

# RESOLUTION OF THE TOWNSHIP OF IRVINGTON, NJ

No. **DRF18-0814-43**

Date of Adoption **AUGUST 14, 2018**

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

*Legislative Research Officer*

PRESENTED BY COUNCIL MEMBER

**INMAN**

SECONDED BY

**LYONS**

**RESOLUTION OF THE MAYOR AND TOWNSHIP COUNCIL OF THE TOWNSHIP OF IRVINGTON IN THE COUNTY OF ESSEX AUTHORIZING SETTLEMENT OF THE 2014, 2015, 2016, 2017, AND 2018 TAX APPEALS ENTITLED S21 HOLDINGS, LLC V. TOWNSHIP OF IRVINGTON, DOCKET NOS.: 013717-2015; 009706-2016; 008857-2017 OF THE TAX ASSESSMENT OF BLOCK 175, LOT 3, KNOWN AS 656-674 21<sup>ST</sup> STREET IN THE TOWNSHIP OF IRVINGTON, ESSEX COUNTY, NEW JERSEY**

**WHEREAS**, appeals of the real property tax assessment for tax years 2015, 2016, and 2017 on Block 175, Lot 3 have been filed by the Taxpayer, S21 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 2015 tax appeal is hereby authorized as follows:

656-674 21<sup>st</sup> Street

Block 175, Lot 3

**Year: 2015**

| <u>Original Assessment</u> | <u>County Board Judgment</u> | <u>Settlement Amount</u> |
|----------------------------|------------------------------|--------------------------|
| Land: \$321,800            | N/A                          | WITHDRAWN                |
| Imprvts:\$259,500          | N/A                          | WITHDRAWN                |
| Total: \$581,300           | N/A                          | WITHDRAWN                |

2. Settlement of the 2016 tax appeal is hereby authorized as follows:

656-674 21<sup>st</sup> Street

Block 175, Lot 3

**Year: 2016**

| <u>Original Assessment</u> | <u>County Board Judgment</u> | <u>Settlement Amount</u> |
|----------------------------|------------------------------|--------------------------|
| Land: \$321,800            | N/A                          | \$321,800                |
| Imprvts:\$259,500          | N/A                          | \$208,200                |
| Total: \$581,300           | N/A                          | \$530,000                |

3. Settlement of the 2017 tax appeal is hereby authorized as follows:

656-674 21<sup>st</sup> Street  
Block 175, Lot 3  
**Year: 2017**

| <u>Original Assessment</u> | <u>County Board Judgment</u> | <u>Settlement Amount</u> |
|----------------------------|------------------------------|--------------------------|
| Land: \$321,800            | N/A                          | \$321,800                |
| Imprvts:\$259,500          | N/A                          | \$208,200                |
| Total: \$581,300           | N/A                          | \$530,000                |

4. 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          |           |             |             | INMAN                     | X          |           |             |             |
| COX                         |            |           |             | X           | JONES, 2ND VICE PRESIDENT | X          |           |             |             |
| FREDERIC                    | X          |           |             |             | LYONS, PRESIDENT          | X          |           |             |             |
| DR. HUDLEY                  | X          |           |             |             |                           |            |           |             |             |

PRESIDENT OF COUNCIL *[Signature]* MUNICIPAL CLERK *[Signature]* DATE AUG 14 2018

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 AUG 14 2018

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

**FEINSTEIN RAISS KELIN BOOKER & GOLDSTEIN LLC**

Leo P. Dugan, Esq. (Attorney ID #0031762012)  
 290 W. Mt. Pleasant Avenue, Suite 1340  
 Livingston, New Jersey 07039  
 Tel: (973)-324-5400  
 Fax: (973) 731-4669  
 Attorneys for Plaintiff

S21 Holdings, LLC,

Plaintiff,

v.

Township of Irvington,

Defendant.

TAX COURT OF NEW JERSEY  
 DOCKET NOS. 013717- 2015, 009706-2016  
 and 008857-2017

Civil Action

**STIPULATION OF SETTLEMENT**

**PROPERTY: 656-674 21st Street  
 BLOCK 175 LOT 3**

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

| <u>YEAR: 2015</u> | <u>ORIGINAL<br/>ASSESSMENT</u> | <u>TAX COURT<br/>JUDGMENT</u> |
|-------------------|--------------------------------|-------------------------------|
| LAND:             | 321,800                        | 321,800                       |
| IMPRVT:           | <u>259,500</u>                 | <u>259,500</u>                |
| TOTAL:            | 581,300                        | 581,300                       |

| <u>YEAR: 2016</u> | <u>ORIGINAL<br/>ASSESSMENT</u> | <u>TAX COURT<br/>JUDGMENT</u> |
|-------------------|--------------------------------|-------------------------------|
| LAND:             | 321,800                        | 321,800                       |
| IMPRVT:           | <u>259,500</u>                 | <u>208,200</u>                |
| TOTAL:            | 581,300                        | 530,000                       |

| <u>YEAR: 2017</u> | <u>ORIGINAL<br/>ASSESSMENT</u> | <u>TAX COURT<br/>JUDGMENT</u> |
|-------------------|--------------------------------|-------------------------------|
| LAND:             | 321,800                        | 321,800                       |
| IMPRVT:           | <u>259,500</u>                 | <u>208,200</u>                |
| TOTAL:            | 581,300                        | 530,000                       |

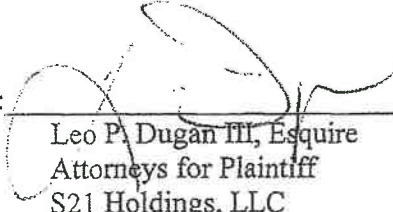
2. The parties agree that there has been no change in value or municipal wide revaluation or reassessment adopted for the tax year 2019 and therefore agree that the provisions of N.J.S.A. 54:5 1A-8 (Freeze Act) shall be applicable to the assessment on the property referred to herein for said Freeze Act year(s), subject to the Plaintiff's right to appeal in the Freeze Act years. No Freeze Act year(s) shall be the basis for application of the Freeze Act for any subsequent year(s).

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

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

5. Statutory interest pursuant to N.J.S.A. 54:3-27.2 is waived by the taxpayer provided that the refund is paid within one hundred eighty (180) days after entry of Judgment and receipt of said Judgment by the municipality. All refunds as a result of the settlement set forth herein, if any, are to be made payable to "Feinstein Raiss Kelin Booker & Goldstein LLC Trust Account" and forwarded to Leo P. Dugan III, Esquire, Feinstein Raiss Kelin Booker & Goldstein LLC, 290 W. Mt. Pleasant Avenue, Suite 1340, Livingston, New Jersey 07039.

Feinstein Raiss Kelin Booker & Goldstein LLC

By: 

Leo P. Dugan III, Esquire  
Attorneys for Plaintiff  
S21 Holdings, LLC

O'Donnell McCord, PC

Dated: \_\_\_\_\_

By: \_\_\_\_\_

Attorneys for Defendant  
Township of Irvington

**MATTHEW J. O'DONNELL**  
**ATTORNEY AT LAW**  
**STATE OF NEW JERSEY**