.C.

By:



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Dated: April __, 2024

OFFICE OF THE GREENE COUNTY ATTORNEY

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STIPULATED AND AGREED

Dated: April __, 2024

WHITEMAN OSTERMAN & HANNA LLP

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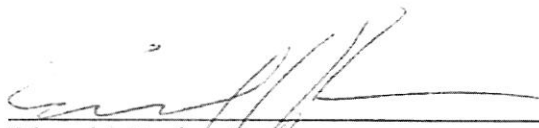
By:

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Dated: April 1st, 2024

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EXHIBIT A

