



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. 5 OF 2023

**RESOLUTION RE: CERTIORARI SETTLEMENT –
MTR. OF ENEL NORTH AMERICA, INC. v. BOARD OF ASSESSMENT REVIEW OF THE
CITY OF BEACON, ET ANO. (SUP. CT. DUTCHESS CO. INDEX NOS. 52803/21 & 52186/22) –
SETTLEMENT OF 2021 AND 2022 TAX CERTIORARI PROCEEDINGS**

WHEREAS, tax certiorari proceedings, titled Mtr. of ENEL North America, Inc. v. Board of Assessment Review of the City of Beacon, et al. (Sup. Ct. Dutchess Co. Index Nos. 52803/21 & 52186/22), are pending before the Supreme Court, Dutchess County (Hon. James V. Brands, J.S.C., presiding); and

WHEREAS, these proceedings challenge the 2021 and 2022 assessments of property identified as Parcel No. 6055-04-590165 on the City of Beacon 2021 and 2022 Assessment Rolls; and

WHEREAS, this parcel is the site of the Groveville Hydroelectric facility, owned and operated by Petitioner ENEL North America, Inc. (“ENEL”); and

WHEREAS, a proposed settlement of these proceedings has been reached by and between ENEL and the City of Beacon; and

WHEREAS, the City of Beacon has obtained the advice and assistance of its counsel, Keane & Beane, P.C., with respect to the proposed settlement terms and has duly considered same; and

WHEREAS, under the settlement terms, the City will be liable for a City tax refund in the amount of Three Thousand One Hundred Seventy-One and 86/100 (\$3,171.86) Dollars.

NOW, THEREFORE, BE IT RESOLVED, that the City Council accepts the settlement of this proceeding so that the following adjustment is made to the real property tax assessment of the above-described tax parcel:

<u>Year</u>	<u>Assessment</u>	<u>Revised Assessment</u>	<u>Reduction</u>
2021	\$780,000	\$625,000	\$155,000
2022	\$750,000	\$625,000	\$125,000

BE IT FURTHER RESOLVED, that counsel for the City of Beacon, Keane & Beane, P.C., together with the City Administration, is hereby authorized to undertake such actions as are necessary to confirm and effectuate this settlement, including execution of the Consent Order and Judgment incorporating the settlement terms.

Resolution No. 5 of 2023			Date: January 17, 2023				
<input type="checkbox"/> Amendments			<input type="checkbox"/> 2/3 Required				
<input type="checkbox"/> Not on roll call.			<input type="checkbox"/> On roll call				
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Paloma Wake	x				
		Justice McCray					x
		George Mansfield					x
		Wren Longno	x				
x		Molly Rhodes	x				
		Dan Aymar-Blair	x				
	x	Mayor Lee Kyriacou	x				
		Motion Carried	x				