

Council Member Calsolaro introduced the following resolution:

RESOLUTION NUMBER 5.11.08R (MC)

RESOLUTION REQUESTING THAT THE CORPORATION COUNSEL CEASE ITS APPEAL TO THE APPELLATE DIVISION SEEKING TO OVER-TURN THE SUPREME COURT RULING IN THE CASE OF: *SAVE THE PINE BUSH ET AL. V. COMMON COUNCIL OF THE CITY OF ALBANY* (INDEX NO. 1783-06 RJI NO. 01-06-085081), ISSUED BY ACTING SUPREME COURT JUSTICE THOMAS J. MCNAMARA AND SIGNED BY SAID JUSTICE ON FEBRUARY 7, 2007.

WHEREAS, the Common Council of the City of Albany was sued by *Save the Pine Bush* over its vote to re-zone 124-128R Washington Avenue Extension in the Albany Pine Bush to allow for the development of an extended stay hotel by Tharaldson of North Dakota, and

WHEREAS, *Save the Pine Bush* was successful in its suit against the Common Council of the City of Albany and the vote of the Common Council was voided by the court because the environmental impact statement was not considered complete; and

WHEREAS, the Planning and Economic Development Committee of the Albany Common Council, at a meeting held on October 9, 2007, decided that the Supplemental Draft Environmental Impact Statement (SDEIS) for the proposed hotel in the Pine Bush would not be considered complete until the developer, Tharaldson of North Dakota, included a plan on how to deal with the issue of "taking" of the Karner Blue butterfly on a section of the 3.60 acre site proposed to be developed for the hotel, and

WHEREAS, the Common Council of the City of Albany made no decision to ask the corporation counsel to appeal the Supreme Court ruling, and

WHEREAS, the City of Albany is facing many financial problems and the funds needed to pay for the cost of appealing the McNamara decision should be used for more pressing matters.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany requests that the Corporation Counsel of the City of Albany withdraw its appeal to overturn the ruling of the New York State Supreme Court against the Common Council for its vote to re-zone 124-128R Washington Avenue Extension for the construction of a hotel; and

BE IT FURTHER RESOLVED, that a copy of this resolution be transmitted to John Reilly, Corporation Counsel for the City of Albany, New York.