

**RESOLUTION
OF THE
BOROUGH OF NEW PROVIDENCE**
Resolution No. 2012-060

Council Meeting Date:

Date Adopted:

TITLE: PYRAMID PROPERTIES LLC V. BOROUGH OF NEW PROVIDENCE
BLOCK 340 • LOT 4 • 98 FLORAL AVENUE, DOCKET NOS. 002131–
2010 • 000382-2011

Councilperson Cucco submitted the following resolution, which was duly seconded by Councilperson Galluccio.

BE IT RESOLVED by the Mayor and Borough Council of the Borough of New Providence, Union County, New Jersey, that they do hereby approve the settlement recommendation as set forth in the January 2012 report submitted by the Borough Assessor, Pat Spychala, concerning the above-referenced matter whereby the tax year(s) 2010 and 2011 will be stipulated and agreed that the following property be adjusted and a judgment will be entered per stipulation of agreement, with waiver of interest provided any refund due is paid within sixty (60) days of entry of judgment. As part of this agreement the 2012 assessment for 98 Floral Avenue is revised to \$1,697,200.

2010
98 Floral Avenue

	Original Assessment	County Board Judgment	Requested Tax Court Judgment
Land	\$ 367,600	N/A	\$ 367,600
Improvement	<u>\$ 1,432,400</u>	Direct Appeal	<u>\$ 1,377,800</u>
TOTAL	\$ 1,800,000		\$ 1,745,400

2011
98 Floral Avenue

	Original Assessment	County Board Judgment	Requested Tax Court Judgment
Land	\$ 367,600	N/A	\$ 367,600
Improvement	<u>\$ 1,432,400</u>	Direct Appeal	<u>\$ 1,135,100</u>
TOTAL	\$ 1,800,000		\$ 1,502,700

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of New Providence, Union County, New Jersey that they do hereby authorize the Tax Collector of the Borough of New Providence to furnish any required refund due the taxpayer pursuant to the terms of said settlement to made payable to Pyramid Properties, LLC and McCarter & English, LLP attorneys for plaintiff, and forwarded to Frank E. Ferruggia, Esq., McCarter & English, LLP, Four Gateway Center, 100 Mulberry Street, P.O. Box 652, Newark, NJ 07101-0652, within sixty 60 days of the date of the entry of judgment pursuant to N.J.S.A. 54:3-27.2

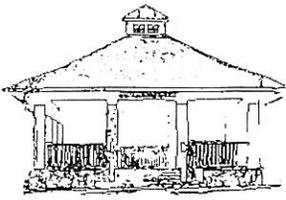
APPROVED, this 23rd day of January, 2012.

RECORD OF VOTE

	AYE	NAY	ABSENT	NOT VOTING
CUCCO	X			
GALLUCCIO	X			
GENNARO			X	
LESNEWICH	X			
MUÑOZ	X			
ROBINSON	X			
HERN			TO BREAK COUNCIL TIE VOTE	

I hereby certify that the above resolution was adopted at a meeting of the Borough Council held on the 23rd day of January, 2012.

Wendi B. Barry, Borough Clerk



BOROUGH OF
NEW PROVIDENCE
ESTABLISHED 1733

ASSESSOR'S OFFICE

J. Brooke Hern, Mayor

Patricia Spychala, Assessor

Nancy Pasquale, Assistant

TO: Doug Marvin, Borough Administrator

FROM: Pat Spychala, Assessor

DATE: January 17, 2012

REF: **Pyramid Properties v. New Providence Settlement**
Block 340 • Lot 4 • 98 Floral Avenue

I am pleased to inform you that this property has been settled for tax years 2010 and 2011. As part of the settlement the assessed value is revised for 2012. As you are aware, this minimizes the amount of taxes that New Providence will be required to refund, because it does not include the school portion of the taxes.

The subject property is a two-story brick building consisting of approximately 24,800 square feet. The assessment value is \$1,800,000 and has an equalized value of \$3,609,384. The price per square foot is approximately \$145 and the total taxes are \$75,762.

For 2010, the assessment will be revised to \$1,745,400. The equalized value is \$3,449,400 and the price per square foot is approximately \$141. The tax refund will be \$2,226.77.

For 2011, the assessment will be adjusted to \$1,502,700; representing an equalized value of \$3,533,569 and a price per square foot of \$142. The tax refund will be \$12,513.36.

Finally, for 2012, the assessment will be adjusted upward to \$1,697,200; the equalized value being \$3,300,000 (rounded); and the price per square foot is approximately \$132. Because this value is adjusted before the tax list is certified, any decrease in taxes will be distributed equitably and the borough will not be responsible for the school portion of refund as in prior years. Based on a projected tax rate of \$4.38, the projected taxes will be \$74,337.

For mayor and council approval, please find attached stipulation(s) of settlement for the referenced property. Should council approve the settlement, I have also attached a resolution.

I recommend this settlement as I feel it represents the best interest of New Providence.

Please feel free to contact me with any questions.

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