

**RESOLUTION NO. R-39-11**

**A RESOLUTION AUTHORIZING INTERVENTION IN PROCEEDINGS BEFORE THE STATE  
OF ILLINOIS PROPERTY TAX BOARD OF APPEAL  
(WHEATON PROPERTY PARTNERS PIN 05-16-316-041, 120 E. LIBERTY DRIVE)**

**WHEREAS**, an owner or manager of real property located within the boundaries of the State of Illinois has the right to file an appeal challenging the assessed value of parcels of real property with the State of Illinois Property Tax Appeal Board ("PTAB");

**WHEREAS**, an appeal before PTAB may seek a reduction in the assessed value of parcels of the real estate;

**WHEREAS**, a reduction granted by PTAB in the assessed value of parcels of real estate located within the corporate boundaries of the City of Wheaton ("City") will lead to the issuance of a real property tax refund from the current collections of the City; and

**WHEREAS**, the City has the right to intervene in the proceedings before PTAB in order to protect its revenue interest in the assessed value of the real estate parcel(s);

**WHEREAS**, the time period during which a taxing district may intervene is sixty (60) days from the date of notice from the local board of review that an appeal has been filed by an owner or manager of a parcel(s) of real property;

**WHEREAS**, the Corporate Authorities of the City of Wheaton have determined that it is necessary, desirable, advantageous and in the public interest to defend the City's real property tax base by intervening in the PTAB appeal filed on the parcel number 05-16-316-014 within the boundaries of the City of Wheaton.

**NOW THEREFORE**, be it resolved, by the Mayor and City Council of the City of Wheaton, DuPage County, Illinois.

1. The City finds that all of the recitals contained above are true and correct in that the same are hereby incorporated herein by reference.
2. The City hereby authorizes the Law Offices of Kory Atkinson, and Walsh, Knippen, Knight & Pollock, Chartered, to act as its legal representatives to:
  - a. File a Request to Intervene in the appeal proceeding of PTAB Docket Number: 09-04576; and
  - b. Represent the City's interests in such proceedings.
3. All motions and resolutions or parts thereof, in conflict with this Resolution are, to the extent of such conflicts, hereby repealed;
4. If any section, paragraph, clause, or provision of this Resolution is held invalid the invalidity of such section, paragraph, clause, or provision shall not affect any of the other sections, paragraphs, clauses or provisions in this Resolution;
5. This Resolution shall be in full force and effect upon its adoption.

After a full and complete discussion thereof, Councilman Suess moved that the foregoing Resolution be adopted and Councilman Scalzo seconded the motion. The City Clerk then called role for a vote upon the motion to adopt this Resolution. Upon a roll call vote taken, the City voted as follows:

AYES: Councilman Suess  
Councilwoman Ives  
Councilman Rutledge  
Mayor Pro Tem Mouhelis  
Councilwoman Pacino Sanguinetti  
Councilman Scalzo

NAYS: None

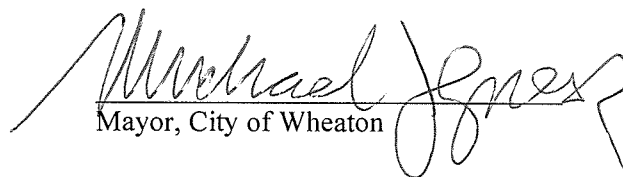
ABSTAIN: None

PRESENT: None

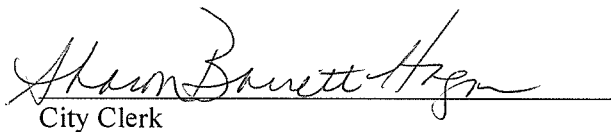
ABSENT: Mayor Gresk

The Mayor declares the motion carried and the Resolution duly adopted.

Adopted this 5<sup>th</sup> day of July, 2011.

  
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Mayor, City of Wheaton

ATTEST:

  
\_\_\_\_\_  
City Clerk