

RESOLUTION NO. 395-A

A RESOLUTION EXTENDING THE TERM OF REAL PROPERTY, EARNED INCOME TAX, NET PROFITS MERCANTILE, AND BUSINESS PRIVILEGE TAXES WITHIN A SPECIFIC GEOGRAPHIC AREA IN FALLOWFIELD TOWNSHIP, WASHINGTON COUNTY, PENNSYLVANIA, DESIGNATED AS A KEYSTONE OPPORTUNITY ZONE IN ORDER TO FOSTER ECONOMIC OPPORTUNITIES, STIMULATE INDUSTRIAL, COMMERCIAL, AND RESIDENTIAL IMPROVEMENTS AND PREVENT PHYSICAL AND INFRASTRUCTURE DETERIORATION WITHIN AREAS OF FALLOWFIELD TOWNSHIP, WASHINGTON COUNTY, COMMONWEALTH OF PENNSYLVANIA, UPON CERTAIN TERMS AND CONDITIONS.

WHEREAS, Township of Fallowfield, Washington County, Pennsylvania recognizes the need to encourage investment in a defined geographical area of Fallowfield Township, bounded as described on Exhibit "A" attached hereto and more commonly known as the Middle Monongahela Industrial Development Association ("MMIDA") Alta Vista Business Park ("Alta Vista") that is experiencing distress characterized by one or more of the following: high unemployment, low investment of new capital, blighted conditions, underutilized, obsolete or abandoned industrial, commercial and residential structures, deteriorated tax base; and

WHEREAS, the Pennsylvania Keystone Opportunity Zone Act 63 of 2005, as amended by Act 79 of 2008 (SB 1412), hereinafter referred to as the "Act," authorizes political subdivisions to apply to the Pennsylvania Department of Community and Economic Development ("DCED") for an extension of the term of the applicable benefits within the respective unoccupied portions of the Keystone Opportunity Zone granting exemptions, deductions, abatements or credits from all local taxes identified in the Act; and

WHEREAS, approval of extending the term of the benefits provided in the Act will result in improving the economic, physical, and social conditions within the Keystone Opportunity Zone by stimulating existing businesses' employment, creating new employment and diminishing blight; and

WHEREAS, it is expected that increased private and public-sector investors will reverse the disinvestment and conditions of blight within the herein-described tract of land, as referenced on the attached Exhibit "A", by the termination date of the extended term of the Zone.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Fallowfield Township that effective as of September 8, 2008, contingent only upon DCED's approval of the application for the proposed extended term of the existing Zone for a period of ten (10) years from the date of occupancy, provided that the parcel is occupied on or before December 31, 2015. Upon DCED's approval of the application, all current local Keystone Opportunity Zone benefits will terminate until such time that the unoccupied parcel becomes developed or occupied.

The following provisions shall apply to the extended term once the parcel is occupied:

1. Real property tax on the herein described tract is one hundred percent (100%) exempt in accordance with the provisions and limitations hereinafter set forth within the boundaries of the proposed Zone in accordance with the Act, such exemption to terminate within a period of ten (10) years from the date of occupancy which must occur by December 31, 2015, but no longer than December 31, 2025.

2. Earned Income and Net Profits Taxes; Business Privilege and Mercantile Taxes. The Fallowfield Township also waives business gross receipts tax for operations conducted by a qualified business; earned income received by a resident and/or net profits of a qualified business received by a resident or nonresident of the proposed extended term of the existing Zone attributable to business activity conducted with said Zone terminating within a period of ten (10) years from the date of occupancy which must occur by December 31, 2015, but no longer than December 31, 2025.

3. The provisions of the Act not herein enumerated, shall, nevertheless, be incorporated as part of this Resolution by reference.

4. This resolution shall become effective upon execution, conditioned upon the approval of DCED of the application.

RESOLVED AND ENACTED by the Board of Supervisors of Fallowfield Township, Washington County, Pennsylvania, this 1st day of March, 2009.

ATTEST:

Bonnie May

By: *Robert Lutz*

Seconded: *Olga Woodward*

Ayes: 3

Nays: 0

EXHIBIT "A"

Item I:

ALL that certain tract of land situate in Fallowfield Township, Washington County, Pennsylvania, being more particularly bounded and described as follows:

BEGINNING at a point in the public road leading from Charleroi to Bentleyville, said point being formed by the intersection of the centerline of said road and the line common to the within conveyed line and the line now or formerly of Harry T. Kruell, Jr.; thence by the centerline of said public road South $81^{\circ} 15'$ West 1150 feet to an iron pipe on the north side of said road; thence by said road South $58^{\circ} 00'$ West 349 feet to an iron pipe on the Northwest side of road; thence by said road South $38^{\circ} 05'$ West 411.74 feet to a nail in the center of the highway; thence by Legislative Route 62016 and land now or formerly of Mark Yurkovich North $26^{\circ} 11'$ West 902.11 feet to a nail in the center of the road; thence by same North $34^{\circ} 45'$ West 508.09 feet to an iron pin on the west side of said road; thence by same North $1^{\circ} 53'$ East 469.97 feet to a cross in bridge; thence leaving said highway and by land now or formerly of Hillman Coal and Coke Company North $74^{\circ} 07'$ East 816 feet; thence by same North $7^{\circ} 18'$ East 644.85 feet to a post; thence North $88^{\circ} 08'$ East 1142.46 feet to a post; thence North $9^{\circ} 06'$ West 336.74 feet to a post; thence South $84^{\circ} 11'$ East 383.92 feet to an iron pipe; thence by land now or formerly of John Yankosky North $83^{\circ} 00'$ East 95.32 feet; thence South $9^{\circ} 25'$ East 1833 feet to an iron pipe on the Southern right of way line of Interstate 70; thence by land now or formerly of Harry T. Kruell, Jr., South $69^{\circ} 51'$ West 489.38 feet to an iron pipe; thence by same South $19^{\circ} 40'$ East 256.23 feet to a point in the Charleroi-Bentleyville Public Road, the place of beginning.

CONTAINING 108 acres, more or less.

Item II:

ALL that certain piece or parcel of land situate in Fallowfield Township, Washington County, Pennsylvania, bounded and described as follows:

BEGINNING at a point in a public road at a corner common to lands of Walter R. Hails, other land of J.H. Hillman & Sons Company and the parcel hereby described; thence by lands now or formerly of J.H. Hillman & Sons Company of which the parcel hereby described was formerly a part, the following three (3) courses and distances: South $71^{\circ} 45' 45''$ East, a distance of 137.43 feet to a hub; South $08^{\circ} 07'$ East, a distance of 88.40 feet to a hub; and South $72^{\circ} 17' 15''$ West, a distance of 176.79 feet to a point in said public road and on line of lands of said Walter R. Hails; thence in said road and along lands of said Walter R. Hails, the following two (2) courses and distances: North $21^{\circ} 48'$ West, a distance of 38.38 feet to a point; and North $14^{\circ} 56'$ East, a distance of 153.87 feet to the point at the place of beginning.

CONTAINING 0.5061 of an acre.

Item III:

ALL that certain tract of land situate in Fallowfield Township, Washington County, Pennsylvania, being more particularly bounded and described as follows:

BEGINNING at a concrete monument set the intersection of the westerly line of Larry and Mary Ann Serra and the northwesterly right of way line of Township Road No. 848, known as Yankosky Road (33' right of way width); thence along said northwesterly right of way line, the following two (2) courses: South $39^{\circ} 16' 18''$ West, a distance of 139.28 feet to a concrete monument set at a point of curvature; thence by a curve to the left having a radius of 170.06 feet, a chord bearing South $36^{\circ} 05' 44''$ West, a distance of 18.84 feet and an arc length of 18.85 feet; thence through land of Michael and Violet Yankosky of which this is a part, the following three (3) courses: North $77^{\circ} 51' 50''$ West, a distance of 408.97 feet; thence South $12^{\circ} 08' 10''$ West, a distance of 448.78 feet; and South $77^{\circ} 51' 50''$ East, a distance of 383.75 feet to the northwesterly right of way line of Township Road No. 848; thence along said northwesterly right of way line, the following five (5) courses and distances: South $10^{\circ} 58' 28''$ West, a distance of 332.76 feet to a concrete monument set at a point of curvature; thence by a curve to the right having a radius of 316.04, a chord bearing south $14^{\circ} 16' 04''$ West, a distance of 36.31 feet and an arc length of 36.33 feet to a point of reverse curvature; thence by a curve to the left having a radius of 521.80 feet, a chord bearing South $10^{\circ} 06' 46''$ West, a distance of 135.29 feet and an arc length of 135.67 feet to a point of compound curvature; thence by a curve to the left having a radius of 204.96 feet, chord bearing South $22^{\circ} 19' 28''$ East, a distance of 173.17 feet and an arc length of 178.78 feet to a point of compound curvature; thence by a curve to the left having a radius of 1,229.33 feet, a chord bearing South $47^{\circ} 32' 38''$ East, a distance of 9.91 feet and an arc length of 9.91 feet to a set concrete monument; thence through land of Michael and Violet Yankosky of which this is a party, the following two (2) courses: South $34^{\circ} 07' 09''$ West, a distance of 178.10 feet; thence South $56^{\circ} 42' 18''$ East, a distance of 235.60 feet to the northwesterly line of land of Edwin C. and Nancy A. Morris; thence along said northwesterly line South $07^{\circ} 15' 45''$ West, a distance of 125.12 feet to the northerly line of other land of Michael and Violet Yankosky; thence along said northerly line South $80^{\circ} 56' 41''$ West, a distance of 2,079.05 feet to easterly line of land of Robert B. Patterson; thence along said land of Robert B. Patterson, the following two (2) courses: North $8^{\circ} 29' 29''$ West, a distance of 856.17 feet; thence South $83^{\circ} 3' 46''$ West, a distance of 96.91 feet to the easterly line of land of Richard G. and Edward J. Matway, Co-Trustees of the Trust under Item II of the Last Will and Testament of Anna Matway; thence along said easterly line and along easterly line of Joseph J. Perun and Myron and Evelyn Sepitko, North $08^{\circ} 02' 55''$ West and passing through and extant steel axle at a distance of 629.91 feet, a total distance of 1,091.60 feet to Pigeon Creek, a non-navigable stream; thence along said Pigeon Creek, the following fourteen (14) courses: North $56^{\circ} 26' 11''$ East, a distance of 93.03 feet; thence North $43^{\circ} 06' 11''$ East, a distance of 144.30 feet; North $51^{\circ} 02' 06''$ East, a distance of 249.81 feet; thence North $40^{\circ} 20' 24''$ East, a distance of 278.17 feet; thence North $32^{\circ} 19' 32''$ East, a distance of 308.89 feet; thence North $19^{\circ} 48' 39''$ East, a distance of 19.10 feet; thence North $30^{\circ} 38' 21''$ East, a distance of 125.69 feet; thence North $39^{\circ} 23' 41''$ East, a distance of 97.01 feet; thence North $27^{\circ} 31' 18''$ East, a distance of 69.08 feet; thence North $03^{\circ} 42' 10''$ East, a distance of 136.66 feet; thence North $45^{\circ} 39' 36''$ East, a distance of 194.81 feet; thence North $35^{\circ} 28' 19''$ East, a distance of 106.38 feet; thence North $20^{\circ} 58' 40''$ East, a distance of 212.31 feet; thence North $27^{\circ} 04' 02''$ East, a distance of 83.08

feet to the southwesterly line of land of Larry J. and Mary Ann Serra; thence along said southwesterly line the following three (3) courses: South $24^{\circ} 20' 39''$ East, a distance of 967.95 feet; thence South $71^{\circ} 27' 28''$ East, a distance of 818.85 feet; thence South $16^{\circ} 50' 24''$ East, a distance of 619.87 feet to the point of beginning.

CONTAINING an area of 5,778,578 square feet or 132.6579 acres.

EXCEPTION NO. 1:

EXCEPTING ALL that certain tract of land situate in Fallowfield Township, Washington County, Pennsylvania, being more particularly bounded and described as follows:

BEGINNING at a concrete monument set at the intersection of the westerly line of Larry and Mary Ann Serra and the Northwesterly right of way line of Township Road No. 848, known as Yankosky Road (33 feet right of way width); thence along said northwesterly right of way line, the following two (2) courses: South $39^{\circ} 16' 18''$ West, a distance of 139.28 feet to a concrete monument set at a point of curvature; by a curve to the left having a radius of 170.06 feet, a chord bearing South $36^{\circ} 05' 44''$ West, a distance of 18.84 feet and an arc length of 18.84 feet to the true point of beginning; thence through land of Michael and Violet Yankosky of which this is a party, the following three (3) courses: North $77^{\circ} 51' 50''$ East, a distance of 383.75 feet to the northwesterly right of way line of Township Road No. 848; thence along said northwesterly right of way line, the following four (4) courses: North $10^{\circ} 58' 28''$ East, a distance of 52.42 feet to a concrete monument set at a point of tangency; thence North $17^{\circ} 00' 46''$ East, a distance of 84.76 feet to a concrete monument set at a point of curvature; thence by a curve to the right having a radius of 170.06 feet, a chord bearing North $24^{\circ} 57' 57''$ East, a distance of 47.06 feet and an arc length of 47.21 feet to the true point of beginning.

CONTAINING an area of 174, 242 square feet or 4 acres.

EXCEPTION NO. 2:

EXCEPTING ALL that certain tract of land situate in Fallowfield Township, Washington County, Pennsylvania, being more particularly bounded and described as follows:

BEGINNING at a concrete monument set at the intersection of the westerly right of way line of Township Road No. 848, known as Yankosky Road (33 foot right of way width) and the northwesterly line of land of Edwin C. and Nancy A. Morris; thence along said northwesterly line, South $07^{\circ} 15' 45''$ West, a distance of 180.38 feet; thence through land of Michael and Violet Yankosky of which this is a party, the following two (2) courses: North $56^{\circ} 42' 18''$ West, a distance of 235.60 feet; thence North $34^{\circ} 07' 09''$ East, a distance of 178.10 feet to a concrete monument set on the westerly right of way line of Township Road No. 848; thence along said westerly right of way line, the following two (2) courses: by a non-tangential curve to the left having a radius of 1,299.33 feet, a chord bearing South $50^{\circ} 28' 17''$ East, a distance of 115.67 feet and an arc length of 115.71 feet to a point of compound curvature; thence by a curve to the left having a radius of 736.78 feet, a chord bearing South $51^{\circ} 38' 59''$ East, a distance of 39.04 feet and an arc length 39.04 feet to the point of beginning.

CONTAINING an area of 32,670 square feet or 0.7500 acre.

Parcel Two:

ALL that certain tract of land situate in Fallowfield Township, Washington County, Pennsylvania, being more particularly bounded and described as follows:

BEGINNING at an extant roof bolt at the northeasterly corner of land of Frederick and Dorothy Mae Hails; thence along the northerly line of said land, land of Frederick Hails and land of Edward and Pauline Yurkovich, South 80° 40' 22" West, and passing through an extant iron pin at 1,760.09 feet, a total distance of 1,968.72 feet to the easterly line of land of Robert B. Patterson; thence along said easterly line, North 08° 29' 29" West, a distance of 399.74 feet to the southerly line of other land of Michael and Violet Yankosky; thence along said southerly line North 80° 56' 41" East, a distance of 2,079.05 feet to the westerly line of land of Edwin C. and Nancy A. Morris; thence along said westerly line, South 07° 15' 45" West, a distance of 406.76 feet to the point of beginning.

CONTAINING an area of 799,253 square feet or 18.3483 acres.

Item IV

PARCEL ONE:

ALL that certain piece or parcel of land, containing 109.9140 acres, situate in Fallowfield Township, Washington County, Pennsylvania, as described in a Deed from Hillman Gas Coal Company to Hillman Coal & Coke Company, dated December 31, 1929, and recorded in the Recorder's Office of Washington County, Pennsylvania, in Deed Book Volume 593, page 382; excepting, however, the Gibson Plan of Lots as laid out by Hillman Coal & Coal Company, and recorded in said Recorder's Office in Plan Book Volume 7, pages 296-297; also excepting the following portions of said 109.9140 acres which were conveyed by Hillman Coal & Coke Company and/or J.H. Hillman Sons Company by the following deeds:

(a) Deed to James H. Beadling, et ux. dated September 24, 1943, and recorded in said Recorder's Office in Deed Book Volume 671, page 536, conveying 0.3345 of an acre.

(b) Deed of Release and Quit Claim to Commonwealth of Pennsylvania, Department of Highways, dated November 18, 1950, and recorded in said Recorder's Office in Deed Book Volume _____, page _____, conveying approximately 8.9000 acres.

(c) Deed to Somerset Community Association dated August 18, 1954, and recorded in said Recorder's Office in Deed Book Volume 906, page 246, conveying 0.7833 of an acre.

(d) Deed to William J. McCormick, et ux. dated February 14, 1955, and recorded in said Recorder's Office in Deed Book Volume 920, page 597, conveying 7.4259 acres.

(e) Deed to James E. Sickles, et ux. dated June 25, 1956 and recorded in said Recorder's Office in deed Book Volume 965, page 643, conveying 2.1926 acres.

(f) Deed to Charles H. Silbaugh, et ux. dated June 25, 1956, and recorded in said Recorder's Office in Deed book 973, page 1, conveying 1.8683 acres.

(g) Deed to Walter M. Hails, et ux. dated June 25 1956, and recorded in said Recorder's Office in Deed Book Volume 970, page 323, conveying 5.3590 of an acre.

(h) Deed to Pigeon Creek Methodist Episcopal Church dated June 25, 1956, and recorded in said Recorder's Office in Deed Book Volume 969, page 363, conveying 0.84 of an acre.

(i) Deed to Anthony Zukauckas dated August 1, 1956 and recorded in said Recorder's Office in Deed Book Volume 969, page 271, conveying 0.5061 of an acre.

PARCEL TWO:

ALL that parcel of land containing 0.034 of an acre situate in Fallowfield Township, Washington County, Pennsylvania, as described in a deed dated October 16, 1939, from Mary J. Blythe to Hillman Coal & Coke Company and recorded in said Recorder's Office in Deed Book Volume 631, page 523.

Reference is hereby made to the above recited deeds and Plan of Lots for a more full and complete description of said land and exceptions, with the same force and effect as though fully and completely set forth herein.

The Pittsburgh River or Vein of coal, together with mining rights, and other rights and privileges, appurtenant thereto, underlying the above described tracts of land are conveyed as parts of the Gibson Coal Tracts hereinabove conveyed.

This deed is made subject to the following agreements:

(1) Agreement dated February 14, 1955, between J.H. Hillman & Sons Company and William J. McCormick, et ux. recorded in Deed Book 920, page 597, granting to said McCormick the right to pump water from the existing water sump at the Gibson Mine Slope, as well as a right of way to and from McCormick's operations at or near said Mine Slope for the operation of an electric pump.

(2) Agreement dated February 21, 1957, between the J.H. Hillman & Sons Company and the Fallowfield Township Road Board granting to the said Road Board the right to remove reddog from the Gibson Refuse Dump for a period of one year from the date of said Agreement.

(3) Agreement dated January 11, 1957, between the J.H. Hillman & Sons Company and West Penn Power Company for power service at Gibson Mine, main connection, and Agreement dated January 11, 1957, for power service at Gibson Mine Bore Hole.

