

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

**1461**

**CA 09-00001**

PRESENT: SMITH, J.P., PERADOTTO, GREEN, PINE, AND GORSKI, JJ.

---

IN THE MATTER OF THE APPLICATION OF CITY  
OF SYRACUSE INDUSTRIAL DEVELOPMENT AGENCY,  
PETITIONER-RESPONDENT,  
TO ACQUIRE CERTAIN INTERESTS IN THE CAROUSEL  
CENTER SITE, WHICH SITE IS GENERALLY IDENTIFIED  
AS 1 CAROUSEL CENTER DRIVE (LOT 11K), SBL NO.  
114-02-05.6; 304 HIAWATHA BOULEVARD W. REAR  
(LOT 11B), SBL NO. 114-02-05.2 IN THE CITY OF  
SYRACUSE, NEW YORK, WHICH PARCELS COMPRISE A  
PORTION OF THE SITE FOR THE PHASED PUBLIC  
PROJECT KNOWN AS DESTINY USA.

ORDER

-----  
LORD & TAYLOR CAROUSEL, INC.,  
RESPONDENT-APPELLANT.  
(PROCEEDING NO. 1.)  
-----

IN THE MATTER OF THE APPLICATION OF CITY  
OF SYRACUSE INDUSTRIAL DEVELOPMENT AGENCY,  
PETITIONER-RESPONDENT,  
TO ACQUIRE CERTAIN INTERESTS IN THE CAROUSEL  
CENTER SITE, WHICH SITE IS GENERALLY IDENTIFIED  
AS 1 CAROUSEL CENTER DRIVE (LOT 11K), SBL NO.  
114-02-05.6; 304 HIAWATHA BOULEVARD W. REAR  
(LOT 11B), SBL NO. 114-02-05.2 IN THE CITY OF  
SYRACUSE, NEW YORK, WHICH PARCELS COMPRISE A  
PORTION OF THE SITE FOR THE PHASED PUBLIC  
PROJECT KNOWN AS DESTINY USA.

-----  
KAUFMANN'S CAROUSEL, INC.,  
RESPONDENT-APPELLANT.  
(PROCEEDING NO. 2.)  
(APPEAL NO. 4.)  
-----

---

HARRIS BEACH PLLC, PITTSFORD (DOUGLAS A. FOSS OF COUNSEL), FOR  
RESPONDENTS-APPELLANTS.

HISCOCK & BARCLAY, LLP, BUFFALO (MARK R. MCNAMARA OF COUNSEL), FOR  
PETITIONER-RESPONDENT.

---

Appeal from an order and judgment (one paper) of the Supreme  
Court, Onondaga County (John C. Cherundolo, A.J.), entered December  
23, 2008. The order and judgment, among other things, granted the  
motion of Carousel Center Company, L.P., joined by petitioner, to  
release a previously posted undertaking.

It is hereby ORDERED that the order and judgment so appealed from is unanimously affirmed without costs.

Entered: December 30, 2009

Patricia L. Morgan  
Clerk of the Court