

EAST STROUDSBURG AREA SCHOOL DISTRICT
BOARD OF EDUCATION
REGULAR MEETING – April 20, 2015

Carl T. Secor Administration Center – Board Room

7:00 P.M.

ADDENDUM A

XIX. FISCAL ITEMS

(The following item(s) are to be deleted from the consensus motion at Board Member(s) request.)

T. Comprehensive Settlement Stipulation

RECOMMENDATION: Motion to approve the Comprehensive Settlement Stipulation with regard to the assessment appeal actions filed to Monroe County Court of Common Pleas Nos. 10142 CV 2013 and 9495 CV 2014 with HRP Corp. and Ha Ra Corporation, and to authorize the Solicitor to execute the same, and to assist and advise the Administration regarding the fulfillment of the terms of the Stipulation.

(See pages 2-8)

IN THE COURT OF COMMON PLEAS OF
MONROE COUNTY, PENNSYLVANIA

**HRP CORP. and
HA RA CORPORATION,**

Petitioners,

vs.

**MONROE COUNTY BOARD
OF ASSESSMENT APPEALS,**

Respondent.

Case No.: 10142 CV 2013

CIVIL ACTION-LAW

HRP CORP.

Petitioner,

vs.

**MONROE COUNTY BOARD
OF ASSESSMENT APPEALS,**

Respondent.

Case No.: 9495 CV 2014

CIVIL ACTION-LAW

COMPREHENSIVE SETTLEMENT STIPULATION

Now come the undersigned Parties, by and through their respective counsel and stipulate and agree that the above captioned consolidated tax assessment appeals shall be resolved upon the following terms and conditions, and respectfully request your Honorable Court to approve same:

I. BACKGROUND

1. This is a consolidated tax assessment appeal involving tax parcels owned by Ha Ra Corporation and HRP Corp. (the "Taxpayers") which are part of the Villas at Tree Tops and Fairway located at Fernwood Resort in Middle Smithfield Township, Monroe County, Pennsylvania.

2. Ha Ra Corporation owns tax parcel 9/4/1/101 which includes 9 holes of the 18 hole golf course at Fernwood Resort as well as tax parcel 9/4/1/102-1 which comprises administrative facilities at the resort.
3. HRP Corp. owns tax parcel 9/3G/2/1-1 which consists of a Fairway Villas Unit 1601, tax parcel 9/110968 which is an unimproved 39.32 acre parcel and several tax parcels comprising common areas and amenities within the Fairway Villas development as more particularly listed on Exhibit A attached hereto and made part hereof.
4. At the time of the appeals before the Monroe County Board of Assessment Appeals (the "Board"), the tax parcels involved in this consolidated appeal were assessed as set forth on Exhibit A.
5. All the tax bills for the tax years in question were generated by the taxing authorities using these assessment figures, by applying the applicable millage of each taxing authority, to wit, the County of Monroe, the Eastern Monroe Public Library Authority, Middle Smithfield Township, and the East Stroudsburg Area School District.
6. The participating parties in this consolidated appeal are the Taxpayers, the County of Monroe and the East Stroudsburg Area School District. Middle Smithfield Township was given notice of the appeals but has declined to participate or intervene herein.
7. The Parties hereto, after extensive negotiations, have entered into a comprehensive settlement stipulation as set forth herein.

II. TERMS OF AGREEMENT

8. The foregoing recitals are incorporated as if full set forth herein.
9. The appeal on tax parcel 9/4/1/102-1 is withdrawn by Ha Ra Corporation.

10. The Parties agree that the assessed values for the remaining tax parcels for the years at issue shall be as set forth on Exhibit B attached hereto and made part hereof.

11. As a result of the foregoing agreement, the Taxpayers shall be entitled to a refund from the taxing authorities on account of taxes paid during the pendency of this consolidated appeal as calculated on the revised assessments set forth on Exhibit B.

Jeffrey A. Durney, Esquire
Attorney for Monroe County Board of
Assessment Appeals, Respondent

F. Andrew Wolf, Esquire
Attorney for Ha Ra Corporation and HRP Corp.,
Petitioners

Christopher S. Brown, Esquire
Attorney for East Stroudsburg Area School District,
Participating Party

EXHIBIT A – CURRENT ASSESSMENTS

<u>HRP CORP. TAX PARCELS</u>	<u>ASSESSMENT</u>
9/3G/2/1-1 (Unit 1601)	28,250
9/110968 (39.32 acres vacant land)	265,410
9/3/1/7 (common area)	8,830
9/3/1/9 (common area)	19,590
9/119905 (common area)	66,490
9/3G/2/1 (common area)	86,000
9/111140 (common area)	91,160
9/3/1/2-2 (common area)	55,560

HA RA CORPORATION TAX PARCELS

9/4/1/101 (9 hole golf course)	273,330
9/4/1/102-1	520,840

EXHIBIT B – REVISED ASSESSMENTS

HRP CORP. TAX PARCELS

ASSESSMENT

9/3G/2/1-1 (Unit 1601)	26,360
9/110968 (39.32 acres vacant land)	90,000
9/3/1/7 (common area)	220
9/3/1/9 (common area)	4,060
9/119905 (common area)	1,230
9/3G/2/1 (common area)	1,590
9/111140 (common area)	43,900*
9/3/1/2-2 (common area)	260*

HA RA CORPORATION TAX PARCELS

9/4/1/101 (9 hole golf course)	141,250
9/4/1/102-1	520,840 (Unchanged)

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CIVIL ACTION-LAW

ORDER

AND NOW, this ____ day of April, 2015, the parties appeared at this time scheduled for hearing on the merits of this appeal and advised that they had reached a settlement. That settlement is memorialized by the Comprehensive Settlement Stipulation attached to this Order and hereby approved and entered as an Order of this Court.

In accordance with 72 P.S. §5020-518.2 (1995), I have made the following determinations:

- (a) The Common Level Ratio for Monroe County for the years involved in this appeal is 4.55 for 2014 and 4.27 for 2015.

1. In both of the years above, the Pre-determined Ratio varied by less than fifteen (15%) percent from the Common Level Ratio. Accordingly, in deriving the assessed values from fair market values for the tax parcels at issue, the Predetermined Ratio (4.0) was applied.
2. The fair market values and resulting assessed values of the real estate subject to this appeal are:

(a) For tax year 2014 and 2015:

Tax Parcel 9/4/1/101 = \$565,000 (Assessment 141,250)

Tax Parcel 9/3G/2/1-1 = \$105,440 (Assessment 26,360)

Tax Parcel 9/110968 = \$360,000 (Assessment 90,000)

Tax Parcel 9/3/1/7 = \$880 (Assessment 220)

Tax Parcel 9/3/1/9 = \$16,240 (Assessment 4,060)

Tax Parcel 9/119905 = \$4,920 (Assessment 1,230)

Tax Parcel 9/3G/2/1 = \$6,360 (Assessment 1,590)

(b) For tax year 2015:

Tax Parcel 9/111140 = \$175,600 (Assessment 43,900)

Tax Parcel 9/3/1/2-2 = \$1,040 (Assessment 260)

3. The parties and Middle Smithfield Township are directed to comply with the Comprehensive Settlement Stipulation and this Order.

BY THE COURT

D. MICHAEL STINE, S.J.
Specially Presiding

Cc: F. Andrew Wolf, Esq,
Jeffrey A. Durney, Esq.
Christopher S. Brown, Esq.