

**RESOLUTION R-2017-85
LUZERNE COUNTY COUNCIL**

*A Resolution by the Luzerne County Council
Approving the Settlement of Pending Litigation in the Matter of
Welles Street Associates, L.P., v. Luzerne County Board of Assessment Appeals, et al.*

WHEREAS, Section 4.07.B.3 of the Luzerne County Home Rule Charter provides the County Manager shall have the authority to recommend the settlement of litigation involving the County, subject to the approval of County Council; and

WHEREAS, Section 2.09.B.5 of the Luzerne County Home Rule Charter provides that County Council shall have the power to approve, by resolution adopted by a majority vote of the Council members, a recommendation by the County Manager to settle litigation involving the County; and

WHEREAS, on November 25, 2015, Welles Street Associates, L.P., filed suit in the Court of Common Pleas to strike as unlawful any assessment of tax against the real estate more commonly known as the Stegmaier Complex owned by the City of Wilkes-Barre and leased ultimately to the United States Postal Service and the General Services Administration on the basis of sovereign immunity; and

WHEREAS, Luzerne County assessed the Stegmaier Complex for the tax years starting with 2007; and

WHEREAS, Welles Street, L.P. desires to settle with Luzerne County in the aforementioned matter by entering into a Payment in Lieu of Taxes Agreement (“PILOT”); and

WHEREAS, the Luzerne County Manager has recommended settlement of the above-captioned litigation; and

WHEREAS, Luzerne County Council also desires to resolve the pending litigation in this matter.

NOW, THEREFORE, BE IT RESOLVED, that the Luzerne County Council approves the settlement of the pending litigation for all claims asserted by Welles Street Associates, L.P., against Luzerne County in the matter of Welles Street Associates, L.P. v. Luzerne County Board of Assessment Appeals, et al., through the execution of the PILOT among the parties. This settlement is a full and complete settlement and release of any and all claims against Luzerne County in the case. The County Manager is hereby authorized and empowered to execute the PILOT on behalf of Luzerne County.

This resolution shall become effective six days after adoption.

ADOPTED at a meeting of the Luzerne County Council held August 22, 2017.

ROLL CALL VOTE (8-2)

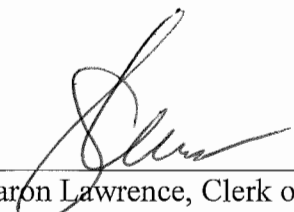
YES: Haas, Kelleher, McGinley, Schnee, Sorokas, SA Urban, Waitkus, and Williams

NO: Brominski and Dobash

LUZERNE COUNTY COUNCIL

By: 
Linda McClosky Houck, Chair

Attest:


Sharon Lawrence, Clerk of Council

LUZERNE COUNTY MANAGER

By: 
C. David Pedri, Esq., County Manager