

RESOLUTION

WHEREAS, St. Barnabas Realty Development Corp. (“SBRDC”) owns property in West Orange identified as Block 165.06 Lot 2 (95 Old Short Hills Road) on the Tax Map of West Orange, which property and improvements thereon comprise an administration building for other related not for profit hospital properties (the "Property"); and

WHEREAS, the Property is currently and has been assessed as exempt for the tax years 2014-2021 from municipal property taxes pursuant to N.J.S.A. 54:4-3.6; however, SBRDC is willing to make a voluntary payment in lieu of taxes to West Orange to offset the costs of services West Orange provides to the Property; and

WHEREAS, West Orange has filed tax appeals with the Tax Court of New Jersey under Docket Numbers 000793-2016, 000809-2016, 005497-2016, 002075-2017, 004974-2018, 002123-2019, 000710-2020, 002586-2021, challenging the tax exemption of SBRDC (the “Tax Appeal”) for the Property owned by SBRDC in West Orange and as further described in the Complaints filed in the Tax Appeal; and

WHEREAS, SBRDC has made in lieu payments to West Orange for the Property for the years 2014-2020 in the annual amount of \$286,422;

WHEREAS, in recognition of the public services provided by West Orange that benefit the Property and its occupants, and more particularly to offset some of the costs incurred by West Orange to provide such public services, SBRDC desires to make an additional voluntary payment in lieu of taxes to West Orange for the years 2019 through 2021 with annual payments continuing through the year 2025, subject to the terms and conditions set forth under this Agreement;

WHEREAS, SBRDC and West Orange have a unique and continuing relationship and desire to amicably resolve the issue regarding taxation and fair dealing with respect to municipal services without the necessity, risk and expenses of a tax appeal, judicial determination of exemption, or other litigation; and

WHEREAS, the parties intend that the Term of this Agreement shall run through the year 2025;

NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, that the Agreement for Payment in Lieu of Taxes for 95 Old Short Hills Road, Block 165.06, Lot 2 be and is hereby approved; and it is further

RESOLVED, that the Mayor be and is hereby authorized to execute any documents necessary and appropriate to effectuate this settlement.

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

Cindy Matute-Brown, Council President

Adopted: July 13, 2021