

RESOLUTION

WHEREAS multiple tax appeals have been filed with regard to 10 Rooney Circle, which is known as Block 155, Lot 41.02 (“10 Rooney”); 100 Executive Drive which is known as Block 155, Lot 40.02 (“100 ED”); 200 Executive Drive which is known as Block 155, Lot 42.02 (“200 ED”); and 300 Executive Drive which is known as Block 155, Lot 42.01 (“300 ED”);

WHEREAS Peter Zipf and Thomas Denitzio Esq. are representing the property owners with regard to 2017, 2018 and 2019 which are pending;

WHEREAS Charles Blau, Esq. of Blau and Blau is representing the Township;

WHEREAS they are encompassing these properties has been designated as an area in need of Redevelopment pursuant N.J.S.A. 40A:12A- *et seq*;

WHEREAS after designation, Kevin Malanga commenced certain litigation entitled Malanga v. Township of West Orange, et. al. seeking to overturn the Township’s designation;

WHEREAS the Superior Court of New Jersey, Law Divisions, Essex County has dismissed Mr. Malanga’s law suit;

WHEREAS Mr. Malanga has filed an appeal before the Superior Court of New Jersey, Appellate Division, which is in the midst of briefing and a determination;

WHEREAS the Township has adopted a Redevelopment Plan with regard to the Redevelopment Area;

WHEREAS the Redevelopment Plan incorporates various improvements including acquisition of 10 Rooney and a Dog Park;

WHEREAS the owners of the properties have agreed to a Resolution set forth in the attached Settlement Agreement which includes dismissal of 2018 and a waiver of any and all tax refunds for 2017 through 2019 based upon the proposed assessments set forth in the Settlement Agreement;

WHEREAS the proposed assessments are consistent with the acquisition costs by the current owners which occurred in 2017;

WHEREAS to the extent that anything occurs whereby the eventual acquisition of 10 Rooney does not occur along with the amenities incorporated in the Redevelopment Plan, all parties will reserve all right and remedies with regards to the Tax Appeals;

WHEREAS the proposed Agreements are consistent with the Redevelopment Plan;

NOW BE IT HEREBY RESOLVED by the Township Council of the Township of West Orange that the Settlement Agreement annexed hereto be and is hereby approved in its entirety; it is further

RESOLVED that the Mayor be and is hereby authorized to execute the Settlement Agreement and the Township Clerk be and is hereby authorized to attest to the Mayor's signature; and it is further

RESOLVED that Notice shall be published in accordance with the applicable law and a copy of the Settlement Agreement shall be available for inspection during normal business hours in the Municipal Clerk's office.

Karen J. Carnevale, R.M.C.
Municipal Clerk

Jerry Guarino
Council President

Adopted: December 18, 2019