

**TOWNSHIP OF AMITY
BERKS COUNTY, PENNSYLVANIA**

ORDINANCE NO. 345

AN ORDINANCE OF THE TOWNSHIP OF AMITY, BERKS COUNTY, PENNSYLVANIA AMENDING ORDINANCE NO. 2023-334 PREVIOUSLY ENACTED ON DECEMBER 12, 2023, WHICH, AMONG OTHER THINGS, APPROVED A TAX INCREMENT FINANCING PLAN AS AUTHORIZED BY THE PENNSYLVANIA TAX INCREMENT FINANCING ACT, ACT 113 OF 1990, IN COOPERATION WITH THE COUNTY OF BERKS, PENNSYLVANIA, AND THE DANIEL BOONE AREA SCHOOL DISTRICT AND ESTABLISHED THE BOUNDARIES OF AND CREATED A TAX INCREMENT DISTRICT; AMENDING CERTAIN PROVISIONS OF SAID ORDINANCE TO CONFORM WITH THE PROVISIONS OF THE TAX INCREMENT FINANCING PLAN; PROVIDING FOR AMENDMENT, SEVERABILITY, REPEALER, AND EFFECTIVE DATE OF THE TERMS OF THE ORDINANCE.

WHEREAS, the Pennsylvania Tax Increment Financing Act, Act 113 of 1990, as amended (the "TIF Act"), grants powers to industrial and commercial development authorities and redevelopment authorities to address conditions of blight and inadequate planning and development of urban communities and provides an additional and alternative means to finance public facilities and residential, commercial and industrial development and revitalization for the public benefit and good; and

WHEREAS, the Berks County Industrial Development Authority (the "Authority") has heretofore prepared a Tax Increment Financing Plan referred to as the Amity Township Water/Sewer Tax Increment District dated October 31, 2023 (the "Plan"), which has been formally presented to the County of Berks, Pennsylvania (the "County"), the Daniel Boone Area School District, Berks County, Pennsylvania (the "School District") and the Township of Amity, Berks County, Pennsylvania (the "Township") for review and approval; and

WHEREAS, the Authority intends to incur indebtedness in an amount not to exceed Five Million Dollars (\$5,000,000) (the "TIF Debt") to finance a portion of the costs of a project consisting of the design, construction, acquisition and installation of a water main extension and sanitary sewer line extension in the Township, as more fully provided in the Plan (the "Project"); and

WHEREAS, the County and the School District have each approved the Plan and have agreed to participate in the Plan pursuant to Ordinance duly enacted by the Board of Commissioners of the County on October 19, 2023 and pursuant to a Resolution duly adopted by the Board of School Directors of the School District on October 23, 2023, respectively, and have provided copies of such Ordinance and Resolution to the Township; and

WHEREAS, a public hearing was held on November 1, 2023 pursuant to requirements of the TIF Act at which time interested parties were afforded a reasonable opportunity to express their views on the concept of a tax increment financing, on the proposed creation of a tax increment financing district and its proposed boundaries, on the proposed

adoption of a project plan for a tax increment financing district and the benefits to the Township; and

WHEREAS, pursuant to Ordinance No. 2023-334 enacted by the Township on December 12, 2023 (the “Original Township Ordinance”), the Township, among other things, approved the Plan as authorized by the TIF Act, in cooperation with the County and the School District, established the boundaries of and created a Tax Increment District (the “District”) and established a timeframe for the creation and termination of the District; and

WHEREAS, the Township desires to amend Section 3 of the Original Township Ordinance to conform the provisions in such Section 3 regarding the creation and termination of the District to the provisions of the Plan, as approved by the Authority, the County and the School District.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF AMITY, BERKS COUNTY, PENNSYLVANIA AS FOLLOWS:

SECTION 1. AMENDMENT TO SECTION 3 OF ORIGINAL TOWNSHIP ORDINANCE

Section 3 of the Original Township Ordinance is hereby amended and restated in its entirety to read as follows:

“SECTION 3. CREATION AND TERM OF DISTRICT

The District will be created as of the date of closing of the financing for the Project. The District shall continue in existence for a period of ten years terminating ten years from the date of the start of the financing for the Project. Provided that, as provided in the TIF Act, the District may not be dissolved as long as any tax increment bonds or notes for the District remain outstanding. The Township hereby determines that the requisite time provided for under Section 5(a)(6) of the TIF Act subsequent to the public hearing has passed as of the date of enactment of this Ordinance.”

SECTION 2. CONFIRMATION OF ORIGINAL TOWNSHIP ORDINANCE

Except as specifically amended by this Ordinance, the Original Township Ordinance is hereby ratified and confirmed and remains in full force and effect.

SECTION 3. SEVERABILITY

In the event any provision, section, sentence, clause or part of this Ordinance is determined by a court of competent jurisdiction to be invalid and unenforceable, such determination shall not effect the validity or effect of the remaining provisions hereof.

SECTION 4. REPEALER

All Ordinances or parts thereof not in accordance with this Ordinance are hereby repealed insofar as they conflict herewith.

SECTION 5. EFFECTIVE DATE

This Ordinance shall become effective and be in full force and effect beginning on the date hereof.

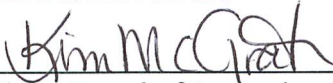
ORDAINED AND ENACTED by the Board of Supervisors of the Township of Amity, Berks County, Pennsylvania, this 19th day of February, 2025.

ATTEST:



Secretary

TOWNSHIP OF AMITY, BERKS COUNTY,
PENNSYLVANIA



Chair, Board of Supervisors