

ORDINANCE NO. 92

**AN ORDINANCE OF THE COUNTY OF BUCKS AUTHORIZING TAX EXEMPTIONS
FROM PROPERTY TAX FOR CERTAIN INDUSTRIAL, COMMERCIAL OR
OTHER BUSINESS PROPERTY; DEFINING ELIGIBLE AREAS;
SETTING A MAXIMUM EXEMPTION AMOUNT AND AN
EXEMPTION SCHEDULE; AND PROVIDING A
PROCEDURE FOR SECURING AN EXEMPTION**

WHEREAS, the residents and County of Bucks have suffered substantial economic hardship, with the closing of the former Fairless Works U.S. Steel facility and the loss of over 9,000 jobs; and

WHEREAS, the closure of the former Naval Air Warfare Center in Warminster will result in the loss of the County's single largest employer and diminished opportunities for technology based firms located throughout Bucks County which have relied on the NAWC for a substantial portion of their business; and

WHEREAS, the closure of the former SPS Technology Center, located in Newtown Township in Bucks County, has resulted in a land use that is economically undesirable, thereby resulting in depreciating land values and substantially reduced tax revenues; and

WHEREAS, the Local Economic Revitalization Tax Abatement Act promotes LERTA designations in areas where such economically undesirable land uses occur, consistent with the Act of 1945, P.L. 991, No. 385, the Commonwealth's redevelopment law, as a means to reverse such economically undesirable uses; and

WHEREAS, through the establishment of a Center of Excellence on that site, Lockheed Martin will return the property to its highest and best envisioned use, generating both substantial new business opportunities and significant increases in tax revenues; and

WHEREAS, the decision of Lockheed Martin to establish a leading edge, world class commercial communications development and production facility in Bucks County will occasion the arrival of the County's first Fortune 100 employer in nearly half a century; and

WHEREAS, in order to implement Article VIII, Section 2(b)(iii) of the Constitution of Pennsylvania, the General Assembly of Pennsylvania passed Act 76 of 1977 (72 P.S. § 4722 et seq.) known as the Local Economic Revitalization Tax Assistance Act (LERTA) which authorized local taxing authorities to provide for tax exemption for certain industrial, commercial and other business property; and

WHEREAS, the Board of Supervisors of Newtown Township, in accordance with said Act, and on behalf of themselves and the County of Bucks, held a public hearing to determine the boundaries of said areas; and

WHEREAS, at said public hearing the Planning Commission of Newtown Township and other agencies and individuals presented to the Board of Supervisors their recommendations concerning the location of the boundaries of said areas; and

WHEREAS, within the area proposed, the Lockheed Martin Corporation has proposed to rehabilitate, modify and improve principal building located thereon; and

WHEREAS, employment for an estimated 1,200 individuals will be provided on the property; and

WHEREAS, it is hoped that the creation of 1,200 new jobs on the property will fill a vacuum created by the closing down of major industries in the area and unemployment resulting thereby;

NOW, THEREFORE, BE IT ORDAINED by the Bucks County Board of Commissioners as follows:

I. DEFINITIONS

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

(a) "Property" shall mean any industrial, commercial or other business property owned by an individual, association or corporation, and located within the area, as hereinafter provided in this Ordinance;

(b) "Improvement" shall mean repair, construction or reconstruction, including alterations or additions, having the effect of rehabilitating the 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" shall mean the County of Bucks, the Township of Newtown and the Council Rock School District;

II. EXEMPTION AREA

The Bucks County Board of Commissioners hereby adopt the following area which has been designated by the Newtown Township Board of Supervisors as appropriate for tax relief.

(a) A portion of County Tax Parcel #29-10-75-1 consisting of 52.02 acres fronting on the access road from the Newtown Yardley Road (SR 332) as set forth in legal description attached hereto and incorporated herein by reference as Exhibit "A":

(b) The designated area is also as set forth on map of Lockheed Martin Center of Excellence Parcel Subdivision Plan as prepared by Langan Engineering and Environmental Services dated December 15, 1995 (Drawing #05.01) as attached hereto and incorporated herein by reference Exhibit "B";

(c) All commercial, industrial or local business properties located in this area may be eligible to participate in this tax exemption program.

III. EXEMPTION AMOUNT

The amount to be exempted shall be limited to the additional assessment valuation attributable to the actual costs of improvements to the property.

IV. EXEMPTION SCHEDULE

(a)	Year	1	-	100%	Year	7	-	40%
	Year	2	-	90%	Year	8	-	30%
	Year	3	-	80%	Year	9	-	20%
	Year	4	-	70%	Year	10	-	10%
	Year	5	-	60%	Year	11	-	0%
	Year	6	-	50%				

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

V. PROCEDURE FOR OBTAINING EXEMPTION

The procedure for obtaining the exemption shall be that as outlined and implemented by the Newtown Township Board of Supervisors at the time a building permit is requested and/or secured for construction of an improvement for which an exemption might be appropriate.

A copy of the Request for Exemption shall be forwarded to the Bucks County Board of Assessment Office by the Township of Newtown. Upon completion of the improvement or new construction, the taxpayer shall notify the County of Bucks and/or Township of Newtown so that it may have the Assessor 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. The Township of Newtown will then obtain from the Assessor the amount of the assessment eligible for exemption, and will notify the taxpayer. Appeals from the reassessment and the amount eligible for the exemption may be taken by the taxpayer or the Township of Newtown as provided by law.

VI. TERMINATION

Unless otherwise repealed by the Board of Commissioners of County of Bucks, this Ordinance shall terminate on December 31, 2005. Nothing contained herein shall act to prohibit the County of Bucks, Board of Commissioners from enacting a similar Ordinance, or extending this one. Any property tax exemptions granted under the provisions of this Ordinance shall be permitted to continue according to the exemption schedule even if this Ordinance expires or is repealed.

This Ordinance shall be rescinded, repealed, and terminated with nothing further done by the Bucks County Board of Commissioners if Newtown Township and Council Rock School District do not adopt a similar Ordinance encompassing the same deteriorated exempt area on or before , 1996.

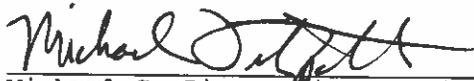
VII. SEVERABILITY

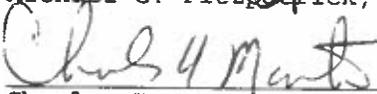
The provisions of this Ordinance are severable and if any of its sections, clauses or sentences shall be held illegal, invalid or unconstitutional, such provisions shall not effect or impair any of the remaining sections, clauses or sentences.

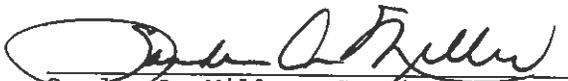
VIII. EFFECTIVE DATE

This Ordinance shall become effective immediately.

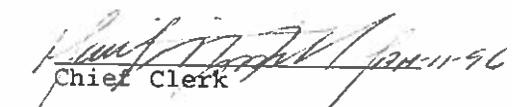
COUNTY OF BUCKS BY:


Michael G. Fitzpatrick, Chairman


Charles H. Martin, Commissioner.


Sandra A. Miller, Commissioner

Attest:


Chief Clerk