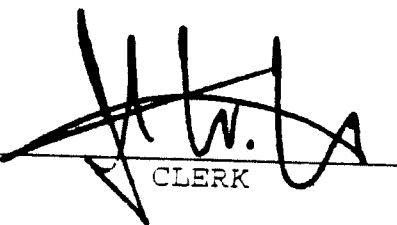


of the condemnor's offer was necessary for claimant "to achieve just and adequate compensation," and the award of \$485,955 in attorney fees was reasonable (EDPL 701; see generally *Hakes v State of New York*, 81 NY2d 392, 396-397 [1993]; *Matter of New York State Urban Dev. Corp.*, 133 Misc 2d 900, 903-904 [2000]). The award of appraisal fees was proper for the same reasons. The court was not bound by claimant's retainer agreement with counsel, which provided for attorney fees to be calculated as a percentage of the interest portion of the award, as well as the principal; it was required only to assess reasonable attorney fees (see EDPL 701).

THIS CONSTITUTES THE DECISION AND ORDER
OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT.

ENTERED: JUNE 19, 2008


CLERK