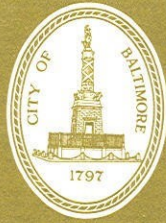


CITY OF BALTIMORE

SHEILA DIXON, Mayor



DEPARTMENT OF LAW

GEORGE A. NILSON, City Solicitor
101 City Hall
Baltimore, Maryland 21202

October 24, 2008

The Honorable President and
Members of the Baltimore
City Council
c/o Karen Randle, Executive Secretary
409 City Hall
Baltimore, MD 21202

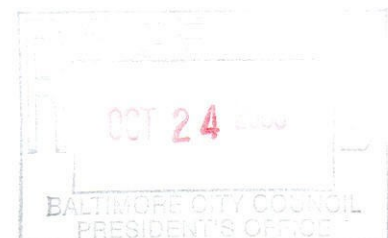
RE: City Council Bill 08-0160 – Westport Waterfront Development District

You have requested the advice of the Law Department regarding City Council Bill 08-0160. City Council Bill 160 proposes to designate a development district to be known as the “Westport Development District” (the Development District). In addition, the creates a tax increment fund for the Development District. The creation of the Development and the Tax Increment Fund would facilitate the issuance of the bonds to finance and refinance redevelopment in the Development District.

Article II, Section 62 of the Baltimore City Charter provides for the authorization for the Tax Increment Fund. Section 62 authorizes the City to issue bonds for the purpose of financing the refinancing the development of industrial, commercial or residential areas. In order to issue such bonds, however, the City must first: (1) designate by ordinance an area or areas within the City as a “development district”; and (2) provide that until the bonds have been fully paid or thereafter,” a specified increment of the property taxes on real property within the development district shall be paid into a special fund and applied only to certain authorized purposes. See Sec. 62(d).

City Council Bill 08-0160 is authorized by and consistent with the powers of the City Council under Article II, Sec62. The Law Department proposes one amendment to the bill to make it consistent with the requirements of Art. II, Sec. 62(c)(9). That Section requires that Proceeds from bonds may only be applied for structures or surface parking facilities that are publicly owned or privately owned but serve a public purpose. The Law Department, therefore, recommends that the Bill be amended to include this limiting language after the word “parking facilities” in that section. A proposed amendment effectuating this change is attached.

F/A



City Council Bill 08-0160
October 24, 2008
Page 2

Subject to the suggested amendment, the Law Department approves the City Council Bill 08-0160 for form and legal sufficiency.

Sincerely yours,



Elena R. DiPietro
Assistant Solicitor

cc: Honorable Stephanie Rawlings Blake
Angela Gibson, City Council Liaison
George A. Nilson, City Solicitor
Linda C. Barclay, Chief Solicitor
Deepa Bhattacharyya, Assistant Solicitor
Ashlea Brown, Assistant Solicitor
Hilary Ruley, Assistant Solicitor

CITY OF BALTIMORE
COUNCIL BILL 08-0160
(First Amendment)

On page 4, Section 1 (m)(5), line 5, delete “parking facilities” and insert “structured or surface parking facilities that are either publicly owned or serving a public purpose”