

## LERTA ORDINANCE

**AN ORDINANCE PROVIDING FOR REAL ESTATE TAX EXEMPTION FOR NEW CONSTRUCTION AND IMPROVEMENTS TO DETERIORATED PROPERTY PURSUANT TO THE PROVISIONS OF THE LOCAL ECONOMIC REVITALIZATION TAX ASSISTANCE ACT (ACT OF DECEMBER 1, 1976, P.L. 237, NO. 76, AS AMENDED BY ACT OF JULY 13, 1988, P.L. 518, NO. 90), 72 P.S. SECTION 4722 ET SEQ., AND ESTABLISHING PROCEDURES FOR OBTAINING SUCH EXEMPTION.**

**WHEREAS**, on December 1, 1977, Act Number 76 authorizing the exemption from tax of certain improvements to deteriorated commercial structures was approved by the Governor of the Commonwealth of Pennsylvania; and

**WHEREAS**, on July 13, 1988, Act Number 90 amended Act Number 76 to additionally authorize the exemption from tax of new construction in deteriorated areas was approved by the Governor of the Commonwealth of Pennsylvania; and

**WHEREAS**, McKean Township desires to provide tax relief to certain portions of industrial lands within McKean Township which qualify as deteriorated property pursuant to said Acts; and

**WHEREAS**, in accordance with said Acts a public hearing was held to determine the boundaries of the areas within McKean Township which shall qualify for such tax exemption.

**NOW THEREFORE**, be it enacted, and it is hereby enacted, by McKean Township, Erie County, Pennsylvania, by and through its duly elected Board of Supervisors, as follows:

### **SECTION 1. SHORT TITLE**

This document is a Local Economic Revitalization Tax Assistance Ordinance and shall be known and cited as the “McKean Township LERTA Ordinance”.

### **SECTION 2. DEFINITIONS**

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

(b) **“Improvement”** means new construction, 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) **“Deteriorated Area”** means the area or areas within McKean Township designated by the McKean Township Board of Supervisors at any public hearing held for the purpose of so designating an area or areas to be eligible for tax exemption under this Ordinance.

The following specific properties encompass the deteriorated area of the McKean Township LERTA Ordinance. Any subsequent changes to these properties by replotting of lot lines or subdivision into smaller lots shall also be included.

All properties situate in McKean Township, Erie County, Pennsylvania zoned B-1 Highway/Plaza Commercial and I-1 Industrial on Route 99 (Edinboro Road) from the Summit Township line south to McKean Borough and West Road from the McKean Borough line west to I-79 Interchange.

and

Erie County Tax Map Parcel Numbers  
of  
Deteriorated Area Within McKean Township, Erie County, Pennsylvania

All that certain piece or parcel of land, situate in McKean Township, Erie County, Pennsylvania, being described as follows, to-wit:

Being lands which include the parcel of land shown on a map entitled “Subdivision Plan for Timothy M. & Sandra K. Birkmire”, by Henry T. Welka Associates, dated March 16, 1995, revised May 9, 1995, revised April 9, 1996 and recorded November 1, 1996 as Erie County Map Number 1996-321. Containing 64.928 acres of land.

Also being lands which include Parcel “A” on a map entitled “Plot of Survey for Part of the Land of Allan L. & Carol A. Williams”, by Henry T. Welka Associates, dated November 21, 1996 and recorded January 8, 1997 as Erie County Map Number 1997-6. Containing 3.138 acres of land.

Also being lands which are described into two quit claim deeds from Robert C. McElroy to the Robert C. McElroy Trust, dated September 18, 1987 and recorded September 21, 1987 in Erie County Record Book 27, page 2375 and in Record Book 27, page 2381. Containing 81.5 + or – acres of land, according to the descriptions given in Record Book 27, page 2375 and page 2381, inclusive. Excepting and reserving from the lands described in Record Book 27, page 2375 and page 2381; a strip of land eight hundred (800) feet in width, extending along the entire parcel from east to west, and located on the south side of Kreider Road, a 50 foot wide Right-of-Way, the southerly line of said 800 foot wide strip being parallel to Kreider Road.

All that certain piece or parcel of land, zoned I-1 Industrial, situate in McKean Township, Erie County, Pennsylvania, being described as follows, to-wit: (added by Ordinance No. 6-06, October 5, 2006)

The property identified by tax Index Number 31-1-1-4.01, recorded on October 13, 2005 in the Erie County Record Book 1278 Page 0001, being a lot having the size of 38.157 acres and now or formerly of Timothy M. and Sandra K. Birkmire.

Also, the property identified by tax Index Number 31-1-1-9, recorded on April 25, 2003 in the Erie County Record Book 1003 Page 670, being a lot having the size of 18.01 acres and now or formerly of Donald A. and Patricia M. Hill.

Also, the property identified by tax Index Number 31-1-1-7, recorded on August 23, 2004 in the Erie County Record Book 1166 Page 1359, being a lot having the size of 30.076 acres and now or formerly of George A. Baldwin and Associates.

Also, the property identified by tax Index Number 31-1-1-7.01, recorded on December 23, 2003 in the Erie County Record Book 1096 Page 1908, being a lot having the size of 16.88 acres and now or formerly of the Ellis School.

Also, the property identified by tax Index Number 31-1-1-13, recorded on May 25, 2005 in the Erie County Record Book 1237 Page 93, being a lot having the size of 20.172 acres and now or formerly of Thomas A. and Linda G. Soboleski.

Also, the property identified by tax Index Number 31-1-2-6, recorded on November 12, 2003 in the Erie County Record Book 1085 Page 1743, being a lot having the size of 3.26 acres and now or formerly of Associated Finish Systems, Inc.

Also, the property identified by tax Index Number 31-1-2-5, recorded on May 20, 1999 in the Erie County Record Book 637 Page 984, being a lot having the size of 1 acre and now or formerly of Christopher R. and Laurie E. Hart.

Also, the property identified by tax Index Number 31-1-2-4, recorded on February 20, 1981 in the Erie County Deed Book 1412 Page 334, being a lot having the size of 1.23 acres and now or formerly of Rita R. Boldizar.

Also, the property identified by tax Index Number 31-1-2-11, recorded on January 10, 1978 in the Erie County Deed Book 1292 Page 516, being a lot having the size of 91.89 acres excluding that portion of property zoned A-1 Conservation and now or formerly of Victor L. and Cindy L. Peres.

Also, the property identified by tax Index Number 31-1-2-3, recorded on May 20, 1974 in the Erie County Deed Book 1120 Page 132, being a lot having the size of 5.72 acres and now or formerly of Frank and Betty Chernek.

Also, the property identified by tax Index Number 31-1-2-3.01, recorded on January 25, 1985 in the Erie County Deed Book 1567 Page 188, being a lot having the size of 11.774 acres and now or formerly of Frank C. and Marianne V. Urraro.

Also, the property identified by tax Index Number 31-1-2-3.02, recorded on February 10, 1986 in the Erie County Deed Book 1616 Page 161, being a lot having the size of 5.806 acres and now or formerly of Donald Klos.

Also, the property identified by tax Index Number 31-1-2-3.03, recorded on March 19, 1997 in the Erie County Record Book 488 Page 1520, being a lot having the size of 2.958 acres and now or formerly of Jeffrey A. and Barbara M. Albert.

Also, the property identified by tax Index Number 31-1-2-1, recorded on July 31, 1984 in the Erie County Deed Book 1546 Page 282, being a lot having the size of 6.07 acres and now or formerly of Frank C. and Marianne V. Urraro.

Also, the property identified by tax Index Number 31-1-2-2, recorded on March 21, 2005 in the Erie County Deed Book 1218 Page 2194, being a lot having the size of 1.1 acres and now or formerly of Hari Jot Sahib Ji LLC.

Also, the property identified by tax Index Number 31-1-20-3, recorded on June 5, 1991 in the Erie County Record Book 163 Page 940, being a lot having the size of 54.41 acres excluding that portion of property zoned R-2 Suburban Residential and now or formerly of Frank S. Cherek, Christi Thompson, and Mark Cherek.

Also, the property identified by tax Index Number 31-1-20-1, recorded on March 22, 2000 in the Erie County Record Book 693 Page 1088, being a lot having the size of 17.23 acres and now or formerly of Brian Gorski.

Also, the property identified by tax Index Number 31-1-20-2, recorded on April 1, 2002 in the Erie County Record Book 867 Page 232, being a lot having the size of 2.416 acres and now or formerly of Robert A. Lachowski.

Also, the property identified by tax Index Number 31-1-20-3.01, recorded on September 8, 1998 in the Erie County Record Book 586 Page 229, being a lot having the size of 1.428 acres and now or formerly of Frank S. and Judith L. Cherek.

Also, the property identified by tax Index Number 31-1-20-13, recorded on September 25, 1995 in the Erie County Record Book 404 Page 2248, being a lot having the size of 9.70 acres and now or formerly of William Kuffer.

Also, the property identified by tax Index Number 31-1-20-13.01, recorded on December 17, 2003 in the Erie County Record Book 1095 Page 870, being a lot having the size of 2.005 acres and now or formerly of William E. Kuffer.

Also, the property identified by tax Index Number 31-1-20-13.04, recorded on September 25, 1995 in the Erie County Record Book 404 Page 2248, being a lot having the size of 37.02 acres and now or formerly of William Kuffer.

Also, the property identified by tax Index Number 31-1-20-14, recorded on December 12, 1989 in the Erie County Record Book 107 Page 2157, being a lot having the size of 180x255x305 and now or formerly of John T. Ponsford.

Also, the property identified by tax Index Number 31-1-20-15, recorded on July 6, 1999 in the Erie County Record Book 647 Page 1294, being a lot having the size of 275x133 irregular and now or formerly of Curtis J. Osborne.

Also, the property identified by tax Index Number 31-1-20-16, recorded on October 26, 1999 in the Erie County Record Book 670 Page 736, being a lot having the size of 1 acre and now or formerly of John J. and Pamela J. Hanisek.

Also, the property identified by tax Index Number 31-1-20-17, recorded on September 17, 1990 in the Erie County Record Book 137 Page 780, being a lot having the size of 100x150 and now or formerly of William G. and Sandra L. Psillas.

Also, the property identified by tax Index Number 31-1-20-18, recorded on January 9, 1992 in the Erie County Record Book 191 Page 265, being a lot having the size of 4.579 acres and now or formerly of Dorothy L. Aulenbacher.

Also, the property identified by tax Index Number 31-1-20-18.01, recorded on August 22, 1977 in the Erie County Deed Book 1277 Page 131, being a lot having the size of 100x314.161 and now or formerly of G. L. Aulenbacher III and Evalee Aulenbacher.

Also, the property identified by tax Index Number 31-1-20-19, recorded on October 12, 1957 in the Erie County Deed Book 765 Page 207, being a lot having the size of 1 acre and now or formerly of H. Earl and Audine Wilson.

Also, the property identified by tax Index Number 31-1-20-21, recorded on August 8, 2001 in the Erie County Record Book 799 Page 796, being a lot having the size of 19.57 acres and now or formerly of MARP Limited LLC.

Also, the property identified by tax Index Number 31-1-20-22, recorded on August 8, 2001 in the Erie County Record Book 799 Page 796, being a lot having the size of 100x112.5 irregular and now or formerly of MARP Limited LLC.

Also, the property identified by tax Index Number 31-1-20-23, recorded on August 1, 2003 in the Erie County Record Book 1044 Page 958, being a lot having the size of 2.5 acres and now or formerly of Erie Fuel Stop LLC.

Also, the property identified by tax Index Number 31-1-21-1, recorded on March 28, 2002 in the Erie County Record Book 865 Page 2039, being a lot having the size of 83.10 acres excluding that portion of property zoned R-1 Rural Residential and now or formerly of Tecnica Development Corporation.

Also, the property identified by tax Index Number 31-1-21-2, recorded on October 18, 2002 in the Erie County Record Book 934 Page 1147, being a lot having the size of 255x75x245 triangle and now or formerly of Tecnica Development Corporation.

Also, the property identified by tax Index Number 31-1-21-3, recorded on October 28, 2003 in the Erie County Record Book 1080 Page 1432, being a lot having the size of 129.772 acres and now or formerly of Presque Isle Downs, Inc.

ALL THAT CERTAIN PIECE OF PARCEL OF LAND, zoned I-1 Industrial, identified by Tax Index No. 31-1-1-4, recorded in Erie County Record Book 1278, Page 1, having the original size of 49.447 acres calculated and now or formerly of Timothy M. and Sandra K. Birkmire, being more particularly bounded and described as follows to-wit: (added by Ordinance No. 1-09, February 5, 2009)

Beginning at the southwest corner of the portion of land to be rezoned at a point in the west line of Parcel A as shown on a Plot of Survey of Part of the Lands of Robert C. McElroy Trust prepared by Henry T. Welka & Associates and recorded in Erie County as Map Number 2000-382, said point of beginning being situated N. 29°-27'-00" E., 982.10 feet along the west line of Parcel A from the southwest corner thereof;

thence N. 58°-26'-35" W., passing within lands of Timothy M. & Sandra K. Birkmire as recorded in Erie County Record Book 1278, Page 1, 513.87 feet to a point;

thence N. 31°-33'-25" E., continuing to pass within said land of Timothy M. & Sandra K. Birkmire, 1400.00 feet to an iron survey point at the northwest corner of Parcel A aforesaid, said point being in the line common to McKean Township and Fairview Township;

thence S. 02°-47'-45" E., along the westerly line of said Parcel A, 865.98 feet to an iron survey point at an angle point in the west line of Parcel A;

thence S. 29°-27'-00" W., continuing along the west line of Parcel A, 685.53 feet a point, the Point of Beginning.

Containing 11.893 acres of land.

### **SECTION 3. EXEMPTION**

(a) There is hereby exempted from all property taxation the assessed valuation of improvements to any deteriorated property in accordance with the provisions and limitations as hereinafter provided.

### **SECTION 4. MAXIMUM EXEMPTION**

(a) The exemption from real property taxation under this Ordinance shall be limited to that portion of the additional assessment attributed to the actual cost of improvement(s) to the deteriorated property.

(b) After the effective date of this Ordinance, where deteriorated property is damaged, destroyed or demolished, by any cause or for any reason, and the assessed valuation of the property affected has been reduced as a result of the said damage, destruction or demolition, the exemption from real property taxation authorized by this Ordinance shall be abated in proportion to the percentage of the damage, destruction or demolition.

## **SECTION 5. EXEMPTION SCHEDULE**

(a) The schedule for real estate taxes to be exempted shall be as follows:

(1) Deteriorated Property: For the first five (5) years during which the improvement becomes assessable, the following shall apply: (amended by Ordinance No. 4-07, April 5, 2007)

<b>First Year:</b>	<b>100% exemption</b>
<b>Second Year:</b>	<b>80% exemption</b>
<b>Third Year:</b>	<b>60% exemption</b>
<b>Fourth Year:</b>	<b>40% exemption</b>
<b>Fifth Year:</b>	<b>20% exemption</b>

(2) The exemption for improvements to deteriorated property shall commence in the tax year immediately following the year in which the improvement is substantially completed.

(3) 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.

(4) If an eligible property is granted tax exemption pursuant to this Ordinance, then the improvement shall not, during the exemption period, be considered as a factor in assessing other properties.

## **SECTION 6. PROCEDURE FOR OBTAINING EXEMPTION**

(a) Any person desiring tax exemption pursuant to this Ordinance shall notify each local taxing authority (i.e. McKean Township, General McLane School District and Erie County) granting such exemption in writing on a form provided by the local taxing authority or tax assessment office, which shall be submitted at the time of securing the building permit, or if no building permit or other notification of improvement is required, then at the time of commencing construction. A copy of the exemption request shall be forwarded to the Erie County Board of Assessment. The said assessment office shall, after completion of the improvement, assess separately the improvement and calculate the amounts of the assessment eligible for tax exemption in accordance with the limits established by this Ordinance and notify the taxpayer and the local taxing authorities of the reassessment and amounts of the assessment eligible for exemption. Appeals from the reassessment and the amounts eligible for the exemption may be taken by the taxpayer or the local taxing authorities as provided by law.

(b) The cost of improvements to be exempted and the schedule of taxes exempted existing at the time of the initial request for tax exemption shall be applicable to that exemption request, and subsequent amendment to this Ordinance, if any, shall not apply to requests initiated prior to such amendment.

(c) In addition to the procedures set forth in this Ordinance, the Supervisors of McKean Township hereby adopt the lawful guidelines, procedures and regulations of Erie County under the Erie County LERTA Ordinance, and further authorize the Erie County Board of Assessment to administer the McKean Township LERTA Ordinance.

## **SECTION 7. EXCLUSION**

(a) This Ordinance and the tax exemptions granted herein shall not apply and shall not be available where:

(1) the property owner does not secure the necessary and proper permits prior to improving the property; or

(2) the property, as completed, does not comply with the minimum standards of the laws, ordinances, regulations and codes of McKean Township, Erie County, Pennsylvania; or

(3) according to the laws, ordinances, regulations and codes of McKean Township, the use for which the property is made is a non-conforming use, or the property contains a non-conforming use; or

(4) the property owner fails to comply with the provisions of this Ordinance.

## **SECTION 8. EFFECTIVE DATE**

(a) This Ordinance is contingent upon its adoption by the General McLane School District and upon its administration by the Director of Erie County Bureau of Assessment; and this Ordinance shall take effect thirty (30) days after the most recent adoption date of McKean Township and the General McLane School District. (amended by Ordinance No. 4-97, July 17, 1997)

(b) Unless sooner amended or repealed, this Ordinance and the exemptions herein authorized shall expire at midnight on June 30, 2022, provided, however, that a period of exemption hereunder which is established as to specific property improvements on or before the expiration date hereof shall continue until the five (5) year exemption period applicable to those specific property improvements has been exhausted.