

No. 11-19-RE

A RESOLUTION

A Resolution providing for a program of temporary exemption from county real property taxes for improvements, including repairs, construction, or reconstruction, made on industrial, commercial or business property in a deteriorated area in the City of Pittsburgh, County of Allegheny, Commonwealth of Pennsylvania, pursuant to the Local Economic Revitalization Tax Assistance Act, Pa. Stat. Ann. tit. 72 §4722 et seq.

Whereas, The Local Economic Revitalization Tax Assistance Act (“LERTA”), Pa. Stat. Ann. tit. 72 §4722 et seq., authorizes local taxing authorities to exempt from real estate taxation, for specific periods, the assessed valuation of improvements to deteriorated industrial, commercial and other business property; and

Whereas, the City Council (“Council”) of the City of Pittsburgh (“City”) conducted a public hearing to determine and designate the geographic boundaries of a deteriorated area located within the City; and

Whereas, the Council has established the boundaries of a deteriorated area as more specifically set forth in Attachment “A” hereto (hereinafter the “Deteriorated Area”) and adopted the temporary exemption program; and

Whereas, the Deteriorated Area is otherwise identified by Lot and Block No. 9-G-170 in the Deed Registry Office of Allegheny County; and

Whereas, the Property Owner of the deteriorated area, the Buncher Company, has entered into a ground lease with RDC Star II LLC (“Developer”) for the Deteriorated Area; and

Whereas, Developer has proposed to construct a 350,000 square foot office building within the Deteriorated Area (the “Project”); and

Whereas, Developer is expected to utilize the LERTA as a mechanism to finance certain infrastructure improvements to facilitate construction of the Project; and

Whereas, the Board of School Directors (“School Directors”) of Pittsburgh Public Schools (“School District”) have also adopted the temporary exemption program; and

Whereas, the City has requested the County of Allegheny to enact similar legislation; and

Whereas, the County Council finds that the implementation of a temporary tax exemption program in certain designated deteriorated areas would contribute to the general welfare of the community by spurring economic activity and promoting improvement in the area's business and commercial property.

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 as set forth in their entirety herein.

SECTION 2. Terms Defined.

As used in this Resolution, the following words and phrases shall have the meanings set forth below:

- (a) Assessed Valuation – The value of a parcel of real property as established by the Office of Property Assessment or the Court of Common Pleas of Allegheny County pursuant to the provisions of Article 209 and 210 of the Allegheny County Administrative Code and the Second Class County Assessment Law, 72 P.S. §5452.1 or such other applicable law or ordinance, for the purpose of the assessment and levy of real property upon which a building is located.
- (b) Construction – The construction of any of the following improvements for industrial, commercial or other business purpose:
 - 1. The erection of a building or buildings on previously unoccupied land.
 - 2. The new construction of a building, or addition to said building upon land on which a building currently exists.
 - 3. The new construction of buildings upon land where existing buildings have been demolished or razed.
 - 4. Significant rehabilitation of an existing building.
- (c) County – The County of Allegheny
- (d) Deteriorated Area – Those specific geographic areas within the City of Pittsburgh described in Attachment "A" hereto, which have been determined to be physically impaired on the basis of one or more standards, including, but not limited to, the following:
 - 1. The buildings, by reason of age, obsolescence, inadequate or outmoded design or physical deterioration, have become economic or social liabilities.

2. The buildings are substandard, unsanitary, unhealthy or unsafe.
 3. The buildings are overcrowded, poorly spaced or so lacking in light, space and air as to be unwholesome.
 4. The buildings are faultily arranged, cover the land to an excessive extent, show a deleterious use of land or exhibit any combination of the above which is detrimental to health, safety or welfare.
 5. A significant percentage of buildings are more than forty (40) years of age.
 6. A substantial amount of unimproved, overgrown and unsightly vacant land exists which has remained so for a period of five (5) years or more indicating a growing or total lack of utilization of land for economically desirable purposes.
 7. The area is an "impoverished area" as certified by the Department of Community Affairs under criteria set forth in the Act of November 29, 1967, P.L. 636, No. 282, known as the "Neighborhood Assistance Act" or is a "blighted area" under criteria set forth in the Act of May 24, 1945, P.L. 991, No. 385 known as the "Urban Redevelopment Law."
- (e) Deteriorated Property – Any industrial, commercial or other business property owned by the Property Owner and located in the Deteriorated Area, as herein provided, or any such property which has been the subject of any order by a government agency requiring the unit to be vacated, condemned or demolished by reason of noncompliance with laws, ordinances or regulations. For purposes of this Resolution, Deteriorated Property shall be the same as the Deteriorated Area in Attachment A.
- (f) Exemption – The non-liability for the payment of additional real property taxes to the County resulting from increased Assessed Valuation attributable to the actual cost of Improvement(s), as defined herein, made to Deteriorated Property within a Deteriorated Area for the period of time as set forth in Section 5(a) herein.
- (g) Improvement(s) – Repair, Construction or Reconstruction, including alterations and additions, having the effect of rehabilitating a Deteriorated Property so that it becomes habitable or attains higher standards of safety, health, economic use or amenity, or is brought into compliance with laws, ordinances or regulations governing such standards. Ordinary upkeep and maintenance shall not be deemed an Improvement.

- (h) Local Taxing Authority – The County or the City or the School District.
- (i) Office – The Office of Property Assessment of Allegheny County, Pennsylvania or such successor entity responsible by law or by ordinance for determining the validity of a valuation of real estate for the assessment and levy of real estate taxes in Allegheny County.
- (j) Property Owner – Any natural person, partnership, unincorporated association, limited liability company or corporation, nonprofit or otherwise. Whenever used in any provision of this Resolution, the word Property Owner as applied to partnerships shall mean and include all members thereof or as applied to corporations shall mean and include all officials or officers thereof. In this Resolution, the terms “Property Owner” and “Taxpayer” shall be synonymous with each other.
- (k) Reconstruction – The rebuilding or renovation of a building or buildings previously erected for the purpose of changing the economic use or amenity of such structure or to obtain higher standards of safety or health.
- (l) School District – Pittsburgh Public Schools
- (m) Tax Delinquency – All County taxes, charges, fees, rents or claims due and unpaid by the Property Owner of the Deteriorated Property or with respect to the Deteriorated Property as of the time of the application for an Exemption or at any time thereafter during the term of the Exemption. The term includes all penalties, additions, interest, attorney fees and costs due on such delinquent taxes, charges, rents or claims.
- (n) Tax Year – The twelve (12) month period from January 1 to December 31 annually. In this Resolution, the terms “Tax Year” and “Calendar Year” shall be synonymous with each other.
- (o) City – City of Pittsburgh
- (p) Treasurer – The Treasurer of the County of Allegheny.

SECTION 3. Deteriorated Area.

The area designated and set forth in Attachment “A” located within the City constitutes the Deteriorated Area. Time period and exemption schedule apply only to the boundary of the original parcel in the Deteriorated Area. Subdivision of the Deteriorated Area does not entitle the newly created parcel(s) to an additional period of abatement.

SECTION 4. Exemption.

- (a) If the Property Owner does not have a Tax Delinquency on any property located within the County, undertakes a Project within the Deteriorated Area, which is qualified as a Construction or Reconstruction or Improvement(s), then the Property Owner may apply for and receive from the County an Exemption from County real property taxes due to the increased or additional Assessed Valuation attributable to Construction or Reconstruction or Improvement(s), in the amounts and in accordance with the provisions and limitations set forth in this Resolution. The Exemption from County real estate taxes shall be specifically limited to the additional Assessed Valuation attributable to the actual costs of the Construction or Reconstruction or Improvement(s) to the Property within the Deteriorated Area. Appeals from the amount of increased Assessed Valuation attributable to the actual costs of Construction, Reconstruction or Improvement(s) of the property within the Deteriorated Areas may be taken by the Taxpayer or any local taxing authority as provided by Article 207 and 209 of the Allegheny County Administrative Code, the County's Assessment Standards and Practice Ordinance or other applicable law or ordinance.
- (b) No Exemption from taxation is being granted other than as set forth in Section 5 below.
- (c) Any property owned by the Property Owner having a Tax Delinquency is not eligible for the relief set forth in this Resolution.

SECTION 5. Exemption Schedule.

The Property Owner, whose property is located within the Deteriorated Area set forth in Attachment "A" and who makes Construction, Reconstruction or Improvement(s) to such property, may apply for and receive from the County an Exemption from County real property taxes due to the increased or additional tax assessment attributable to the Construction, Reconstruction or Improvement(s) made, in the amounts and in accordance with the provisions and limitations set forth in this Resolution.

The Exemption from County real estate taxes granted for Construction, Reconstruction or Improvement(s) to the Deteriorated Property within the Deteriorated Area described in Attachment "A" shall be in accordance with the following conditions and schedule:

- (a) The Exemption shall be limited to a maximum period of 10 years from the beginning of the Calendar Year as determined by the Office pursuant to Section 6. (f) 4. herein and shall apply to any building permitted for Construction, Reconstruction or Improvement(s) at any time during the 10-year period. Benefits will begin in the first tax year after construction completion.

- (b) The Exemption shall be equal to the amount of vacancy calculated by percentage of unleased portion of rentable building area up to one hundred percent (100%) of the County's real estate taxation upon the Assessed Valuation attributable to the Project in each of the first 10 years and shall not exceed one hundred fifty thousand dollars (\$150,000) in any single year. Vacancy shall be determined by submittal of signed lease summaries from Developer to Allegheny County Economic Development once annually before November 30th for use in the following year. In the eleventh (11th) year and all succeeding years, the exemption shall end and the entire property (land and building) shall be fully taxable. If the Property Owner receives an Exemption in excess of the limit set forth herein, a corrective tax bill shall be issued by the Treasurer.
- (c) There is no Exemption granted on the Assessed Valuation attributable to land.
- (d) No Exemption shall be granted, and any existing Exemption shall be permanently revoked, if there exists any Tax Delinquency with respect to the Deteriorated Property or any other real property owned in the County by the Property Owner. The Exemption shall be immediately revoked when Property Owner's Tax Delinquency is reported to Allegheny County Department of Economic Development by the Treasurer.

SECTION 6. **Procedure for Obtaining Exemption.**

- (a) At the time that the Property Owner secures a building permit for Construction, Reconstruction or Improvement, the Property Owner desiring the temporary real estate tax Exemption pursuant to this Resolution shall file a request in writing for Exemption on a form (hereinafter the "Exemption Request") proscribed by the City. The Property Owner shall file the form with the City, and a copy shall be delivered to the Allegheny County Office of Property Assessment ("Office").
- (b) The Property Owner must provide and certify on the Exemption Request the following information:
 - 1. Name and address of Property Owner.
 - 2. Lot and block number of the Deteriorated Property.
 - 3. The initial Assessed Valuation of the Deteriorated Property.
 - 4. The current year County taxes on the Deteriorated Property.
 - 5. The date the building permit was issued for the Construction, Reconstruction or Improvement(s).
 - 6. The summary of the plan of construction, plan of improvement(s) or reconstruction.
 - 7. The anticipated date of completion.

8. The actual costs of Construction, Reconstruction or Improvement(s).
 9. A statement indicating that there is not a Tax Delinquency on the Deteriorated Property, or any other property owned by the Property Owner, or any property owned by a partnership in which Property Owner is a partner, or on any property owned by any individual partner or investor with 10% or greater ownership interest in Property Owner.
 10. Such other information as may be necessary to process such application for Exemption.
 11. Planned use of the Deteriorated Property and certification that said use will be in compliance with the provisions and limitations set forth in this Resolution.
- (c) The Exemption Request shall be filed by the Property Owner with the Office no later than ninety (90) days after the date the building permit is issued. The ninety (90) day time period for filing the Exemption Request shall commence with Day 1 being the first full twenty-four hour day after the building permit is issued. Failure to submit such Exemption Request within this time period shall give the County the right to deny any Exemption claimed pursuant to this Resolution for the initial tax year after completion of the Construction, Reconstruction or Improvement(s), thereby limiting the length of the schedule of taxes exempted to less than the 10 year maximum period established under this Resolution.
- (d) When the Construction, Reconstruction or Improvement(s) has been completed, the Property Owner shall notify the Office in writing. Such notice must occur within ninety (90) days of completion. Failure to submit such Exemption Request within this time period shall give the County the right to deny any or all of the Exemption claimed pursuant to this Resolution for the initial tax year after completion of the Construction, Reconstruction or Improvement(s), thereby limiting the length of the schedule of taxes exempted to less than the 10 year period established under this Resolution. The notice of completion shall include the following information:
1. Name and address of the Property Owner.
 2. Lot and block number of the Deteriorated Property for which the Exemption is sought.
 3. The date that the Construction, Reconstruction or Improvement(s) was completed.
 4. Any modification to the plan of Construction or Reconstruction or Improvement(s) as previously submitted.
 5. The final, adjusted actual costs of Construction, Reconstruction or Improvement(s).

6. Certification that the use of the property or properties is or will be in compliance with the provisions and limitations set forth in this Resolution.
- (e) The Office shall, after notice in writing and with prior physical inspection, assess the Deteriorated Property to determine the valuation attributable to the Construction, Reconstruction or Improvement(s) eligible for Exemption under this Resolution.
 - (f) The Office shall provide to the County and the Property Owner the following information in writing:
 1. The Assessed Valuation of the Deteriorated Property prior to Construction, Reconstruction or Improvement(s).
 2. The increase in Assessed Valuation attributed to the Construction, Reconstruction or Improvement(s).
 3. The amount of increased Assessed Valuation eligible for Exemption.
 4. The Calendar Year in which the Exemption shall commence.

The Treasurer or collector of real estate taxes for the County shall then exonerate that Assessed Valuation increase and refund the amount of taxes attributable to the Exemption in accordance with the Exemption Schedule. The Treasurer, however, shall not exonerate taxes if there exists any Tax Delinquency with respect to the Deteriorated Property for which the Exemption is sought or any property in the County owned by the Property Owner.

- (g) Appeals from the valuation and the amount eligible for Exemption may be taken by the Property Owner or any local taxing authority as provided by Article 207 and 209 of the Allegheny County Administrative Code, the County's Assessment Standards and Practice Ordinance or other applicable law or ordinance.

SECTION 7. Transferability.

The Exemption from taxes authorized by this Resolution shall be upon the Deteriorated Property exempted and shall not terminate upon the sale, exchange or other alienation of such property unless otherwise provided.

SECTION 8. Intergovernmental Cooperation Agreement.

If required, the proper officials of the County are hereby authorized to enter into an intergovernmental cooperation agreement pursuant to the Intergovernmental Cooperation Act, Pa. Cons. Stat. Ann. tit. 53, §2301 et seq., with the City and the School District to implement the Exemption from County real property taxation established under this

Resolution. The intergovernmental cooperation agreement shall be subject to review and approval as to form by the County Solicitor.

SECTION 9. Rules and Regulations.

The County Manager, Office and/ or Department of Economic Development are, jointly and severally, authorized to adopt rules and regulations, if necessary, to implement this Resolution.

SECTION 10 Term.

This Resolution shall enter into effect immediately following its adoption. The provisions of this Resolution shall apply to all applications filed from and after the effective date hereof for a period of ten (10) years from the effective date of this Resolution, unless otherwise terminated by the County in accordance with applicable law.

The cost of Improvement(s) to be exempted and the schedule of taxes exempted existing at the time of the initial request for tax exemption shall be applicable to that Exemption request, and subsequent amendment of this Resolution, if any, shall not apply to requests initiated prior to its adoption.

SECTION 11. 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 12. 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.*

Enacted in Council, this 10th day of September, 2019

Council Agenda No. 11186-19


John DeFazio
President of Council

Attest:


Jared Barker
Chief Clerk of Council

Chief Executive Office September 12, 2019

Approved:


Rich Fitzgerald
County Executive

Attest:


Sonya Dietz
Executive's Secretary

SUMMARY OF LEGISLATION
DISTRICT 15 BETA LERTA
SUBMITTED FOR COUNCIL MEETING AUGUST 27, 2019

The City of Pittsburgh ("City") has requested that the County provide a temporary exemption of real estate taxes based on assessment attributable to new construction, reconstruction or improvement(s) to property within a deteriorated area of the City. This deteriorated area is described in Attachment "A" to the Resolution. RDC Star II LLC is expected to utilize the LERTA as a mechanism to finance certain infrastructure improvements necessary to facilitate construction of a 350,000 square foot Class A office development in the City's Strip District neighborhood. This project will feature integral parking, high bay research and development space and amenities such as bike parking and electric car charging stations. The project will be constructed on an "Act 2" reclaimed brownfield site which required remediation of underground obstructions, contaminated soil disposal and vapor barriers. Parts of the site infringed upon the 100-year floodplain and required elevation.

The Department of Economic Development requests that the Council of the County of Allegheny:

- (a) approve a resolution to participate with the City and School District in the implementation of LERTA for the deteriorated area located within the City; and
- (b) direct the appropriate public officials of the County to take such additional actions in cooperation with the City and the School District to implement the LERTA, including without limitation, the execution and delivery of a Cooperation Agreement by and among the participants.

The exemption shall be equal to the amount of vacancy calculated by percentage of unleased portion of the rentable building area up to one hundred percent (100%) of the County's real estate taxation upon the Assessed Valuation attributable to the Project in each of the first 10 years and shall not exceed one hundred fifty thousand dollars (\$150,000) in any single year. In the eleventh (11th) year and all succeeding years, the exemption shall end and the entire property (land and building) shall be fully taxable. If it is discovered that the exemption maximum is inadvertently exceeded through periodic audits, corrective real estate tax bills will be issued to the Developer to correct and overages be limited to a period of a maximum of 10 years and shall apply to the building permitted for Construction, Reconstruction or Improvement(s) at any time during the 10 year period. For this period, only the land of the designated area will be taxable. In the eleventh (11th) year and all succeeding years, the exemption shall end and the entire property (land and building) shall be fully taxable. The City of Pittsburgh and Pittsburgh Public Schools ("School District") has also approved participation in the temporary exemption program.

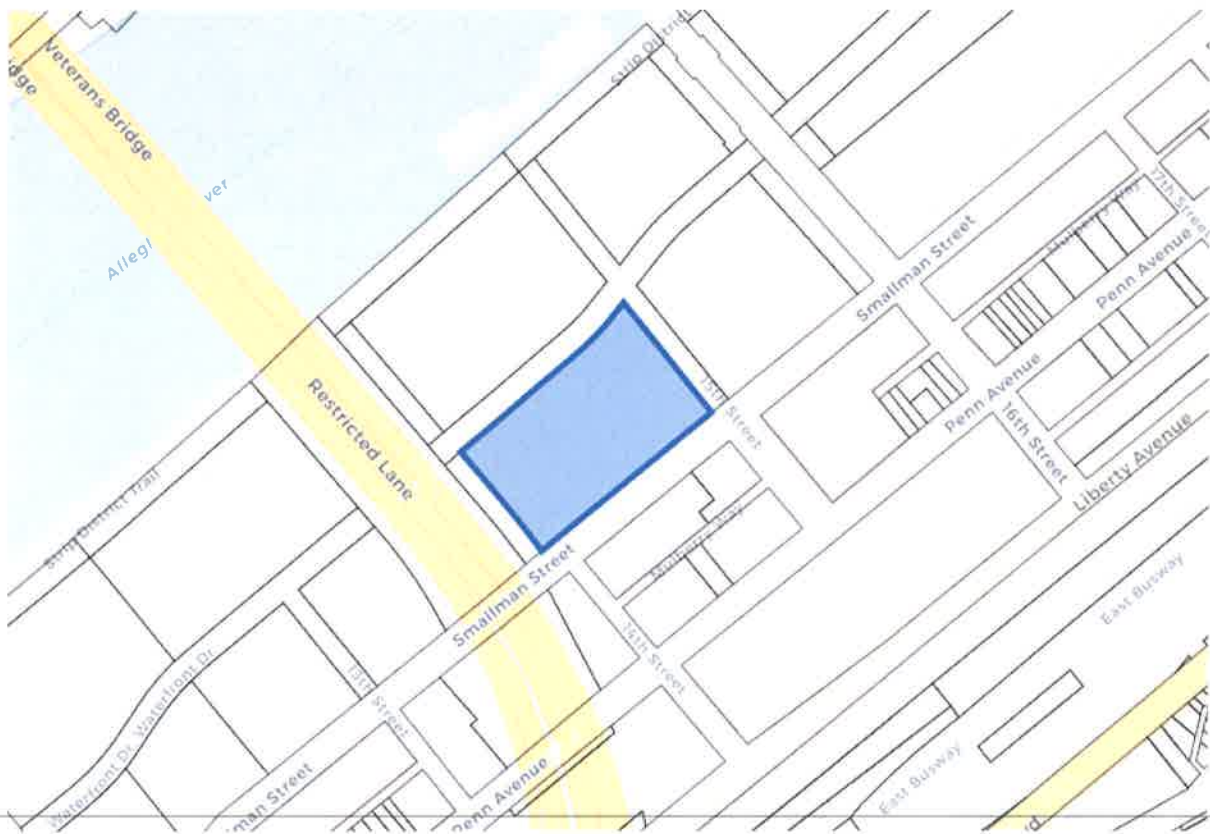
Attachment "A"

DESCRIPTION OF DETERIORATED AREA

A Deteriorated Area exists along Smallman Street in the Strip District area of the City of Pittsburgh in Allegheny County and Commonwealth of Pennsylvania as illustrated below. These parcels are recorded with the Office of Property Assessments by the following tax identification numbers (lot & block):

9-G-170

Area contains approximately 2.5 acres total.



*Parcel not intended to be subdivided in the future. Only described building will be part of the development site and be included in the LERTA District.

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

TO: Jared E. Barker
Allegheny County Council

FROM: William D. McKain CPA
County Manager

DATE: August 22, 2019

RE: Proposed Resolution

Attached is a Resolution providing for a program of temporary exemption from county real property taxes for improvements, including repairs, construction, or reconstruction, made on industrial, commercial or business property in a deteriorated area in the City of Pittsburgh, County of Allegheny, Commonwealth of Pennsylvania, pursuant to the Local Economic Revitalization Tax Assistance Act, Pa. Stat. Ann. tit. 72 §4722 et seq.

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.

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ALCO COUNCIL RECEIVED