

**RESOLUTION 2023-234**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY APPROVING A SETTLEMENT OF THE TAX APPEAL OF HICKORY SQUARE ASSOCIATES**

**WHEREAS**, Hickory Square Associates LP (“Taxpayers”), the owner of Block 48.23, Lot 126.04 on the Township of Chatham’s Tax Assessment Maps, commonly known as 641 Shunpike Road (“Property”), filed appeals of their 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, and 2023 tax assessments in the Tax Court of New Jersey, Docket Nos.: 005181-2015; 001563-2016; 001737-2017; 004503-2018; 001161-2019; 0009566-2020; 002207-2021; 004332-2022; & 002899-2023; and

**WHEREAS**, the Township Committee of the Township of Chatham, County of Morris, State of New Jersey met and discussed the aforesaid tax appeals and the recommendations of its Township Tax Assessor Special Tax Appeal Attorneys; and.

**WHEREAS**, for the 2015 Tax Year, the Property was assessed at \$22,360,000 (AV), which when converted to equalized true value using the 2015 ratio of assessed to true value of 91.78% reflected a value of \$24,362,606; and

**WHEREAS**, for the 2016 Tax Year, the Property was assessed at \$22,360,000 (AV), which when converted to equalized true value using the 2016 ratio of assessed to true value of 90.40% reflected a value of \$24,734,513; and

**WHEREAS**, for the 2017 Tax Year, the Property was assessed at \$22,360,000 (AV), which when converted to equalized true value using the 2017 ratio of assessed to true value of 89.58% reflected a value of \$24,960,928; and

**WHEREAS**, for the 2018 Tax Year, the Property was assessed at \$22,360,000 (AV), which when converted to equalized true value using the 2018 ratio of assessed to true value of 89.22% reflected a value of \$25,061,645; and

**WHEREAS**, for the 2019 Tax Year, the Property was assessed at \$22,360,000 (AV), which when converted to equalized true value using the 2019 ratio of assessed to true value of 88.28% reflected a value of \$25,328,500; and

**WHEREAS**, for the 2020 Tax Year, the Property was assessed at \$22,360,000 (AV), which when converted to equalized true value using the 2020 ratio of assessed to true value of 88.52% reflected a value of \$25,259,828; and

**WHEREAS**, for the 2021 Tax Year, the Property was assessed at \$22,360,000 (AV), which when converted to equalized true value using the 2021 ratio of assessed to true value of 88.61% reflected a value of \$25,234,172; and

**WHEREAS**, for the 2022 Tax Year, the Property was assessed at \$22,360,000 (AV), which when converted to equalized true value using the 2022 ratio of assessed to true value of 87.79% reflected a value of \$25,469,871.; and

**WHEREAS**, for the 2023 Tax Year, the Property was assessed at \$22,360,000 (AV), which when converted to equalized true value using the 2023 ratio of assessed to true value of 81.38% reflected a value of \$27,476,038; and

**WHEREAS**, Taxpayers have provided an income analysis that values the Property at \$21,900,000 for the 2015 through 2020 tax years and at \$19,800,000 for the 2021 and 2022 tax years, which equates to assessed values as follows: \$20,099,820 (2015); \$19,797,600 (2016); \$19,618,020 (2017); \$19,539,180 (2018); \$19,333,320 (2019); \$19,385,880 (2020); \$17,544,780 (2021); \$17,382,420 (2022); and

**WHEREAS**, an acceptable settlement of the aforesaid tax appeal has been negotiated which reduces the total tax assessment levied upon the Property for 2021, 2022, and 2023 only; and

**WHEREAS**, as a result of the proposed settlement, Taxpayers have agreed to withdraw their 2015, 2016, 2017, 2018, 2019, and 2020 tax appeals; and

**WHEREAS**, based upon said reductions, the 2021 tax year assessment will be \$22,150,000, the 2022 tax year assessment will be \$21,950,000, and the 2023 tax year assessment will be \$20,350,000, for the Property; and

**WHEREAS**, based upon the proposed settlement, the Tax Assessor has agreed to set the 2024 assessment at \$19,020,000, subject to there being no sale of the property pending as of the valuation date for 2023 and no "change in value" for the 2023 tax year as that phrase has been interpreted by the Court under the Freeze Act; and

**WHEREAS**, Taxpayers have agreed that any refunds due shall be without interest provided the tax refund is paid within sixty (60) days of the date of entry of the Tax Court Judgment; and

**WHEREAS**, the Township Committee leaves the allocation between land and improvements of the aforesaid tax assessment reduction to the Township of Chatham's Tax



Assessor's discretion with the direction that the same be set so as to be most beneficial to the Township; and

**WHEREAS**, the aforesaid reduction has no general application to other properties within the Township of Chatham as a result of the aforesaid specific fact situation; and

**WHEREAS**, the Township Committee makes this settlement with Taxpayers without prejudice to its dealing with any other Chatham Township's taxpayers' request for tax assessment reduction; and

**WHEREAS**, the Mayor and Township Committee 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 Township Committee of the Township of Chatham, County of Morris, State of New Jersey, as follows:

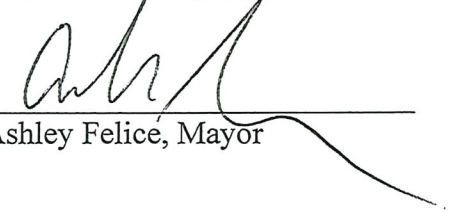
1. The Township of Chatham's Tax Assessor is hereby directed to establish the allocation between land and improvements of a \$22,150,000 total tax assessment for the 2021 Tax Year, \$21,950,000 for the 2022 Tax Year, and \$20,350,000 for the 2023 Tax Year, for Block 48.23, Lot 126.04, which is most beneficial to the Township of Chatham and advise the Township Attorney of that allocation.
2. The Special Tax Appeal Attorney is authorized to execute a Stipulation of Settlement relative to the tax appeal of Hickory Square Associates LP ("Taxpayers") Docket Nos.: 005181-2015; 001563-2016; 001737-2017; 004503-2018; 001161-2019; 0009566-2020; 002207-2021; 004332-2022; & 002899-2023, which reduces the total tax assessment on Block 48.23, Lot 126.04 from \$22,360,000 to a total tax assessment of \$22,150,000 for the 2021 Tax Year, \$21,950,000 for the 2022 Tax Year, and \$20,350,000 for the 2023 Tax Year, with Taxpayers withdrawing the 2015, 2016, 2017, 2018, 2019, and 2020 tax appeals; and which further provides that any refunds due shall be without interest provided the tax refund is paid within 60 days of the date of entry of the Tax Court Judgment.
3. The settlement outlined above shall be without prejudice to the Township of Chatham's dealings with any other Township taxpayers' request for tax assessment reductions.

Adopted: December 12, 2023

TOWNSHIP OF CHATHAM IN  
THE COUNTY OF MORRIS

Attest:

  
\_\_\_\_\_  
Gregory J. LaConte, Clerk

By   
\_\_\_\_\_  
Ashley Felice, Mayor

I, Gregory J. LaConte, Township Clerk of the Township of Chatham in the County of Morris, New Jersey, hereby certify the foregoing to be a true complete copy of a resolution passed by the Township Committee of the Township of Chatham at a regular meeting held on December 12, 2023.

Date Issued: 12/13/2023

  
\_\_\_\_\_  
Gregory J. LaConte, Township Clerk