

EAST LAMPETER TOWNSHIP

RESOLUTION
2017-17

A RESOLUTION OF THE BOARD OF SUPERVISORS OF EAST LAMPETER TOWNSHIP, LANCASTER COUNTY, PENNSYLVANIA SIGNIFYING THE INTENTION OF SAID TOWNSHIP TO PARTICIPATE IN A PROPOSED TAX INCREMENT FINANCING DISTRICT TO BE KNOWN AS THE LINCOLN HIGHWAY TIF DISTRICT, AND TAKING AND AUTHORIZING OTHER ACTION IN CONNECTION THEREWITH.

WHEREAS, pursuant to the Tax Increment Financing Act, 53 P.S. §6930.1, *et seq.*, as amended (“the TIF Act”), the East Lampeter, Industrial and Commercial Authority (the “Authority”) proposes a tax increment financing district in the Township of East Lampeter Township, Lancaster County, Pennsylvania (the “Township”) to be known as the Lincoln Highway TIF District (the “TIF District”); and

WHEREAS, the Authority has prepared a project plan for the TIF District (the “TIF Project Plan”) which includes, among other things, a statement of the proposed transportation and related infrastructure improvements to be financed in part by the Authority in and for the benefit of the TIF District (the “Project”) and an estimate of their costs (the “Project Costs”); and

WHEREAS, after hearing a presentation on the nature and benefits of creating such TIF District (including the plan for development in the TIF District, examples of TIF participations by other municipalities, the potential financial impact of TIF participation, and the proposed map of the TIF District), the East Lampeter Township (“ELT”) Board of Supervisors (“Supervisors”), at a public meeting, appointed a representative of ELT to meet with the Authority to discuss the TIF Project Plan, creation of the TIF District and its proposed boundaries, development within the TIF District, the tax increment that would be contributed to the tax increment fund, tax collection for the TIF District and other matters relevant to the proposed TIF District (“the TIF Planning Meeting”); and

WHEREAS, such designated representative of ELT attended TIF Planning Meetings with representatives of the Conestoga Valley School District (“CVSD”), Lancaster County and the Authority; and

WHEREAS, following the TIF Planning Meetings, the Authority submitted recommended boundaries of the TIF District to the Township Board of Supervisors; and

WHEREAS, following the TIF Planning Meetings, the Authority prepared the TIF Project Plan and submitted it to the ELT Supervisors as well as to the CVSD Board of Directors and the Lancaster County Commissioners; and

WHEREAS, the ELT intends to schedule a public hearing concerning the creation of the proposed TIF District in accordance with the Act; and

WHEREAS, the ELT Supervisors desires ELT to participate in the proposed TIF District; and

WHEREAS, the ELT Supervisors desires ELT to enter into a cooperation agreement with the Authority and each other local government unit participating in the TIF District for the purposes hereinafter mentioned (“TIF Cooperation Agreement”).

NOW, THEREFORE BE IT ADOPTED by the ELT Supervisors as follows:

1. The ELT hereby agrees to participate in the proposed TIF District to be created by the ELT in accordance with the TIF Project Plan as prepared by the Authority, a copy of which shall be filed with the ELT Secretary upon final adoption by the ELT Board of Supervisors.

2. For all purposes of this Resolution, the phrase “Tax Increment Base” shall mean the aggregate assessed value resulting from the countywide revision of assessment completed by the County Property Assessment Office in June 2017, as finally determined after any adjustments for clerical or mathematical errors pursuant to the Consolidated County Assessment Law, 53 Pa.C.S. §8816, and after any assessment appeals made pursuant to the Consolidated County Assessment Law, 53 Pa.C.S. §8848(c), of all taxable real property located within the TIF District as of the date of the creation of the TIF District. The Tax Increment Base, before any adjustments for clerical or mathematical errors and before any assessment appeals, is \$184,238,300.

(a) For all purposes of this Resolution, the phrase “Tax Increment” or “Tax Increment Revenues” shall mean the incremental tax revenues, determined with reference to the Tax Increment Base, resulting from an increase in real property values in the TIF District after the date of the creation of the TIF District, more specifically (i) the incremental tax revenues resulting from an increase in the total market value of taxable real property in the TIF District as a result in changes in the assessed valuation pursuant to the Consolidated County Assessment Law, 53 Pa.C.S. §8817, including any interim assessments occurring during a tax year, multiplied by the real estate tax millage rate then in effect in the TIF District and (ii) the incremental amount of payments in lieu of taxes assigned to or agreed to be paid by governmental entities or nonprofit organizations with respect to real property situated in the TIF District, but only to the extent such payments in lieu of real property taxes are attributable to an increase in the total assessed value of such property. Coinciding with future countywide reassessments (those effective after 2018), the changes in assessed valuation that occurred after the date of the creation of the TIF District will be adjusted in proportion to the change in total assessed valuation resulting from the countywide reassessment.

3. ELT hereby allocates to the Authority one hundred percent (100%) of all Tax Increment Revenues of ELT received from the date as of which the TIF District is created by ordinance of the ELT Board of Supervisors until that time, after the completion of all

improvements specified as part of the Project in the TIF Project Plan and any amendments thereto made in accordance with the TIF 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 in connection with such Project; 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 Township, unless its term of existence shall be extended by adoption and approval of an amendment to the TIF Project Plan in accordance with the TIF Act.

4. The Tax Collector for ELT 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 TIF Act (the “Tax Increment Fund”), on each settlement date provided by law for the payment of real property taxes levied by ELT, 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 ELT to the Authority. The Tax Collector is also authorized to pay over to the Authority for deposit into the Tax Increment Fund any additional moneys which the ELT Supervisors from time to time may appropriate for the purpose of the payment of Project Costs and any moneys received by ELT from time to time from any other sources to the extent such moneys are intended or restricted for payment of Project Costs.

5. ELT shall enter into a TIF Cooperation 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 TIF Project Plan; confirming the allocation of Tax Increment Revenues to the Authority; setting forth the manner in which 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; provided that nothing in the TIF Cooperation Agreement shall constitute a pledge of the full faith, credit or taxing power of ELT for the payment of Project Costs. The TIF Cooperation Agreement shall be for the duration of the term of the TIF District.

6. The TIF Cooperation Agreement shall be executed and delivered on behalf of ELT by the Chairman or the Vice-Chairman of the Board of Supervisors, and each such Supervisor is hereby authorized and directed to execute and to deliver the TIF Cooperation Agreement in substantially the form approved in the preceding paragraph of this Resolution, may approve, the execution and delivery of the TIF Cooperation Agreement by the Chairman or the Vice-Chairman of the ELT Board of Supervisors to constitute conclusive evidence of their approval of any such changes. The ELT Secretary is hereby authorized and directed to attest execution of the TIF Cooperation Agreement by the Chairman or Vice-Chairman of the ELT Board of Supervisors and to affix the official seal of ELT upon the TIF Cooperation Agreement. A copy of the executed Agreement shall be placed on file with the ELT Secretary.

7. The ELT Secretary is hereby authorized and directed to deliver a certified copy of this Resolution to ELT promptly following adoption hereof, and in any event on or before the date on which ELT will hold the public hearing on the creation of the TIF District that is required by the provisions of the TIF Act.

8. Any reference in this Resolution to any officer of the Township or any officer or member of the ELT Supervisors shall be deemed to refer to his or her duly qualified successor in office, if applicable.

9. The Township 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 Resolution.

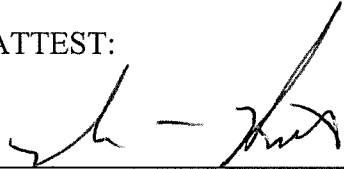
10. In the event any provision, section, sentence, clause or part of this Resolution shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Resolution, it being the intent of the ELT Supervisors that such remainder shall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

11. All prior resolutions or parts of prior resolutions that are inconsistent with this Resolution are hereby repealed.

12. This Resolution shall become effective immediately upon it having been recorded in the minutes of the ELT Board of Supervisors, and the ELT Board of Supervisors hereby directs that this Resolution be recorded immediately following its adoption.

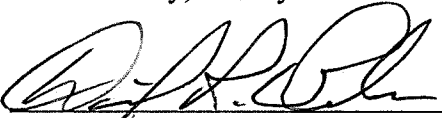
DULY ADOPTED this 7th day of August, 2017, by the Board of Supervisors of this Township in lawful session duly assembled.

ATTEST:



Township Secretary

TOWNSHIP OF EAST LAMPETER,
Lancaster County, Pennsylvania

By: 

Chair, Board of Supervisors

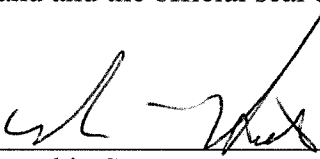
(SEAL)

CERTIFICATE

I, the undersigned, the Township Secretary of the Township of East Lampeter, Lancaster County (the "Township"), certify that the foregoing Resolution was adopted by majority vote of the entire Board of Supervisors of the Township at a meeting convened and held according to law on August 7, 2017; said Resolution was adopted by an aye and nay vote; said Resolution and the vote thereon has been recorded in the minutes of said meeting; said Resolution; a notice of intent to adopt said Resolution duly was published as required by law; said Resolution has been recorded in the minute book of the Township; and said Resolution has not been altered, modified, amended or repealed as of the date of this Certificate.

I further certify that the Board of Supervisors of this Township 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 adoption of said Resolution.

IN WITNESS WHEREOF, I affix my hand and the official seal of the Township, this 7th day of August, 2017.



Township Secretary

(SEAL)

