

Order 173-08/09  
Given first reading on 3/2/2009  
Public Hearing and Passage: 3/16/09 9-0

JILL C. DUSON (MAYOR)  
KEVIN J. DONOGHUE (1)  
DAVID A. MARSHALL (2)  
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CHERYL A. LEEMAN (4)

CITY OF PORTLAND  
IN THE CITY COUNCIL

JOHN R. COYNE (5)  
JOHN M. ANTON (A/L)  
DORY RICHARDS WAXMAN (A/L)  
NICHOLAS M. MAVODONES (A/L)

**ORDER DESIGNATING McAULEY PLACE  
TAX INCREMENT FINANCING DISTRICT  
AND ADOPTING THE McAULEY PLACE MUNICIPAL DEVELOPMENT  
PROGRAM AS THE MUNICIPAL  
DEVELOPMENT PROGRAM FOR THE DISTRICT, AND AUTHORIZING THE  
EXECUTION OF A CREDIT ENHANCEMENT AGREEMENT**

**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 a Municipal Development and Tax Increment Financing District, and to adopt a Development Program for such District; and

**WHEREAS**, McAuley Place at Baxter Woods Retirement Community, Inc. and its affiliates (hereinafter McAuley Place) intends to rehabilitate the St. Joseph's Convent located at 605 Stevens Avenue and make certain other improvements within the proposed McAuley Place Municipal Development and Tax Increment Financing District (the "District"); and

**WHEREAS**, there is a need to rehabilitate the former St. Joseph's Convent at 605 Stevens Avenue and to provide continuing employment opportunities for the citizens of Portland and the surrounding region; to improve and broaden the tax base of the City of Portland; and to improve the general economy of the City of Portland, the surrounding region and the State of Maine; and

**WHEREAS**, the project 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**, there is a need to encourage development within the City of Portland through the establishment of Municipal Development and Tax Increment Financing Districts in accordance with the provisions of Chapter 206 of Title 30-A; and

**WHEREAS**, the City of Portland has held a public hearing on the question of establishing the District 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 of Portland desires to designate the McAuley Place Municipal Development and Tax Increment Financing District and adopt a Development Program for such District; and

**WHEREAS**, approval will be sought and obtained from the Maine Department of Economic and Community Development, approving the designation of the District and the adoption of the Municipal Development Program for the District;

**NOW THEREFORE BE IT HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:**

**Section 1.** The City of Portland hereby finds and determines that:

(a) The McAuley Place Municipal Development and Tax Increment Financing District will contribute to the economic growth and well-being of the municipality, and to the betterment of the health, welfare or safety of the inhabitants of the municipality as defined in 30-A M.R.S.A. § 5223; and

(b) The City expects that the acquisition, construction, rehabilitation and installment of all real and personal property improvements, buildings, structures, fixtures and equipment within the district contemplated by the Municipal Development Program will be completed in accordance with State law; and

(c) The designation of the District and pursuit of the Municipal Development Program will 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 McAuley Place Municipal Development and Tax Increment Financing District, as more particularly set forth in the document entitled “The McAuley Place Municipal Development and Tax Increment Financing District Development Program” as presented to the City Council in the form attached hereto as Attachment 1 and that document is hereby incorporated by reference into this Order and approved as the Municipal Development Program for the District (the “Development Program”).

**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 McAuley Place Development and Tax Increment Financing Program (Attachment 1) for purposes of said Section 5224.

**Section 4.** The City Manager be, and hereby is, authorized, empowered and directed to submit the proposed designation of the District and the proposed Development Program for the District 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(2).

**Section 5.** The City Manager be, and hereby is, authorized to execute and deliver the Credit Enhancement Agreement substantially in the form described in the Development Program and attached as Exhibit D of Attachment 1, and execute such other documents as may be required to fulfill the purpose of this order.

**Section 6.** The foregoing designation of the District and the adoption of the Development Program for the District shall automatically become final and shall take full force and effect upon receipt by the City of approval of the designation of the District and adoption of the Development Program by the Department of Economic and Community Development, without requirements of further action by the City, the Council or any other party.

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