

No. 07-24-RE

A RESOLUTION

A Resolution of the County Council of Allegheny County dissolving the Mt. Nebo Pointe Tax Increment Financing District and authorizing related actions.

Whereas, pursuant to the Tax Increment Financing Act, 53 PA. Cons. Stat. Ann. §6930.1 *et. seq.* (“**Act**”), and in cooperation with the Township of Ohio (the “**Township**”), the Avonworth School District (the “**School District**”) and the Redevelopment Authority of Allegheny County (the “**Redevelopment Authority**”), the County of Allegheny, Pennsylvania (the “**County**” and together with the Township and the School District, the “**Taxing Bodies**”) adopted legislation on January 22, 2003 creating the “Mt. Nebo Pointe Tax Increment Financing District” (the “**TIF District**”); and

Whereas, pursuant to a Cooperation Agreement dated as of December 1, 2003 by and among the Redevelopment Authority, the County, the Township and the School District (the “**Cooperation Agreement**”), the Taxing Bodies pledged certain portions of the incremental real estate tax revenue resulting from increases in property values as a result of redevelopment within the TIF District to pay debt service on and costs related to execution of the TIF Plan (as defined herein); and

Whereas, development within the TIF District occurred substantially in accordance with the tax increment financing plan (as amended, the “**TIF Plan**”); and

Whereas, pursuant to an Amended and Restated Indenture of Trust dated as of June 1, 2014 between the Authority and US Bank, National Association, as successor trustee (the “**Trustee**”) (the “**Trust Indenture**”), the Redevelopment Authority issued obligations for the purpose of paying certain costs of implementing the TIF Plan; and

Whereas, as of December 1, 2023, the obligations issued pursuant to the Trust Indenture have been paid in full; and

Whereas, the County has benefitted from the TIF District and the TIF Plan by stimulation of private investment, increases in property values, creation of employment opportunities and improvement of surrounding properties; and

Whereas, because positive tax increments are no longer allocable to the TIF District, the TIF District should be terminated pursuant to §6930.8 of the Act.

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

SECTION 1. Incorporation of the Preamble.

The provisions set forth in the Preamble to this Resolution are incorporated by reference in their entirety herein.

SECTION 2. Terms Defined.

Terms used in the Preamble to this Resolution are herein used as therein defined.

SECTION 3. Dissolution of TIF District.

(a) Upon approval and signature by Allegheny County Chief Executive of this Resolution, the TIF District shall be dissolved and the pledge of incremental tax revenues from each of the Taxing Bodies shall be terminated (the “**TIF Termination Date**”).

(b) The Cooperation Agreement shall be terminated by operation of law and shall no longer be of any further force and effect as of the TIF Termination Date.

(c) Pursuant to the Trust Indenture, the Trustee shall distribute any remaining balance due to the Taxing Bodies.

SECTION 4. Notification of Actions.

The appropriate County officials are directed to deliver a copy of this Resolution to the Township and the School District, as provided in the Act.

SECTION 5. Cooperative Actions.

The appropriate public officials of the County are hereby directed to take such additional action in cooperation with the Authority, the City, and the School District in furtherance of the dissolution of the TIF District.

SECTION 6. Severability. 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 7. Repealer. 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.

SECTION 8. Effective Date. *This Resolution shall become effective immediately upon its approval.*

Enacted in Council, this 2nd day of July, 2024.

Council Agenda No. 12000-24



President of Council

Attest: 

Chief Clerk of Council

Chief Executive Office July 15, 2024

Approved: 

County Executive

Attest: 

County Manager

SUMMARY OF LEGISLATION
MT. NEBO POINTE TIF
SUBMITTED FOR COUNCIL MEETING _____, 2024

Dissolution of the Mt. Nebo Pointe Tax Increment Financing (TIF) District due to the successful completion of the project and the early repayment of outstanding TIF obligations on December 1, 2023.

**CERTIFICATE OF ALLEGHENY COUNTY
RE: DISSOLUTION OF THE MT. NEBO POINTE TIF DISTRICT**

In connection with the dissolution of the Mt. Nebo Pointe TIF District (the "TIF District"), the undersigned certifies that:

1. I am the County Manager of Allegheny County, Pennsylvania (the "County") and am authorized to execute and deliver this Certificate on behalf of the County.

2. No litigation or proceeding is pending or, to our knowledge, threatened in any court or by or before any administrative body seeking to restrain or enjoin, or restraining or enjoining the collection of the County's portion of the Pledged Increments (as such term is defined in the Cooperation Agreement Regarding the Mt. Nebo Pointe Tax Increment Financing Agreement dated as of December 1, 2003 among Ohio Township, the County, the Avonworth School District and the Redevelopment Authority of Allegheny County, as amended, the "Cooperation Agreement").

3. The County confirms that upon the release and discharge of the Amended and Restated Trust Indenture dated as of June 1, 2014 between the Redevelopment Authority of Allegheny County and US Bank, National Association, the County shall receive the following disbursements based on millage from the Cooperation Agreement (2003 assessed value): (a) \$92,520.95 from the County Tax Fund; and (b) \$1,777.35 from the TIF Fund.

[Signature Page Follows.]

COUNTY OF ALLEGHENY, PENNSYLVANIA

By: _____
Jennifer M. Liptak, County Manager

APPROVED AS TO FORM:

County Solicitor

Dated: March ___, 2024

M E M O R A N D U M
OFFICE OF THE COUNTY MANAGER

TO: Jared E. Barker
Allegheny County Council

FROM: Jennifer M. Liptak
County Manager

DATE: April 4, 2024

RE: Proposed Resolution

Attached is a Resolution of the County Council of Allegheny County dissolving the Mt. Nebo Pointe Tax Increment Financing District and authorizing related actions.

The Allegheny County Law Department has reviewed this legislation prior to submitting it to Council.

I am requesting that this item be placed on the agenda at the next Regular Meeting of Council.