

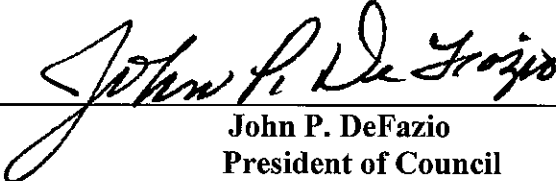
**APPOINTMENT**

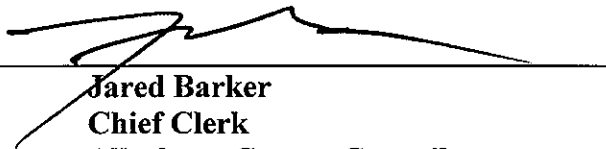
Approving the reappointment of Dusty Kirk, Esq. to serve as a member of the Allegheny Regional Asset District Board for a term to expire on December 31, 2019.

**SPONSORED BY COUNTY EXECUTIVE FITZGERALD**

In Council February 2<sup>nd</sup>, 2016.

**Read and approved by Motion of Council.**

  
\_\_\_\_\_  
John P. DeFazio  
President of Council

Attest:   
\_\_\_\_\_  
Jared Barker  
Chief Clerk  
Allegheny County Council

COUNTY OF



RICH FITZGERALD  
COUNTY EXECUTIVE

RECEIVED  
ALLEGHENY COUNTY COUNCIL  
ALLEGHENY  
2016 JAN 14 AM 10:33  
JC

January 14, 2016

Honorable President and Members  
Allegheny County Council  
119 Courthouse  
Pittsburgh, PA 15219

Dear Members of Council:

Please find the attached biography of Dusty Kirk, whom I am recommending for reappointment to the Regional Asset District Board.

The mission of the Regional Asset District is to support and finance regional assets in the areas of libraries, parks and recreation, cultural, sports and civic facilities and programs. In addition to providing grants from half of the proceeds of the Allegheny County Sales and Use Tax, the District works with citizen boards and government officials monitoring the assets for effective operation and development. I am recommending that Ms. Kirk serve a 4-year term to expire on December 31, 2019.

Ms. Kirk is currently a Partner at ReedSmith in charge of their real estate group. She received her bachelor's from Allegheny College and her Juris Doctor from Dickinson School of Law.

I appreciate your consideration, and ask you to act on this appointment as quickly as possible. Ms. Kirk will make herself available for review before the appropriate committee if members of Council wish to speak with her.

Sincerely,

Rich Fitzgerald  
Allegheny County Executive

**OFFICE OF THE COUNTY EXECUTIVE**

101 COURTHOUSE • 436 GRANT STREET • PITTSBURGH, PA 15219 • PHONE (412) 350-6500 • FAX (412) 350-6512  
WWW.ALLEGHENYCOUNTY.US • EXECUTIVE@ALLEGHENYCOUNTY.US

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The business of relationships.

## Our people

**Dusty Elias Kirk****Partner**  
**Pittsburgh**

T: +1 412 288 5720 (Pittsburgh)

F: +1 412 288 3063 (Pittsburgh)

E: [dkirk@reedsmith.com](mailto:dkirk@reedsmith.com)[Vcard](#)

Dusty is the Practice Group Leader of the firm's Real Estate Group. She concentrates her practice on all aspects of real estate development, with an emphasis on real estate litigation, including real estate tax-assessment appeals, land-use and zoning appeals, and eminent domain proceedings. Dusty counsels her clients on an array of sustainability issues that impact development projects and facilities, including advice on sustainable development matters such as the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) rating system, and regulatory compliance matters such as greenhouse gas emission regulations, obtaining other regulatory approvals, negotiating complex contractual arrangements, resolving disputes, and managing risk avoidance.

Dusty's work in real estate development includes handling the acquisition, financing and tax increment financing for commercial, retail, office, industrial and institutional properties, and obtaining economic incentives for development projects. She regularly handles issues involving public-private partnerships, and transportation issues including highway occupancy permits.

She represents real estate developers, property owners and nonprofit institutions in real estate assessment appeals of industrial, commercial, office, retail and exempt properties in issues regarding valuation of real estate, tax-exempt status, taxation of mineral rights, and tax abatements for newly constructed and reconstructed properties. Dusty litigates matters throughout Pennsylvania before administrative hearing boards, as well as in trial and appellate proceedings.

Dusty's general real estate practice involves negotiating with local tax jurisdictions on tax-increment financing, transportation and highway occupancy permits, and business and neighborhood improvement districts. She also represents property owners in realty

transfer tax and sales-and-use tax matters, prepares loan and loan-workout documents for both lenders and developers, and negotiates sales agreements.

Dusty has represented the following:

- A national sporting franchise with the structuring and negotiation of Pennsylvania's first community benefits agreement that allowed for the development of a new arena in a metropolitan area
- A consortium of cellular communications tower companies in litigation concerning the taxability of communication towers for purposes of property tax assessment
- Allegheny County (Pa.) taxpayers in a class action in connection with a court-ordered, county-wide increase in assessment of real estate taxes
- A national real estate developer in obtaining transportation approvals and tax increment financing approvals in the City of Pittsburgh, Allegheny County
- A national real estate developer in obtaining tax increment financing in East Franklin, Armstrong County; Union Township, Lawrence County; White Township, Indiana County; East Huntingdon, Westmoreland County; and Chippewa, Beaver County (all Pa.)
- A national discount retailer in the acquisition and leasing of properties for development of discount stores, including land use, zoning and all development issues
- A national convenience store in an analysis of the real estate taxes payable by the convenience store on its locations throughout Pennsylvania, including pursuing appeals through the local administrative agency, and Court of Common Pleas and Appellate Courts
- A regional real estate developer in the development of pharmacies, and in zoning and land-use matters in Western Pennsylvania
- A major Pennsylvania bank in an analysis of the real estate taxes payable on all of the branch bank locations owned or leased by the bank
- A major supermarket chain in an analysis of the real estate taxes payable by the supermarket on all of its supermarket locations, warehouses and office buildings in Western Pennsylvania
- A major hospital in a case where the county challenged its tax-exempt status; successfully defended its tax-exempt status, and the county withdrew its petition
- A housing authority in a challenge by a county to the tax-exempt status of 63 of its rent-to-own properties; successfully defended the challenge so that the tax-exempt status was maintained by the housing authority

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**Publications**

- Dusty has authored numerous articles regarding real estate law.

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**Experience**

2010 Reed Smith  
Practice Group Leader of the firm's Real Estate Group

1998 Pepper Hamilton LLP – Partner  
Served as co-chair of the Real Estate Practice Group and chair of the Sustainability, CleanTech and Climate Change Team. She also was a member of the Executive Committee.

— Frank, Bails, Kirk, Murcko and Toal, P.C. – Founding Member and President

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**Legal Education** 1979 J.D., The Dickinson School of Law

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**Undergraduate Education** 1975 B.A., Allegheny College

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**Professional Admissions / Qualifications**

- Pennsylvania

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**Professional Affiliations**

- Allegheny County Bar Association – Member, Board of Governors; Chair, Council for the Real Property Section
- Allegheny County Transportation Action Partnership – Legal Counsel
- Allegheny Regional Asset District – Member, Board of Directors
- Juvenile Diabetes Research Foundation of Western Pennsylvania – President, Board of Directors
- Pennsylvania Bar Association – Member, Women in the Profession Committee
- Pennsylvania Supreme Court – Appointed, Disciplinary Board Hearing Officer
- Planned Parenthood of Western Pennsylvania – Past Board Chair
- Southwestern Pennsylvania Community Development Network (a part of Sustainable Pittsburgh) – Member, Steering Committee
- Winchester Thurston – Member, Board of Directors

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**Awards, Honors and Recognitions**

- Listed in *The Best Lawyers in America* (since 2006)
- Listed in *Pennsylvania Super Lawyers 2011* in the area of Real Estate Law
- Named a "2011 Women of Achievement Honoree" by Celebrate & Share for outstanding accomplishments and contributions to the community

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# COUNTY OF ALLEGHENY

**OFFICE OF THE COUNTY COUNCIL**  
119 COURTHOUSE · 436 GRANT STREET  
PITTSBURGH, PA 15219  
PHONE (412) 350-6490 · FAX (412) 350-6499  
COUNCIL@COUNTY.ALLEGHENY.PA.US  
WWW.COUNTY.ALLEGHENY.PA.US/COUNCIL

February 5, 2016

Ms. Dusty Kirk, Esq., Partner  
ReedSmith  
Reed Smith Centre  
225 Fifth Avenue  
Pittsburgh, PA 15222

Dear Ms. Kirk:

This is to inform you that at the Regular Meeting of Allegheny County Council held on February 2, 2016 Council approved your reappointment to serve as a member of the Allegheny Regional Asset District Board for a term to expire on December 31, 2019.

Congratulations on your reappointment and best of luck in this undertaking. We look forward to receiving your recommendations and stand willing to assist you in any way you believe appropriate.

Sincerely,

Edward J. Kress, Appointment Review Committee Chair  
Allegheny County Council

cc: Richard Hudic, Executive Director, RAD

EJK/sb