

28-R-04

A RESOLUTION

**Authorizing the City Manager to Sign an
Agreement Between Ameritech Advanced Data
Services of Illinois, Inc. and City of Evanston
With Respect to Outstanding Local
Telecommunications Taxes**

WHEREAS, the Ameritech Advanced Data Services of Illinois, Inc. (hereinafter referred to as the "Taxpayer") is voluntarily disclosing to the City of Evanston (hereinafter referred to as the "City") its liability for all taxes and fees relating to telecommunications services imposed by the City (which taxes and fees are collectively referred to as the "Local Telecommunications Taxes") for the periods beginning March 1, 2000 through December 31, 2002 pursuant to Section 75 of the Local Government Taxpayers' Bill of Rights Act (the "Act"), 50 ILCS 45/75; and

WHEREAS, the City warrants that the Taxpayer is not the subject of any audit, investigation, or assessment by the City's tax administrator; and

WHEREAS, the Taxpayer has agreed with the Illinois Department for the satisfaction of taxes owed under the Simplified Municipal Telecommunications Tax Act for periods beginning January 1, 2003; and

WHEREAS, the City is administratively inconvenienced by the Taxpayer's voluntary disclosure of its liability; and

WHEREAS, the City stands to derive substantial revenue that otherwise might have gone uncollected without the Taxpayer's voluntary disclosure; and

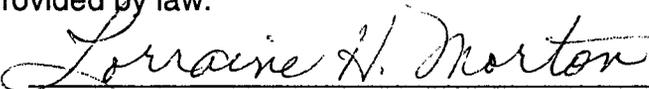
WHEREAS, the parties desire to finally determine the City's liability for the Local Telecommunications Taxes for the period from March 1, 2000 through December 31, 2002 in return for City's agreement to pay an amount of interest on its tax liability in excess of the amount required under the Act;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:

SECTION 1: That the City Manager is hereby authorized and directed to sign, and the City Clerk hereby authorized and directed to attest on behalf of the City of Evanston, such Agreement and it shall be in substantial conformity with the Agreement marked as Exhibit A attached hereto and incorporated herein by reference.

SECTION 2: That the City Manager is hereby authorized and directed to negotiate any additional terms and conditions of the Agreement as may be determined to be in the best interests of the City.

SECTION 3: That this Resolution shall be in full force and effect from and after its passage and approval in the manner provided by law.



Mayor

ATTEST:



City Clerk

Adopted: May 10, 2004