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**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**Docket No. AB 167 (Sub-No. 1094)A
CHELSEA PROPERTY OWNERS -- ABANDONMENT -- PORTION OF THE
CONSOLIDATED RAIL CORPORATION'S WEST 30TH STREET SECONDARY
TRACK IN NEW YORK, NEW YORK**

**MOTION OF
THE CITY OF NEW YORK
FOR EXTENSION OF TIME**

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Communications with respect to this document should be addressed to:

CHARLES A. SPITULNIK
ALEX MENENDEZ
McLeod, Watkinson & Miller
One Massachusetts Avenue, NW
Suite 800
Washington, DC 20001
(202) 842-2345

Counsel for the City of New York, NY

Dated: January 3, 2005

**BEFORE THE
SURFACE TRANSPORTATION BOARD**



**Docket No. AB 167 (Sub-No. 1094)A
CHELSEA PROPERTY OWNERS -- ABANDONMENT -- PORTION OF THE
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The City of New York (the "City"), by its undersigned counsel, hereby moves this Board pursuant to 49 C.F.R. §1104.7(b) for an extension of the time for filing a reply to the Motion of Forty Plus Foundation / MCRS to Dismiss the "Joint Statement" of the City of New York ("Forty Plus Motion") filed by Forty Plus Foundation / MCRS ("Forty Plus") on December 13, 2004. Pursuant to the applicable rules a reply to the Forty Plus Motion is due today, January 3, 2005. The City hereby seeks leave to file its reply by no later than January 13, 2005, an extension of ten (10) days.

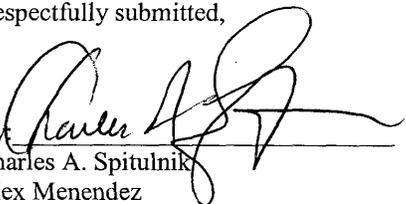
The Board's Rules permit extensions of time upon request and for good cause. Good cause exists here. The City, a party that has participated actively in all phases of this proceeding, has a vital interest in this Board having a complete record upon which to base its review of the implementation to date of the transaction approved in this proceeding and the conditions that were imposed as part of that approval. To that end, the City seeks to file a reply to the Forty Plus Motion. However, the City's counsel has not been able to prepare a reply to the Forty Plus Motion primarily because of the holiday season and vacation schedules rendered preparation of

an adequate reply to the Forty Plus Motion impossible. The granting of this extension will not prejudice Forty Plus because the request for a CITU that lies at the foundation of the Supplemental Statement will remain even if the Board should grant the Motion to Strike the Supplemental Statement.

In view of the foregoing, the City asks this Board to extend the time for filing a reply to the Forty Plus Motion up to and including January 13, 2005.

Dated: January 3, 2005

Respectfully submitted,

By 

Charles A. Spitulnik
Alex Menendez
McLeod, Watkinson & Miller
One Massachusetts Avenue, N.W.
Suite 800
Washington, D.C. 20001
Tel. (202) 842-2345
Fax (202) 408-7763
Email. cspitulnik@mwmlaw.com

Counsel for the City of New York

Dated: January 3, 2005

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of January, 2005, a copy of the foregoing MOTION OF THE CITY OF NEW YORK FOR EXTENSION OF TIME was served by first class mail, postage prepaid, upon:

Counsel	Represents
Elizabeth Bradford New York Convention Center Development Corporation 655 West 34 th Street New York, NY 10001-1188	NYCCDC
John F. Guinan New York Department of Transportation Albany, NY 12232	NYDOT
Robert M. Jenkins Mayer Brown Rowe & Maw 1909 K Street NW Washington, D.C. 20006-1101	Conrail
Adrian Steel, Jr. Mayer Brown Rowe & Maw 1909 K Street NW Washington, D.C. 20006-1101	Conrail
Dennis G. Lyons Arnold & Porter 555 Twelfth Street NW, Suite 940 Washington, D.C. 20004-1206	CSX and CSXT
Anthony P. Semancik Metropolitan Transportation Authority 347 Madison Avenue New York, NY 10017-3706	MTA
Carolyn F. Corwin Kimberly K. Egan Covington & Burling 1201 Pennsylvania Avenue, N.W. Washington, D.C. 20004	Friends of the High Line

John Broadley
John Broadley & Associates, PC
1054 31st Street, N.W. - Suite 200
Washington, D.C. 20007

CPO

Charles Chotkowski
P. O. Box 320079
Fairfield, CT 06825-0079

Charles Chotkowski

Frederic Bell
AIA New York Chapter
200 Lexington Avenue
New York, NY 10016

American Institute of
Architects New York
Chapter I

Andrew Berman
232 East 11th Street
New York, NY 10003

Greenwich Village
Society for Historic
Preservation

Jeffrey R. Ciabotti
1100 Seventeenth Street, NW, 10th Floor
Washington, DC 20036

Rails to Trails
Conservancy

Mary Habstritt
40 West 77th Street, #17B
New York, NY 10024

Society for Industrial
Archeology

Walter Mankoff
City of New York
330 West 42nd Street, 26th Floor
New York, NY 10036

Manhattan
Community Board
No. 4

Kimberly Miller
457 Madison Avenue
New York, NY 10022

Municipal Art Society

Hon. Jerrold Nadler
U.S. House of Representatives
Washington, DC 20515

Congress of the U.S.

Tomislav R. Neuman
Manhattan Central Railway System LLC
7 Monmouth Road, Suite #1
Oakhurst, NJ 07755-1656

Forty Plus Foundation

Christine C. Quinn
Council of City of New York 3rd District
224 West 3rd Street, Suite 1206
New York, NY 10001

Council of City of
New York 3rd District

Frank Emile III Sanchis
457 Madison Avenue
New York, NY 10022

Municipal Art Society
of New York

Susan Sands
325 Bleecker Street
New York, NY 10014

Friends of the High
Line

Ethel Sheffer
232 East 11th Street
New York, NY 10003

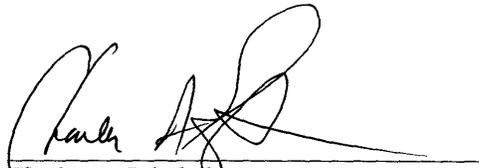
New York Metro
Charter

Anne-Brigitte Sirois
Real Estate Brokerage and Consulting
404 Park Avenue South
New York, NY 10016-8403

Lerner Group Inc.

Mary Gabrielle Sprague
Arnold & Porter
555 12th Street, NW, Suite 940
Washington, DC 20004-1206

CSX Corporation
CSX Transportation



Charles A. Spitulnik