

**A RESOLUTION APPROVING A SETTLEMENT AGREEMENT FOR THE  
ASSESSMENT OF ROCHELLE WASTE DISPOSAL PROPERTY TAX  
ASSESSMENT YEARS 2013 THROUGH 2019**

**RESOLUTION NO. \_\_\_\_\_**

**WHEREAS**, the City of Rochelle is a body politic and corporate, organized and existing pursuant to the Illinois Municipal Code, 65 ILCS 511-1, et seq.; and

**WHEREAS**, the City of Rochelle previously appealed the tax assessment for certain City-owned real estate with a common address of 6513 S. Mulford Road, Rochelle, IL and property index numbers of 25-22-300-005, 25-22-300-006 and 25-22-300-007; and

**WHEREAS**, the City of Rochelle, along with the landfill operator, filed assessment appeals at the State of Illinois Property Tax Appeal Board (the "PTAB") for assessment years 2013 (PTAB Docket No. 2013-03128), 2014 (PTAB Docket No. 2014-02525), 2015 (PTAB Docket No. 2015-02000) and 2016 (PTAB Docket No. 2016-02192), challenging the assessed value of the subject property (the "PTAB Cases") and currently has pending at the Board of Review an assessment complaint for the 2017 assessment year (Board of Review Docket Nos. 2017-55, 2017-56 and 2017-57) for the subject property; and

**WHEREAS**, the Mayor and City Council of the City of Rochelle believe and hereby declare that it is in the best interests of the City and its residents, in order to avoid the uncertainties of litigation and without admitting any valuation for the landfill, to approve the Settlement Agreement for these matters, as set forth in the document attached hereto as Exhibit 1.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ROCHELLE, ILLINOIS** as follows:

**Section 1.** The foregoing Recitals are not mere preparatory language, but are hereby incorporated in this Section 1 as if said Recitals were fully set forth.

**Section 2.** The City Manager is authorized to execute the Settlement Agreement for the Assessment of Rochelle Waste Disposal Property Tax Assessment Years 2013 Through 2019 in a form substantially similar to Exhibit 1, attached hereto, subject to final revisions by the City Attorney.

**Section 3.** The City Council authorizes the City Manager is authorized to provide such additional documents as may be required to complete the PTAB and Board of Review matters.

**Section 4.** The provisions of this Resolution are severable and if any court of competent jurisdiction shall declare any portion of this Resolution to be invalid or unenforceable, said decision shall not affect any portion of this Resolution, other than the part declared invalid or unenforceable. This City Council hereby declares that it would have enacted this Resolution even with the invalid or unenforceable portion deleted.

**Section 5.** This Resolution shall be in full force and effect from and after its passage and approval in the manner provided by law.

**Section 6.** That any resolution or motion in conflict with this Resolution is hereby repealed insofar as it conflicts with this Resolution.

PASSED AND APPROVED this 22nd day of January, 2018.

ATTEST:

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City Clerk

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Mayor