

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF TOMPKINS

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2011 OCT 21 PM 3:40

ANSCHUTZ EXPLORATION CORPORATION,

Petitioner-Plaintiff,

For a Judgment Pursuant to Articles 78 and 3001 of the
Civil Practice Law and Rules,

-against-

TOWN OF DRYDEN and TOWN OF DRYDEN TOWN
BOARD,

Respondent-Defendants.

AFFIDAVIT OF
BAMBI L. AVERY

Index No. 2011-0902

RJI No. 2011-0499-M

Hon. Phillip R. Rumsey

STATE OF NEW YORK: SS:
COUNTY OF TOMPKINS:

Bambi L. Avery, being duly sworn, deposes and says as follows:

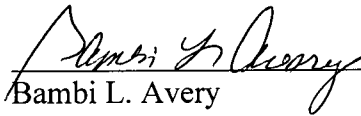
1. I am the town clerk of the Town of Dryden, Tompkins County, New York.
2. I have been the town clerk since January 1, 1998.
3. I have in my office the official ordinance book required to be maintained by Town Law 30(1).
4. I have reviewed the ordinance book and the Zoning Ordinance and amendments thereto. I find that the first Zoning Ordinance in the Town of Dryden was adopted September 10, 1969 and effective September 27, 1969.
5. The original Zoning Ordinance provided in Section 500(1) that:

“**Section 500.** Except as hereinafter provided, the following general provisions shall apply to land use and development in the Town of Dryden:

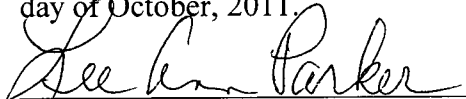
 1. No land or building shall hereafter be used or occupied and no building or part thereof shall hereafter be enlarged or its use altered unless such action is in

conformance with all the regulations specified for the zone in which said action occurs and any special regulations pertinent thereto.”

6. This section of the Zoning Ordinance remains the same as when first adopted.
7. The ordinance book also contains all amendments to the Zoning Ordinance.
8. There is no provision in the original Zoning Ordinance or any of the amendments thereto which provide that land in the town can be used for drilling a natural gas well or for any of the uses described as prohibited in the Amendment to the Zoning Ordinance.


Bambi L. Avery

Sworn to before me this 13th
day of October, 2011.


Notary Public

LEE ANN PARKER
#01PA6009934
Notary Public, State of New York
Qualified in Tompkins County
My Commission Expires 7-6-2014