

Order 94/08/09
EDWARD J. SUSLOVIC (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
DANIEL S. SKOLNIK (3)
CHERYL A. LEEMAN (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

JAMES I. COHEN (5)
JOHN M. ANTON (A/L)
JILL C. DUSON (A/L)
NICHOLAS M. MAVODONES (A/L)

**ORDER DESIGNATING CREATIVE PORTLAND DEVELOPMENT AND ARTS
DISTRICT AND
TAX INCREMENT FINANCING DISTRICT
AND ADOPTING THE CREATIVE PORTLAND DEVELOPMENT PROGRAM
AS THE MUNICIPAL DEVELOPMENT PROGRAM FOR THE 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, 30-A M.R.S.A. §5221(2) authorizes municipalities to develop a program for improving a district of the municipality to provide impetus for industrial, commercial or arts district development; and

WHEREAS, 30-A M.R.S.A. §5222(8) of state law defines “downtown” as the traditional central business district of a community that has served as the center of socioeconomic interaction in the community, characterized by a cohesive core of commercial and mixed use buildings, often interspersed with civic, religious and residential buildings and public spaces, that are typically arranged along a main street and intersecting side streets and served by public infrastructure; and

WHEREAS, 30-A M.R.S.A. §5222(9) defines “downtown tax increment financing district” as a tax increment financing district described in a downtown redevelopment plan that is consistent with the downtown criteria established pursuant to rules of the state Department of Economic and Community Development; and

WHEREAS, the City of Portland has an arts and cultural community in its downtown that is experiencing growth in creative, artistic enterprises including architecture, advertising, marketing, specialty products design and manufacturing, engineering and graphic design, all of which is part of Portland’s creative economy; and

WHEREAS, there is a need for support and development of the creative economy businesses in the downtown area of the City of Portland; and

WHEREAS, the City intends to promote, encourage, and financially assist economic development in creative economy businesses by assisting with the promotion and financing of business development within the Creative Portland Development and

Arts District and Tax Increment Financing District in accordance with the proposed Creative Portland Development Program; and

WHEREAS, there is a need to provide continuing and new employment opportunities in creative economy businesses 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 Creative Portland Development and Arts District and Tax Increment Financing District will help to provide continued and new 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 the development, expansion and improvement of creative economy businesses in the City's downtown through the establishment of a Municipal Development District and Tax Increment Financing District in accordance with the provisions of Chapter 206 of Title 30-A; and

WHEREAS, the City has held a public hearing on the question of establishing the Creative Portland Development Program and the Creative Portland Development and Arts District and Tax Increment Financing District in accordance with the requirements of 30-A M.R.S.A. § 5226, 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 Creative Portland Development and Arts District and Tax Increment Financing District and adopt the Creative Portland Development Program as the Development Program for such District; and

WHEREAS, it is expected that approval will be sought and obtained from the Maine Department of Economic and Community Development, approving the designation of the Creative Portland Development and Arts District and Tax Increment Financing District and the adoption of the Creative Portland Development Program for the District;

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) The Creative Portland Development and Arts District and Tax Increment Financing District is within the traditional central business district of Portland which has served as the City's center of socioeconomic interaction, and is characterized by a cohesive core of commercial and mixed use buildings that are interspersed with civic, religious and

residential buildings and public spaces that are arranged along Congress Street, which is the City's main street, and intersecting side streets, all of which is served by public infrastructure, and is the City's downtown;

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

(C) The designation of the Creative Portland Development and Arts District and Tax Increment Financing District and pursuit of the Creative Portland Development Program as 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 Creative Portland Development and Arts District and Tax Increment Financing District, as shown on attachment A hereto.

Section 3. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes as amended, the City hereby approves the document entitled "City of Portland Creative Portland Development Program – Application for Creative Portland Development and Arts District and Tax Increment Financing District," presented to the City Council in the form attached hereto as attachment B and the Creative Portland Development Program, substantially in the form attached hereto as attachment C, as the municipal development program and hereby incorporates these documents by reference into this order as the development program for the District (the "Development Program").

Section 4. Pursuant to the provisions of 30-A M.R.S.A. § 5227, the City hereby adopts the statement of the percentage of Assessed Value to be retained by the City set forth as Section II(C) and Section IV(A) in the Creative Portland Development Program and TIF applications for the Creative Portland TIF District approved for purposes of said Section 5227.

Section 5. The City Manager be, and hereby is, authorized, empowered and directed to submit the proposed Creative Portland Development Program and the Municipal TIF designation for the Creative Portland TIF 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.

Section 6. The foregoing designation of the Creative Portland TIF District and the adoption of the Creative Portland Development Program for the Creative Portland 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 Creative Portland Development Program by the Department of Economic and Community Development, without requirements of further action by the City, the Council or any other party.