

OFFICIAL
BOROUGH OF EDGEWOOD
COUNTY OF ALLEGHENY, PENNSYLVANIA
ORDINANCE NO. 1058

**AN ORDINANCE OF THE BOROUGH OF EDGEWOOD COUNTY OF ALLEGHENY,
COMMONWEALTH OF PENNSYLVANIA, AUTHORIZING THE COUNCIL PRESIDENT ON
BEHALF OF THE BOROUGH OF EDGEWOOD TO ENTER INTO AN
INTERGOVERNMENTAL COOPERATION AGREEMENT, OR AGREEMENTS WITH
OTHER PARTICIPATING MUNICIPALITIES AND TAXING JURISDICTIONS OF
ALLEGHENY COUNTY FOR THE PURPOSE OF FORMING, ESTABLISHING AND JOINING
A LAND BANK TO BE KNOWN AS THE TRI-COG LAND BANK.**

WHEREAS, the Borough of Edgewood is fully aware of the cost of blight and desires to join with other municipalities to address blight and to transition abandoned properties to beneficial reuse using a unified, predictable, and transparent process in order to revitalize neighborhoods and strengthen the tax base;

WHEREAS, Section 1202(24) of the Borough Code authorizes Edgewood Borough to enter into a contract with the Tri-COG Land Bank and to make appropriations therefor, through an Intergovernmental Cooperation Act, 53 Pa.C.S. §2301, et seq., as amended (the "Act"); and

WHEREAS, the Land Bank Act, Act 153 of 2012, enacted by the Pennsylvania General Assembly and signed into law by the Governor on October 24, 2012 and codified at 68 Pa.C.S. §2101 et. seq. authorizes the Borough of Edgewood to create a land bank in combination with other municipalities pursuant to an intergovernmental cooperation agreement pursuant to the Land Bank Act, 68 PA.C.S. §2104(c) (the "Agreement"); and

WHEREAS, a municipality may enter into an intergovernmental cooperation agreement upon the passage of an ordinance by its governing body pursuant to the Act;

WHEREAS, the Borough of Edgewood desires to enter into the Tri-COG Land Bank Intergovernmental Cooperation Agreement (the "ICA") with other participating municipalities to establish and join the Tri-COG Land Bank.

NOW, THEREFORE, BE IT ENACTED and ORDAINED by the Council of the Borough of Edgewood Allegheny County, as follows:

Section 1. The Title and Background of this Ordinance as set forth above are incorporated herein by reference.

Section 2. The Council of the Borough of Edgewood hereby approves entering into the Agreement, a copy of which is attached hereto and incorporated herein by reference (and which shall be filed with the minutes of the meeting at which this Ordinance was enacted), with the intent and effect that the Borough of Edgewood shall be bound by the Agreement.

Section 3. The Council President is hereby authorized and directed on behalf of the Council: (i) to execute and deliver the Agreement; and (ii) to execute and deliver such additional instruments, and to take such further actions, as may be necessary or appropriate to carry forth the Agreement and the transactions to be effected under the Agreement, including financial commitments as set forth.

Section 4. All action of any officer, agent or other representative of the Borough of Edgewood heretofore taken in the pursuit of the establishment of the Tri-COG Land Bank and or the Borough of Edgewood of Allegheny County's participation therein are hereby ratified and approved in all respects.

Section 5. The Council President is hereby authorized to take such other action as may be necessary or appropriate to carry out the purposes of this Ordinance and of the Agreement.

Section 6. As required by the Act, the following matters are specifically found and determined:

- (a) The conditions of the Agreement are set forth in the Agreement;
- (b) The duration of the Agreement is set forth in the Agreement;
- (c) The purposes, objectives, powers and scope of authority granted in the Agreement are set forth in the Recital clauses of the Ordinance and in the Agreement;
- (d) The manner and extent of financing the Agreement is through the allocation of real estate taxes and budgetary contributions set forth in Sections 6.6 and 8.2, respectively, of the Agreement, among other things;
- (e) The corporate organizational structure of the Tri-COG Land Bank shall be comprised of a Board of Directors in accordance with its Bylaws as a Land Bank (the "Bylaws");
- (f) All property, real or personal, of the Tri-COG Land Bank shall be acquired, managed, licensed or disposed of in accordance with the terms of the Agreement and the Bylaws;
- (g) The Tri-COG Land Bank is empowered to enter into contracts for policies for group insurance and employee benefits for its employees, if any, pursuant to the Agreement.

Section 7. Repeal of Ordinances. Any ordinance or part of ordinances conflicting with the provisions of the Ordinance are hereby repealed insofar as they are inconsistent with the Ordinance provisions.

Section 8. Severability. If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Ordinance, is, for any reason declared to be illegal, unconstitutional or invalid, by any Court of competent jurisdiction, this decision shall not affect or

impair the validity of the Ordinance as a whole, or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word, or remaining portion of the within Ordinance. The Borough of Edgewood of Allegheny County declares that it would have adopted the within Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase or word thereof, irrespective of the limitations, restrictions, sentences, clauses, phrases, or word that may be declared illegal, unconstitutional or invalid.

Section 9. Effective Date. This Ordinance shall become effective at the earliest date permitted by law.

Section 10. Code of Ordinances. The Code of Ordinances, as amended, of the Borough of Edgewood of Allegheny County, Pennsylvania 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 this Code of Ordinances upon adoption.]

DULY ORDAINED and ENACTED as an Ordinance this 5th day of July 2016.

ATTEST

Julie P. Bastianini
Borough Secretary

Patricia M. Schaefer
Council President

EXAMINED AND APPROVED by me this 5th Day of July, 2016.

J. Edward Cook, Mayor