

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

**563**

**TP 17-02197**

PRESENT: WHALEN, P.J., SMITH, CARNI, CURRAN, AND TROUTMAN, JJ.

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IN THE MATTER OF CITY OF JAMESTOWN, PETITIONER,

V

MEMORANDUM AND ORDER

TOWN COUNCIL OF TOWN OF ELLICOTT AND BOARD OF  
TRUSTEES OF VILLAGE OF FALCONER, RESPONDENTS.  
(PROCEEDING NO. 2.)

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BOND SCHOENECK & KING, PLLC, SYRACUSE (STEPHANIE M. CAMPBELL OF  
COUNSEL), FOR PETITIONER.

HARRIS BEACH PLLC, BUFFALO (PIETRA G. ZAFFRAM OF COUNSEL), FOR  
RESPONDENTS.

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Proceeding pursuant to CPLR article 78 (transferred to the Appellate Division of the Supreme Court in the Fourth Judicial Department by order of the Supreme Court, Chautauqua County [Frank A. Sedita, III, J.], entered December 15, 2017) to review determinations of respondents. The determinations found that the annexation petition of the City of Jamestown did not comply with statutory requirements.

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

Same memorandum as in *Matter of City Council of City of Jamestown v Town Council of Town of Ellicott* ([proceeding No. 1] – AD3d – [Aug. 22, 2019] [4th Dept 2019]).

Entered: August 22, 2019

Mark W. Bennett  
Clerk of the Court