



## Legislation Details (With Text)

**File #:** 17-1532      **Version:** 1      **Name:** Chocolate Factory Condo v. City of Newark  
**Type:** Resolution      **Status:** Adopted  
**File created:** 8/17/2017      **In control:** Law  
**On agenda:** 9/7/2017      **Final action:** 9/7/2017

**Title:** Dept/ Agency: Law  
Action: ( ) Ratifying (X) Authorizing ( ) Amending  
Purpose: Settlement of Civil Litigation  
Docket No.: ESX-C-206-16  
Claimant: The Chocolate Factory Condominium Association, Inc.  
Claimant's Attorney: Chiesa Shahinian & Giantomasi, P.C.  
Attorney's Address: One Boland Drive, West Orange, New Jersey 07052  
Settlement Amount: \$67,304.61  
Funding Source: City's General Fund/Fund: 011, Account: 3175  
Additional Comments:  
Invitation: Acting Corporation Counsel, September 6, 2017

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
9/7/2017	1	Municipal Council	Adopt	Pass

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**WHEREAS**, a suit was instituted in the Superior Court of New Jersey, Essex County, Chancery Division captioned The Chocolate Factory Condominium Association, Inc., John Does 1-25 v. City of Newark, et al., Docket Number: ESX-C-206-16, in which the plaintiff and co-defendants sought refund for improper tax assessments and refund of tax sale certificates; and

**WHEREAS**, a proposal has been made to resolve this litigation by payment in the total amount of \$67,304.61 (Sixty-Seven Thousand Three Hundred Four Dollars and Sixty-One Cents); and

**WHEREAS**, the Acting Corporation Counsel based upon all facts and circumstances, deems it

in the best interest of the City of Newark to resolve said matter by payment of the proposed Settlement.

**NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:**

1. The Acting Corporation Counsel is hereby authorized on behalf of the City of Newark to execute and accept the terms of the Settlement Agreement and Release, attached hereto.

2. Upon receipt by the Acting Corporation Counsel of all documents deemed necessary, the Director of Finance is hereby authorized and directed to issue one check in the amount of \$67,304.61 (Sixty-Seven Thousand Three Hundred Four Dollars and Sixty-One Cents), which payment shall be made payable to "Gary C. Zietz, LLC c/o US Bank for PC5 Sterling National & SBMuni%LB-Honey Badger" and which payment will be mailed to Robin London-Zeitz, Esq., Gary C. Zeitz, LLC, 1101 Laurel Oak Road, Suite 170, Voorhees, New Jersey, 08043.

3. The Funds for this settlement will come from Fund 011 and Account 3175 in the amount of \$67,304.61 (Sixty-Seven Thousand Three Hundred Four Dollars and Sixty-One Cents), for the purpose set forth herein.

4. A fully executed copy of the Settlement Agreement shall be filed in the Office of the City Clerk by the Acting Corporation Counsel.

5. This resolution shall be effective upon adoption in accordance with applicable State Law.

**STATEMENT**

This Resolution authorizes the Acting Corporation Counsel on behalf of the City of Newark to enter into a Settlement Agreement and Release to settle civil litigation captioned, The Chocolate Factory Condominium Association, Inc., John Does 1-25 v. City of Newark, et al., Docket Number: ESX-C-206-16, in the amount of \$67,304.61, in exchange for Plaintiff's and Co-Defendants' dismissal of any and all claims/cross-claims against the City of Newark and a complete release.