

**RESOLUTION NO. 2013-07-037R**

**RESOLUTION DIRECTING THE HIRING  
OF OUTSIDE COUNSEL AND TO AUTHORIZE OUTSIDE  
COUNSEL TO PETITION TO INTERVENE IN PENDING LITIGATION**

**WHEREAS**, the City of Urbana, an Illinois municipal corporation, is a home rule entity pursuant to Article 7, § 6 of the Constitution of the State of Illinois and 65 ILCS 5/1-1-10; and

**WHEREAS**, there is presently pending in the Circuit Court of the Sixth Judicial Circuit, Champaign County, Illinois a case captioned *The Carle Foundation v. Illinois Department of Revenue, et al.*, Case No. 2013-CH-170 (the “Lawsuit”) which involves the issue of whether The Carle Foundation (“Carle”) may apply retroactively for property tax exemptions concerning 29 different parcels of property (“Parcels”), some or all of which are located within the City of Urbana corporate limits which are owned by Carle; and

**WHEREAS**, the City of Urbana deems it necessary and proper to seek to intervene in the Lawsuit in order to protect and preserve the City of Urbana’s rights and interests in the full measure of property tax revenues to which it believes it is entitled.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, AS FOLLOWS:**

**Section 1.** The Mayor of the City of Urbana, Illinois, shall be and hereby is authorized to retain the services of Frederic M. Grosser, an attorney licensed to practice law in the State of Illinois, to represent the City of Urbana and its rights and interests in connection with the Lawsuit which include but are not necessarily limited to filing and pursuing a petition to intervene in the Lawsuit on behalf of the City of Urbana and, if granted, representing the City of Urbana in the Lawsuit.

**Section 2.** That the City of Urbana corporate authorities recognize that Frederic M. Grosser represents and provides legal services to the Cunningham Township and the Cunningham Township Assessor, given such recognition, the City of Urbana hereby knowingly waives any and all conflicts of interest, whether real or apparent, whether currently existing or which may arise in the future, should the Cunningham Township and/or the Cunningham Township Assessor retain Frederic M. Grosser’s services in connection with the Lawsuit.

**Section 3.** That the City of Urbana shall pay for the services of Frederic M. Grosser in connection with legal services rendered by Frederic M. Grosser to the City of Urbana in connection with the Lawsuit using the same rate as fees charged by Frederic M. Grosser to the Cunningham Township for time exceeding the monthly base hours.

**Section 4.** That the Mayor shall be and hereby is authorized to undertake such actions as are necessary to carry out the purpose and intent of this Resolution.

PASSED by the City of Council this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSTAINS: \_\_\_\_\_

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Phyllis D. Clark, City Clerk.

Approved by the Mayor this \_\_\_\_\_ Day of \_\_\_\_\_, 2013.

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Laurel Lunt Prussing, Mayor.

## Explanation of Carle Litigation Agenda Item

Authorization for filing petition to intervene in new litigation by The Carle Foundation which seeks tax refunds of \$5,000,337.00 plus interest.

### NEW LITIGATION FILED BY THE CARLE FOUNDATION

On May 31, 2013, The Carle Foundation filed a new lawsuit seeking \$5,000,337 in property tax refunds plus interest on 29 different parcels of real estate for the years 2007 through 2011.

Carle has not sought tax exemptions or tax refunds for those parcels for those years prior to the filing of this lawsuit.

Although the lawsuit seeks over five million dollars from some local taxing districts, including the City of Urbana, it has excluded those taxing districts from the case. If there were any refunds to Carle, those amounts would be withheld by the county collector from distributions of new taxes collected. As filed, those taxing districts have nothing to say about any of this.

The City of Urbana can file a petition seeking to intervene in the case so that there is someone to represent the city and to defend the interests of the city in this new litigation.

L. Prussing per Fred Grosser

July 11, 2013