

COUNCIL BILL NO. 1746

INTRODUCED BY JOHN D. MICKS

ORDINANCE NO. 1655

AN ORDINANCE

CREATING THE TAX INCREMENTAL FINANCING PROGRAM AS AUTHORIZED BY ACT 113 AS AMENDED, TITLED THE "PENNSYLVANIA TAX INCREMENTAL FINANCING ACT", FOR THE CITY OF DUBOIS; ESTABLISHING THE BOUNDARIES OF AND CREATING A TAX INCREMENT DISTRICT; A DISTRICT NAME; CONTAINING FINDINGS REGARDING THE TAX INCREMENT DISTRICT AND THE PUBLIC PURPOSES OF THE PROJECT; APPROVING PROJECT PLAN FOR IMPLEMENTATION OF PROJECT ACTIVITY WITHIN THE TAX INCREMENT DISTRICT; CREATING A TAX INCREMENT FUND AND PROVIDING THAT REVENUES RECEIVED IN SUCH FUND SHALL BE HELD IN TRUST FOR THE PROJECT; APPLYING TAX INCREMENT REVENUES; DESIGNATING THE REDEVELOPMENT AUTHORITY OF THE CITY OF DUBOIS AS THE COORDINATING BODY TO ARRANGE FOR PROJECT PLANNING, FINANCING AND IMPLEMENTATION; AUTHORIZING AND DIRECTING OFFICERS OF THE CITY TO UNDERTAKE ALL STEPS NECESSARY TO IMPLEMENT THE PROJECT PLAN; ESTABLISHING THE PROCEDURES FOR COLLECTION OF TAX INCREMENT REVENUES; AUTHORIZING AGREEMENTS TO PROVIDE FINANCIAL SECURITY FOR PAYMENT OF PROJECT COSTS; TERMINATING CERTAIN TAX ABATEMENTS; PROVIDING FOR AMENDMENTS, SEVERABILITY, REPEALER AND EFFECTIVE DATE OF THE TERMS OF THE ORDINANCE.

BE IT ORDAINED AND ENACTED by Council of the City of DuBois in Council assembled as follows:

WHEREAS, the Urban Redevelopment Law of the Commonwealth of Pennsylvania grants to municipalities and redevelopment authorities to address conditions of blight and inadequate planning and development of urban communities; and

WHEREAS, Act 113 of 1990, titled the "Tax Increment Financing Act" provides authority for local taxing bodies to cooperate in providing financing for redevelopment of blighted areas in their jurisdiction which will generate new development and increased taxes; and

WHEREAS, the DuBois Planning Commission has hereto certified the City of DuBois Redevelopment are which contains the Hoover Avenue area of the City as blighted and has prepared and adopted a Blight Certification Resolution date Jun4, 1996; and

WHEREAS, the Redevelopment Authority of the City of DuBois has heretofore prepared a Tax Incremental Financing (TIF) Proposal referred to as Hoover Avenue TIF Proposal which has been formally presented to all taxing bodies for review and approval and is attached hereto and identified as Exhibit "A"; and

WHEREAS, a public hearing has been duly advertised and held on August 26, 2002, pursuant to requirements of Act 113 of 1990; and any and all prerequisites to adoption of the within Ordinance have been undertaken by the respective municipal bodies and authorities; and

WHEREAS, the City Council of the City of DuBois determines that it is in the best interests of the health, safety and welfare of the citizens of DuBois to undertake the implementation of the Tax Increment District and Proposal as hereinafter identified.

Section 1. Definitions

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

- a. **Act.** Act 113 of 1190 enacted by the General Assembly of the Commonwealth of Pennsylvania.

- b. **Authority.** The Redevelopment Authority of the City of DuBois or any lawful successor thereto.
- c. **City.** City of DuBois.
- d. **County.** Clearfield County.
- e. **Finance Officer.** The legally authorized agent responsible by law for receipt and disbursement of the revenues for taxing bodies.
- f. **Hoover Avenue TIF District or District.** The tax increment district created pursuant to this Ordinance in accordance with the provisions of Act 113 of 1990.
- g. **TIF Proposal.** The undertakings and activities of the Authority in the Hoover Avenue TIF District for the elimination and prevention of blight.
- h. **Project Costs.** Such costs include any and all eligible Project Costs undertaken within or for the benefit of the Tax Increment District in accordance with the express language defining Project Costs as contained in the Act.
- i. **Project Plan.** The Hoover Avenue TIF Proposal prepared by the Redevelopment Authority of the City of DuBois and any duly authorized amendments thereto.
- j. **School District.** The DuBois Area School District.
- k. **Tax Increment or Tax Increment Revenue.** Tax Increment or Tax Increment Revenues shall be deemed to include all revenues applicable to the Tax Increment District as more fully defined in the definition of Tax Increment defined in the Act.
- l. **Tax Increment Fund.** The fund maintained by the Authority into which are paid all Tax Increments and into which are deposited all other revenues related to the Tax Increment District and the TIF Proposal and from which money is disbursed to pay Project Costs related to the District.
- m. **Tax Year.** A year running from January 1st after the year in which the food store is substantially completed.

Section 2. Boundaries of the District.

The Hoover Avenue District shall contain full units of the property assessed for real property tax purposes as described in Exhibit "A", TIF Proposal.

Section 3. Creation and Terms of District.

The Hoover Avenue Tax Increment District is hereby created as of the effective date of this Ordinance. This Tax Increment District shall continue in existence until such time as all Project Costs are fully paid or until January 1, 2019, whichever comes first, it being the intent that the District shall exist for fifteen (15) tax years. The Authority currently estimated that the duration of the District will be thirteen and one-half (13.5) years. City Council hereby determines that the requisite time provided for under the Act subsequent to the public hearing has passed as of the date of adoption of this Ordinance.

Section 4. Name of District.

The District shall be identified as Hoover Avenue TIF District for all TIF Proposal and identification purposes.

Section 5. Legislative Findings.

City Council hereby determines in accordance with the powers conferred upon municipalities by the Urban Redevelopment Law and by the Act that based upon extensive studies and examination of the conditions currently existing within the Tax Increment District, the City Council of the City of DuBois hereby finds that:

- a. The district is a continuous geographic area within a designated redevelopment area.
- b. The improvements are likely to enhance significantly the value of substantially all of the other real property in the District.
- c. The aggregate value of equalized taxable property of the District, plus all existing tax increment districts, does not exceed 10% of the total value of equalized taxable property within the City of DuBois.
- d. The area comprising the 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 TIF Proposal.
- e. The TIF Proposal conforms to the municipal and County master plans.
- f. The TIF Proposal will afford maximum opportunity, consistent with sound needs of the Community as a whole, for the rehabilitation or redevelopment of the District by private enterprise.
- g. The District is a blighted area containing characteristics of blight as described in the Urban Redevelopment Law and the conditions of blight. More particularly, the conditions of blight are characterized as deteriorated and/or dilapidated structures, physical and visual barriers, poor planning, vacant land and inadequate public facilities.

Section 6. Approval of TIF Proposal and Project Financing.

The City Council of the City of DuBois hereby authorizes the City Treasurer to deposit all Tax Increment Revenues received from the taxing bodies, City, School and County, into a Tax Increment Fund to be created for such purposes by the Authority. The City Treasurer is hereby authorized and directed to pay overall Tax Increment Revenues to the Tax Increment Fund created for the benefit of the District and directed, controlled and maintained by the Authority. The Treasurer is also authorized to accept or deposit into the Tax Increment Fund, any other gifts, appropriations, grants, loans, or other revenues to be applied to the District for the purposes of the Proposal.

Section 7. Tax Increment Revenues to be Held in Trust for Project.

The Tax Increments collected by the City Treasurer of the City, from and after the date of settlement of such taxes, whether or not paid into the Tax Increment Fund, shall be considered as funds impressed with a trust in favor of the District for purposed of the Proposal. Tax Increment Revenues, whether held by the City Treasurer or Authority or otherwise, shall be applied only to the purposes provided for by this Ordinance and for no other purpose.

Section 8. Applications of Tax Increment Revenue.

The Authority is hereby authorized to apply Tax Incremental Revenues to Project Costs incurred in connection with the TIF Proposal for the District in accordance with the Act. The Authority may undertake such expenditures, make such appropriations, reimburse parties for prior expenditures related to Project Costs, enter into such contracts and agreements with respect to the TIF Proposal and the District in which the sole judgment of the Authority shall further the purposes of the TIF Proposal consistent with the provisions of this Ordinance. Any Tax Increment Revenues remaining in the Tax Increment Fund after payment of all Project Costs has been made or provided for shall be returned to the property taxing bodies on a pro rata basis in the proportions that the property tax millage of each taxing body bears to the entire millage levied by all taxing bodies at the time that such funds remain.

Section 9. Designation of Authority as Project Authority.

The City Council of the City of DuBois hereby designates the Redevelopment Authority of the City of DuBois as the Authority charged with preparing, implementing, monitoring and directing the TIF Proposal and as the issuing Authority as defined in the Act for any bonds or notes which may be necessary to finance Project Costs for the District.

Section 10. Authorization of Officers.

The City Council of the City of DuBois hereby authorizes and directs all appropriate officers

of the City to take all actions necessary to implement the Proposal and to further the objective of the TIF Proposal all in accordance with the Act.

Section 11. Procedures for Collection of Tax Increment Revenues.

The Redevelopment Authority of the City of DuBois is hereby directed to establish such dates for receipt of Tax Increment Revenues, provide for any necessary reserve for tax revenues and establish provisions for collection and enforcement of payment of Tax Increment Revenues to the extent permissible under the Act.

Section 12. Agreements for Financial Security for Project Costs.

The City Council of the City of DuBois hereby authorizes the appropriate officers of the City to enter into any intergovernmental cooperation agreements with other taxing bodies participating in the Tax Increment District and with the Authority and to enter into any and all other agreements with the Authority, the participating tax bodies or private developers to provide any form of financial security, collateral, guarantees or assurances toward the Authority in consultation with the City. Notwithstanding the foregoing, the City shall not pledge its full faith and credit toward any payment of Project Costs attributable to the District. The City may pledge or assign other sources of revenues as security for the payment of Project Costs in accordance with provisions of the Act.

Section 13. Termination of LERTA Tax Abatements.

From and after the effective date of this Ordinance to the extent permissible by law, any taxable property situated within the District which may be eligible for tax abatement under the Local Economic Revitalization Act ("LERTA"), to the extent that such properties shall be required to pay Tax Increment Revenues, shall be required to thereafter not be entitled to receive the benefit of such LERTA abatements. The appropriate officers of the City are hereby directed to notify any such property owners of the termination of LERTA tax abatements.

Section 14. Amendments to TIF Proposal and District.

The Authority may propose and the City may adopt, by resolution or otherwise, such amendments to the TIF Proposal and the District as are deemed advisable as provided for pursuant to the terms of the Act.

Section 15. Severability.

In the event any provision, section, sentence, clause or part of this Ordinance is determined by a court of competent jurisdiction to be invalid and unenforceable, such determination shall not effect the validity or effect of the remaining provisions hereof.

Section 16. Repealer.

All ordinances and resolutions or parts thereof not in accordance with this Ordinance are hereby repealed insofar as they conflict herewith.

Section 17. Effective Date.

This Ordinance shall become effective immediately.

ATTEST:



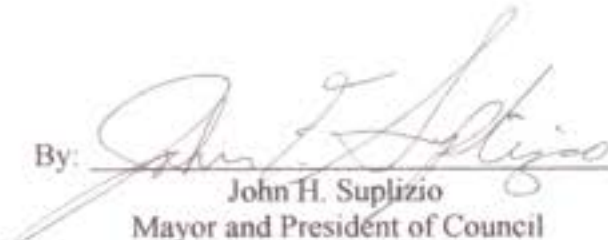
City Manager

APPROVED:

(Date)

PASSED BY COUNCIL:

September 17, 2002
(Date)

By: 

John H. Suplizio
Mayor and President of Council