

RESOLUTION OF THE TOWNSHIP OF IRVINGTON, NJ

No. **DRF16-0322-28**

Date of Adoption **MARCH 22, 2016**

APPROVED AS TO FORM AND LEGALITY ON THE BASIS OF FACTS SET FORTH BY

[Signature]
Legislative Research Officer

PRESENTED BY COUNCIL MEMBER **BURGESS** SECONDED BY **FREDERIC**

RESOLUTION OF THE MAYOR AND TOWNSHIP COUNCIL OF THE TOWNSHIP OF IRVINGTON IN THE COUNTY OF ESSEX AUTHORIZING SETTLEMENT OF THE 2014 AND 2015 TAX APPEALS ENTITLED MILTON HOLDINGS, LLC V. TOWNSHIP OF IRVINGTON, DOCKET NOS.: 013559-2014; 008955-2015 OF THE TAX ASSESSMENT OF BLOCK 91, LOT 11, KNOWN AS 1 FULLER PLACE IN THE TOWNSHIP OF IRVINGTON, ESSEX COUNTY, NEW JERSEY

WHEREAS, appeals of the real property tax assessment for tax years 2014 and 2015 on Block 91, Lot 11 have been filed by the Taxpayer, Milton Holdings, LLC and

WHEREAS, the proposed Stipulation of Settlement, a copy of which is incorporated herein as if set forth at length, has been reviewed and recommended by the Township Tax Assessor and Township Tax Expert; and

WHEREAS, the settlement of said matter as more fully set forth below is in the best interest of the Township of Irvington;

NOW, THEREFORE, BE IT RESOLVED, by the Township of Irvington, New Jersey, as follows:

1. Settlement of the 2014 tax appeal is hereby authorized as follows:

1 Fuller Place
Block 91, Lot 11
Year: 2014

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$300,000	\$300,000	WITHDRAWN
Imprvts:	\$444,500	\$444,500	WITHDRAWN
Total:	\$744,500	\$744,500	WITHDRAWN

2. Settlement of the 2015 tax appeal is hereby authorized as follows:

1 Fuller Place
Block 91, Lot 11
Year: 2015

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$300,000	\$300,000	\$300,000
Imprvts:	\$444,500	\$444,500	\$400,000
Total:	\$744,500	\$744,500	\$700,000

3. All municipal officials are hereby authorized to take whatever action may be necessary to implement the terms of this Resolution and authorizes the Special Tax Counsel to enter into the Stipulation of Settlement as provided by Taxpayer.

RECORD OF COUNCIL VOTE

X = Indicates Vote N.V. = No Vote A.B. = Absent

<u>COUNCIL MEMBER</u>	<u>YES</u>	<u>NO</u>	<u>N.V.</u>	<u>A.B.</u>	<u>COUNCIL MEMBER</u>	<u>YES</u>	<u>NO</u>	<u>N.V.</u>	<u>A.B.</u>
BURGESS, 1ST VICE PRESIDENT	X				JONES, 2ND VICEPRESIDENT	X			
COX	X				LYONS				X
HUDLEY	X				FREDERIC, PRESIDENT	X			
INMAN	X								

PRESIDENT OF COUNCIL *[Signature]* MUNICIPAL CLERK *[Signature]* DATE **MARCH 22, 2016**

I hereby certify that the foregoing is a true copy of a Resolution duly adopted by the Municipal Council. In witness whereof I have hereunto set my hand and the Corporate Seal of the Township of Irvington.

MUNICIPAL CLERK *[Signature]* DATE **MAR 22 2016**

ADMINISTRATOR ☒ ASSESSOR ☒ BLDG ☐ CFO ☒ COLLECTOR ☒ COURT ☐ ENGINEER ☐ FIRE ☒ HEALTH ☐ HOUSING ☐ INIC ☐ JUDGE ☐ LEGAL ☒ LIBR ☐ LICEN ☐ MAYOR ☐ OCDP ☐ PARKS ☐ PAYROLL ☐ PUBLIC SAFETY ☒ DIR ☐ PUBLIC WORKS ☐ PURCHASING ☐ SEC ☒ PB/ZBA ☐ TRAFFIC ☐ ZONING ☒ OFF ☐ DLGS ☐ GNCD ☐ OTHER(S): _____

SCHNECK LAW GROUP LLC

Michael I. Schneck, Esq. – Attorney ID 015981986
 301 South Livingston Avenue, Suite 105
 Livingston, New Jersey 07039
 (973) 533-9300
 Attorneys for PLAINTIFF

TAX COURT OF NEW JERSEY
 DOCKET NO.: 013559-2014
 DOCKET NO.: 008955-2015

 MILTON HOLDINGS, LLC

Plaintiff,

Civil Action

vs.

STIPULATION OF SETTLEMENT
 (Without Affidavit)

TOWNSHIP OF IRVINGTON

Defendant.

1. It is hereby stipulated and agreed that the assessment of the following property be adjusted and a judgment entered as follows:

BLOCK: 91

LOT: 11

STREET ADDRESS: 1 FULLER PL.

Year: 2014	<u>ORIGINAL ASSESSMENT</u>	<u>COUNTY BOARD JUDGMENT</u>	<u>TAX COURT JUDGMENT</u>
LAND	\$300,000	\$300,000	WITHDRAWN
IMPROVEMENTS	\$444,500	\$444,500	WITHDRAWN
TOTAL	\$744,500	\$744,500	WITHDRAWN

Year: 2015	<u>ORIGINAL ASSESSMENT</u>	<u>COUNTY BOARD JUDGMENT</u>	<u>TAX COURT JUDGMENT</u>
LAND	\$300,000	\$300,000	\$300,000
IMPROVEMENTS	\$444,500	\$444,500	\$400,000
TOTAL	\$744,500	\$744,500	\$700,000

2. The undersigned have made such examination of the value and proper assessment of the property(ies) and have obtained such appraisals, analysis and information with respect to the valuation and assessment of the property(ies) they deem necessary and appropriate for the purpose of enabling them to enter into the Stipulation. The assessor to the taxing district has been consulted by the attorney for the taxing district with respect to this settlement and has concurred.

3. Based upon the foregoing, the undersigned represent to the Court that the above settlement will result in an assessment at the fair assessable value of the property(ies) consistent with assessing practices generally applicable in the taxing district as required by law.

4. All refunds as a result of the settlement set forth herein shall be paid by refund check, made payable to: 'Michael I. Schneck, Esq., Attorney for MILTON HOLDINGS, LLC', and forwarded to Michael I. Schneck, Esq. 301 South Livingston Ave., Livingston, NJ 07039 within sixty (60) days of the date of the Judgment.

5. Statutory interest pursuant to N.J.S.A. 54:3-27.2 is waived by the taxpayer and shall not be paid on the condition the refund is received pursuant to Paragraph 4 hereof within 60 days from the date of the entry of the Judgment.

6. The parties agree that the property's 2016 total assessment shall be \$625,000 and further agree that either party shall have the right to file a tax appeal for the 2016 tax year to obtain a judgment to implement, enforce and/or confirm the \$625,000 assessment agreed upon herein. This

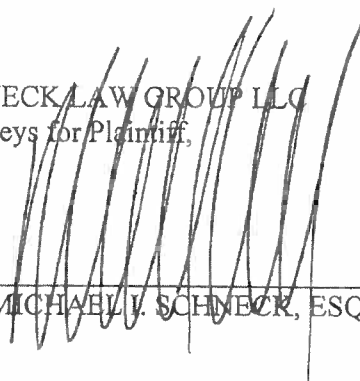


agreement shall be binding upon any assignees, tenants and successors in interest with regard to the subject property.

7. The provisions of paragraph 4 and 5 shall survive Judgment even if not included on the Judgment issued by the Tax Court of New Jersey.

8. All counterclaims will be withdrawn as part of this settlement.

SCHNECK LAW GROUP LLC
Attorneys for Plaintiff,

BY: 
MICHAEL J. SCHNECK, ESQ.

DATED:

TOWNSHIP OF IRVINGTON,
DEFENDANT

BY: _____
Matthew O'Donnell, Esq.

DATED: