

No. 01-03-RE

Bill No. 02-1173

A RESOLUTION

Resolution of the County of Allegheny Regarding Tax Increment Financing Plan presented by the Redevelopment Authority of Allegheny County, creating the Mt. Nebo Pointe Tax Increment Financing District, and making certain findings.

Whereas, Pennsylvania's Tax Increment Financing Act (Act of July 11, 1990, P.L. 465, No. 113) (the "Act") provides local taxing bodies legal authority to cooperate in providing financing for development of blighted areas within their respective jurisdictions in order to increase the tax base and improve the general economy; and

Whereas, under the Act, the Redevelopment Authority of Allegheny County (the "Authority") is legally empowered to prepare a Tax Increment Financing ("TIF") proposal to provide financing for the elimination and prevention of the development or spread of blight within specified tax increment districts located in the County and to present such proposal to the County for its consideration; and

Whereas, the Township of Ohio (the "Township") and the Avonworth School District (the "School District") have each adopted resolutions agreeing to participate in a TIF plan for financing certain of the costs of construction of roadway and related public infrastructure improvements within the Township, including, without limitation, (a) the addition of and modification of traffic and improvements to local roads including, without limitation, Mt. Nebo Road, Camp Horne Road, Lowries Run Road and Roosevelt Road, and (b) the construction of sanitary sewer and water infrastructure improvements, including a new on-site water distribution system, improvements to the off-site sanitary sewer system, a new on-site sanitary sewer system, improvements to the off-site storm water system and new wetlands and stream enhancements (the "TIF Project") to be located on a 79.7 acre property located in Ohio Township, Allegheny County, bounded by McAdams Lane to the North, Mt. Nebo Road to the West, Lowries Run Road to the South, and the Ross Township/Ohio Township line to the East and identified as the Mt. Nebo Pointe TIF District (the "TIF District"), and requesting the Authority to prepare a detailed TIF proposal and designating the representatives to work with the Authority, the Township, the County and the School District toward development and implementation of a TIF plan with respect to the TIF Project; and

Whereas, the Authority, working with the designated representatives of the County, the Township and the School District, has adopted a Tax Increment Financing Plan (the "Project Plan") in accordance with the requirements of the Act which Project Plan, as prepared by the Authority and filed with the County Manager, provides for the financing of certain of the costs of construction of roadway and related public infrastructure improvements within the Township, including, without limitation (a) the addition of and modification of traffic and improvements to local roads including, without limitation, Mt. Nebo Road, Camp Horne Road, Lowries Run Road and Roosevelt Road, and (b) the construction of sanitary sewer and water infrastructure improvements, including a new on-site water distribution system, improvements to the off-site

sanitary sewer system, a new on-site sanitary sewer system, improvements to the off-site storm water system and new wetlands and stream enhancements in the Mt. Nebo Pointe TIF District; and

Whereas, the Act provides for the cooperation of local taxing bodies in the financing of projects within TIF Districts and for the issuance of debt to pay for certain of the costs of implementing such plans; and

Whereas, on November 26, 2002, the County held a public hearing on the proposal to create the TIF District and the proposed adoption of the Project Plan; and

Whereas, the County is expected to benefit from the use of tax increments to pay certain project costs related to the TIF District by stimulation of private investment, increases in property values, creation of employment opportunities and improvement of surrounding properties.

The Council of the County of Allegheny hereby enacts as follows:

Section 1. After due consideration, the County finds as follows:

- (a) The TIF District is a contiguous geographic area within a redevelopment area;
- (b) the improvement of the area is likely to enhance significantly the value of substantially all of the other real property in the TIF District;
- (c) the aggregate value of equalized taxable property of the TIF District, plus all existing tax increment districts, does not exceed 10% of the total value of equalized taxable property within the County;
- (d) the area comprising the TIF District as a whole has not been subject to adequate growth and development through investment by private enterprise and would not reasonably be anticipated to be adequately developed without the adoption of the Project Plan;
- (e) a feasible method exists for the compensation of individuals, families and small businesses, if any, that may be displaced by the TIF Project and for their relocation to decent, safe and sanitary dwelling accommodations within their means, without undue hardship to such individuals, families and businesses;
- (f) the Project Plan conforms to the County's master plan;
- (g) the Project Plan will afford maximum opportunity, consistent with the sound needs of the community as a whole, for the rehabilitation or redevelopment of the TIF District by private enterprise; and
- (h) the TIF District is a blighted area containing characteristics of blight as described in the Urban Redevelopment Law and the TIF Project to be undertaken is necessary to eliminate such conditions of blight.

Section 2. The Project Plan is hereby adopted and the TIF District specifically described in the Project Plan is hereby created.

Section 3. The boundaries of the TIF District shall be as identified in the Project Plan and shall include only those whole units of property assessed or assessable for general property tax purposes.

Section 4. The TIF District created hereby shall be effective as of January 1, 2003 and shall continue in existence for a period of twenty years from January 1, 2003.

Section 5. The name of the TIF District shall be the "Mt. Nebo Pointe Tax Increment Financing District".

Section 6. Sixty percent (60%) of all real estate tax revenues in excess of the base taxes on the date of creation of the TIF District that are due, owing, and received by the County from the parcels within the TIF District are hereby pledged, and a security interest is hereby granted, to secure the repayment of any debt incurred by the Authority for the purpose of financing public infrastructure improvements included in the TIF Project.


Section 7. The appropriate public officials of the County are hereby directed to take such additional action in cooperation with the Authority, the Township and the School District in furtherance of the implementation of the Project Plan, including, without limitation, the execution and delivery of a Cooperation Agreement by and among the County, the Authority, the Township and the School District.

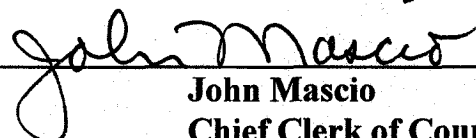
SECTION *If any provision of this Resolution shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of this Resolution which shall be in full force and effect.*

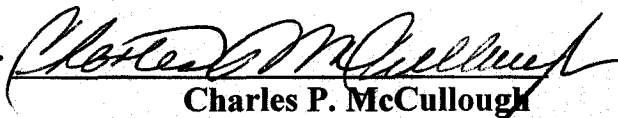
SECTION *Any Resolution or Ordinance or part thereof conflicting with the provisions of this Resolution is hereby repealed so far as the same affects this Resolution.*

Enacted in Council, this 22nd day of JANUARY, 2003

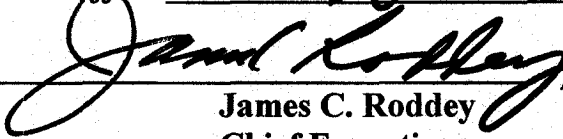
Council Agenda No. 02-1173

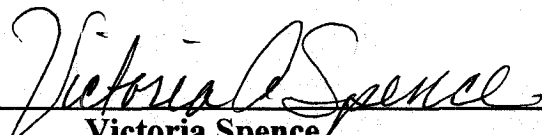

James E. Simms
President of Council

Attest: 
John Mascio
Chief Clerk of Council

Approved as to form: 
Charles P. McCullough
County Solicitor

Chief Executive Office 1-28, 2003.

Approved: 
James C. Roddey
Chief Executive

Attest: 
Victoria Spence
Executive's Secretary

MEMORANDUM
OFFICE OF THE COUNTY MANAGER

TO: John Mascio
Chief Clerk

FROM: Robert B. Webb *RBW*
County Manager

DATE: October 17, 2002

RE: Requesting County Council Approval

Attached is a Resolution of the County of Allegheny Regarding Tax Increment Financing Plan presented by the Redevelopment Authority of Allegheny County, creating the Mt. Nebo Pointe Tax Increment Financing District, and making certain findings. This request is submitted by the Department of Economic Development.

Please put on the next agenda for County Council approval.

Thank you.

MOTION OF THE COUNCIL OF ALLEGHENY COUNTY

That the County Council hold a public hearing on Council Bill No. 02-1173, a proposed Resolution regarding the Mt. Nebo Pointe Tax Increment Financing District in District 1 in Ohio Township. This hearing should be held in accordance with the requirements of the Tax Increment Financing Act of July 11, 1990, P.L. 465 No. 113. The purpose of the hearing is to afford interested parties an opportunity to express their views on:

- i.) the concept of tax increment financing;
- ii.) the proposed creation of a tax increment district in Allegheny County Council District 1 located in Ohio Township;
- iii.) the proposed boundaries of the Mt. Nebo Pointe TIF district;
- iv.) the proposed adoption of the Mt. Nebo Pointe project plan as prepared by the Redevelopment Authority ("RAAC"),
- v.) the benefits to the County.

BE IT FURTHER MOVED,

That the hearing be scheduled for 7:00 P.M. EST on November 26, 2002 in the Gold Room of the County Courthouse 4th Floor, 436 Grant Street, Pittsburgh, PA 15219 and that the Chief Clerk be authorized and directed to advertise the same no later than October 25, 2002, said advertisement attached to this Motion as Exhibit 1.

In accordance with Council's rules of procedures, the following members of Council have committed to attend the hearing:

- (1) Ron Francis, Council District 1
- (2) Dave Fawcett, At-Large
- (3) Rick Schwartz, Council District 7

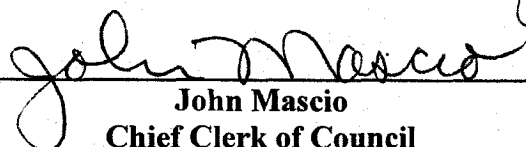
It is further moved that the Council President appoint a presiding officer prior to the date of the hearing.

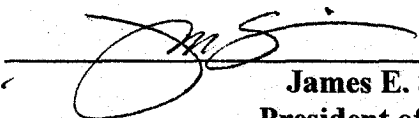
The process for the hearing shall be a presentation of the Mt. Nebo Pointe TIF Plan by RAAC, comments by the other taxing bodies and the proposed developer and then comments by the general public. Comments by the general public shall be in accordance with Section 9 Public Participation and Comment of the Rules of Council.

SPONSORED BY COUNCIL MEMBER RON FRANCIS

In Council October 22, 20 02, Read and Approved.

Attest:


John Mascio
Chief Clerk of Council


James E. Simms
President of Council