



City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland 21202

Legislation Text

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EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

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INTRODUCTORY*

CITY OF BALTIMORE
COUNCIL BILL

Introduced by: The Council President
At the request of: The Administration (Baltimore Development Corporation)

A BILL ENTITLED

AN ORDINANCE concerning
North Locust Point Development District - Amending Ordinance 03-642, as Amended by Ordinance 11-553

FOR the purpose of adding and modifying certain definitions; enlarging the boundaries of the development district; adding new 2012 Exhibit A and revising Exhibit 1 to include additional properties; providing for a special effective date; and making the provisions of this Ordinance severable.

BY repealing and reordaining, with amendments
Ordinance 03-642, as amended by Ordinance 11-553
Section(s) 1 and 3

Recitals

The Tax Increment Financing Act, Article II, Section (62) of the Baltimore City Charter (the “Act”) authorizes the Mayor and City Council of Baltimore (the “City”) to establish a “development district” (as defined in the Act) and a special, tax increment fund into which the revenues and receipts from the real property taxes representing the levy on the “tax increment” (as defined in the Act) for the development district are deposited, for the purpose of providing funds for the development of the development district.

The Act also authorizes the City, subject to certain requirements, to borrow money by issuing and selling bonds for the purpose of financing and refinancing the development of industrial, commercial, or residential areas in Baltimore City. The Act provides, however, that no bonds may be issued by the City until an ordinance is enacted that (i) designates an area or areas within the City as a “development district” and (ii) provides that, until the bonds have been fully paid, the property taxes on real property within the development district shall be divided as provided in the Act.

Pursuant to the Act and Ordinance 03-642, passed by the City Council effective on December 22, 2003 (“Ordinance

03-642”), the City established a development district known as the North Locust Point Development District (the “North Locust Point Development District”) to facilitate the development of the infrastructure improvements (as defined in Ordinance 03-642).

Pursuant to the Act, Ordinance 03-642, Article II, Section (62A) of the Baltimore City Charter, Ordinance 04-851 of the City Council and Ordinance 04-850 of the City Council, both effective on November 29, 2004, and a Resolution adopted by the Board of Finance of the City on July 25, 2005, the City issued the Series 2005 Bonds (defined herein).

Pursuant to the Act and Ordinance 11-553, passed by the City Council effective on November 22, 2011 (“Ordinance 11-553”), the City expanded the North Locust Point Development District by including additional properties for the purpose of providing funds for costs of certain public and other infrastructure improvements and related costs permitted by the Act.

The City wishes to further expand the North Locust Point Development District by including additional properties for the purpose of providing funds for costs of certain additional public and other infrastructure improvements and related costs permitted by the Act, including, without limitation, parking facilities, the design and construction (including redesign and reconstruction) of roads and road improvements and sidewalks, including a pedestrian bridge; the design, construction, reconstruction, renovation, equipping, and development of parks, athletic or playground facilities, including walking and biking paths and trails and playing fields and courts, or buildings that are to be devoted to a governmental use or purpose; site removal, including demolition and site preparation; additional facilities, including a pier and bulkhead improvements and promenade improvements; related land acquisition within and outside the development district; and engineering, project, and design fees in connection with the foregoing.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:

Ordinance 11-553

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That for the purposes of this Ordinance, the following terms have the meanings indicated:

(a) “Act” means the Tax Increment Financing Act, as codified in Article II, Section (62) of the Baltimore City Charter.

(b) “2011 additional properties” means the following properties: Block 1987B, Lots 006 and 007.

(C) “2012 ADDITIONAL PROPERTIES” MEANS THE PROPERTIES LISTED IN 2012 EXHIBIT A TO THIS ORDINANCE.

(D)[c] “Additional ORIGINAL assessable base” means (I) the assessable base of the 2011 additional properties as of January 1, 2010, AND (II) THE 2012 ADDITIONAL PROPERTIES AS OF JANUARY 1, 2011.

(E)[d] “Assessable base” means the total assessable base of all real property in the Development District subject to taxation, as determined by the Supervisor of Assessments.

(F)[e] (1) “Assessment ratio” means any real property tax

assessment ratio, however designated or calculated, that is used or applied under applicable general law in determining the assessable base.

(2) “Assessment ratio” includes the assessment percentage provided under §8-103(c) of the State Tax-Property Article, as amended, replaced, or supplemented from time to time.

(G)[f] “Bond” means the series 2005 Bonds and any other bond, note, or other similar instrument issued by the Mayor and City Council of Baltimore under the Act.

(H)[g] “Development District” means the area in the City designated in Section 3 of this Ordinance as a development district under the Act.

(I)[h] “Infrastructure improvements” means the following public AND OTHER infrastructure improvements constructed in accordance with all required City approvals:

- (1) the design and construction (INCLUDING REDESIGN AND RECONSTRUCTION) of roads, including removal of existing paving, new paving and installation of curbs, gutters, sidewalks, lighting, landscaping, SIGNAGE AND DECORATIONS, and utilities (including, but not limited to, water, sanitary sewer, storm sewer, and ductbank);
- (2) the design and construction of necessary signalization for a railway crossing;
- (3) the relocation of existing railway tracks and the recreation of related railway stacking capacity;
- (4) structured or surface parking facilities that are either publicly owned or PRIVATELY OWNED BUT SERVE [serving] a public purpose;
- (5) additional road improvements and sidewalks, including a pedestrian bridge;
- (6) the design, construction, reconstruction, renovation, EQUIPPING, and development of (I) park[, playing fields] ATHLETIC, or playground facilities, including (BUT NOT LIMITED TO) walking and biking paths AND TRAILS AND PLAYING FIELDS AND COURTS, OR (II) BUILDINGS THAT ARE TO BE DEVOTED TO A GOVERNMENTAL USE OR PURPOSE;
- (7) additional facilities, including pier and bulkhead improvements and promenade improvements;
- (8) SITE REMOVAL, INCLUDING DEMOLITION AND SITE PREPARATION;

(9)[(8)] the acquisition of land whether inside or outside the Development District for the infrastructure improvements identified in Paragraph I(1)-(8) [(h) (1)-(7)]; and

(10)[9] the acquisition, construction, renovation and development of other related public AND OTHER infrastructure improvements that are necessary for the completion of these infrastructure improvements for their intended public purposes.

(J)[(i)] “Original assessable base” means collectively, the Original 2003 assessable base and the additional ORIGINAL assessable base.

(K)[j] “Original 2003 assessable base” means the assessable base of the Original development district as of January 1, 2002.

(L)[k] “Original development district” means the following properties: Block 1976, Lot 1; Block 1981B, Lots 8, 12, 24, and 26; Block 1982, Lot 1; and Block 2024, Lot 6A.

(M)[l] “Original full cash value” means the dollar amount that is determined by dividing the original assessable base by the assessment ratio used to determine the original assessable base.

(N)[m] “Original taxable value” means, for any tax year, the dollar amount that is the lesser of:

- (1) the product of the original full cash value times the assessment ratio applicable to that tax year; or
- (2) the original assessable base.

(O)[n] “Series 2005 Bonds” means the Mayor and City Council of Baltimore Special Obligation Bonds (North Locust Point Project) Series 2005 issued on August 25, 2005, in the aggregate principal amount of \$2,977,000.

(P)[o] “Tax increment” means for any tax year, the amount by which the assessable base as of January 1 preceding that tax year exceeds the original taxable value, divided by the assessment ratio used to determine the original taxable value.

(Q)[p] “Tax Increment Fund” means the special fund established by Section 4 of this Ordinance.

(R)[q] “Tax year” means the period from July 1 of a calendar year through June 30 of the next calendar year.

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SECTION 3. AND BE IT FURTHER ORDAINED, That the contiguous area consisting of the properties designated as Block 1976, Lot 1; Block 1981B, Lots 8, 12, 24 and 26; Block 1982, Lot 1; Block 2024, Lot 6A; [and] Block 1987B, Lots 006 and 007; AND THE 2012 ADDITIONAL PROPERTIES, together with the adjoining roads, highways, alleys, rights-of-way and other similar property, shown on the map attached to this Ordinance as 2012 Revised Exhibit 1, and made a part of this Ordinance, is designated as a development district to be known as the “North Locust Point Development District.”

SECTION 2. AND BE IT FURTHER ORDAINED, That the Mayor and City Council of Baltimore affirms and ratifies the establishment of the North Locust Point Development District, the creation of a Tax Increment Fund for the Development District and the issuance of bonds from time to time, all for the purposes set forth in Ordinance 03-642, as amended by Ordinance 11-553, and as further amended hereby, and except as hereby specifically amended, Ordinance 03-642, as amended by Ordinance 11-553, is hereby confirmed and ratified in all respects and shall remain in full force and effect according to its terms.

SECTION 3. AND BE IT FURTHER ORDAINED, That the Mayor and City Council of Baltimore finds and determines that the further expansion of the North Locust Point Development District and the further issuance of

bonds from time to time, for the purpose of providing funds for the financing of public and other infrastructure improvements and the acquisition of land within and outside the Development District, accomplishes the purposes of the Act, serves public purposes, including the direct and indirect enhancement of the taxable base of Baltimore City and the facilitation of planned improvements to the North Locust Point area, and generally promotes the health, welfare, and safety of the residents of the State of Maryland and of the City of Baltimore.

SECTION 4. AND BE IT FURTHER ORDAINED, That the provisions of this Ordinance are severable. If any provision, sentence, clause, section or other part of this Ordinance is held or determined to be illegal, invalid, unconstitutional, or inapplicable to any person or circumstances, that illegality, invalidity, unconstitutionality, or inapplicability does not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance or their application to other persons or circumstances. It is the intent of the Mayor and City Council of Baltimore that this Ordinance would have been passed even if the illegal, invalid, unconstitutional, or inapplicable provision, sentence, clause, section, or other part had not been included in this Ordinance, and as if the person or circumstances to which this Ordinance or part are inapplicable had been specifically exempted.

SECTION 5. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

2012 Exhibit A

List of 2012 Additional Properties

1. Key Highway from the 1600 block to McComas and the 1000 block of McComas.
2. Block 2034A, Lot 052.
3. East Fort Avenue, from Lawrence Street to Wallace Street.
4. Block 1987B, Lot 011.
5. Block PSC0 Lot 010
6. The westernmost portion of Block 2024, Lot 007 that is bounded by Hull Street on the northwest; the harbor on the northeast, and the boundary established by following the north side of Nicholson Street from Hull Street to the 1500 block of Nicholson Street and then heading due north to and including the east side of Pier 10 to the harbor.
7. Block 1976, Lot 004.
8. Streets or roads to and from the development district, including an approximately 20 foot wide paved area connecting Block 2024, Lot 6A with Fort Avenue and running through the parcels currently known as Block 2024 Lot 8 and Block 2024, Lot 129T.

2012 Revised Exhibit 1

Map of Development District
(See map on next page)

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