

RESOLUTION
of the
BOROUGH OF NEW PROVIDENCE
Resolution No. 2018-261

Council Meeting Date: 10-09-20118

Date Adopted: 10-09-2018

TITLE: 1259 Springfield Avenue, LLC v. Borough of New Providence, Block 50, Lot 16.09; 1275 Springfield Avenue – UN9, Docket Nos. 009852-2016 and 010302-2017

Councilperson Madden submitted the following resolution, which was duly seconded by Councilperson Muñoz.

WHEREAS, 1259 Springfield Avenue, LLC (“Taxpayer”), the owner of Block 50, Lot 16.09 on the Borough of New Providence’s Tax Assessment Maps, commonly known as 1275 Springfield Avenue – UN9 (“Property”), filed an appeal of its 2016 and 2017 tax assessments in the Tax Court of New Jersey, Docket Nos. 009852-2016 and 010302-2017.

WHEREAS, the Mayor and Borough Council of the Borough of New Providence met and discussed the aforesaid tax appeals and the recommendations of its Borough Tax Assessor and Borough Attorney, DiFrancesco, Bateman, Kunzman, Davis, Lehrer & Flaum, P.C.

WHEREAS, Block 50, Lot 16.09 was assessed at \$178,500 for all years under appeal; and

WHEREAS, an acceptable settlement of the aforesaid tax appeals has been negotiated which reduces the total tax assessment levied upon Taxpayer’s property located at Block 50, Lot 16.09; and

WHEREAS, the 2016 total tax assessment, based upon said reduction, will be \$158,700 instead of \$178,500 for Block 50, Lot 16.09; and

WHEREAS, the 2017 total tax assessment, based upon said reduction, will be \$156,400 instead of \$178,500 for Block 50, Lot 16.09; and

WHEREAS, Taxpayer has agreed that any refunds due as a result of this settlement shall be without interest provided that the refund is paid within sixty (60) days of the date of entry of the Tax Court Judgment; and

WHEREAS, the aforesaid reduction has no general application to other properties within the Borough of New Providence as a result of the aforesaid specific fact situation; and

WHEREAS, the Mayor and Borough Council have reviewed a copy of the proposed Stipulation of Settlement, which is annexed hereto and incorporated herein by this reference.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of New Providence, County of Union, State of New Jersey, as follows:

The Borough of New Providence's Tax Assessor is hereby directed to establish the allocation between land and improvements of a \$158,700 total tax assessment for the 2016 Tax Year for Block 50, Lot 16.09, which is most beneficial to the Borough of New Providence and advise the Borough Attorney of that allocation.

The Borough of New Providence's Tax Assessor is hereby directed to establish the allocation between land and improvements of a \$156,400 total tax assessment for the 2017 Tax Year for Block 50, Lot 16.09, which is most beneficial to the Borough of New Providence and advise the Borough Attorney of that allocation.

The Borough Attorney, Martin Allen, is hereby authorized to execute a Stipulation of Settlement relative to the tax appeals of 1259 Springfield Avenue, LLC ("Taxpayer") Docket Nos. 009852-2016 and 010302-2017, which reduces the tax assessment on Block 50, Lot 16.09 from \$178,500 to a total tax assessment of \$158,700 for the 2016 Tax Year; which reduces the tax assessment on Block 50, Lot 16.09 from \$178,500 to a total tax assessment of \$156,400 for the 2017 Tax Year; and which provides that any refunds due as a result of this settlement shall be without interest provided that the refund is paid within sixty (60) days of the date of entry of the Tax Court Judgment. The settlement outlined above shall be without prejudice to the Borough of New Providence's dealings with any other Borough taxpayers' request for tax assessment reductions.

APPROVED, this 9th day of October, 2018.

RECORD OF VOTE

	AYE	NAY	ABSENT	NOT VOTING
GENNARO	X			
GEOFFROY	X			
KAPNER	X			
MADDEN	X			
MUÑOZ	X			
ROBINSON	X			
MORGAN			TO BREAK COUNCIL TIE VOTE	

I hereby certify that the above resolution was adopted at a meeting of the Borough Council held on the 9th day of October, 2018.

Wendi B. Barry, Borough Clerk

VENTURA, MIESOWITZ, KEOUGH & WARNER PC

Daniel G. Keough, Esq., Attorney ID 021771983

783 Springfield Avenue

Summit, New Jersey 07901

(908)277-2410

Attorneys for Plaintiff

1259 SPRINGFIELD AVENUE LLC,

Plaintiff,

vs.

BOROUGH OF NEW PROVIDENCE,

a Municipal Corporation of

New Jersey,

Defendant.

TAX COURT OF NEW JERSEY

Docket Nos.: 009852-2016 & 010302-2017

CIVIL ACTION

STIPULATION OF SETTLEMENT

(Without Affidavit)

Assigned Judge: Honorable Michael J. Gilmore, J.T.C.

First Calendar Date:

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

Block: 50

Lot: 16.09

Street Address: 1275 Springfield Ave-UN9

Year(s): 2016

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 35,000	\$ 35,000	\$ 35,000
Impvts	<u>\$ 143,500</u>	<u>\$ 143,500</u>	<u>\$ 123,700</u>
Total	<u>\$ 178,500</u>	<u>\$ 178,500</u>	<u>\$ 158,700</u>

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

Block: 50

Lot: 16.09

Street Address: 1275 Springfield Ave-UN9

Year(s): 2017

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 35,000	\$ 35,000	\$ 35,000
Impvts	\$ 143,500	\$ 143,500	\$ 121,400
Total	<u>\$ 178,500</u>	<u>\$ 178,500</u>	<u>\$ 156,400</u>

3. The undersigned have made such examination of the value and proper assessment of the property and have obtained such appraisal, 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 this 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 on 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 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, having been waived by taxpayer, shall not be paid provided the tax refund is paid within 60 days of the date of entry of the Tax Court judgment.
6. The 2016 and 2017 tax overpayment refunds due as a result of the Judgment that will issue from the Tax Court based hereon will be made in the form of a check made payable to "Daniel G. Keough, Trustee" and sent to Mr. Keough.

VENTURA, MIESOWITZ, KEOUGH & WARNER PC

By: 
Daniel G. Keough
Attorney for Plaintiff

By: _____
Sandra Belli
Attorney for Defendant

Dated: _____, 2018