RESOLUTION: 181 - 12

RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT TO REMOVE PROPERTY OWNED BY MANUEL MCNEAL FROM THE BOROUGH OF CLAYTON'S PILOT PROGRAM AT THE RESERVE AT ACADEMY WALK ACTIVE ADULT COMMUNITY, BLOCK 1904.02, LOT 35 BASED UPON TOTALLY DISABLED VETERAN STATUS

WHEREAS, Manuel McNeal resides at 13 June Ann Drive located in The Reserve at Academy Walk Active Adult Community ("The Reserve"); and

WHEREAS, The Reserve is subject to a payment in lieu of tax (PILOT) Program; and

WHEREAS, Manuel McNeal is a totally disabled Veteran who qualifies for total exemption from payment of real estate taxes; and

WHEREAS, in order to be eligible for total exemption from payment of real estate taxes, Manuel McNeal must be removed from the PILOT Program;

WHEREAS, Manuel McNeal and the Borough of Clayton are in agreement that the subject property be removed from the PILOT Program so that he may be eligible to receive the total tax exemption based upon his 100% disabled Veteran status.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Clayton, County of Gloucester and State of New Jersey as follows:

1. That the governing body does hereby approve and authorize the execution of the attached Agreement between the Borough of Clayton and Manuel McNeal removing his property from the PILOT Program based upon his status as a totally disabled veteran.

2. That the Mayor and/or Borough Administrator be and is hereby authorized to execute said Agreement on behalf of the Borough of Clayton.

ADOPTED at a meeting of the Mayor and Council of the Borough of Clayton, County of Gloucester, and State of New Jersey held on Thursday, September 13, 2012.

BOROUGH OF CLAYTON

THOMAS BIANCO, Mayor

Attest:

CHRISTINE NEWCOMB, Municipal Clerk

CERTIFICATION

I, Christine Newcomb, Municipal Clerk, of the Borough of Clayton, in the County of Gloucester, do hereby certify that the foregoing Resolution was presented and duly adopted by the Borough Council at a meeting of the Borough of Clayton held on Thursday, September 13, 2012.

CHRISTINE NEWCOMB
Municipal Clerk

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AGREEMENT TO REMOVE PROPERTY
OWNED BY MANUEL MCNEAL
FROM THE BOROUGH OF CLAYTON'S PILOT PROGRAM
AT THE RESERVE AT ACADEMY WALK,
BLOCK 1904.02, LOT 35

I, Manuel McNeal, of 13 June Ann Drive, Clayton, New Jersey 08312 does hereby certify as follows:

1. I am a resident of the Borough of Clayton and live at 13 June Ann Drive, Clayton, New Jersey 08312, a/k/a Block 1904.02, Lot 35

2. I reside in a property located in the Reserve at Academy Walk ("Reserve").

3. The Reserve is subject to a payment in lieu of tax (PILOT) Program in which property owners pay a percentage of their sale price to the Borough of Clayton in lieu of actual real estate taxes over a period of twenty (20) years.

4. I am a one-hundred percent (100%) disabled Veteran who would otherwise qualify for a total exemption from the payment of normal real estate taxes if I owned a property in the State of New Jersey which was not the subject of a PILOT Program.

5. I have been advised by the Borough of Clayton that since my property is part of a PILOT Program, I am ineligible for the total real estate tax exemption and I would be required to pay the PILOT payments on my property.

6. The Borough of Clayton has advised me, however, that if I wish to remove my property from the PILOT Program, I would then be eligible for total tax exemption based upon my Veteran status of one-hundred percent (100%) disability.

7. However, the Borough has also advised me that should I request my property be removed from said PILOT Program, and if I later sell the property to a non-100% (one-hundred percent) disabled Veteran, the new property owner would be required to pay regular property taxes on said property.

8. I have advised the Borough of Clayton that I am in agreement with my property being removed from the PILOT Program, with the understanding that I will then be eligible to receive the total tax exemption based upon my one-hundred percent (100%) disabled Veteran status.

9. I further understand and acknowledge that by requesting the Borough to remove my property from the PILOT Program, then any subsequent non-100% (one-hundred percent) disabled Veteran would be required to pay regular real estate taxes on the property and any subsequent owner would not be eligible for the PILOT Program.

10. I have also been advised by the Borough of Clayton that in the event the State legislature should change the current status with respect to the ineligibility of total tax exemption by a one-hundred percent (100%) disabled Veteran on property subject to a PILOT Program, then this property would automatically become eligible again for the PILOT Program if later sold by me.

11. I hereby acknowledge that I have made this decision freely and voluntarily and have not been forced or coerced into agreeing to remove my property from the PILOT Program.

12. I, Manuel McNeal, hereby certify that the foregoing statements made by me are true. I am aware that if any of the statements are false, I am subject to punishment.

By: _____
Manuel McNeal

Sworn to and subscribed before me
This 31st day of August, 2012

_____

DEBRA A. SCHLOSSER
A Notary Public of New Jersey
My Commission Expires 7/08/2016