

Order 237-09/10

Given first reading on 5/17/10

Public Hearing, Agreement Amended & Passed 6/7/10 9-0

NICHOLAS M. MAVODONES (MAYOR)
KEVIN J. DONOGHUE (1)
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CITY OF PORTLAND
IN THE CITY COUNCIL

JOHN R. COYNE (5)
JOHN M. ANTON (A/L)
DORY RICHARDS WAXMAN (A/L)
JILL C. DUSON (A/L)

**ORDER AMENDING WATERFRONT
ECONOMIC REDEVELOPMENT
TAX INCREMENT FINANCING DISTRICT**

WHEREAS, the City of Portland is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to designate specified areas within the City as Municipal Development Districts and Tax Increment Financing Districts and to adopt a Development Program for all such Districts; and

WHEREAS, there exists a Waterfront Capital Improvement and Economic Redevelopment Zone and within or in behalf of the proposed Amended Waterfront Economic Redevelopment Program are currently five Waterfront Economic Redevelopment Tax Increment Financing Districts; and

WHEREAS, the City has the power to amend adopted development programs pursuant to 30-A M.R.S.A. § 5226(5); and

WHEREAS, the City desires to amend the Waterfront Economic Redevelopment Program to (1) extend the term by twenty (20) years; (2) to authorize the use of Credit Enhancement Agreements within the Waterfront Central Zone; (3) add the Cumberland Cold Storage Sub-District and (4) amend the document to be consistent with past practice and experience in the Program; and

WHEREAS, Section 14-908 of said ordinance calls for the Council to consider the creation of TIF districts within the Waterfront Capital Improvement and Economic Redevelopment Zone whenever new value in personal or real property exceeds \$400,000 over two assessing years; and

WHEREAS, the Cumberland Cold Storage Building exists within the Waterfront Capital Improvement and Economic Redevelopment Zone and meets said value requirement; and

WHEREAS, the redevelopment of the Cumberland Cold Storage Building within the Waterfront Capital Improvement and Economic Redevelopment Zone will help to provide continued employment for the citizens of Portland and the surrounding region; improve and broaden the tax base in the City of Portland and improve the economy of the City of Portland and the State of Maine; and

WHEREAS, the City has held a public hearing on the question of adding the Cumberland Cold Storage Sub-district to the Amended Waterfront Economic Redevelopment Tax Increment Financing Districts in accordance with the requirements of 30-A M.R.S.A. § 5223, upon at least ten (10) days prior notice published in a newspaper of general circulation within the City; and

WHEREAS, the City desires to designate the Cumberland Cold Storage Sub-District as part of the Waterfront Economic Redevelopment Tax Increment Financing Districts; and

WHEREAS, it is expected that approval of the Amended Waterfront Economic Redevelopment Program will be sought and obtained from the Maine Department of Economic and Community Development, approving the amendments to the Waterfront Economic Redevelopment Tax Increment Financing Districts;

NOW, THEREFORE, BE IT HEREBY ORDERED BY THE CITY OF PORTLAND CITY COUNCIL AS FOLLOWS:

Section 1. The City hereby finds and determines that:

- (a) At least 25%, by area, of the real property within the Amended Waterfront Economic Redevelopment Tax Increment Financing Districts, as amended, is acreage suitable for commercial siting as defined in 30-A M.R.S.A. § 5223; and
- (b) The total area of the Amended Waterfront Economic Redevelopment Tax Increment Financing Districts, as amended, does not exceed 2% of the total acreage of the City, and the total area of all development districts within the City (including the five Districts and the sub-district) does not exceed 5% of the total acreage of the City; and
- (c) The aggregate value of equalized taxable property of the Amended Waterfront Economic Redevelopment Tax Increment Financing Districts, as amended, does not exceed 5% of the total value of equalized taxable property within the City as of April 1, 2010; and
- (d) The aggregate value of indebtedness financed by the proceeds from tax increment financing districts and sub-district within Cumberland County, including the proposed sub-district, does not exceed \$50 million adjusted by a factor equal to the percentage change in the United States Bureau of Labor Statistics Consumer Price Index, United States City average, from January 1, 1996 to the date of calculation; and
- (e) The City expects that the acquisition, construction and installment of all real property improvements, buildings, structures, and fixtures within the district, as amended, contemplated by the Amended Development Program will be completed in accordance with State law; and

(f) The designation of the Cumberland Cold Storage Sub-District as part of the Amended Waterfront Economic Redevelopment Tax Increment Financing Districts and pursuit of the Amended Waterfront Economic Redevelopment Program as the Municipal Development Program will continue generate substantial economic benefits for the City and its residents, including employment opportunities, broadened and improved tax base and economic stimulus, and therefore constitutes a good and valid public purpose.

Section 2. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the City hereby designates the Cumberland Cold Storage Sub-District as part of the Amended Waterfront Economic Redevelopment Tax Increment Financing Districts, as more particularly set forth in the document entitled "CITY OF PORTLAND WATERFRONT ECONOMIC REDEVELOPMENT PROGRAM – APPLICATION FOR AMENDED WATERFRONT TAX INCREMENT FINANCING DEVELOPMENT DISTRICTS AND SUB-DISTRICIT", as amended, presented to the City Council in the form attached hereto and the Waterfront Economic Redevelopment Program as the Municipal Development Program are hereby incorporated by reference into this resolution as the Development Programs for the Districts (the "Development Programs").

Section 3. Pursuant to the provisions of 30-A M.R.S.A. § 5224, the City hereby adopts the statement of the percentage of Assessed Value to be retained by the City set forth as Exhibit A in the Amended Waterfront Economic Redevelopment Program and TIF applications for the five original FY02 Waterfront TIF Districts and the FY10 sub-district approved for purposes of said Section 5224.

Section 4. The City Manager be, and hereby is, authorized, empowered and directed to submit the proposed Amended Waterfront Economic Redevelopment Program and the Municipal TIF designation for the addition of the Cumberland Cold Storage Sub-District to the FY02 Waterfront TIF Districts to the State of Maine Department of Economic and Community Development for review and approval pursuant to the requirements of 30-A M.R.S.A. §5226.

Section 5. The foregoing designation of the addition of the Cumberland Cold Storage Sub-District to the FY02 Waterfront TIF Districts and the adoption of the Amended Waterfront Economic Redevelopment Program for the five Districts and the sub-district shall automatically become final and shall take full force and effect upon receipt by the City of approval of the designation of the addition to the District.