

**RESOLUTION R-2020-121
LUZERNE COUNTY COUNCIL**

*A Resolution of Luzerne County Council Enlarging the
Stauffer Pointe/Grandview Drive Tax Increment District*

WHEREAS, the "Tax Increment Financing Act" (P.L. 465, July 11, 1990, et. seq. as amended; 53 P.S. Section 6930.1 et. seq.) grants powers to industrial and commercial development authorities and redevelopment authorities to address conditions of blight and inadequate planning and development of urban communities; and

WHEREAS, the Tax Increment Financing Act ("TIF") also provides authority for local taxing bodies to cooperate in providing financing for redevelopment of areas in their jurisdiction which will generate new development and increase taxes; and

WHEREAS, the Redevelopment Authority of the County of Luzerne (hereinafter "Authority") had prepared and presented to the Board of Commissioners of and for the County of Luzerne a Tax Increment Plan for a tax increment district to be created by the Board of Supervisors of the Township of Pittston and known as the Grandview Drive Tax Increment District (hereinafter referred to as the "Project") on or about February 19, 2008; and

WHEREAS, the Project consisted of a 184 townhouse-style, single-family dwellings located partially in the City of Pittston and in the Township of Pittston, both in the County of Luzerne and Commonwealth of Pennsylvania;

WHEREAS, on or about February 21, 2008, the Board of Commissioners of and for Luzerne County adopted a Resolution agreeing to participate in the Project as it related to property and units that were to be erected in Pittston Township that was part of the Project;

WHEREAS, the Developer, Stauffer Pointe Development Group, LLC, have requested that the units that are erected or planned to be erected in the City of Pittston become part of the Grandview Drive Tax Increment District;

WHEREAS, pursuant to 53 P.S. Section 6930.5(a)(7) the governing body of a municipality that levies property taxes within the boundaries of a proposed tax increment district is required by ordinance or resolution to either agree to participate or opt not to participate, in whole or in part, in the tax increment district; and

WHEREAS, the County of Luzerne desires to confirm its participation in the Project and consents to the enlargement of the Project for the property and Units that have been erected or planned to be erected in the City of Pittston, under and subject to certain conditions.

NOW, THEREFORE, BE IT RESOLVED by the Council of and for the County of Luzerne as follows:

1. Conditioned upon the tax increment district being duly enlarged for the property and Units that have been erected or planned to be erected in the City of Pittston, all requirements of The Tax Increment Financing Act being duly complied with, and the amending of a certain Cooperation Agreement that had been previously entered into between the County of Luzerne, Township of Pittston and this School District with respect to the Project, the County of Luzerne agrees to:

a. The County of Luzerne agrees, confirms and acknowledges that the property and Units that have been erected and planned to be erected in the City of Pittston shall become part of the Project as of January 1, 2020. The first allocation of such Tax Increment shall be paid for the fiscal tax year commencing on January 1, 2020.

b. Participate in the Project and allocate 100% of the County's share of the Tax Increment as defined in the TIF Act (and as defined in the Cooperation Agreement, as amended to include the Property and Units that have been erected or will be erected in the City of Pittston) to the Redevelopment Authority of the County of Luzerne for the Project relating to any and all tax revenues that are generated from real estate taxes from the entire property and units that are located or will be located in the Project.

c. For purposes of extending the current expiration of the TIF Term, allocate such Tax Increment Payments until such time that the Indebtedness has been fully satisfied and discharged. By way of illustration and not limitation, the Project may not be dissolved as long as any tax increment bonds or notes for the District remain outstanding.

d. Allocate the County's Tax Increment to allow the Redevelopment Authority to satisfy a TIF debt not to exceed \$4,000,000. This Resolution does not grant any additional principal being issued.

e. The County's participation in this Project shall be based on the School District's present tax rate of .061696. Any future increase in the tax rate shall be applied to the tax increment and remitted to the Authority.

f. Authorize the Authority of and for Luzerne County to initiate such act or acts that would qualify the Project for tax-free financing status.

2. The County Manager is directed to forward a copy of this Resolution to the Township of Pittston, City of Pittston, Pittston Area School District and the Redevelopment Authority of the County of Luzerne.

3. The proper officers of the County of Luzerne are authorized on behalf of the School District to take such actions and to execute and deliver such documents as may be necessary or appropriate for the implementation of the enlargement of the Grandview Drive Tax Increment District consistent with this Resolution, including but not by way of limitation, amending the Cooperation Agreement among the Authority, the City of Pittston, the Pittston Area School District, and the Township of Pittston, in form and substance consistent herewith and satisfactory to County officials with the advices of counsel, their execution and delivery thereof shall be conclusive evidence of approval and authorization by the County of Luzerne of the final terms of the amendment of the Cooperation Agreement.

4. Notwithstanding anything contained herein to the contrary, the County's election to participate in the TIF Plan as enlarged shall not, in any way, pledge or obligate the credit or taxing power of the County of Luzerne nor shall the County of Luzerne be liable for the payment of principal of, or interest on, any obligations issued by the Authority.

DULY RESOLVED by the Council of and for the County of Luzerne this 8th day of December, 2020.

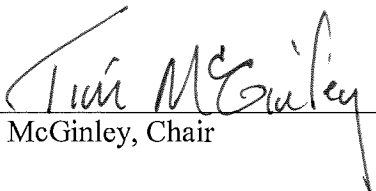
ROLL CALL VOTE (7-3-1)

YES: Houck, McGinley, Perry, Radle, Saidman, Schnee and Vough

NO: Griffith, Haas and SJ Urban

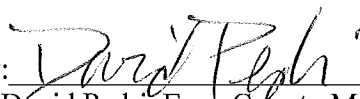
ABSTAINED: McDermott

LUZERNE COUNTY COUNCIL

By: 
Tim McGinley, Chair

Attest: 
Sharon Lawrence, Clerk of Council

LUZERNE COUNTY MANAGER

By: 
C. David Pedri, Esq., County Manager