

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2017, Legislative Day No. 19

Resolution No. 109-17

Mr. Tom Quirk, Chairman
By Request of County Executive

By the County Council, November 20, 2017

A RESOLUTION identifying a contiguous area (the “Sparrows Point Development District”) within Baltimore County, Maryland (the “County”) constituting a portion of the Sustainable Community known as “Greater Dundalk” or “Greater Dundalk and Sparrows Point” designated pursuant to Sections 6-201 and 6-205 of the Housing and Community Development Article of the Annotated Code of Maryland (2006 Volume and 2017 Supplement), as amended, as a “sustainable community” and designating such area as a “development district” pursuant to Sections 12-203 of the Tax Increment Financing Act, Sections 12-201 through 12-213 of the Economic Development Article of the Annotated Code of Maryland (2008 Volume and 2017 Supplement), as amended (the “Act”), for the purpose of developing, redeveloping, revitalizing and renovating the Sparrows Point Development District by providing for the funding of public infrastructure and other improvements authorized to be financed under the Act; and providing for

and determining various matters in connection with the designation of the Sparrows Point Development District.

RECITALS

The Tax Increment Financing Act, Sections 12-201 through 12-213 of the Economic Development Article of the Annotated Code of Maryland (2008 Volume and 2017 Supplement), as amended (the “Act”), authorizes Baltimore County, Maryland (the “County”), to identify a contiguous area constituting a portion of an area that has been designated a “sustainable community” (as defined in the Act) and to designate such area as a “development district” (as defined in the Act) for the purpose of providing funds for the development, redevelopment, revitalization and renovation of the area.

Upon the application of the Baltimore County Department of Planning, the Smart Growth Subcabinet established under Section 9-1406 of the State Government Article of the Annotated Code of Maryland (2014 Replacement Volume and 2017 Supplement), as amended, upon the recommendation of the Secretary of Housing and Community Development designated an area within the County as a “sustainable community” known as “Greater Dundalk” or “Greater Dundalk and Sparrows Point” (the “Greater Dundalk and Sparrows Point Sustainable Community”), effective as of April 24, 2013 pursuant to Sections 6-201 and 6-205 of the Housing and Community Development Article of the Annotated Code of Maryland (2006 Volume and 2017 Supplement), as amended.

The County desires to identify a contiguous area constituting a portion of the Greater Dundalk and Sparrows Point Sustainable Community as a “sustainable community” (as defined in the Act) and to designate such area as a “development district” (as defined in the Act) in accordance with Section 12-203 of the Act.

Prior to the issuance by the County of any Bonds (as defined herein) payable from the Tax Increment (as defined herein) or any pledge by the County of amounts on deposit in a special fund created for the deposit of Tax Increment revenues pursuant to the Act to secure payment of any other obligations, including (without limitation) any MEDCO obligations (as defined in the Act), the County must enact an ordinance meeting the requirements of the Act. The County is not obliged to enact any such ordinance authorizing the issuance of Bonds or any such pledge of amounts on deposit in any such special fund.

NOW THEREFORE

SECTION 1. BE IT RESOLVED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that for the purposes of this Resolution, in addition to terms defined in the foregoing Recitals, the following terms shall have the meanings set forth below:

(1) “Adjusted Assessable Base” means the fair market value of real property that qualifies for a farm or agricultural use under Section 8-209 of the Tax-Property Article of the Annotated Code of Maryland (2012 Replacement Volume and 2017 Supplement), as amended, without regard to the agricultural use assessment as of January 1 of the year preceding the effective date of this Resolution.

(2) “Assessable Base” means the total assessable base, as determined by the Supervisor of Assessments, of all real property subject to taxation in the Sparrows Point Development District.

(3) “Assessment Ratio” means a real property tax assessment ratio, however designated or calculated, that is used under applicable general law for determining the

Assessable Base, including the assessment percentage specified under Section 8-103(c) of the Tax-Property Article of the Annotated Code of Maryland (2012 Replacement Volume and 2017 Supplement), as amended.

(4) “Bonds” means revenue bonds, notes or other similar instruments issued by the County pursuant to an ordinance enacted by the County in accordance with the Act for the purpose of providing funds for the development, redevelopment, revitalization and renovation of the Sparrows Point Development District.

(5) “Original Base” means the Assessable Base as of January 1 of the year preceding the effective date of this Resolution, being January 1, 2016 if this Resolution is adopted in 2017.

(6) “Original Full Cash Value” means the dollar amount that is determined by dividing the Original Base by the Assessment Ratio used to determine the Original Base.

(7) “Original Taxable Value” means, for any Tax Year, the dollar amount that is:

(a) the Adjusted Assessable Base if an Adjusted Assessable Base applies; or

(b) in all other cases, the lesser of:

(i) the product obtained by multiplying the Original Full Cash Value by the Assessment Ratio applicable to that Tax Year; and

(ii) the Original Base.

(8) “Sparrows Point Development District” means the contiguous area of the County identified as a “sustainable community” (as defined in the Act) and designated a “development district” (as defined in the Act) under Section 3 of this Resolution.

(9) “Special Fund” means a special fund established in accordance with Section 5 of this Resolution.

(10) “Tax Increment” means, for any Tax Year, the amount by which the assessable base as of January 1 of the preceding tax year exceeds the Original Taxable Value divided by the Assessment Ratio used to determine the Original Taxable Value.

(11) “Tax Year” means the period from July 1 of a calendar year through June 30 of the next calendar year.

SECTION 2. BE IT FURTHER RESOLVED, that, acting pursuant to the Act, it is hereby found and determined that the establishment of the Sparrows Point Development District and the creation of a Special Fund for the purpose of providing funds to finance infrastructure and other public improvements authorized to be financed under the Act in order to provide for the development, redevelopment, revitalization and renovation of the Sparrows Point Development District will promote the health, welfare and safety of the residents of the State of Maryland and of the County.

SECTION 3. BE IT FURTHER RESOLVED, that the contiguous area constituting a portion of the Greater Dundalk and Sparrows Point Sustainable Community consisting of the property described in Exhibit 1 to this Resolution is hereby identified as a “sustainable community” (defined in the Act) and designated as a “development district” (defined in the Act) to be known as the “Sparrows Point Development District” pursuant to Section 12-203 of the Act. The Sparrows Point Development District shall include all adjoining roads, highways, alleys, rights of way, parks and other similar property in order to form a contiguous area as shown on the maps

submitted to the County Council of the County (the “County Council) together with this Resolution and shown in Exhibit 2 to this Resolution.

SECTION 4. BE IT FURTHER RESOLVED, that unless otherwise authorized in a resolution or ordinance of the County adopted or enacted after the date of this Resolution, this Resolution may be amended by an administrative resolution of the County Council approved by the County Executive, which resolution may enlarge or, so long as no Bonds shall be outstanding and no pledge by the County of amounts on deposit in any Special Fund to secure payment of any other obligations, including (without limitation) any MEDCO obligations, shall remain in effect, reduce the Sparrows Point Development District.

SECTION 5. BE IT FURTHER RESOLVED, that the County may create a “special fund” to be designated the “Sparrows Point Development District Tax Increment Fund” and, in such event, shall deposit into the Sparrows Point Development District Tax Increment Fund the portion of the taxes on the Tax Increment that normally would be paid into the general fund of the County in accordance with Section 12-208 of the Act. Amounts on deposit in any such Sparrows Point Development District Tax Increment Fund shall be applied in accordance with Section 12-209 of the Act while this Resolution remains in effect. Without limiting the generality of the foregoing, as provided in Section 12-209 of the Act, prior to the issuance of any Bonds or any pledge by the County of amounts on deposit in any Sparrows Point Development District Special Fund to secure payment of any other obligations, including (without limitation) any MEDCO obligations, taxes on the Tax Increment that normally would be paid into the general fund

of the County may be used by the County for any other legal purpose, whether or not a Sparrows Point Development District Tax Increment Fund shall be have been established.

SECTION 6. BE IT FURTHER RESOLVED, that the provisions of this Resolution are severable, and if any provision, sentence, clause, section or part hereof is held or determined to be illegal, invalid or inapplicable to any person or circumstances, such illegality, invalidity or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Resolution or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Resolution would have been adopted if such illegal, invalid or inapplicable provision, sentence, clause, section or part had not been included herein and as if the person or circumstances to which this Resolution or any part hereof are inapplicable had been specifically exempted here from.

SECTION 7. BE IT FURTHER RESOLVED, that, except as otherwise provided in a resolution or ordinance of the County adopted or enacted after the date of this Resolution, if the Assessment Ratio mandated by State law is modified from that which applied in determining the Original Base or the Assessable Base, it is the intent and expectation of the County, to the extent permitted by law, that a supplemental resolution will be adopted for the purpose of assuring that the amount required to be deposited in any Sparrows Point Development District Special Fund as a result of the change in Assessment Ratio is the same amount of funds that would have been required to be deposited in the Sparrows Point Development District Special Fund if the Assessment Ratio had not been so modified.

SECTION 8. BE IT FURTHER RESOLVED, that if the County does not issue Bonds payable from the Tax Increment or make any pledge of amounts on deposit in the Sparrows Point Development District Special Fund to secure payment of any other obligations, including (without limitation) any MEDCO obligations, within five years from the effective date of this Resolution, the Sparrows Point Development District will no longer be identified as a sustainable community and will no longer be designated as a development district within the meaning of the Act on the fifth anniversary date of the effective date of this Resolution without further action of the County Council.

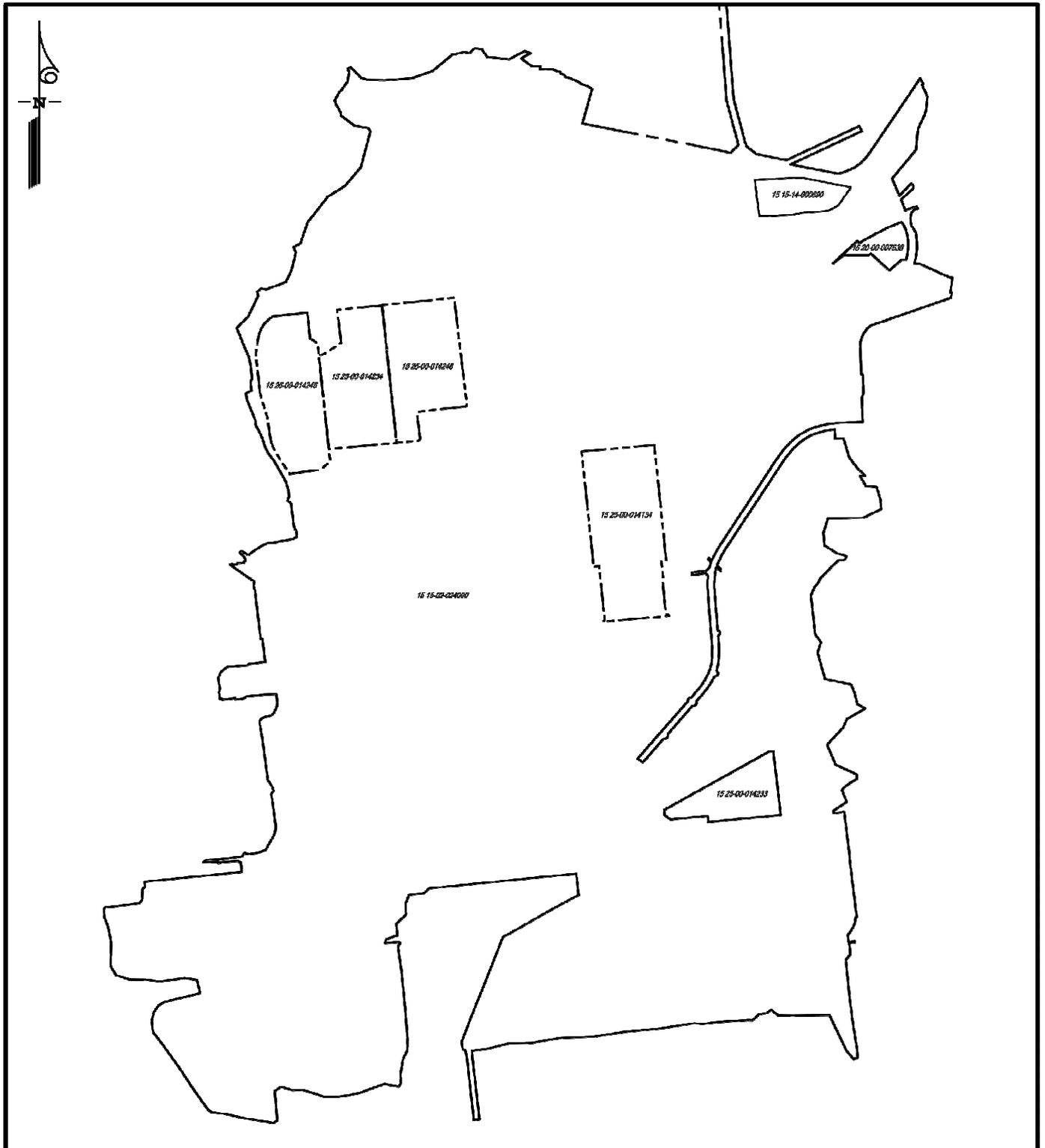
SPARROWS POINT DEVELOPMENT DISTRICT TAX PARCELS

TIF District Parcels

Tax ID	Assessment Name	Acreage
15-02-024000	Sparrows Point Blvd	2,907.321
25-00-014134	7030 Tradepoint Ave NS	66.230
25-00-014234	Land Unit 2	47.389
25-00-014245	Land Unit 3	49.230
25-00-014246	Land Unit 4	48.552
15-14-000690	Reservoir Rd	15.949
20-00-007538	Bethlehem Blvd	8.860
25-00-014233	Land Unit 1	25.000
		<u>3,168.531</u>

- * The Sparrows Point Development District shall include any parcels resulting from any subdivision of the tax parcels listed above before or after the date of adoption of this Resolution.

SPARROWS POINT DISTRICT MAP



Sparrows Point, Baltimore County,
Maryland

Scale: N/A

Date: 10/17/2017

Page: 1 of 1