

ORDINANCE # 173

First Reading – April 11, 2006

Second Reading – May 9, 2006

AN ORDINANCE OF THE COUNTY OF LACKAWANNA in the Commonwealth of Pennsylvania providing for property tax exemption for certain deteriorated industrial and commercial or other business property in defined eligible deteriorated areas in Covington Township setting a maximum exemption amount and an exemption schedule; and providing a procedure for securing an exemption.

WHEREAS, the General Assembly of Pennsylvania past Act 76 of 1977 (72 P.S. §4722 et seq) subsequently amended said legislation on July 13, 1988 P.L. 518, 90, known as the Local Economic Revitalization Tax Assistance Act (LERTA) which authorizes local taxing authorities to provide for tax exemption for certain deteriorated industrial, commercial and other business properties;

WHEREAS, the Covington Township Board of Supervisors in accordance with the said Act have held public hearings to determine the boundaries of deteriorated areas within Covington Township and Lackawanna County.

BE IT ORDAINED AND ENACTED, It is hereby resolved and enacted by the Board of Commissioners of the County of Lackawanna, Pennsylvania:

SECTION 1 DEFINITIONS

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

a. **“Deteriorated Property”** - any industrial, commercial or other business property owned by an individual, association or corporation located in a deteriorating area, as hereinafter provided, or such other 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 non-compliance with laws, ordinance, or regulations.

b. **“Improvement”** - repair, construction or reconstruction including alterations and additions, having the effect of rehabilitating a deteriorated property so that it becomes habitable or attains higher standards of safety, health, economic use or amenity or is brought into compliance with laws, ordinances or regulations governing such standards. Ordinary upkeep and maintenance shall not be deemed an improvement.

c. **"Local Taxing Authority"** - a county, city borough, incorporated town, township institution, district or school district having authority to levy real property taxes.

d. **"Municipal Governing Body"** - a city, borough, incorporated town or township.

SECTION 2 EXEMPTION AMOUNT

(a) The amount to be exempted shall be limited to that portion of the additional assessment attributable to the actual cost of improvements.

(b) The exemption shall be limited to that improvement for which an exemption has been requested in the manner set forth below, and for which a separate assessment has been made by the Lackawanna County Board of Assessment Appeals.

SECTION 3 EXEMPTION SCHEDULE

(a) For the eight years immediately following the year upon which the improvement becomes assessable, one-hundred percent of the eligible assessment shall be exempted. After the eighth year, the exemption shall terminate.

(b) The exemption from taxes granted from this Ordinance shall be upon the property and shall not terminate upon the sale or exchange of the property.

SECTION 4 NOTICE TO TAXPAYERS

(a) A notice of this ordinance shall be sent to all property owners within the deteriorated areas as identified by Covington Township, and more fully described below, providing the following:

NOTICE TO TAXPAYERS

Pursuant to the provisions of the County Ordinance of _____, 2006, you may be entitled to a property tax exemption on your contemplated alteration or new construction. An application for exemption may be secured from the Covington Township Supervisors and must be filed with the Assessor for the County of Lackawanna at the time of building or alteration permit is secured.

(b) At the time the building or alteration permit is secured for the construction of an improvement for which an exemption is requested, the taxpayer shall apply to the Covington Township Board of Supervisors or any successor agency thereto for the exemption provided for in this Ordinance. Request for the exemption must be in writing certified in full as prescribed by the County setting forth the following information:

- (1) the date the building permit or alteration permit was issued for said improvement;

- (2) the type of improvement;
- (3) the summary of the plan of the improvement;
- (4) the cost of the improvement;
- (5) the property has been inspected and verified by the Covington Township Board of Supervisors;
- (6) any or all additional information the County may require.

SECTION 5 PROCEDURE FOR OBTAINING EXEMPTION

A copy of the Request for Exemption shall be forwarded to the Lackawanna County Board of Assessment Appeals by the Covington Township Board of Supervisors. Upon completion of the improvement, the taxpayer shall immediately notify the Covington Township Board of Supervisors and the Lackawanna County Board of Assessment Appeals so the Board may assess the improvements separately for the purpose of calculating the amount of assessment eligible for tax exemption in accordance with the limits established in this Ordinance. Appeals from the reassessment and the amount eligible for the exemption may be taken by the taxpayer as provided by law.

SECTION 6 TERMINATION

This Ordinance shall remain in force and effect until terminated by the governing body of the County of Lackawanna.

SECTION 7 SEVERABILITY

The provisions of this Ordinance are severable and if any of its sections, clauses or sentences shall be illegal, invalid or unconstitutional, such provisions shall not effect or impair any of the remaining section, clauses or sentences. It is hereby declared that the intent of the Board of Commissioners that this Ordinance would not have been adopted if such illegal, invalid or unconstitutional section, clause or sentence had not been included herein.

SECTION 8 DETERIORATED AREAS

The designated deteriorated area governed by this Ordinance will be the same area identified by the Covington Township Board of Supervisors which affix the boundaries of the deteriorated area as follows:

Lot "6" (north part) Covington Industrial Park, Township of Covington, County of Lackawanna, Commonwealth of Pennsylvania

ALL THAT CERTAIN portion of Lot 6 on the north proposed legal right of way line of S.R. 0435, known as Lackawanna Trail as shown on the attached sketch (Exhibit A), situated in the Township of Covington, County of Lackawanna and Commonwealth of Pennsylvania, bounded and described as to wit:

BEGINNING at a point on the north legal right-of-way line of S.R. 0435, known as Lackawanna Trail and in line with lands now or formerly of F&L Realty Inc.; Thence along said legal right of way line of S.R. 0435, known as Lackawanna Trail, North $01^{\circ}-23'-12''$ East, a distance of 270.92 feet to an iron pin set in line with Lot E-2; Thence along Lot E-2 on the following four (4) courses and distances, viz: (1) North $39^{\circ}-29'-58''$ East, a distance of 1095.05 feet to a steel pin set; (2) North $85^{\circ}-35'-59''$ East, a distance of 690.38 feet to a steel pin set; (3) South $53^{\circ}-53'-40''$ East, a distance of 2900.47 feet to a steel pin set; (4) South $27^{\circ}-20'-13''$ West, a distance of about 280 feet to a point. Thence through Lot #6 the following two (2) courses and distances, viz (1) North $53^{\circ}-52'-38''$ West, a distance of about 2700 feet to a steel pin set; (2) South $36^{\circ}-07'-02''$ West a distance of about 1190 feet to a point in the line with lands now or formerly of F&L Realty Inc. Thence along said lands now or formerly of F&L Realty Inc. the following two (2) courses and distances, viz (1) North $53^{\circ}-53'-40''$ West, a distance of about 150 feet to a steel pin found; (2) North $83^{\circ}-47'-24''$ West, a distance of 605.34 feet to a stone pile found in line with the aforesaid legal right of way line of S.R. 0435; the point of beginning.

Containing approximately 43 acres.

A N D

Lot "E-2"
Covington Industrial Park
Township of Covington, County of Lackawanna
Commonwealth of Pennsylvania

ALL THAT CERTAIN Lot "E-2" on the north right of way line of S.R. 0435, known as Lackawanna trail as shown on the Lot E Subdivision Plan for the Covington Industrial Park, recorded in Plan Book 6AM Page 4943, situated in the Township of Covington, County of Lackawanna and Commonwealth of Pennsylvania, bounded and described, as to wit:

BEGINNING at a point on the north legal right-of-way of S.R. 0435, known as Lackawanna Trail; Thence along said legal right of way line of S.R. 0435, known as Lackawanna Trail on the following two (2) courses and distances, viz: (1) North $01^{\circ}-23'-12''$ East, a distance of 41.76 feet to a steel pin found; (2) North $01^{\circ}-09'-27''$ West, a distance of 52.53 feet to a concrete monument found; Thence along lands of Christopher B. & Judith H. Ahrens and POCAL Industries, Inc., North $39^{\circ}-29'-58''$ East, a distance of 1919.11 feet to a concrete monument found; Thence along said POCAL Industries, Inc., North $53^{\circ}-57'-34''$ West, a distance of 1037.59 feet to a steel pin found; Thence along lands of Alexander F. Humen & Elsie M. Shaffer, North $35^{\circ}-55'-27''$ East, a distance of 2244.76 feet to a concrete monument found; Thence along lands of Thomas H. & Margaret C. Groves, South $53^{\circ}-21'-47''$ East, a distance of 1034.46 feet to a concrete monument found; Thence along lands of Eagle Lake Corporation on the following three (3) courses and distances, viz: (1) South $54^{\circ}-02'-57''$ East, a distance of 2042.46 feet to a steel pin found; (2) South $35^{\circ}-52'-30''$ West, a distance of 2224.83 feet to a stone pile found; (3) South $54^{\circ}-10'-45''$ East a distance of 1379.01 feet to a steel pin to be set; Thence along Lot E-3 South $27^{\circ}-20'-13''$ West, a distance of 1126.81 feet to a point in the line with the Cul-De-Sac and north terminus of First Avenue Extension; Thence along the Cul-De-Sac with a curve to the left having a radius of 111.00 feet, an arc length of 63.39 feet, with a chord bearing of North $46^{\circ}-18'-47''$ West, a chord distance of 62.53 feet and a delta angle of $32^{\circ}-43'-07''$ to a concrete monument to be set in line with Lot 6; Thence along Lot 6 on the following four (4) courses and distances, viz: (1) North $27^{\circ}-20'-13''$ East, a distance of 641.02 feet to a steel pin to be set; (2) North $53^{\circ}-53'-40''$ West, a distance of 2900.47 feet to a steel pin to be set; (3) South $85^{\circ}-35'-59''$ West, a distance of 690.38 feet to a steel pin to be set; (4) South $39^{\circ}-29'-58''$ West, a distance of 1095.05 feet to a point, the point of beginning.

Containing 200.09 Acres.

SECTION 9 EFFECTIVE DATE

This Ordinance shall take effect immediately upon its passage and shall remain in full force and effect until terminated by the governing body of the County of Lackawanna.

COUNTY OF LACKAWANNA

A.J. Munchak

Robert C. Cordaro

Michael J. Washo

Attest:

Paul D. Taramelli,
Chief of Staff

Approved as to form and legality:

Elaine C. Geroulo,
County Solicitor