

SUPREME COURT OF THE STATE OF NEW YORK
Appellate Division, Fourth Judicial Department

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CA 19-01941

PRESENT: SMITH, J.P., LINDLEY, NEMOYER, CURRAN, AND DEJOSEPH, JJ.

IN THE MATTER OF ACADEMY SQUARE APARTMENTS
HOUSING DEVELOPMENT FUND COMPANY, INC.,
PETITIONER-RESPONDENT,

V

MEMORANDUM AND ORDER

ASSESSOR OF CITY OF UTICA AND THE CITY OF UTICA,
RESPONDENTS-APPELLANTS.
(APPEAL NO. 1.)

WILLIAM M. BORRILL, CORPORATION COUNSEL, UTICA (KATHRYN F. HARTNETT OF
COUNSEL), FOR RESPONDENTS-APPELLANTS.

BARCLAY DAMON LLP, SYRACUSE (KEVIN G. ROE OF COUNSEL), FOR
PETITIONER-RESPONDENT.

Appeal from an order of the Supreme Court, Oneida County (Erin P. Gall, J.), entered September 26, 2019 in a proceeding pursuant to RPTL article 7. The order, among other things, denied respondents' motion to dismiss and granted petitioner's cross motion for, inter alia, summary judgment on the petition.

It is hereby ORDERED that said appeal is unanimously dismissed without costs.

Same memorandum as in *Academy Square Apts. Hous. Dev. Fund, Inc. v Assessor of City of Utica* ([appeal No. 2] – AD3d – [Apr. 30, 2021] [4th Dept 2021]).

Entered: April 30, 2021

Mark W. Bennett
Clerk of the Court