

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF ONTELAUNEE TOWNSHIP, BERKS COUNTY, PENNSYLVANIA AMENDING THE CODE OF ORDINANCES OF ONTELAUNEE TOWNSHIP, CHAPTER 24 ENTITLED "TAXATION" TO ADD A NEW PART 9 TO BE ENTITLED "ECONOMIC STIMULUS TAX EXEMPTION" TO ESTABLISH THE BOUNDARIES OF CERTAIN DETERIORATED INDUSTRIAL, COMMERCIAL, OR OTHER BUSINESS PROPERTY, ESTABLISH EXEMPTIONS FROM TAXATION FOR CERTAIN IMPROVEMENTS ERECTED WITHIN THE BOUNDARIES OF SAID AREAS, ESTABLISH THE EXEMPTION AMOUNT AND SCHEDULE, AND PROVIDE PROCEDURES FOR THE OPERATION OF THE SAME IN ACCORDANCE WITH THE LOCAL ECONOMIC REVITALIZATION TAX ASSISTANCE ACT 72 P.S. §4722 et seq.**

WHEREAS, Ontelaunee Township is a Second Class Township within Berks County and the Commonwealth of Pennsylvania (the Township); and

WHEREAS, the Township is bisected by State Route 61; and

WHEREAS, along portions of State Route 61 certain property has been zoned Industrial-Commercial; and

WHEREAS, portions of this Industrial-Commercial property are largely vacant and undeveloped; and

WHEREAS, the land recommended for inclusion in the proposed area is vacant and presently unused as zoned which is an economically and socially undesirable land use; and

WHEREAS, the Township Supervisors have been contacted by the Greater Berks Development Fund to recommend that portions of this property to the east of State Route 61 would benefit from certain tax relief available under the Pennsylvania Local Economic Revitalization Tax Assistance Act (72 P.S. §4722) (the Act).

WHEREAS, Greater Berks Development Fund acquired the subject property for economic development purposes.

NOW THEREFORE, in consideration of the above recitals which are incorporated herein by reference and made part of this Ordinance, the Board of Supervisors of Ontelaunee Township, Berks County, Pennsylvania, in lawful session duly assembled, hereby ENACTS and ORDAINS as follows:

**SECTION 1.** The Code of Ordinances of Ontelaunee Township, Chapter 24 entitled "Taxation" is amended to add a new Part 9 to be entitled "Economic Stimulus Tax Exemption" which shall read in its entirety as follows:

**Section 901. Definitions.**

Except as otherwise specifically provided to the contrary, the following terms shall have the meanings set forth below:

Greater Berks – Greater Berks Development Fund.

County – County of Berks.

Exemption – exemption from taxation established and obtained pursuant to 72 P.S. §4727, as the Local Economic Revitalization Tax Assistance Act.

LERTA District – a Deteriorated Area established by this Ordinance pursuant to 72 P.S. §4722, et seq. known as the Local Economic Revitalization Tax Assistance Act.

School District – Schuylkill Valley School District.

Township – Ontelaunee Township, Berks County, Pennsylvania.

Other terms shall have the meaning set forth in the Act.

**Section 902. LERTA District Established.**

The Township hereby establishes the following LERTA District in accordance with 72 P.S. §4722, et seq., known as the Pennsylvania Local Economic Revitalization Tax Assistance Act after consultation with the County Planning Commission, the Ontelaunee Township Planning Commission, the Schuylkill Valley School District, and the Greater Berks Development Fund:

ALL THAT CERTAIN tract of land being known as Parcel ID Number 68540010370422, situate in Ontelaunee Township, Berks County, Pennsylvania, as shown on a Preliminary Land Development Plan dated December 6<sup>th</sup>, 2019 prepared by Bogia Engineering, Inc. of Wyomissing, PA being fully bounded and described as follows, to wit:

BEGINNING AT A POINT at the intersection of the easterly right-of-way of State Route 0061 (Variable Width) also known as Pottsville Pike, also known as Centre Avenue and the southerly right-of-way of State Route 0073 (50' Wide) also known as Lake Shore Drive

THENCE along the southerly right-of-way of said State Route 0073 also known as Lake Shore Drive the following Six (6) courses, viz;

1. In a northeasterly direction on a line bearing North Eighty degrees, Seven minutes, Nineteen seconds East (N 80°07'19" E), a distance of Twenty feet and Eighty-one hundredths of a foot (20.81'), to a point;
2. In a northeasterly direction on a line bearing North Seventy-three degrees, Seven minutes, Twenty-eight seconds East (N 73°07'28" E), a distance of Twenty-four feet and Sixty-six hundredths of a foot (24.66'), to a point;
3. In a northeasterly direction on a line bearing North Eighty-three degrees, Fifty-five minutes, Nineteen seconds East (N 83°55'19" E), a distance of Fifty feet (50.00'), to a point;
4. In a northeasterly direction on a line bearing Seventy-two degrees, Thirty-six minutes, Forty-three seconds East (N 72°36'43" E), a distance of Fifty feet and Ninety-nine hundredths (50.99'), to a point;
5. In a northwesterly direction on a line bearing North Six degrees, Four minutes, Forty-one seconds West (N 06°04'41" W), a distance of Five feet (5.00'), to a point;
6. In a northeasterly direction on a line bearing North Eighty-three degrees, Fifty-five minutes, Nineteen seconds East (N 83°55'19" E), a distance of One thousand Seven hundred sixty-nine feet and Seventy-nine hundredths of a foot (1769.79'), to a point of curvature, said point being the intersection of the southerly right-of-way of State Route 0073 also known as Lake Shore Drive and the westerly right-of-way of Township Road T-0752 (50' Wide), also known as Ontelaunee Drive;

THENCE along the westerly right-of-way of said Township Road T-0752 the following Twelve (12) courses:

1. In a southeasterly direction on a curve to the right having a radius of Forty feet (40.00'), a curve length of Sixty-nine feet and Sixty-four hundredths of a foot (69.64'), a chord bearing of South Forty-six degrees, Twelve minutes, Two seconds East (S 46°12'02" E), a chord length of Sixty-one feet and Seventeen hundredths of a foot (61.17'), to a point;
2. In a southwesterly direction on a line bearing South Three degrees, Forty minutes, Thirty-eight seconds West (S 03°40'38" W), a distance of Seven hundred forty-two feet and Twenty-six hundredths of a foot (742.26'), to a point;
3. In a southwesterly direction on a line bearing South Five degrees, Twenty-two minutes, Seventeen seconds West (S 05°22'17" W), a distance of Seventy-two feet and Fifty-nine hundredths of a foot (72.59'), to a point of curvature;
4. In a southwesterly direction on a curve to the right having a radius of Four hundred twenty-three feet (423.00'), a curve length of Forty-six feet and Thirty-four hundredths of a foot (46.34'), a chord bearing of South Eight degrees, Nineteen minutes,

Fifty-three seconds West (S 08°19'53" W), a chord length of Forty-six and Thirty-one hundredths of a foot (46.31'), to a point;

5. In a southwesterly direction on a line bearing South Eleven degrees, Twenty-eight minutes, Eleven seconds West (S 11°28'11" W), a distance of Seventy-one feet and Fifty-nine hundredths of a foot (71.59'), to a point of curvature;

6. In a southwesterly direction on a curve to the left having a radius of Four hundred seventy-three feet (473.00'), a curve length of Seventy-two feet and Fifty-eight hundredths of a foot (72.58'), a chord bearing of South Seven degrees, Four minutes, Twenty-five seconds West (S 07°04'25" W), a chord length of Seventy-two feet and Fifty-one hundredths of a foot (72.51'), to a point;

7. In a southwesterly direction on a line bearing South Two degrees, Forty minutes, Forty seconds West (S 02°40'40" W), a distance of Seven feet and Thirty-one hundredths of a foot (7.31'), to a point;

8. In a southwesterly direction on a line bearing South Nine degrees, Thirty-one minutes, Fourteen seconds West (S 09°31'14" W), a distance of One hundred nine feet and Eleven hundredths of a foot (109.11'), to a point;

9. In a southwesterly direction on a line bearing South Two degrees, Forty-minutes, Forty seconds West (S 02°40'40" W), a distance of Two hundred seventy-seven feet and Three hundredths of a foot (277.03'), to a point;

10. In a southeasterly direction on a line bearing South Eighty-seven degrees, Seven minutes, Seventeen seconds East (S 87°07'17" E), a distance of One hundred four feet and Eighty-nine hundredths of a foot (104.89'), to a point of curvature;

11. In a southeasterly direction on curve to the right having a radius of Two hundred seventy feet (270.00'), a curve length of Ninety-six feet and thirty nine hundredths of a foot (96.39'), following a chord bearing of South Seventy-six degrees, Fifty-three minutes, Thirty-eight seconds East (S 76°53'38" E), a chord length of Ninety-five feet and Eighty-eight hundredths of a foot (95.88'), to a point;

12. In a southeasterly direction on a line bearing South Sixty-six degrees, Forty minutes, Zero seconds East (S 66°40'00" E), a distance of Sixty-two feet and four hundredths of a foot (62.04') to a point of curvature, said point being the intersection of the westerly right-of-way of Ontelaunee Drive and the westerly right-of-way of Pillar Drive (50' Wide);

THENCE along the westerly right-of-way of Pillar Drive (50' Wide) the following two (2) courses:

1. In a southeasterly direction on a curve to the right having a radius of Twenty-five feet (25.00'), a curve length of Thirty-four feet and Forty-nine hundredths of a foot

(34.49'), a chord bearing of South Twenty-seven degrees, Eight minutes, Fifty-six seconds East (S 27°08'56" E), a chord length of Thirty-one feet and Eighty-two hundredths of a foot (31.82'), to a point;

2. In a southwesterly direction on a line bearing South Twelve minutes, Twenty-two minutes, Eight seconds West (S 12°22'08" W), a distance of Two hundred sixty-four feet and Fifteen hundredths of a foot (264.15'), to a point marked with an iron pin;

THENCE in a southwesterly direction on a line bearing South Eighty-nine degrees, Fifty-four minutes, Forty-three seconds West (S 89°54'43" W), a distance of One thousand Seven hundred seventy-four feet and Twenty-two hundredths of a foot (1774.22') to a point, said point being located on the easterly right-of-way line of said State Route 0061 also known as Pottsville Pike also known as Centre Avenue;

THENCE along the easterly right-of-way line of said State Route 0061 the following Seven (7) courses, viz:

1. In a northwesterly direction on a line bearing North Six degrees, Seven minutes, Four seconds West (N 06°07'04" W), a distance of Six hundred Eighty-three feet and Five tenths of a foot (683.50'), to a point;

2. In a northwesterly direction on a line bearing North Five degrees, Forty-four minutes, Twenty-five seconds West (N 05°44'25" W), a distance of Fifty feet and Seventy-two hundredths of a foot (50.72'), to a point of spiral curvature;

3. In a northwesterly direction on a spiral arc being parallel to and Sixty-two feet (62.00') from the centerline, as shown on Instrument 2009049661 as recorded in the Berks County Recorder of Deeds, having a chord bearing of North Seven degrees, Eighteen minutes, Fifty-one seconds West (N 07°18'51" W), a distance of Three-hundred four feet and Sixty-seven hundredths of a foot (304.67'), to a point of curvature;

4. In a northwesterly direction on a curve to the left having a radius of One thousand Nine hundred Seventy-two and Four tenths of a foot (1972.04'), having a curve length of Three hundred Eighty-six feet and Forty-four hundredths of a foot (386.44'), a chord bearing of North Sixteen degrees, Thirteen minutes, Forty-four seconds West (N 16°13'44" W), having a chord length of Three hundred Eighty-five feet and Eighty-two hundredths of a foot (385.82'), to a point;

5. In a northeasterly direction on a line bearing North Sixty-eight degrees, Twelve minutes, Forty-five seconds East (N 68°12'45" E), a distance of Five feet (5.00'), to a point;

6. In a northwesterly direction on a line bearing North Twelve degrees, Four minutes, Thirty-eight seconds West (N 12°04'38" W), a distance of Seventy-nine feet and Forty-three hundredths of a foot (79.43'), to a point of spiral curvature;

7. In a northwesterly direction on a spiral arc being parallel to and Eighty-two feet (82.00') from the centerline, as shown on Instrument 2009049661 as recorded in the Berks County Recorder of Deeds, having a chord bearing of North Twenty-five degrees, Four minutes, Forty-nine seconds West (N 25°04'49" W), a distance of Seventy-seven feet and Four hundredths of a foot (77.04'), to a point, said point is the POINT OF BEGINNING.

CONTAINING IN AREA Sixty-seven acres and Nine hundred Twenty-six thousandths of one acre (67.926 ac.) of land.

Subject to compliance with all of the terms, covenants and conditions of this Ordinance and upon Application and approval of a request for exemption, the value of improvements erected and constructed within the above-described boundaries of (the LERTA District), shall be exempt from real estate taxation as described in this Ordinance.

**Section 903. Exemption Schedule.**

A. Assessment.

The Tax Exemption provided for in this Ordinance shall be based upon assessed value attributable to the actual costs of new construction or improvements up to any maximum costs uniformly established by the Township based on the Assessment determined by the Berks County Assessment Office.

B. Length and Amount.

The length and the amount of the Tax Exemption provided for herein shall be a declining percentage over a seven (7) year period as follows:

Year 1 – 100%  
Year 2 - 100%  
Year 3 - 80%  
Year 4 - 60%  
Year 5 - 40%  
Year 6 - 20%  
Year 7 - and thereafter - 0%

C. Limitation.

Exemption from taxation is expressly limited to any additional assessed valuation attributable to the actual costs of new constructions or improvements directed and constructed after the Effective Date of this Ordinance.

**Section 904. Term of Tax Exemption.**

This Ordinance shall become effective on the Effective Date set forth below and shall be applicable within the LERTA District for a period of seven (7) calendar years thereafter, at which time it shall automatically expire.

**Section 905. Exemption Procedure.**

Any person desiring a Tax Exemption in accordance with this Ordinance shall complete and submit in writing at the time of Application for any building permit or construction permit on forms provided by the Township a request for Tax Exemption. Failure to timely apply for the Tax Exemption shall disqualify the improvement from the exemption provided for in this Ordinance.

Upon Application by any person, a copy of the exemption request shall be forwarded to the Berks County Board of Assessment and read “Berks County Board of Assessment shall after completion of the new construction or improvements separately assess the same and calculate the amounts of the assessment eligible for tax exemption in accordance with the limits established by the Township (if any).” Upon notification of the assessment and/or reassessment, the amounts eligible for exemption, the exemption may be taken in accordance with the schedule set forth in Section 903 above on a declining basis over a seven (7) year period, as provided for herein.

The Township is hereby authorized at any time and from time to time to adopt, promulgate, amend and implement reasonable regulations by Resolution to carry out the terms of this Ordinance.

**Section 906. Exemption After Ordinance Termination.**

Any landowner timely applying for and receiving an exemption shall be entitled to the exemption in accordance with the schedule set forth herein, even if said schedule extends beyond the termination of the Ordinance and for this purpose, the Ordinance shall continue in full force and effect until the last such exemption amount granted pursuant hereto has expired. In the event of any dispute concerning the timeliness or completion of any such applications, the determination of the Supervisors held at a public meeting shall be final and binding.

**SECTION 2. SEVERABILITY.**

If any sentence, clause, section, or part of this Ordinance is found to be invalid, unconstitutional, illegal, for any reason, such invalidity, unconstitutionality or illegality shall not affect or impair any of the remaining sections, clauses, parts or provisions of this Ordinance. The Ordinance shall be interpreted and applied as if said invalid, unconstitutional or illegal provision had not been part of the same and it is the intent of the Board of Supervisors that this Ordinance would have been adopted without such invalid, unconstitutional or illegal provision or clause or part thereof.

SECTION 3. REPEALS.

All Ordinances or parts of Ordinances contrary to the terms of this Ordinance are repealed to the extent required to implement and carry out the terms hereof.

SECTION 4. EFFECTIVE DATE.

This Ordinance shall become effective only if the County of Berks and the Schuylkill Valley School District also adopt corresponding exemption provisions for the LERTA District defined herein. This Ordinance shall become effective five (5) days after both the County and the School District officially adopt the same.

SECTION 5. CODE OF ORDINANCES.

The Code of Ordinances of Ontelaunee Township shall be and remain unchanged and in full force and effect except as amended, supplemented, and modified by this Ordinance. This Ordinance shall become a part of the Township Code of Ordinances of Ontelaunee Township, Chapter 24 entitled "Taxation" upon enactment.

ORDAINED and ENACTED as an Ordinance by the Board of Supervisors of Ontelaunee Township, Berks County, Pennsylvania, in lawful session duly assembled this \_\_\_\_\_day of \_\_\_\_\_, 2020.

BOARD OF SUPERVISORS OF  
ONTELAUNEE TOWNSHIP,  
BERKS COUNTY, PENNSYLVANIA

\_\_\_\_\_  
Kenneth Stoudt, Chairman

\_\_\_\_\_  
Gary S. Hadden, Member

\_\_\_\_\_  
William F. Klein, Member

Attest:

\_\_\_\_\_  
Kimberly Berger, Township Secretary



CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing is a true and accurate copy of Ordinance No. 2020-\_\_\_\_\_ adopted by the Board of Supervisors of Ontelaunee Township, Berks County, Pennsylvania at a duly advertised meeting held on \_\_\_\_\_, 2020, pursuant to notice as required by law.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Kimberly Berger, Township Secretary