

STATE OF NEW YORK  
SUPREME COURT : COUNTY OF ONONDAGA

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In the Matter of the Application of the ONONDAGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY, pursuant to Article 4 of the Eminent Domain Procedure Law, to acquire fee title and related property interests in the property located at 3649 Erie Boulevard East and identified as tax map lot 63.-01-02.3 in the Town of Dewitt, Onondaga County, New York, which parcel and interests comprise a portion of the site for the phased redevelopment of the former Shoppingtown Plaza.

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**ORDER OF CONDEMNATION**

Index No. 010419/2025

Hon. Joseph E. Lamendola,  
J.S.C.

**WHEREAS**, Condemnor/Petitioner Onondaga County Industrial Development Agency (“Condemnor/Petitioner” or the “Agency”), seeks an Order of this Court authorizing it (i) pursuant to Article 4 of the Eminent Domain Procedure Law (“EDPL”), to file in the Office of the Onondaga County Clerk an Order, together with the Acquisition Map attached to this Order as Exhibit 1, consisting of a description, tax map and diagram depicting real property interests in the tax map parcel located at 3649 Erie Boulevard East, tax map lot number 063.-01-02.3 (“Property”), to acquire the Property by power of eminent domain, for purposes of the District East Project which is the phased redevelopment of the existing former Shoppingtown Mall site in the Town of Dewitt, Onondaga County, New York into a mixed use development (the “Project”); and

**WHEREAS**, the Agency commenced this proceeding on September 25, 2025, and has presented to this Court a Verified Petition, verified on September 22, 2025; a Notice of Petition with Acquisition Map attached, dated September 22, 2025; Proof of Service of the Verified Petition and Notice of Petition with Acquisition Map on the Property’s owner of record; and a Notice of Pendency with Acquisition Map attached, dated September 22, 2025; and

**WHEREAS**, on December 4, 2025, Respondent/Condemnee 3649 Erie LLC (“Respondent”), by and through its attorneys, Whiteman Osterman & Hanna LLP (Christopher M. McDonald, Esq., of Counsel) appeared by service of its Verified Notice, dated December 4, 2025; and now

**UPON** the application of the Agency, by its counsel, Barclay Damon LLP, and consideration of the following papers in support of the Verified Petition and the Agency’s application:

- Verified Petition, verified on September 22, 2025, which Exhibits 1 through 5;
- Notice of Petition, dated September 22, 2025, with Acquisition Map attached as Exhibit 1;
- Notice of Pendency, dated September 26, 2025, with Acquisition Map attached as Exhibit 1;
- Affirmation of Service of Daniel R. Coleman, Esq., affirmed October 1, 2025; and
- Affirmation of Procedural Compliance and in Reply to Respondent’s Verified Answer of Mark R. McNamara, Esq., affirmed January 22, 2025, with Exhibit A;

and the following papers in opposition to the Verified Petition and the Agency’s application:

- Verified Answer, verified December 4, 2025, with Exhibit A.

**IT IS HEREBY ORDERED AND ADJUDGED** as follows:

1. The Verified Petition is granted in all respects including, but not limited to, the Agency’s acquisition by eminent domain of the Property as further described in the Verified Petition and the Acquisition Map attached to this Order as Exhibit 1.

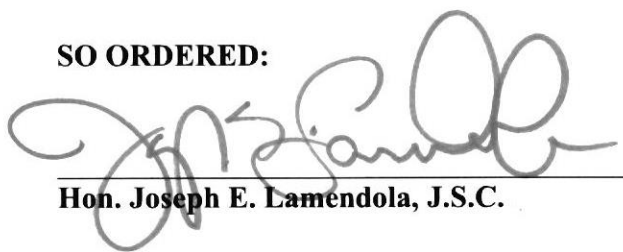
2. The Agency is directed to file this Order together with the Acquisition Map (Exhibit 1 hereto) in the Onondaga County Clerk's Office. Upon the filing of this Order and the Acquisition Map, title to the Property shall vest in the Agency.

3. The Agency is directed to deposit funds in the amount \$2,500,000, consistent with its highest approved appraisal for the Property, plus interest from the date of entry of the Order of Condemnation, as the full or advance payment of just compensation with the Clerk of the Supreme Court, Onondaga County, in an interest bearing account pursuant to EDPL 304(D).

4. Nothing in this Order shall limit or otherwise affect the right of any Condemnee to assert a claim for compensation in accordance with Article 5 of the EDPL. Pursuant to EDPL Article 5, any such claim for compensation shall be filed in the Onondaga County Clerk's Office in the manner prescribed by EDPL Article 5, ~~on or before~~ \_\_\_\_\_.

*JEC*

DATED: March 30, 2026  
Syracuse, New York

SO ORDERED:  
  
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Hon. Joseph E. Lamendola, J.S.C.

# EXHIBIT 1

Proj. No. 192800276  
7/28/2023 M.J.G.DESCRIPTION OF LOT 3  
MAY COMPANY SITE

All that tract or parcel of land containing 1.668 acres, more or less, situate in the Town of Dewitt, County of Onondaga, State of New York, all as shown on a map entitled, "Shoppingtown Mall, Survey of May Co. Site - Lot 3," prepared by Stantec Consulting Services Inc., last revised July 28, 2023, having Drawing No. 192800276 V-3, and being more particularly bounded and described as follows:

Commencing at a point of intersection of the southerly right-of-way line of Kinne Road, as widened, with the existing westerly right-of-way line of Agway Drive, as re-located; thence the following three (3) courses and distances along the said westerly right-of-way line

- A. S 00°03'20" E, a distance of 284.94 feet to a point of curvature; thence
- B. Southerly and easterly along a curve to the left, having a radius of 50.00 feet, through a central angle of 99°31'40", a distance of 86.85 feet to a point of tangency; thence
- C. N 80°25'00" E, along the southerly right-of-way line of Agway Drive, a distance of 114.76 feet to the Point of Beginning; thence continuing along the said right-of-way line the following two (2) courses and distances
  1. N 80°25'00" E, a distance of 26.06 feet to an angle point; thence
  2. N 79°04'06" E, a distance of 289.22 feet to a point; thence
  3. S 10°55'54" E, a distance of 95.54 feet to a point; thence
  4. S 17°12'34" E, a distance of 152.68 feet to a point; thence
  5. S 79°04'06" W, a distance of 217.02 feet to a point; thence
  6. N 55°55'54" W, a distance of 162.58 feet to a point; thence
  7. N 10°55'54" W, a distance of 132.96 feet to the Point of Beginning.

NYSCEF DOC. NO. 19

