

RESOLUTION NO. 19-90

A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AUTHORIZING THE SETTLEMENT OF A TAX APPEAL FILED BY THE BOROUGH IN THE TAX COURT OF NEW JERSEY ENTITLED BOROUGH OF RED BANK v. OCEANFIRST BANK, DOCKET NO. 007770-2018 REGARDING THE PROPERTY LOCATED AT BLOCK 7, LOT 17.02 ON THE BOROUGH TAX MAPS.

WHEREAS, the Governing Body of the Borough of Red Bank authorized the filing and prosecution of a tax appeal to increase the 2018 assessment on 110 West Front Street, Red Bank, and shown on the Borough Tax Maps as Block 7, Lot 17.02 (the "Property") pursuant to Resolution No. 18-95; and

WHEREAS, OceanFirst Bank is the owner of the Property; and

WHEREAS, the 2018 total tax assessment on the Property was \$16,489,700.00; and

WHEREAS, the 2019 preliminary total tax assessment on the Property was \$35,312,000; and

WHEREAS, the Governing Body of the Borough of Red Bank met and considered the aforesaid Tax Appeal and the recommendations of its Special Counsel, Martin Allen, Esq., and Borough Tax Assessor; and

WHEREAS, the Borough authorized Robert Gagliano, MAI, CRE, an appraiser and the principal of Gagliano & Company (the "Appraiser") to review the aforesaid Tax Appeal and provide the Borough Special Counsel, Martin Allen, Esq., with a recommendation as to settlement; and

WHEREAS, the Appraiser, Special Counsel and Borough Tax Assessor recommend the settlement set forth in this Resolution; and

WHEREAS, an acceptable settlement of the aforesaid Tax Appeal has been negotiated which increases the total tax assessment levied upon OceanFirst Bank's Property from a total tax assessment of \$16,489,700 to an increased total tax assessment of \$24,875,000, which total tax assessment will further increase in 2019 to a total tax assessment of \$26,875,000 (the Borough Tax Assessor being directed to correct the above preliminary assessment before becoming the final assessment on the Property), and further increase in 2020 to a total tax assessment of \$27,875,000, subject to the terms and conditions set forth in the attached Stipulation of Settlement which has been reviewed by the Governing Body of the Borough of Red Bank; and

WHEREAS, the Freeze Act shall NOT apply to the judgment arising out of this settlement by reason of the agreed to prospective assessments; and

WHEREAS, the Borough of Red Bank shall agree to waive the payment of interest on any increased taxes which result from the tax assessment increase, provided that the increased taxes are paid within 60 days of entry of judgment; and

WHEREAS, the Borough Tax Collector is authorized and directed to issue a bill for the increase of taxes upon entry of judgment; and

WHEREAS, the Governing Body of the Borough of Red Bank has reviewed the Stipulation of Settlement a copy of which is attached to this Resolution and thereby incorporated herein by this reference; and

WHEREAS, the Governing Body of the Borough of Red Bank leaves the allocation between land and improvements of the aforesaid tax assessment increases for the Property to

the Borough Tax Assessor's discretion with the direction that the same be set so as to be most beneficial to the Borough of Red Bank; and

WHEREAS, the aforesaid adjustments have no general application to other properties within the Borough of Red Bank as a result of the aforesaid specific fact situation; and

WHEREAS, the Governing Body of the Borough of Red Bank makes this settlement with OceanFirst Bank without prejudice to its dealings with any other Red Bank taxpayers' request for adjustments to their tax assessments.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Red Bank, County of Monmouth, State of New Jersey, as follows:

1. The Borough Tax Assessor is hereby directed to correct the 2019 total tax assessment on the property located at Block 7, Lot 17.02 to a final total tax assessment of \$26,875,000 and make such filings forthwith with the Monmouth County Board of Taxation.

2. The Borough Tax Assessor is hereby directed to establish allocations between land and improvements for Block 7, Lot 17.02, as more specifically set forth in the annexed Stipulation of Settlement, which is most beneficial to the Borough of Red Bank and advise the Special Counsel, Martin Allen, Esq., of that allocation.

3. Special Counsel, Martin Allen, Esq. is hereby authorized to execute a Stipulation of Settlement in the form of the copy attached hereto relative to the Tax Appeal of the Borough of Red Bank entitled Borough of Red Bank v. OceanFirst Bank, Docket No., 007770-2018, which increases the assessment on OceanFirst Bank's property located at Block 7, Lot 17.02 for the 2018, and sets the assessments for the 2019 and 2020 tax years as more fully set forth in the attached copy of Stipulation of Settlement, and by execution of any other documentation required by the Monmouth County Board of Taxation or Tax Court to effectuate this settlement.

4. The Borough Tax Collector is authorized and directed to issue a bill for the increase of taxes upon entry of judgment.

5. This settlement shall be without prejudice to the Borough of Red Bank's dealings with any other Borough taxpayers' request for tax assessment adjustments.

	Motion	Yes	No	Abstain	Absent
Councilman Yassin					
Councilwoman Triggiano					
Councilman Ballard					
Councilman Yngstrom					
Councilman Zipprich					
Councilwoman Horgan					

Dated: April 10, 2019

I hereby certify the above to be a true copy of a resolution adopted by the Council of the Borough of Red Bank, in the County of Monmouth, at a meeting held on April 10, 2019.

Pamela Borghi, Municipal Clerk