

OGDENSBURG CITY SCHOOL DISTRICT
OGDENSBURG, NEW YORK

SUBJECT: Rite Aid Tax Certiorari Settlement Resolution

DATE: September 19, 2016

REASON FOR BOARD CONSIDERATION:

The Board of Education of the Ogdensburg City School District must approve all authorizations required for the expenditure of district funds.

FACTS AND ANALYSIS:

The firm of Ferrara Fiorenza P.C., the district's attorneys, have submitted the following resolution to be adopted by majority vote of the Board of Education to execute a settlement agreement with Rite Aid, regarding the current Tax Certiorari. (Resolution attached)

RECOMMENDED ACTION:

Moved by _____ and supported by _____
that, having the approval of the Superintendent of Schools, the Board of Education of the Ogdensburg City School District does hereby adopt the attached resolution on this 19th day of September, 2016.

APPROVED FOR PRESENTATION TO THE BOARD:


Superintendent

TMV/alf
Attachment

RESOLUTION

At a Regular Meeting of the Board of Education of the Ogdensburg City School District (the "Board of Education"), held on September 19, 2016 at 1100 State Street, County of St. Lawrence, State of New York;

The meeting was called to order by _____, and upon roll being called, the following members were:

PRESENT:

ABSENT:

OTHERS ALSO PRESENT:

The following Resolution was offered by _____, and seconded by _____.

WHEREAS, Rite Aid of New York ("Rite Aid") commenced a tax certiorari proceeding challenging the assessment of property located at 908 State Street in the City of Ogdensburg, New York, in the County of St. Lawrence, for assessment years 2011 through 2015; and

WHEREAS, Rite Aid has proposed settlement for the pending tax year challenges upon the following terms:

- a. Discontinue the 2011 – 2013 tax certiorari proceedings;
- b. Reduce the 2014 and 2015 assessments from \$2,300,000 to \$2,100,000;
- c. Set the 2016 assessment at \$2,000,000; and
- d. Freeze the 2016 assessment for the next three years, pursuant to Real Property Tax Law Section 727; and

WHEREAS, the Board of Education is willing to settle the proceedings pursuant to the terms outlined above.

NOW, THEREFORE, BE IT RESOLVED that:

1. The Board of Education agrees to settle the tax certiorari proceedings commenced by Rite Aid in accordance with the terms set forth above and in the form approved by Ferrara Fiorenza PC.
2. This Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote, which resulted as follows:

AYES: _____

NAYS: _____

The Resolution was thereupon declared adopted.

Dated: **9/19/2016**

**Mariah D. Ahmad, School District Clerk
Ogdensburg City School District**