

COUNTY OF CENTRE, Pennsylvania

ORDINANCE NO. 2 of 2007

AN ORDINANCE AGREEING TO PARTICIPATE IN A PROPOSED TAX INCREMENT DISTRICT TO BE CREATED BY THE BOROUGH OF STATE COLLEGE AND TO BE KNOWN AS THE FRASER CENTRE TAX INCREMENT DISTRICT, AND TAKING AND AUTHORIZING OTHER ACTION IN CONNECTION THEREWITH.

WHEREAS, pursuant to the Tax Increment Financing Act, as amended, 53 P.S. Sec. 6930.1, et seq. (the "Act"), the Borough of State College, Centre County, Pennsylvania (the "Borough"), proposes to create a tax increment district in the Borough to be known as the Fraser Centre Tax Increment District (the "TIF District"); and

WHEREAS, the Redevelopment Authority of the Borough of State College (the "Authority") has prepared a project plan for the TIF District (the "Project Plan") which includes, among other things, a list of the proposed public works or improvements and residential, commercial or industrial development and revitalization improvements to be undertaken or financed by the Authority in and for the TIF District (the "Project") and a list of all expenditures made or estimated to be made or monetary obligations incurred or estimated to be incurred as costs of the Project;

WHEREAS, after hearing a presentation on the nature and benefits of creating such tax increment district (including a description of the proposed boundaries of the TIF District, the tentative plans for development in the TIF District and an estimate on investment values, tax revenues, etc.), the Board of County Commissioners of this County, at a public meeting, appointed a representative to meet with the Authority to discuss the Project Plan, this County's contribution of real estate tax increments toward costs of the Project, the tax increment financing of the Project Costs, and other matters relevant to the proposed TIF District; and

WHEREAS, such designated representative of this County has met with the Authority to discuss the creation of the TIF District, the boundaries of the TIF District, development within the TIF District, the tax increment that this County would contribute to the tax increment fund to be established in connection with the Project, the exclusion of particular parcels of property from the TIF District, tax collection for the TIF District, and other matters relevant to the proposed TIF District, and has reported on such discussions to the Board of County Commissioners of this County; and

WHEREAS, the Borough has scheduled a public hearing concerning the creation of the proposed TIF District, and this County has received written notice of such hearing from the Borough in accordance with the Act; and

WHEREAS, the Act requires that this County, by enacting an ordinance and delivering such ordinance to the Borough on or before the date of such public hearing, agree to participate or opt not to participate in whole or in part in the tax increment district; and

WHEREAS, the Board of County Commissioners of this County desires to participate in the proposed TIF District; and

WHEREAS, the Board of County Commissioners of this County desires to enter into an agreement with the Authority and each other local government unit participating in the TIF District for the purposes hereinafter mentioned.

NOW, THEREFORE BE IT ENACTED by the Board of County Commissioners of this County as follows:

1. This County hereby agrees to participate in the proposed TIF District to be created by the Borough, in accordance with the Project Plan as prepared by the Authority and presented to the Board of County Commissioners of this County at or before this meeting, a copy of which shall be filed with the Chief Clerk of the Board of County Commissioners of this County.

2. For all purposes of this Ordinance, the phrase "Tax Increment" or "Tax Increment Revenues" shall have the meaning given thereto in the Agreement hereinafter mentioned and approved.

3. This County hereby allocates to the Authority fifty-five percent (55%) of all Tax Increment Revenues of this County received from the date as of which the TIF District is created by ordinance of the Borough until that time, after the completion of all improvements specified as part of the Project in the Project Plan and any amendments thereto made in accordance with the Act, when the Authority has received aggregate Tax Increment Revenues allocated to it by the participating local government units in an amount equal to the aggregate of all expenditures made or monetary obligations incurred for "project costs" (as that phrase is defined in the Act) of such Project (the "Project Costs"), including the payment of all tax increment bonds or notes issued by the Authority for the purpose of paying Project Costs or of refunding bonds or notes issued for such purpose (the "TIF Bonds"); provided, however, that the term of existence of the TIF District shall not exceed 20 years from the date as of which it shall come into existence by ordinance of the Borough, unless its term of existence shall be extended by adoption and approval of an amendment to the Project Plan in accordance with the Act.

4. The Treasurer of this County shall pay over to the Authority, or shall cause to be paid over to the Authority, in each case for deposit in the fund to be established and identified by the Authority as the "tax increment fund" within the meaning of the Act (the "Tax Increment Fund"), on each settlement date provided by law for the payment of real property taxes levied by this County, out of all such taxes which have been collected and all payments in lieu of taxes which have been received, that portion which represents the Tax Increment Revenues which have been allocated by this County to the Authority. The Treasurer is also authorized to pay

over to the Authority for deposit into the Tax Increment Fund any additional moneys which the Board of County Commissioners of this County from time to time may appropriate for the purpose of the payment of Project Costs, including payment of the TIF Bonds, and any moneys received by this County from time to time from any other sources to the extent such moneys are intended or restricted for payment of Project Costs, including payment of the TIF Bonds.

5. This County shall enter into an agreement (the "Agreement") with the Authority and the other local government units participating in the TIF District for the purposes of, among other things, confirming the appointment of the Authority as the entity charged with preparing and implementing the approved Project Plan and issuing the TIF Bonds; confirming the allocation of Tax Increment Revenues to the Authority; setting forth the manner in which such allocated Tax Increment Revenues shall be paid to the Authority and applied by the Authority; and setting forth such further terms and provisions as may be deemed necessary or desirable for the implementation of the Project Plan, the issuance and sale of the TIF Bonds and the security of the TIF Bonds; provided that nothing in the Agreement shall constitute a pledge of the full faith, credit or taxing power of this County for the payment of Project Costs or the principal of or interest on the TIF Bonds.

6. The Agreement shall be for the duration of the term of the TIF District and shall be substantially in the form submitted to the Board of County Commissioners at this meeting, which is hereby incorporated in this Ordinance by this reference, together with such changes as may be approved in accordance with the following paragraph of this Ordinance. A copy of the Agreement in the form submitted to the Board of County Commissioners at this meeting shall be filed by the Chief Clerk of the Board of County Commissioners with the minutes of this meeting

7. The Agreement shall be executed and delivered on behalf of this County by any two or more members of the Board of County Commissioners, and each such member is hereby authorized and directed to execute and to deliver the Agreement in substantially the form approved in the preceding paragraph of this Ordinance, together with such changes thereto as such members, following consultation with the Solicitor of this County, may approve, the execution and delivery of the Agreement by at least two members of the Board of County Commissioners to constitute conclusive evidence of their approval of any such changes. The Chief Clerk of the Board of County Commissioners of this County is hereby authorized and directed to attest execution of the Agreement by any two or more members of the Board of County Commissioners and to affix the official seal of this County upon the Agreement.

8. The members of the Board of County Commissioners and the Chairman, the Vice Chairman, and the Chief Clerk of the Board of County Commissioners of this County are hereby each authorized to execute and to deliver on behalf of this County such other instruments, documents and certificates as the Authority, the Borough or any party to the issuance, sale and delivery of the TIF Bonds may reasonably request. Each such instrument, document and certificate shall be in such form and have such content as the officer of this County executing the same, following consultation with the Solicitor of this County, may approve, such officer's execution and delivery of the same to constitute conclusive evidence of such approval.

9. The Chief Clerk of the Board of County Commissioners of this County is hereby authorized and directed to deliver a certified copy of this Ordinance to the Council of the Borough promptly following adoption hereof, and in any event on or before the date on which such Council will hold a public hearing on the creation of the TIF District in accordance with the provisions of 53 Pa.C.S. §6930.5.

10. Any reference in this Ordinance to any officer of this County or any officer or member of the Board of County Commissioners of this County shall be deemed to refer to his or her duly qualified successor in office, if applicable.

11. This County approves, ratifies and confirms all action heretofore taken by its officers, its designated representative or representatives, and other persons on its behalf in connection with the undertakings herein contemplated, to the extent not inconsistent with this Ordinance.

12. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Ordinance, it being the intent of the Board of County Commissioners of this County that such remainder shall be and shall remain in full force and effect.

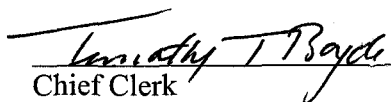
13. All prior ordinances and resolutions or parts of prior ordinances or resolutions that are inconsistent with this Ordinance are hereby repealed.

14. This Ordinance shall become effective immediately upon its having been recorded in the ordinance book of the County, and the Board of County Commissioners hereby directs that this Ordinance be recorded immediately following its enactment.


DULY ENACTED this 3rd day of July, 2007, by the Board of County Commissioners of this County in lawful session duly assembled.

COUNTY OF CENTRE, Pennsylvania

ATTEST:



Chief Clerk

By 

(Vice) Chairman of the Board of
County Commissioners

(SEAL)

CERTIFICATE

I, the undersigned, Chief Clerk of the Board of County Commissioners of the COUNTY OF CENTRE, Pennsylvania (the "County"), certify that the foregoing Ordinance was enacted by majority vote of the entire Board of County Commissioners of the County at a meeting convened and held according to law on July 3, 2007; said Ordinance was enacted by an aye and nay vote; said Ordinance and the vote thereon has been recorded in the minutes of said meeting; said Ordinance, upon enactment, was assigned Ordinance No. 2 of 07; a notice of intent to enact said Ordinance duly was published as required by law; said Ordinance has been recorded in the ordinance book of the County; and said Ordinance has not been altered, modified, amended or repealed as of the date of this Certificate.

I further certify that the Board of County Commissioners of this County met the advance notice requirements of the Sunshine Act, 65 Pa. C. S. §701, *et seq.*, by advertising the time and place of said meeting, by posting prominently a notice of said meeting at the administrative office of the County or at the public building in which said meeting was held, and by providing a reasonable opportunity for public comment at such meeting prior to the enactment of said Ordinance, all as required by such Act.

IN WITNESS WHEREOF, I affix my hand and the official seal of the County, this 3rd day of July, 2007.

Timothy T Bajda
Chief Clerk

(SEAL)