

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

D13146
Y/cb

_____AD3d_____

Submitted - November 9, 2006

ANITA R. FLORIO, J.P.
HOWARD MILLER
ROBERT A. SPOLZINO
MARK C. DILLON, JJ.

2005-09671

DECISION & JUDGMENT

In the Matter of Joseph P. Hothhouse III, et al.,
petitioners, v Village of Otisville, respondent.

Stern & Rindner, Goshen, N.Y. (Jay R. Myrow of counsel), for petitioners.

Howard S. Dallow, P.C., Middletown, N.Y., for respondent.

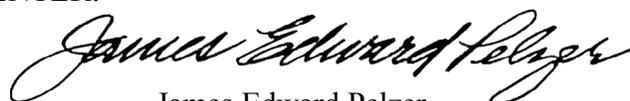
Proceeding pursuant to EDPL 207 to review a determination of the Village of Otisville, dated September 1, 2005, made after a public hearing, to condemn a portion of the petitioners' property.

ADJUDGED that the proceeding is dismissed, with costs.

A proceeding for judicial review of the condemnation of real property must be commenced "within thirty days after the condemnor's completion of its publication of its determination and findings" (EDPL 207[A]). Here, a synopsis of the findings and determination was published in the Times Herald Record on September 15 and 16, 2005. Since the petition was not filed until October 18, 2005, the proceeding must be dismissed as untimely (*see Matter of 922-932 West Beech Corp v City of Long Beach*, 253 AD2d 465; *Matter of Turner v State Dept. of N.Y. of Transp.*, 97 AD2d 628).

FLORIO, J.P., MILLER, SPOLZINO and DILLON, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

December 19, 2006

MATTER OF HOTHOUSE v VILLAGE OF OTISVILLE