



Allegheny County Council

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Legislation Details (With Text)

File #: 10289-17 **Version:** 1 **Name:**

Type: Resolution **Status:** Expired by Rule

File created: 8/25/2017 **In control:** Chief Clerk

On agenda: **Final action:** 12/31/2017

Title: A Resolution of the Council of the County of Allegheny Authorizing an Amendment to the NORTH SHORE EAST/RIVER AVENUE TIF Plan to Remove Three Parcels from the Previously Established TIF District.

Sponsors: Chief Executive

Indexes:

Code sections:

Attachments:

| Date | Ver. | Action By | Action | Result |
|------------|------|---|-------------------|--------|
| 12/31/2017 | 1 | Chief Clerk | Expired by Rule | |
| 11/30/2017 | 1 | Committee on Economic Development & Housing | Held in Committee | |
| 8/29/2017 | 1 | County Council | Referred by Chair | |

A Resolution of the Council of the County of Allegheny Authorizing an Amendment to the NORTH SHORE EAST/RIVER AVENUE TIF Plan to Remove Three Parcels from the Previously Established 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 “North Shore East/River Avenue Tax Increment Financing Plan” (the “TIF Plan”) prepared by the Urban Redevelopment Authority of Pittsburgh (the “Authority”) was approved by the School District of Pittsburgh (the “School District”) by resolution of October 27, 1999 and by the County of Allegheny (the “County”) by resolution of October 21, 1999; and

Whereas, by resolution of November 30, 1999, the City of Pittsburgh (the “City” and, together with the County and the School District, the “Taxing Bodies”) approved and adopted the TIF Plan and created the North Shore East/River Avenue Tax Increment Financing District (sometimes referred to as the “Heinz TIF District”) (the “TIF District”); and

Whereas, pursuant to the TIF Plan, the Taxing Bodies and the Authority entered into a Cooperation Agreement Regarding the North Shore East/River Avenue Tax Increment Financing District dated as of May 1, 2001 (the “Cooperation Agreement”); and

Whereas, the Cooperation Agreement contemplates that the Authority may propose such amendments to the TIF Plan, the TIF District, and the Cooperation Agreement as it deems advisable but no such amendment shall be effective until approved by each of the Taxing Bodies and the Authority; and

Whereas, there are approximately three years remaining before termination of the TIF District, and a developer, Crow Hill Development, LLC (the “Developer”), is planning a \$35M project, consisting of 133 residential units (93 residential market rate units and 40 residential affordable units), 138 integral parking spaces, and public space (collectively, the “Project”), located partially within the TIF District, and the Developer has requested that the Taxing Bodies remove three parcels from the TIF District (designated as Block and Lot Nos. 24-R-2, 24-R-4, and 24-R-6) (the “Identified Parcels”) to enable the Project to move forward; and

Whereas, the Taxing Bodies will benefit from the removal of the Identified Parcels because the taxes will no longer be diverted pursuant to the TIF Plan, and the Taxing Bodies will not be negatively affected by the removal of the Identified Parcels due to, among other things, a certain minimum payment agreement dated December 15, 2001 between H. J. Heinz Company (“Heinz”) and the Authority (the “Minimum Payment Agreement”); and

Whereas, the Authority, in consultation with the designated representatives of the Taxing Bodies, has determined that the release of the Identified Parcels from the TIF District will further the purposes of the Act by making them available for the Project; and

Whereas, the Authority has recommended that the TIF Plan be amended to revise the boundaries of the TIF District by removing from the TIF District the Identified Parcels as more particularly described on Exhibit “A” hereto (collectively, the “Excluded Property”); and

Whereas, the City will hold a public hearing at which interested parties will be afforded a reasonable opportunity to express their views on the proposed amendment described herein.

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. Revision of Boundaries.

Upon the recommendation of the Authority, and subject to the approval of the City and the School District, the County approves the amendment of the TIF Plan to change the boundaries of the TIF District by removing the Excluded Property described in Exhibit “A” from the TIF District.

SECTION 3. Cooperative Actions.

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 Agreement, to among other things, revise the definition of Pledged Parcels, and any other appropriate documents to reflect such amendments; provided, however, that in the absence of such action, any reference in such documents to the TIF Plan and/or TIF District and/or Pledged Parcels shall be deemed to refer to such TIF Plan and/or TIF District and/or Pledged Parcels, as amended hereby.

SECTION 4. Effective Date.

This Resolution is specifically contingent upon and shall only enter into effect on the date when either the City of Pittsburgh or the School District of Pittsburgh is the last to enact similar legislation removing the Identified Parcels from the TIF District (the “Effective Date”).

SECTION 5. 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 6. 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.*