

MOON AREA SCHOOL DISTRICT

RESOLUTION NO. 2019-1

**A RESOLUTION OF THE MOON AREA SCHOOL DISTRICT AMENDING
RESOLUTION NO. 86-1 BY EXPANDING THE THORN RUN TRANSPORTATION
DEVELOPMENT DISTRICT AND EXTENDING THE LIFE OF THE LERTA
PROGRAM**

WHEREAS, on April 29, 1986, the Board of Supervisors of the Township of Moon (the "Township") adopted Ordinance No. 254 by which it created the Moon Transportation Authority ("MTA") to develop transportation infrastructure throughout the Township, thereby increasing tax revenue to the Moon Area School District ("School District"), the Township and the County of Allegheny ("County"); and

WHEREAS, in furtherance of its objective to develop transportation infrastructure throughout the Township, the Township's Board of Supervisors adopted Ordinance No. 255 on April 29, 1986, also known as the Local Revitalization Tax Assistance Ordinance, whereby the Township created a Revenue Allocation Program pursuant to the requirements of the Local Economic Revitalization Tax Assistance Act, 72 P.S. §4722, et seq., as amended, ("LERTA"), the Intergovernmental Cooperation Act, 53 P.S. §481 et seq., as amended, (now 53 Pa.C.S.A. §2301 et seq.) and the Transportation Partnership Act, 53 P.S. §1621, et seq., as amended, as a mechanism to finance certain transportation infrastructure improvements to be completed by the MTA within the Township; and

WHEREAS, by its Resolution No. 86-1 adopted May 12, 1986, the Board of Education of the Moon Area School District ("School District") authorized and commenced the School District's participation in the revenue allocation program under LERTA so as to enable the financing of said transportation infrastructure projects that would act as catalysts to new commercial development within the School District; and

WHEREAS, the Board of Education, by its Resolution No. 86-1 and the Township Board of Supervisors, by its Ordinance No. 255, established and defined a Transportation

Development District, pursuant to LERTA, known as the Thorn Run Transportation Development District (the “Transportation District”); and

WHEREAS, by the Township’s Ordinance No. 662 of 2016 and the Board of Education’s Resolution No. 2 of 2016, the Thorn Run Transportation District was expanded to the west to permit the development and construction of the Stevenson Mill Road Extension and the Portvue Drive Extension, which projects are proceeding as scheduled, and to provide the requisite extension of the effective term of the original Resolution No. 86-1 and Ordinance No. 255 through April 29, 2026; and

WHEREAS, the roadway development projects completed by the MTA under the LERTA program have spurred significant economic development within and around the Transportation District which has resulted in increased tax revenue to the School District, the Township and the County; and

WHEREAS, it is in furtherance of MTA’s mission and objectives, as established by the Board of Education, the Board of Supervisors and County Council, to expand the MTA roadway development program to enable further development within currently undeveloped and/or underdeveloped areas adjacent to the southeast of the existing Transportation District by designing and constructing new and/or upgraded roadways and related transportation infrastructure along I-376 to Montour Run Road to provide access to said areas and to accommodate increased traffic volume by extending Marketplace Boulevard and/or improving Hirshinger Road and/or improving Hookstown Grade Road and/or constructing connector roadways between them, which improvements will complete the Business Route I-376 parallel arterial to the southeasterly Township boundary; and

WHEREAS, the addition to the Transportation District of largely undeveloped and/or underdeveloped land immediately to the southeast and between I-376 and Hookstown Grade Road will permit the development and construction of new transportation infrastructure that will stimulate significant new commercial and residential development, thus enhancing the tax base for the School District, the Township and the County; and

WHEREAS, the completion of the development and construction of said transportation infrastructure requires the extension of the effective term of Resolution No. 86-1, and thus the School District's participation in the LERTA program, through April 29, 2036; and

WHEREAS, it is the intention and desire of the Board of Education and the Board of Supervisors that the subject transportation infrastructure development be advanced as efficiently and effectively as possible in accordance with the MTA's objectives as established by Resolution No. 86-1 and Ordinance No. 255; and

WHEREAS, it is the intention and desire of the Board of Education and the Board of Supervisors that all costs associated with analysis, design and construction of Marketplace Boulevard area transportation improvements be funded, in part, with future revenue generated by new commercial development within the expanded Transportation District through the program established by Resolution No. 86-1 and Ordinance No. 255; and

WHEREAS, to effectuate the intentions of the Board of Education, it is necessary to adopt a resolution amending Resolution No. 86-1 by expanding the Transportation District, acknowledging the Transportation Authority's pursuit of the development of transportation improvements in the Marketplace Boulevard area of the Township, and extending the effective term of that Resolution and the School District's participation in the LERTA program.

BE IT RESOLVED, by the Board of Education, and it is hereby resolved, pursuant to the authority granted by the Local Economic Revitalization Tax Assistance Act of December 1, 1977, P.L. 2341, No. 76, 72 P.S. §4722 et seq., as follows:

SECTION 1. TITLE AND EFFECTIVE DATE

- (a). This Resolution shall be known as the Third Amendment to the Local Economic Revitalization Tax Assistance Resolution No. 86-1.
- (b). The provisions of this Resolution shall become effective immediately upon its adoption, subject to the contingency set forth in Section 8, and its terms shall continue in effect without annual re-adoption until the expiration as

provided herein. Changes in its terms become effective on the date specified in any amending resolution.

SECTION 2. STATUTORY AUTHORITY

This Resolution is adopted pursuant to the authority granted by the following statutes:

- (a). The Local Economic Revitalization Tax Assistance Act of December 1, 1972, P.L. 237, No. 76, 72 P.S. §4722 et seq., as amended (“LERTA”);
- (b). The Transportation Partnership Act of July 9, 1985, P.L. 189, No. 47, 53 P.S. §1621 et seq., as amended (“TPA”);
- (c). The General Local Government Code, 53 Pa. C.S.A. §101 et seq., as amended (“General Government Code”);
- (d). The Municipality Authorities Act, 53 Pa. C.S.A. §56101 et seq., as amended (“Municipality Authorities Act”);
- (e). The Second Class Township Code, 53 P.S. §65101 et seq., as amended (“Second Class Township Code”);
- (f). The Urban Redevelopment Law, 35 P.S. §1701 et seq., as amended (“Urban Redevelopment Law”);
- (g). The Neighborhood Improvement District Act, 73 P.S. §831 et seq., as amended (the “NID Act”);
- (h). The Neighborhood Assistance Act, 62 P.S. §2081 et seq., as amended (the “Neighborhood Assistance Act”);
- (i). The Improvement of Deteriorating Real Property or Areas Tax Exemption Act, 72 P.S. §4711-101 et seq., as amended (the “Real Property Tax Exemption Act”).

SECTION 3. DEFINITIONS

The words and phrases in this Ordinance shall have the meaning set forth in the LERTA and Moon Area School District Resolution No. 86-1, except as expressly defined by this Resolution.

SECTION 4. FINDINGS

The Board of Education of the Moon Area School District finds the following facts:

- (a). The Thorn Run Transportation Development District and the existing program created by the Local Revitalization Tax Assistance Resolution, as amended, (Resolution No. 86-1) have spurred economic development within and around the Transportation Development District which has resulted in increased tax revenue to the School District, the Township and the County of Allegheny;
- (b). The expansion of the Moon Transportation Authority roadway infrastructure program to include projects that enable further development within and around the Thorn Run Transportation Development District, such as the upgrade and signalization of the Thorn Run Interchange, the upgrade of the Cherrington Parkway/ Ewing Road intersection, the Stevenson Mill Road Extension, the Portvue Drive Extension and transportation improvements in the Marketplace Boulevard area of the Township is in the best interest of the School District and consistent with the Moon Township Comprehensive Plan;
- (c). The expansion of the Thorn Run Transportation Development District to include additional, primarily vacant, land immediately to the southeast, extending to Montour Run Road, will allow the MTA to proceed with and finance the development and construction of Marketplace Boulevard area transportation improvements which will complete the Business Route I-376 parallel arterial roadway consistent with the Moon Township Comprehensive Plan;
- (d). All development and construction should be advanced as rapidly as possible;
- (e). Facilitating access to areas demonstrating the greatest potential for economic development is in the best interest of the School District;
- (f). Financing for all studies and projects, including the Marketplace Boulevard area transportation improvements, should be obtained in part by using the future

revenue available through the program created by the Local Economic Revitalization Tax Assistance Resolution (Resolution No. 86-1);

- (g). Completion of the additional transportation infrastructure improvements, and the financing for same, requires the extension of the effective term of the Local Economic Revitalization Tax Assistance Resolution to April 29, 2036.

SECTION 5. AMENDMENTS TO LOCAL ECONOMIC REVITALIZATION TAX ASSISTANCE RESOLUTION

(a) The Moon Area School District Local Economic Revitalization Tax Assistance Resolution No. 86-1 is hereby amended with the repeal of existing definitions at Sections 3(h), (i) and (s) and replacement with the following:

- (h) Deteriorated Property – Any industrial, commercial or other business property owned by an individual, association or corporation, and located in the “deteriorated area” as defined herein or any such property which has been the subject of an order by a government agency requiring the unit to be vacated, condemned or demolished by reason of noncompliance with laws, ordinances or regulations.
- (i) Deteriorated Area – That geographic area of the Township particularly delineated within the bold white line boundaries on Exhibit “A” attached hereto and more specifically delineated within the bold red line boundaries on the tax parcel maps attached hereto as Exhibits “A1”, “A2”, “A3” and “A4”, which five Exhibits are made a part hereof and incorporated herein as the description of the expanded Thorn Run Transportation District. The expanded District defined above now includes Marketplace Boulevard area properties, in addition to those set forth in the Board of Education’s Resolution No. 2 of 2016, that are listed by Tax Parcel number on Exhibit “B” attached hereto. Exhibits “A”, “A1”, “A2”, “A3” and “A4” are made a part hereof and incorporated herein as the description of the expanded Thorn Run Transportation District. The property delineated within the

bold white line boundaries on Exhibit “A”, and more specifically delineated within the bold red line boundaries on Exhibits “A1”, “A2”, “A3” and “A4”, is heretofore designated as the “deteriorated area”, after having taken into account and considered the following criteria in accordance with the LERTA (72 P.S. §4725):

1. Vacant, overgrown, unsightly lots of ground;
2. A disproportionate number of tax delinquent properties;
3. Unsafe, unsanitary and/or overcrowded buildings;
4. Excessive land coverage;
5. Defective design or arrangement of buildings, streets or lot layouts;
6. Economically and socially undesirable land uses;
7. The criteria set forth in the Urban Redevelopment Law for the determination of “blighted areas” (35 P.S. §1712.1);
8. The criteria set forth in the Neighborhood Assistance Act for the determination of “impoverished areas” (62 P.S. §2081 et seq., *now repealed*);
9. The criteria set forth in the Real Property Tax Exemption Act for the determination of “deteriorated neighborhoods” (72 P.S. §4711-202).

The “deteriorated area” as defined by this Resolution shall be limited to that property delineated within the bold white line boundaries on Exhibit “A”, and more specifically delineated within the red line boundaries on the tax parcel maps attached hereto as Exhibits “A1”, “A2”, “A3” and “A4”, and shall not be amended by either the Township or the Board of Education without the adoption of a separate ordinance or resolution. Application of the terms and conditions of this Tax Assistance Program shall be limited to the deteriorated area defined herein. Properties located in the “deteriorated area” shall be considered “benefited properties” within the meaning of the General Government Code and the NID Act.

(s) Transportation Development District – that portion of Moon Township defined herein as the “deteriorated area”, as established by the Supervisors of the Township of Moon pursuant to any one of the following acts of the General Assembly:

(a) The Act of December 1, 1972, P.L. 237, No. 76, as amended, known as “The Local Economic Revitalization Tax Assistance Act”, 72 P.S. § 4722 et seq. ;

(b) The Act of July 9, 1985, P.L. 187, No. 47, as amended, known as the “Transportation Partnership Act”, 53 P.S. §1621 et seq.;

(c) The Municipality Authorities Act of 1945, as amended, Title 53, Chapter 56, 53 Pa.C.S.A. §5601 et seq.;

(d) The Act of July 9, 1971, P.L. 206, No. 34, as amended, known as the “Improvement of Deteriorating Real Property or Areas Tax Exemption Act”, 72 P.S. §4711-101 et seq.

(b) Section 11(1) of the Local Economic Revitalization Tax Assistance Resolution (No. 86-1), as previously amended, is hereby amended with the repeal of existing Section 11(1), as amended, and replacement with the following:

(1) The provisions of this Resolution and the Moon Township Ordinance shall become effective on the date identified in Section 1(b) and, as to any additional areas designated by any amendment to this Resolution No. 86-1, upon the effective date of said amendment, and shall impact upon all properties within any deteriorated areas so designated for which building permits are issued after the relevant effective date.

Provided, however, that nothing in this subsection shall affect the validity of any exemption or term thereof issued prior to the effective date of any amendment to this Resolution No. 86-1. This Resolution No. 86-1, as amended, shall remain in effect for a period of 50 years from April 29, 1986, and shall apply to any building permits

for construction, reconstruction or improvement issued at any time during that 50-year period.

Pursuant to Section 5(e) and Section 10 of this Resolution No. 86-1, any schedule of taxes exempted shall not exceed 10 years commencing in the tax year immediately following the year in which the eligible new construction, reconstruction or improvement is completed. For purposes of this section, eligible new construction, reconstruction or improvement shall be deemed completed upon the issuance of an occupancy permit for the same.

The final expiration date of this Resolution No. 86-1 shall be April 29, 2036, provided, however, that in the event a building permit for eligible construction, reconstruction or improvement is issued prior to said date, the subject property shall be eligible for exemption in accordance with this Resolution.

This Resolution No. 86-1 shall remain in effect only so long as the Revenue Allocation Program funds are being used for transportation infrastructure projects approved by the School District for completion by the MTA.

SECTION 6. CONTINUATION OF PRIOR LERTA ORDINANCE

Except as expressly amended by this Resolution, the Local Economic Revitalization Tax Assistance Resolution (Resolution No. 86-1) continues in full force and effect as if fully re-enacted hereby.

SECTION 7. REPEALER

All resolutions or parts of resolutions inconsistent with the terms of this Resolution are repealed insofar as the same conflict.

SECTION 8. CONTINGENT ADOPTION

The terms and conditions of this amendatory Resolution and its implementation are contingent upon the adoption of a similar Ordinance by the Township of Moon pursuant to the Act relating to Intergovernmental Cooperation, 53 Pa.C.S.A. §2301 et seq., as

amended. Furthermore, this Resolution is expressly adopted in reliance upon the Moon Transportation Authority's Resolution No. 2 of 2019, adopted April 1, 2019.


SECTION 9. EFFECTIVE DATE

The provisions of this Resolution shall become effective immediately upon its adoption, subject to the contingency set forth at Section 8, and shall impact upon all properties within the deteriorated area so designated for which building permits are issued thereafter. Provided, however, that nothing in this Resolution shall affect the validity or the term of any tax exemption issued prior to the effective date hereof. Resolution No. 86-1, as amended hereby, shall remain in effect for a period of fifty (50) years from the 29th of April, 1986 and shall apply to any building permits for construction, reconstruction and improvement issued at any time during that fifty (50) year period.

SECTION 10. ADOPTION OF RESOLUTION

Adopted this 22nd day of April, 2019, to become effective immediately, subject to the contingency set forth at Section 8 above. Upon the satisfaction of the contingency, all provisions of this Resolution and of Resolution No. 86-1 shall continue in effect thereafter from year to year pursuant to their terms as approved by the Board of Education of the Moon Area School District.

ATTEST:



Lisa A. Wolowicz, Secretary

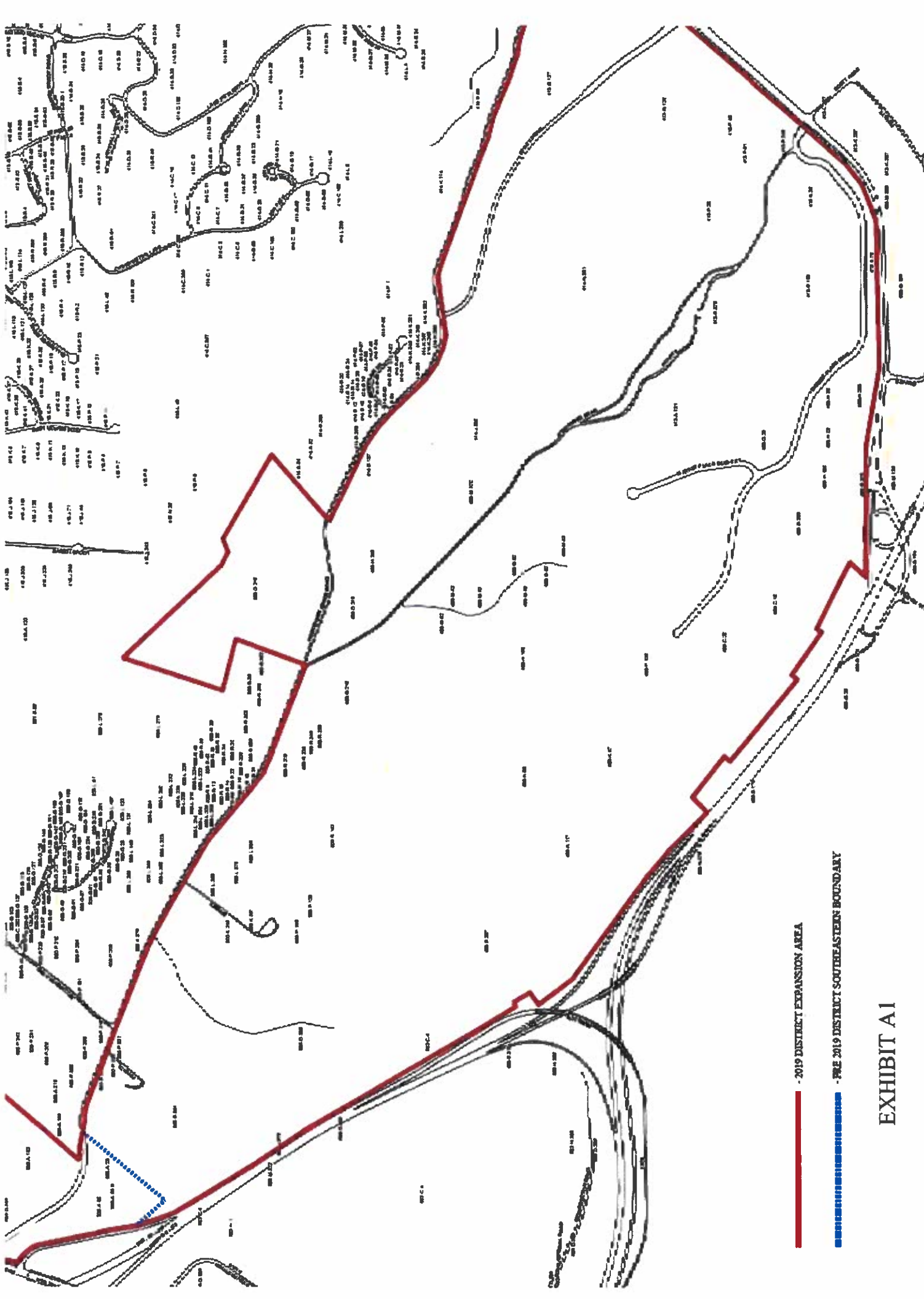
MOON AREA SCHOOL DISTRICT

By: 

Gerald S. Testa, President



2019 THORN RUN TRANSPORTATION DISTRICT
EXHIBIT A



— 2019 DISTRICT EXPANSION AREA

- - - 2019 DISTRICT SOUTHEASTERN BOUNDARY

EXHIBIT A1

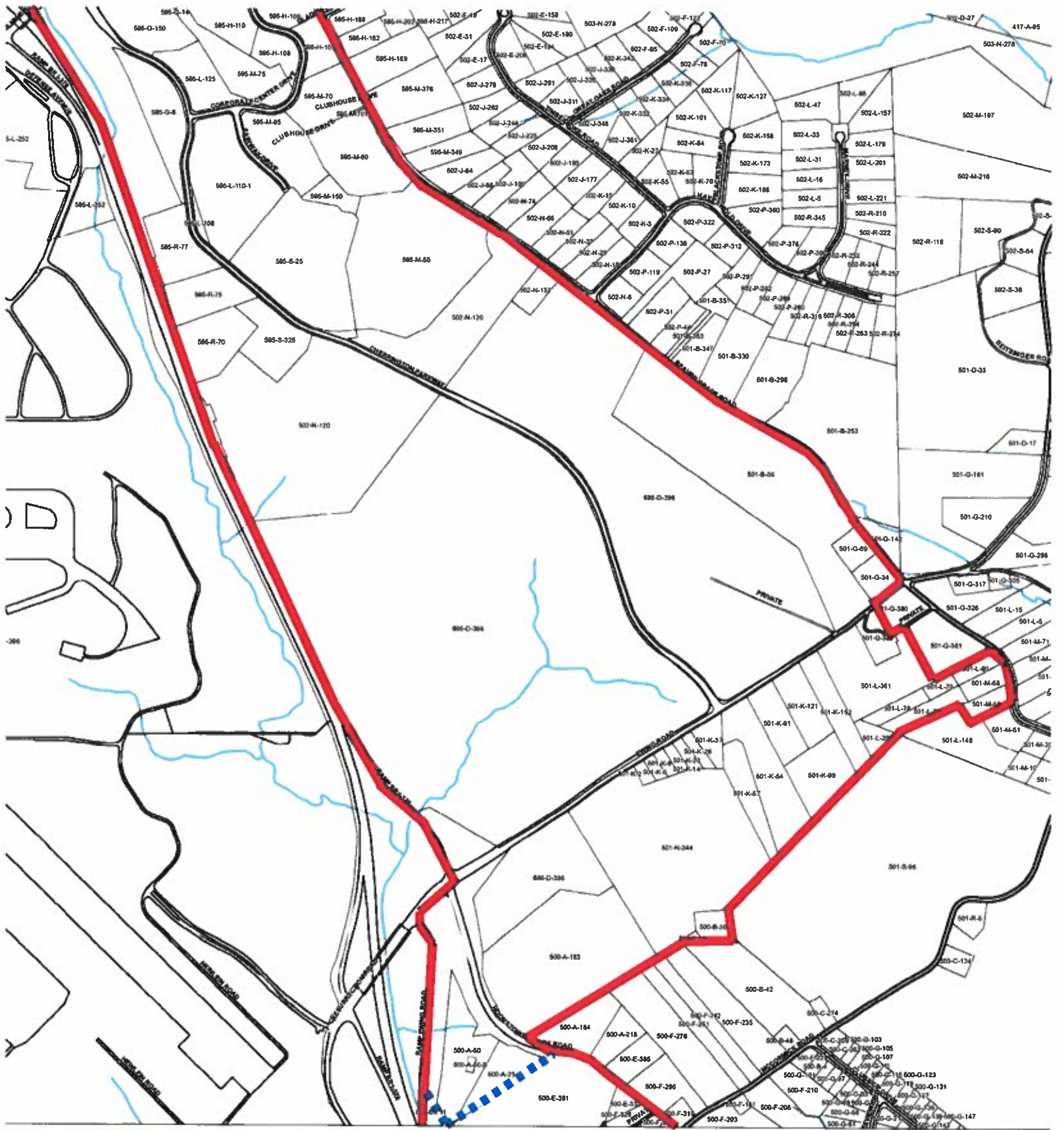
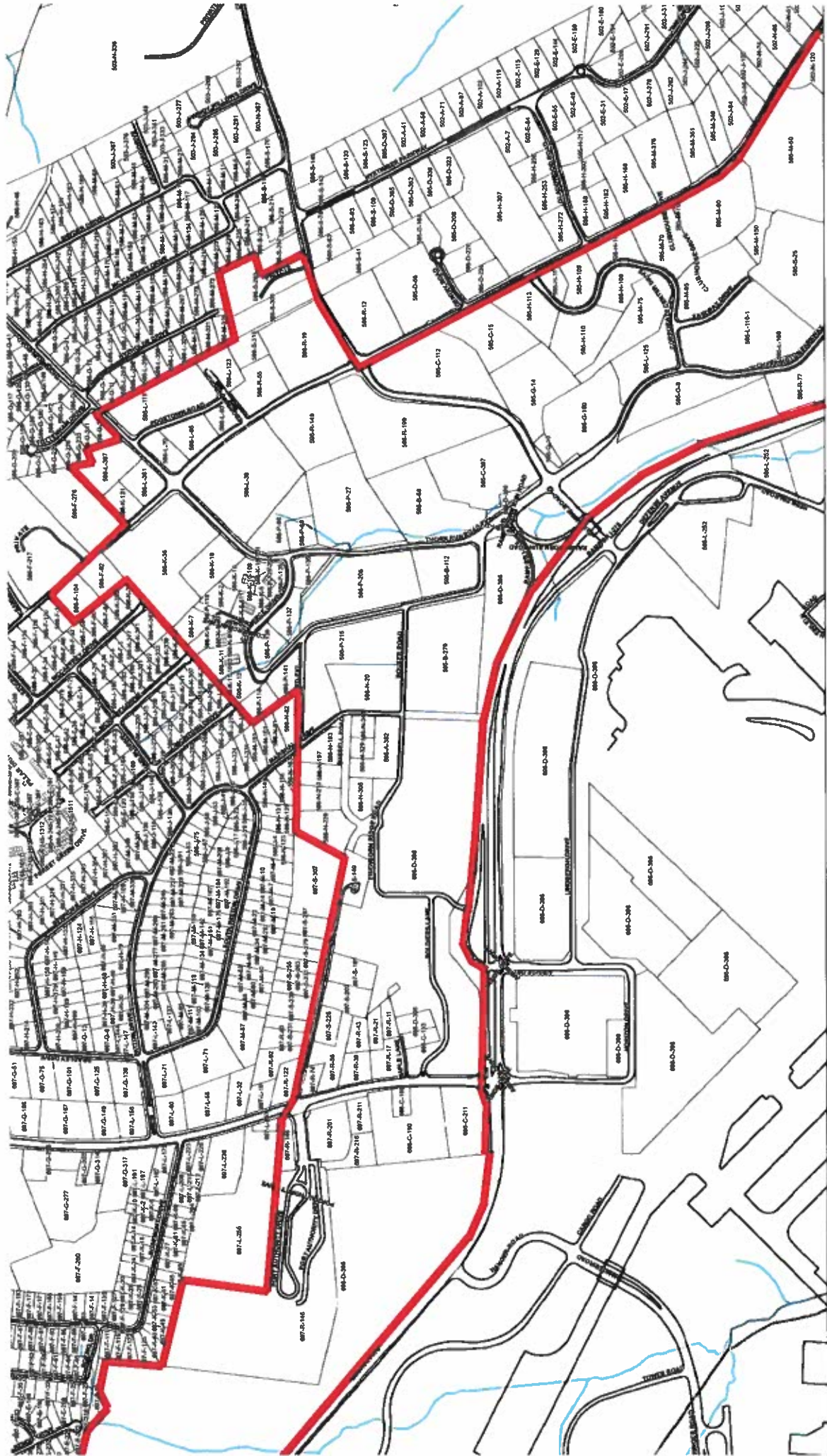


EXHIBIT A2

Transportation District Boundary
Outlined in Bold



Transportation District Boundary
Outlined in Bold

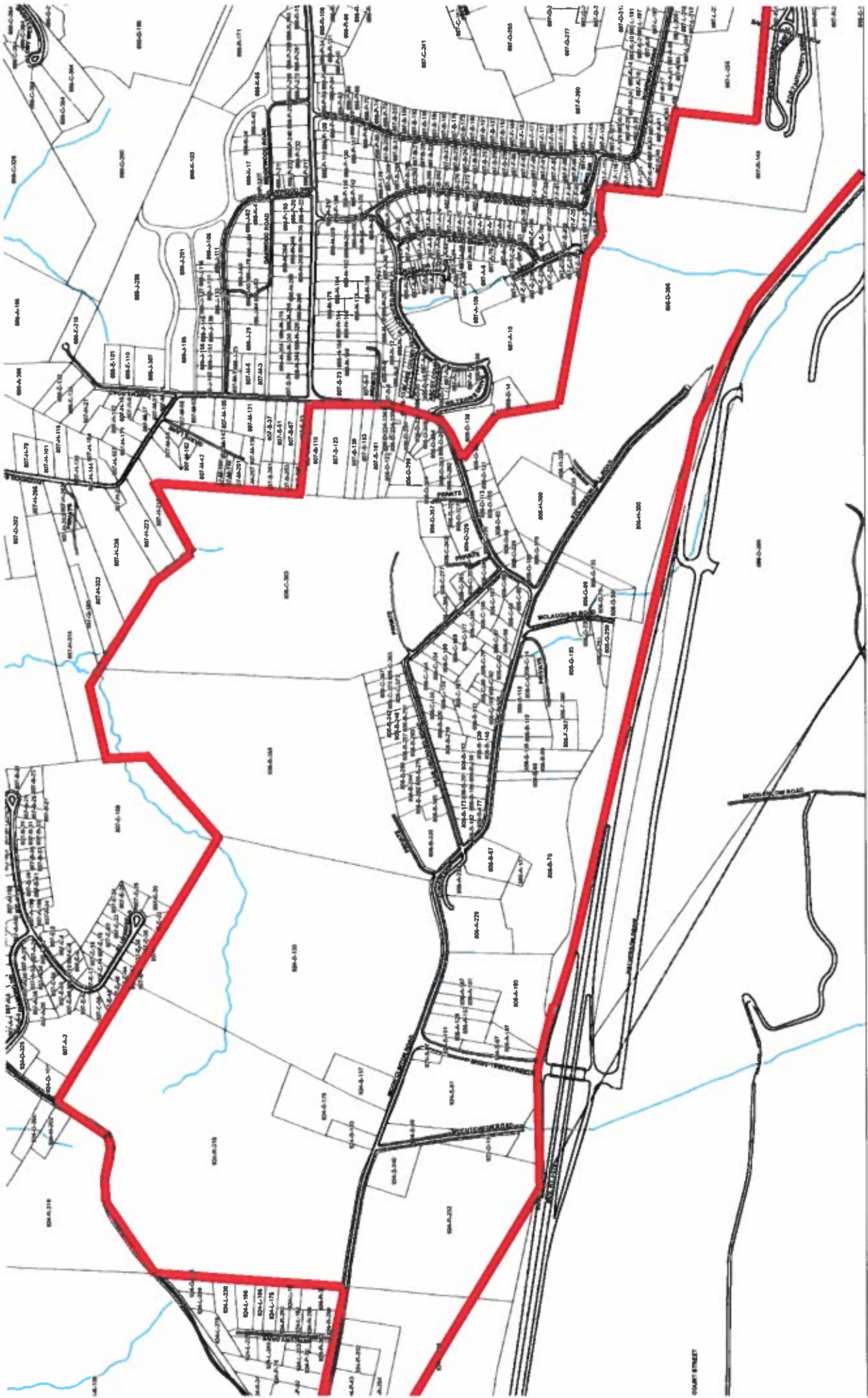


EXHIBIT A4

Transportation District Boundary

Outlined in Bold

Exhibit B
2019 LERTA Expansion Parcel List

1	500-E-381
2	500-E-332
3	500-F-326
4	500-F-331
5	500-J-375
6	696-D-396
7	592-C-4
8	592-C-4-1
9	592-C-4-2
10	500-K-315
11	500-K-361
12	500-L-368
13	500-L-378
14	500-L-396
15	500-P-128
16	500-P-130
17	500-R-143
18	500-R-128
19	500-R-234
20	500-R-245
21	500-R-253
22	499-D-332
23	499-D-215
24	499-H-285
25	499-E-207
26	499-K-117
27	499-K-99
28	499-K-47
29	499-H-159
30	499-H-100
31	499-M-82
32	499-M-370
33	414-J-380
34	414-E-137
35	499-P-125
36	498-C-20
37	498-C-10
38	498-G-295
39	498-H-100
40	498-H-23
41	498-H-25

42	498-H-200
43	413-K-75
44	498-D-25
45	413-A-101
46	413-E-379
47	413-E-150
48	413-K-25
49	413-K-35
50	413-F-245
51	413-F-61
52	413-F-20
53	413-G-125
54	414-N-201
55	413-G-127
56	413-D-10-1