

Resolution – Complaint for Declaratory Relief

WHEREAS, the Knox County State's Attorney has proposed the filing of a Complaint for Declaratory Relief wherein Carl Sandburg College and other taxing bodies would seek a judicial declaration that Maytag Corporation received an over-abatement of its real estate taxes for the years 1990 through 1999 through the Galesburg Enterprise Zone Program; and

WHEREAS, the Knox County State's Attorney has indicated he is interpreting the property tax abatement ordinance and resolutions adopted by the various taxing bodies in 1983 to only allow the abatement of \$1,000,000 of property taxes in aggregate by the affected taxing bodies; and

WHEREAS, the Board of Trustees of Carl Sandburg College has discussed the proposed lawsuit in closed session with the Knox County State's Attorney; and

WHEREAS, the Board of Trustees approved the new Enterprise Zone property tax abatement resolution in 2003 that extends the Enterprise Zone property tax abatement program an additional ten years and which clarifies the EZ property tax abatement program is a not to exceed \$1,000,000 abatement for the College's share of property taxes.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of Carl Sandburg College;

Section One: That based upon the available information, said Board of Trustees does not believe that the filing of the Complaint is in the best interests of the College.

Section Two: That based upon the available information, said Board of Trustees supports the opinion that the initial enterprise zone property tax abatement resolution approved by Carl Sandburg College in 1983 was to allow a property tax abatement for eligible projects at an amount of not to exceed \$1,000,000 for the College's share of property taxes over a ten year period.

Section Three: That the Board of Trustees of Carl Sandburg College declines to participate in the proposed Complaint for Declaratory Relief.

Section Four: That this Resolution shall take effect upon its passage.

PASSED: September 27, 2004

ATTEST:

Thomas H. Colclasure

Chairman of the Board