

RESOLUTION NO. 35-2022
**Authorizing Special Tax Appeal Attorney to Enter into a
Stipulation of Settlement for the Tax Appeals Captioned
Edgewater Beach, Inc. v. Sea Bright Borough
Docket Nos. 006525-2016, 001325-2017, 000826-2018,
001325-2019, 002047-2020 and 008703-2021**

Councilmember Catalano introduced and offered the following resolution for its adoption; seconded by Councilmember Booker:

WHEREAS, Edgewater Beach, Inc. ("Taxpayer"), the owner and taxpayer of the property commonly known as Edgewater Beach Club and designated as Block 4, Lot 6 on the Sea Bright Borough Tax Map, 1465 Ocean Avenue (the "Property"), filed appeals of their 2016, 2017, 2018, 2019, 2020 and 2021 tax assessments in the Tax Court of New Jersey, Docket Nos. 006525-2016, 001325-2017, 000826-2018, 001325-2019, 002047-2020 and 008703-2021; and

WHEREAS, the Borough Council met and considered the aforesaid tax appeals and the recommendations of its Tax Assessor and Special Tax Appeal Attorney, Martin Allen; and

WHEREAS, the Property was assessed at total tax assessments of \$10,730,800 for the 2021 tax year; and

WHEREAS, the Taxpayer supplied an appraisal of the Property with an opinion that the market value of the Property should only be \$7,470,000 as of the 2016 tax year valuation date, October 1, 2015; \$7,360,000 as of the 2017 tax year, October 1, 2016; \$8,020,000 as of the 2018 tax year, October 1, 2017; and \$8,230,000 as of the 2019 tax year, October 1, 2019; and

WHEREAS, the Borough obtained an appraisal of the Property from its appraisal expert with an opinion that the market value of the Property should be \$12,400,000 as of the 2016 tax year valuation date, October 1, 2015; \$13,850,000 as of the 2017 tax year, October 1, 2016; \$14,350,000 as of the 2018 tax year, October 1, 2017; and \$15,500,000 as of the 2019 tax year, October 1, 2019; and

WHEREAS, an acceptable settlement of the aforesaid tax appeals has been negotiated which results in the dismissal of the 2016, 2017, 2018, 2019 and 2020 tax appeals and an agreement to reduce the assessment in 2021 to a total assessment on the Property not to exceed \$10,114,800.00 and a total tax assessment not to exceed \$9,121,100 for the 2022 and 2023 tax years, subject to the Taxpayer's representation that there no sale of the Property pending for more than said sum, nor any change in the improvements at said Property prior to the Assessor setting those assessments, all as more particularly set forth in the Stipulations of Settlement and letter agreement which has been reviewed by the Borough Council; and

WHEREAS, the Freeze Act is waived by the Taxpayer and shall not apply with respect to the adjustments made to the assessments, as more particularly set forth in the Stipulation of Settlement which has been reviewed by the Borough Council; and

WHEREAS, the Taxpayer agrees to waive interest on any reduction in taxes which at the Borough's option may be given as credits against future taxes, and as to the 2022 adjustment, it being made by the Assessor filing an Assessor's Petition of Appeal and Stipulation of Settlement with the County Tax Board prior to the final assessment books being closed; and

WHEREAS, the aforesaid adjustments to assessments and settlement have no general application to other properties within the Borough because of the aforesaid specific fact situation; and

WHEREAS, the Borough will make this settlement with Edgewater Beach Inc. without prejudice to its dealings with any other Borough taxpayer's request for tax assessment reduction; and

WHEREAS, the Borough Council have reviewed a copy of the proposed Stipulations of Settlement and Letter Agreement in these matters; and

WHEREAS, the Borough Council has considered the foregoing.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sea Bright in the County of Monmouth, State of New Jersey, as follows:

1. The Borough's Special Tax Appeal Attorney, Martin Allen, is hereby authorized to execute the Tax Court Stipulation of Settlement relative to the tax appeals of Edgewater Beach Inc., Docket Nos. 006525-2016, 001325-2017, 000826-2018, 001325-2019, 002047-2020 and 008703-2021; as well as the Monmouth County Tax Board 2022 Stipulation of Settlement; and the Letter Agreement memorializing the Settlements; which settlements are more particularly described in the annexed Stipulation of Settlements and Letter Agreement and he shall file the Stipulations with the Tax Court and arrange for the filing of the County Tax Board Stipulation.
2. The settlements, as outlined above in the recitals to this Resolution and as further described in the annexed Letter Agreement and Stipulations of Settlement, shall be without prejudice to the Borough of Sea Bright's dealings with any other Borough taxpayers' requests for tax assessment reductions.
3. The Borough Tax Assessor is directed to allocate the settled amounts of the assessments between land and improvements in a manner which is in the best interest of the Borough of Sea Bright.

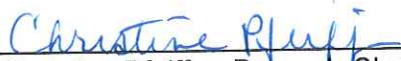
BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the Borough of Sea Bright Tax Assessor and the Special Tax Appeal Attorney, Martin Allen.

Roll Call: Bieber, Birdsall, Booker, Catalano, Keeler, Lamia
Yes Yes Yes Yes Yes Yes

January 18, 2022

CERTIFICATION

I, Christine Pfeiffer, Borough Clerk do hereby Certify that this is a true copy of a Resolution approved by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, at a Council Meeting held on January 18, 2022.


Christine Pfeiffer, Borough Clerk