

RESOLUTION

Resolution of the County of Allegheny revising the boundaries of the Center Triangle TIF District;

Whereas, Pennsylvania's Tax Increment Financing Act, 53 P.S. § 6930.1 et seq. (the "*Act*"), provides local taxing bodies the legal authority to cooperate in providing financing for the development of blighted areas within their respective jurisdictions in order to increase the tax base and improve the general economy; and

Whereas, the "Tax Increment Financing Plan – New Lazarus Department Store and Penn Avenue Place" (the "*1995 TIF Plan*") prepared by the Urban Redevelopment Authority of Pittsburgh (the "*Authority*") was approved by the County of Allegheny (the "*County*") by resolution of October 19, 1995 and by the School District of Pittsburgh (the "*School District*") by resolution of October 25, 1995; and

Whereas, as of December 1, 1995, the City of Pittsburgh (the "*City*" and, together with the County and the School District, the "*Taxing Bodies*") approved and adopted the 1995 TIF Plan and created the Center Triangle Tax Increment Financing District (the "*Original District*"); and

Whereas, the Original District was expanded by Amendment No. 1 and Amendment No. 2 (as amended, the "*TIF District*") in connection with the 1998 Center Triangle Tax Increment Financing Plan (the "*1998 TIF Plan*") and the 1999 Center Triangle Tax Increment Financing Plan (the "*1999 TIF Plan*" and, together with the 1995 TIF Plan and the 1998 TIF Plan, the "*TIF Plans*"); and

Whereas, pursuant to the TIF Plans, the Taxing Bodies and the Authority entered into a Cooperation Agreement Regarding Center Triangle Tax Increment Financing District dated as of December 1, 1995, which was amended by the Cooperation Agreement Regarding Center Triangle Tax Increment Financing District, as Amended by Amendment No. 1, dated as of December 15, 1999, and by the Cooperation Agreement Regarding Center Triangle Tax Increment Financing District, as Amended by Amendment No. 2, dated as of October 15, 1999 (collectively, the "*Cooperation Agreements*"); and

Whereas, the Cooperation Agreements contemplate that the Authority may propose such amendments to the TIF Plans, the TIF District and the Cooperation Agreements as it deems advisable but no such amendment shall be effected until approved by each of the Taxing Bodies and the Authority; and

Whereas, the Authority has recommended that the TIF Plans be amended to revise the boundaries of the TIF District by removing from the TIF District the parcels identified on Exhibit A hereto so that such property and buildings are able to take advantage of the Local Economic Revitalization Tax Assistance Act which encourages the use of such properties for residential purposes (collectively, the "*Excluded Property*").

Be it resolved by the Council of Allegheny County as follows:

Section 1. Upon the recommendation of the Authority, and subject to the approval of the City and the School District, the amendment of the TIF Plans to revise the boundaries of the TIF District by removing the Excluded Property from the TIF District is hereby approved.

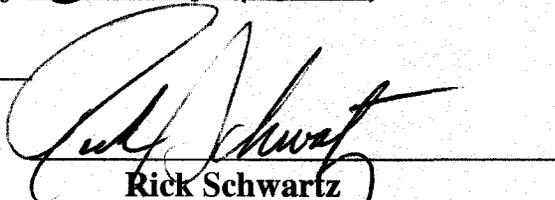
Section 2. The appropriate public officials of the County are hereby directed to take such actions in cooperation with the Authority, the City and the School District as are necessary or appropriate to accomplish the foregoing, including, but not limited to, amending the Cooperation Agreements and any other appropriate documents to reflect such amendments.

SECTION 3. *If any provision of this Resolution shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of this Resolution which shall be in full force and effect.*

SECTION 4. *Any Resolution or Ordinance or part thereof conflicting with the provisions of this Resolution is hereby repealed so far as the same affects this Resolution.*

Enacted in Council, this 21st day of October, 2003

Council Agenda No. 1311-03



Rick Schwartz
President of Council

Attest: John Mascio
John Mascio
Chief Clerk of Council

Approved as to form: Charles P. McCullough
Charles P. McCullough
County Solicitor

Chief Executive Office October 29, 2003

Approved: James C. Rodney
James C. Rodney
Chief Executive

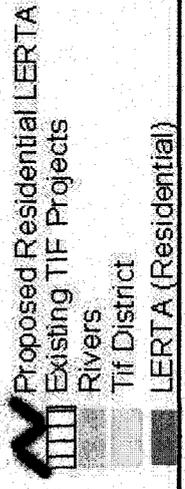
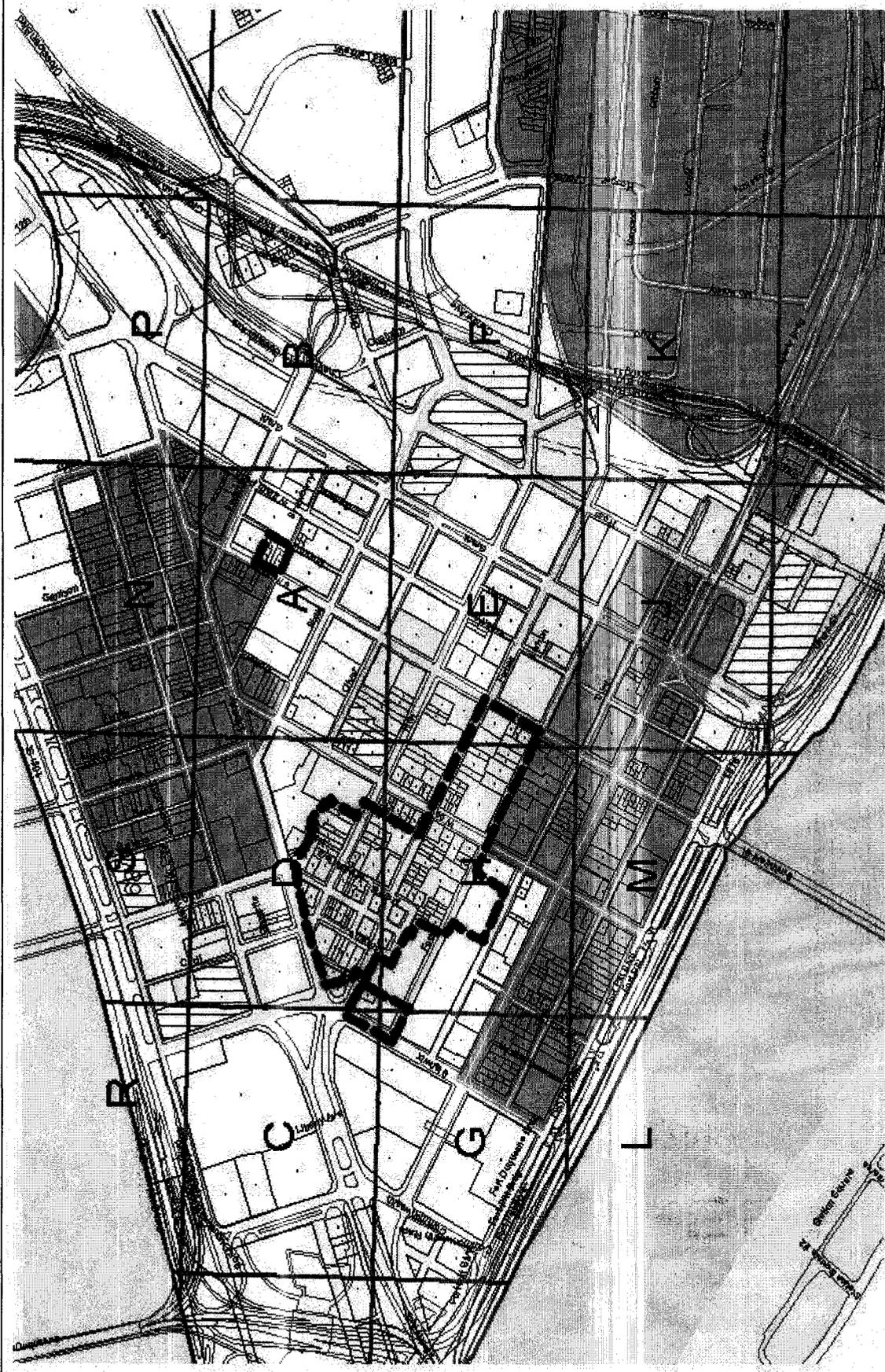
Attest: Victoria Spence
Victoria Spence
Executive's Secretary

EXHIBIT A

Excluded Property (LERTA)

All that certain property situate in the City of Pittsburgh, County of Allegheny and Commonwealth of Pennsylvania, designated by the following Lot and Block Numbers:

1-C-228	1-D-165	1-H-201
1-C-226	1-D-163	1-H-202
1-D-250	1-D-162	1-H-204
1-D-115	1-D-160	1-H-205
1-D-117	1-D-266	1-H-206
1-D-125	1-D-268	1-H-208
1-D-126	1-D-276	1-H-207
1-D-127	1-D-274	1-H-212
1-D-128	1-D-273	1-H-213
1-D-130	1-D-278	1-H-214
1-D-132	1-D-279	1-H-280
1-D-139	1-D-280	1-H-281
1-D-141	1-H-228	1-H-282
1-D-144	1-H-226	1-H-283
1-D-145	1-H-312	1-H-286
1-D-146	1-H-223	1-H-287
1-D-148	1-H-218	1-H-288
1-D-149	1-H-217	1-H-291
1-D-149-A	1-H-216	1-H-292
1-D-150	1-H-178	1-H-294
1-D-153	1-H-179	1-H-295
1-D-156	1-H-180	1-H-299
1-D-173	1-H-181	1-H-302
1-D-174	1-H-184	1-H-303
1-D-177	1-H-185	1-H-306
1-D-179	1-H-187	1-H-309
1-D-188-1	1-H-187-A	1-H-311
1-D-188-2	1-H-188	
1-D-243	1-H-177	
1-D-245	1-H-324	
1-D-246	1-H-317	
1-D-247	1-H-314	
1-D-251	1-H-192-1	
1-H-192	1-H-195	
1-D-169	1-H-194	
1-D-168	1-H-196	
1-D-167	1-H-200	



CBD LERTA and TIF Districts
9-19-03

URA Request to Amend Center Triangle TIF District and Add Parcels to LERTA District

- The URA has requested that the County approve changes to the Center Triangle TIF District by removing non-developed parcels, not used as part of the increment to finance the debt, and placing them in a LERTA district to encourage rental housing development.
- The Taxing Bodies adopted the Center Triangle TIF Plan in 1995 to support the New Lazarus Department Store and Penn Avenue Place. In 1998 the Taxing Bodies adopted Amendment No. 1 to the Center Triangle TIF Plan to support the Mellon Client Service Center Project. Then, in 1999, the Taxing Bodies adopted Amendment No. 2 to the Plan to support the PNC Bank's Firstside Center Project.
- The exemption schedule for the LERTA district will be for 10 years, at a 10% declining scale every two years.
 - Years 1 & 2: 100%
 - Years 3 & 4: 90%
 - Years 5 & 6: 80%
 - Years 7 & 8: 70%
 - Years 9 & 10: 60%
- The URA has said that the bond indentures and TIF Coop Agreement allow the exclusion of properties only being used as collateral upon approval of the Letter of Credit Bank (PNC).
- **The URA has supplied favorable opinions from Bond Counsel and PNC Bank stating that this amendment to the TIF District is permissible under the TIF Coop Agreement and Bond Indentures.**
- **Law Department has stated that the opinion letters from Bond Counsel and PNC are acceptable.**

2003 OCT -2 AM 10: 03

MEMORANDUM

OFFICE OF THE COUNTY MANAGER

TO: John Mascio
Chief Clerk

FROM: Robert B. Webb *RBW*
County Manager

DATE: October 2, 2003

RE: Requesting County Council Approval

Attached is a Resolution of the County of Allegheny revising the boundaries of the Center Triangle TIF District. This request is submitted by the Department of Economic Development.

Thank you.