

*Comm Mtg. 7/14/04 jsc*

COUNTY OF DAUPHIN,  
Pennsylvania

*Resolution # 19-2004*

A RESOLUTION

OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF DAUPHIN, PENNSYLVANIA, ESTABLISHING THE BOUNDARIES OF AND CREATING A TAX INCREMENT FINANCING DISTRICT; PROVIDING A DISTRICT NAME; CONTAINING FINDINGS REGARDING THE TAX INCREMENT FINANCING DISTRICT AND THE PUBLIC PURPOSES OF THE PROJECT; APPROVING PROJECT PLAN FOR IMPLEMENTATION OF PROJECT ACTIVITY WITHIN THE TAX INCREMENT DISTRICT; AUTHORIZING AND DIRECTING OFFICERS OF THE COUNTY TO UNDERTAKE ALL STEPS NECESSARY TO IMPLEMENT THE PROJECT PLAN; PROVIDING FOR PROCEDURES FOR COLLECTION OF TAX INCREMENT REVENUES; PROVIDING FOR AMENDMENT, SEVERABILITY, REPEALER, AND EFFECTIVE DATE OF THE TERMS OF THE ORDINANCE.

WHEREAS, the County of Dauphin, Commonwealth of Pennsylvania (the "County"), is a county of the third class existing under the laws of the Commonwealth of Pennsylvania (the "Commonwealth"); and

WHEREAS, Dauphin County Industrial Development Authority (the "Authority") is a public instrumentality and a body politic and corporate organized and existing under the laws of the Commonwealth of Pennsylvania, having been duly organized by the County of Dauphin, Pennsylvania (the "County"), pursuant to provisions of the Pennsylvania Economic Development Financing Law, Act of August 23, 1967, P.L. 251, as amended (the "Act"); and

WHEREAS, the Authority exists and operates as a public instrumentality of the Commonwealth of Pennsylvania for, among other things, the public purposes of alleviating unemployment, maintaining employment at a high level, eliminating and preventing blight, eliminating or reducing air and water pollution, and creating and developing business opportunities by the construction, improvement, rehabilitation, revitalization and financing of industrial, commercial and manufacturing enterprises; and

WHEREAS, Pennsylvania's Tax Increment Financing Act (Act of July 11, 1990, P.L. 465, No. 113) (the "TIF Act") provides local taxing bodies legal authority to cooperate in providing financing for development of blighted areas within their respective jurisdictions in order to increase the tax base and improve the general economy; and

WHEREAS, pursuant to a Resolution adopted on October 21, 2003 the Authority approved a Tax Increment Financing District Project Plan (the "Project Plan") entitled Harrisburg East Mall Tax Increment Financing Project Plan for a tax increment financing district within the County to be designated as the Harrisburg East Mall Tax Increment Financing District (the "TIF District") which was presented to the County, the Township of Swatara, Dauphin County,

Pennsylvania (the "Township"), and the Central Dauphin School District (the "School District"); and

WHEREAS, by Resolution adopted on March 10, 2004, the Township has indicated its intent to participate in the TIF District and the Project Plan subject to a Cooperation Agreement (the "Cooperation Agreement") among the Authority, the County, the School District and the County, being acceptable to the Township; and

WHEREAS, by Resolution adopted on March 8, 2004, the School District has indicated its intent to participate in the TIF District and the Project Plan subject to the Cooperation Agreement being acceptable to the School District; and

WHEREAS, the Board of Commissioners of the County, after publication of notice, held a public hearing on March 28, 2004 pursuant to the requirements of the TIF Act relating to the Project Plan and the establishment of the TIF District; and

WHEREAS, the Board of Commissioners of the County hereby determines that it is in the best interests of the health, safety, and welfare of the citizens of the County to approve the Project Plan and to create the TIF District.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. *Legislative Findings.* In accordance with the requirements of the TIF Act, and based upon examination of the conditions currently existing within the TIF District, the Board of Commissioners of the County hereby finds that:

- a. The TIF District is a contiguous geographic area within a designated redevelopment area;
- b. The improvements set forth in the Project Plan are likely to enhance significantly the value of real property in the TIF District;
- c. The aggregate value of equalized taxable property of the TIF District, plus all existing tax increment districts within the County at this time, does not exceed 10% of the total value of equalized taxable property within the County;
- d. The area comprising the TIF 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 Project Plan;
- e. No individuals, families, or small businesses will be displaced by the Project and, thus, there is no need for relocation compensation of individuals, families, or small businesses;
- f. The Project Plan conforms to the Township and County master or comprehensive plans;
- g. The Project Plan will afford maximum opportunity, consistent with the sound needs of the community as a whole, for the rehabilitation or redevelopment of the TIF District by private enterprise;

h. The TIF District is a blighted area containing characteristics of blight as described in the Urban Redevelopment Law (Act of May 24, 1945, P.L. 991, No. 385), including (1) ... "economically ... undesirable land uses" ... that will ... "continue to result in making such areas economic or social liabilities harmful to the social and economic well-being of the entire communities in which they exist, depreciating values therein, reducing tax revenues and thereby depreciating further the general community-wide values" ... and (2) ... "deteriorating commercial and industrial areas ... due, in part, to the fact that there are no private funds available to finance the purchase, construction, rehabilitation, demolition or equipping of the commercial and industrial properties at interest rates that would make the commercial or industrial project economically feasible" ...; and

i. and the Project to be undertaken is necessary to eliminate such conditions of blight.

Section 2. *Boundaries of the District.* The Harrisburg East Mall Tax Increment Financing District shall contain the whole units of property assessed for real property tax purposes as described in the Project Plan and shall have the boundaries set forth in the Project Plan.

Section 3. *Creation and Term of District.* The Harrisburg East Mall Tax Increment Financing District is hereby created as of May 1, 2004. The TIF District shall continue in existence until the earlier of (i) the date on which the Authority's tax increment financing obligations to be issued in a principal amount not to exceed \$3,200,000 with respect to the Harrisburg East Mall Tax Increment Financing District, or refunding obligations thereof, issued to finance the payment of Project Costs as described in the Project Plan and consistent with the TIF Act are no longer outstanding or (ii) July 15, 2015, unless such date of termination is extended by resolution duly adopted by the Board of Commissioners of the County, in accordance with the applicable provisions of the TIF Act. In no event shall the TIF District be terminated except in accordance with the applicable provisions of this Resolution and the TIF Act.

Section 4. *Name of District.* The TIF District shall be identified as the Harrisburg East Mall Tax Increment Financing District for all Project Plan and identification purposes.

Section 5. *Approval of Project Plan and Project Financing.* The Board of Commissioners of the County of Harrisburg hereby agrees to participate in the TIF District, approves the Project Plan for the TIF District prepared by the Authority and authorizes the Authority to undertake any and all methods of financing available pursuant to and in accordance with the TIF Act and the approved Project Plan and for Project Costs as described in the Project Plan and in accordance with the TIF Act, and such costs are within eligible "Project Costs" as defined in the TIF Act.

Section 6. *Pledge of Incremental Real Estate Tax Revenues.* All of the incremental real estate tax revenues due, owing, and received by the County from the parcels within the TIF District, to the extent described in the Project Plan, are hereby pledged, and a security interest is hereby granted, to secure the repayment of any debt in a principal amount not to exceed \$3,200,000 to be incurred by the Authority for the purpose of financing the TIF Project to the extent and as described in the Project Plan.

Section 7. *Approval of Form of Cooperation Agreement.* The form of the Cooperation Agreement presented at this meeting is hereby approved. Appropriate officers of the County are

hereby authorized and directed to execute, attest, seal and deliver the Cooperation Agreement in substantially such form with such insertions, deletions and amendments as the officers of the County executing said documents and the Solicitor to the County shall deem necessary. The execution, attestation and delivery of the Cooperation Agreement by appropriate officers of the County shall constitute conclusive evidence of such approval. Said officers of the County are authorized to take all other required, necessary or desirable action in connection with the execution and delivery of the Cooperation Agreement.


Section 8. *Effective Date.* The provisions of this Resolution shall become effective in accordance with law.


Section 9. *Severability.* Should any section, part or provision of this Resolution be declared by appropriate authority to be unlawful or unconstitutional, all other terms, conditions, provisions, and parts hereof, and of any Code of which this Resolution may be or may be considered to be part, shall continue in full force and effect as if the provision declared to be unlawful or unconstitutional had been omitted as of the date of final enactment hereof.

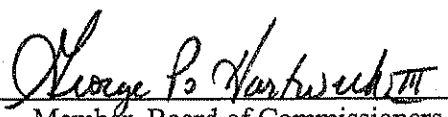
Section 10. *Repealer.* Any ordinance or portion thereof inconsistent herewith be, and the same hereby is, repealed.

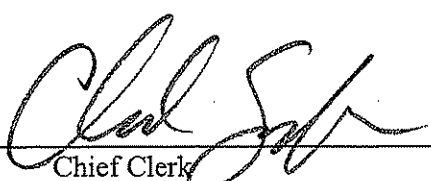
RESOLVED AND ADOPTED by the Board of Commissioners of the County of Dauphin, Pennsylvania, the 4~~th~~ day of July, 2004.

COUNTY OF DAUPHIN, Pennsylvania

By:   
Chair, Board of Commissioners

By:   
Member, Board of Commissioners

By:   
Member, Board of Commissioners

  
Chief Clerk

(SEAL)