

**ALLENTOWN NEIGHBORHOOD IMPROVEMENT ZONE
DEVELOPMENT AUTHORITY**

RESOLUTION NO. R-2024-314

WHEREAS, the Allentown Neighborhood Improvement Zone Development Authority (the "Authority") is a public instrumentality of the Commonwealth of Pennsylvania and a body politic and corporate, and is authorized and empowered by the provisions of the Economic Development Financing Law of the Commonwealth of Pennsylvania, 73 P.S. 371 *et seq.*, as amended (the "Act") as an industrial development authority to acquire, hold, construct, improve, maintain, own, finance and lease projects and, among other things, to make loans to project applicants or project users and to provide alternative types of financing, including, but not limited to, standby loan commitments, guarantees, letters of credit and grants; and

WHEREAS, Article XIX-B of Pennsylvania's Fiscal Code, 72 P.S. Section 8901-B *et seq.* (the "NIZ Act") authorizes a contracting authority such as the Authority to create a Neighborhood Improvement Zone (defined below); and

WHEREAS, the City of Allentown, Lehigh County, Pennsylvania (the "City") qualifies as a "city" under the NIZ Act; and

WHEREAS, pursuant to a resolution adopted by the Authority on August 30, 2012, the Authority designated a Neighborhood Improvement Zone within the City (the "NIZ"); and

WHEREAS, the Authority has found that the development of the aforesaid NIZ promotes the public purposes of both the Act and the NIZ Act and is in the best interest of the people of the City; and

WHEREAS, the Authority has the power to finance projects for development and improvement within the NIZ in accordance with the Act and the NIZ Act; and

WHEREAS, historically, NIZ Tax Revenues have been generated from within the NIZ in excess of the amount required for debt service on the 2021/2022 Arena Bonds and the amount contractually committed to the Commonwealth of Pennsylvania; and

WHEREAS the Authority desires to utilize a portion of the excess NIZ Tax Revenues after payment of debt service for public improvements within the NIZ, and

WHEREAS the Authority, by Resolution R2017-130, Resolution R2018-175, Resolution R2020-225 and Resolution R2023-292, has entered into, extended and modified a Credit Facility with Peoples Security Bank and Trust to finance Authority approved public improvement projects in the NIZ, and

WHEREAS the Authority, by Resolution R2018-160, adopted Process Guidelines for Public Improvement Investments in the City's NIZ (the "Process Guidelines") (replacing the initially approved Project Plan for Public Improvement Investments) to fulfill the purposes of the Act and the NIZ Act, and

NOW, THEREFORE, BE IT RESOLVED by the Authority, as follows that:

A. Based upon an application for Downtown Public Sidewalk Improvements for N.8th Street and W Linden St. dated March 1, 2024 having received non-binding confirmation of interest as a Public Improvement Project proposed under and meeting the Qualification Stage criteria of the Process Guidelines, from the Public Improvement Committee at its public meeting on March 20, 2024, designating the City as the Public Property Owner, City Center Investment Corporation ("CCIC) as Sponsor, and the Authority as Funder, after a full review of the Application Stage materials;

- (i) on condition that the construction will be completed within two (2) years from the date of this Resolution,
- (ii) the Authority hereby approves and agrees to provide financing for the following Public Improvement Project:

CCIC shall design, plan and construct sidewalks along the western side of N. 8th Street from the Da Vinci site north to Linden Street and from N. 8th Street along Linden Street westerly on the south side to the Spiral Garage parking facility and on the north side westerly to N. Lumber Street, including new trees, curbs, lighting, a trash receptacle and lighting enhancement to the Spiral Garage parking facility, all consistent with current City design standards, thus providing pedestrians with an enhanced experience and safer environment and downtown connectivity within the NIZ ("the Project"), at a total cost including installation estimated to not exceed \$830,000.00, subject to review, approval and entry into of an Agreement between CCIC, the Authority and the City and, as required, with all stakeholders such as the Commonwealth of Pennsylvania and the County of Lehigh, as necessary.

B. The Whereas clauses above are incorporated as part of this Resolution and the Project.

C. The Chairperson or Vice Chairperson, Executive Director and the Secretary or any Assistant Secretary of the Authority are hereby authorized and directed to execute and attest, where deemed necessary, respectively, any related agreement and documents, and other documents to amend or correct any

documents, and to take any and all such actions necessary, in the opinion of the Executive Director with the advice of counsel, to implement fulfillment of the purposes of this Resolution and to consummate the transactions contemplated herein.

- D. The liability of the Authority under any and all of the documents relating to and executed to implement fulfillment of the purposes of this Resolution shall not constitute the general obligation of the Authority other than through financing from specifically designated funds, and where appropriate, the documents, shall provide for other parties, to indemnify and hold harmless the Authority, and each member, officer, and employee of the Authority, from and against any and all claims, losses, damages or liabilities, joint and several, to which the Authority or any member, officer or employee of the Authority may become subject, insofar as such loss, claim, damage, or liability, or action in respect thereof, arises out of implementation of the purposes of this Resolution, or is based upon any other alleged act or omission in connection with any document related thereto.
- E. All actions previously taken in furtherance of the purposes of this Resolution are hereby ratified. The officers of the Authority are hereby authorized to take such further actions to carry out the purposes of this Resolution.
- F. All resolutions and orders, or parts thereof, in conflict with the provisions of this Resolution, are, to the extent of such conflict, hereby repealed and this Resolution shall be in immediate effect from and after its adoption.


END OF RESOLUTION

CERTIFICATION

I, Pedro L Torres, Jr., Secretary of the Allentown Neighborhood Improvement Zone Development Authority, do hereby certify that the foregoing is a true and correct copy of the Resolution R-2024-314 of the Board of Directors of the Authority passed at a duly convened meeting of said Board on the 3rd day of April 2024. Authority members present and voting were as follows:

<u>Vote</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Seymour Traub, Esq.	✓		
Eileen Aguilera	Absent		
Dr Ann Bieber	✓		
Stephen Breininger	Absent		
Nelson A. Diaz	✓		
Vacant	N/A		
Tiffany Polek	✓		
John Stanley, Esq.	Absent		
Pedro L. Torres, Jr.	✓		

IN WITNESS WHEREOF, I hereunto set my hand and seal on this 3rd day of April 2024.


Secretary