MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE
DEPARTMENT OF LAW

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

JEREMY C. TOTH
SECOND ASSISTANT COUNTY ATTORNEY

June 16, 2014

Mr. Scott W. Kroll, Clerk
Erie County Legislature
92 Franklin Street. 4th Floor
Buffalo, New York 14202

Dear Mr. Kroll:

In compliance with the Resolution passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	*Level 3 Communications, LLC and Broadwing Communications, LLC v. Erie County, City of Buffalo, City of Lackawanna, Village of North Collins, City of Lackawanna School District, Eden Central School District, Lakeshore Central School District, and North Collins Central School District*
Document Received:	Verified Petition
Name of Claimant:	Level 3 Communications, LLC and Broadwing Communications, LLC
Claimant's attorney:	John G. Nicolich, Esq. Ingram Yuzek Gainen Carroll & Bertolotti, LLP 250 Park Avenue New York, New York 10177

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

MAS:dld
Enclosure

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

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In the Matter of the Application of LEVEL 3 COMMUNICATIONS, LLC, and BROADWING COMMUNICATIONS, LLC,

Petitioners,

-against-

ERIE COUNTY, CITY OF BUFFALO, CITY OF LACKAWANNA, VILLAGE OF NORTH COLLINS, CITY OF LACKAWANNA SCHOOL DISTRICT, EDEN CENTRAL SCHOOL DISTRICT, LAKESHORE CENTRAL SCHOOL DISTRICT, and NORTH COLLINS CENTRAL SCHOOL DISTRICT,

Respondents.

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Index No.: 2014 - 00064

Honorable _____

NOTICE OF PETITION

FILED 5/14/14

This paper received at the Erie County Attorney's Office from Monique Geisinger on the 9 day of June, 2014 at 12:40 a.m./p.m.

Assistant County Attorney

PLEASE TAKE NOTICE that upon the annexed Petition of Level 3 Communications, LLC ("Level 3") and Broadwing "Communications, LLC ("Broadwing"), verified on May 7, 2014, the exhibits annexed thereto, and the accompanying memorandum of law, the undersigned attorneys for Level 3 and Broadwing (collectively, "Petitioners") will move this Court at the Courthouse located at the Erie County Court Building, 25 Delaware Avenue, Buffalo, New York 14202, at 9:30 A.M. on August 7, 2014, or at such place, date, and time scheduled by the justice assigned to this proceeding, for judgment, pursuant to Article 78 and section 3001 of the New York State Civil Practice Law and Rules ("CPLR"):

(a) Declaring that Petitioners' fiber optic cables and inclosures therefor ("Fiber Optic Installations") located on private rights of way within Erie County are not taxable as real property under the New York Real Property Tax Law ("RPTL");