

SENATE BILL 702

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P2

1999 Regular Session
9r2291
CF 9r2457

By: **Senators Mitchell and McFadden**
Introduced and read first time: February 19, 1999
Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Stadium Authority - Hippodrome Performing Arts Center**

3 FOR the purpose of authorizing the Maryland Stadium Authority to acquire by
4 certain means the Hippodrome Performing Arts Center site in Baltimore City or
5 any interest in that site; authorizing the Authority, subject to certain conditions,
6 to exercise certain powers of property condemnation for a certain purpose at a
7 certain site; exempting a certain site from the obligation of the Authority to
8 comply with certain county regulations; establishing a Hippodrome Performing
9 Arts Center Financing Fund; specifying certain sources of moneys for, and the
10 purpose and status of, the Fund; defining certain terms; and generally relating
11 to the Maryland Stadium Authority and the Hippodrome Performing Arts
12 Center.

13 BY repealing and reenacting, without amendments,
14 Article - Financial Institutions
15 Section 13-701(a) and (b)
16 Annotated Code of Maryland
17 (1998 Replacement Volume and 1998 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article - Financial Institutions
20 Section 13-701(i), 13-709, and 13-711
21 Annotated Code of Maryland
22 (1998 Replacement Volume and 1998 Supplement)

23 BY adding to
24 Article - Financial Institutions
25 Section 13-701(q), (r), and (s) and 13-717.2
26 Annotated Code of Maryland
27 (1998 Replacement Volume and 1998 Supplement)

1 Preamble

2 WHEREAS, The Budget Bill for fiscal year 1999 (Chapter 109, Acts of 1998)
3 authorizes the Maryland Stadium Authority to enter into contracts, engage
4 consultants, make recommendations, and take other action concerning the renovation
5 and construction of the Hippodrome Performing Arts Center; and

6 WHEREAS, The Budget Bill appropriated \$1,700,000 to the Maryland
7 Stadium Authority to implement the renovation and construction of the Hippodrome
8 Performing Arts Center; and

9 WHEREAS, The Maryland Stadium Authority desires to establish a fund for
10 the \$1,700,000 appropriation and to obtain authority to acquire by ordinary
11 condemnation or quick take condemnation certain properties that are necessary to
12 construct the Hippodrome Performing Arts Center; now, therefore,

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article - Financial Institutions**

16 13-701.

17 (a) In this subtitle the following words have the meanings indicated.

18 (b) "Authority" means the Maryland Stadium Authority.

19 (i) "Facility" means a sports facility, other facilities developed on Camden
20 Yards, [and] Convention Center facilities, AND HIPPODROME PERFORMING ARTS
21 CENTER FACILITIES.

22 (Q) (1) "HIPPODROME PERFORMING ARTS CENTER FACILITY" MEANS THE
23 PERFORMING ARTS CENTER FACILITY LOCATED AT THE HIPPODROME PERFORMING
24 ARTS CENTER SITE.

25 (2) "HIPPODROME PERFORMING ARTS CENTER FACILITY" INCLUDES
26 THE HIPPODROME THEATER AND OFFICES, FOOD SERVICE FACILITIES, AND ANY
27 OTHER PROPERTY, STRUCTURE, FURNISHINGS, OR EQUIPMENT LOCATED AT THE
28 HIPPODROME PERFORMING ARTS CENTER SITE THAT ARE FUNCTIONALLY RELATED
29 TO THE HIPPODROME PERFORMING ARTS CENTER FACILITY.

30 (R) "HIPPODROME PERFORMING ARTS CENTER FINANCING FUND" MEANS THE
31 HIPPODROME PERFORMING ARTS CENTER FINANCING FUND ESTABLISHED UNDER §
32 13-717.2 OF THIS SUBTITLE.

33 (S) "HIPPODROME PERFORMING ARTS CENTER SITE" MEANS A SITE IN
34 BALTIMORE CITY THAT INCLUDES THE PROPERTIES KNOWN AS:

1 (1) THE EUTAW BUILDING, 400-410 WEST BALTIMORE STREET,
2 DESCRIBED IN THE BALTIMORE CITY LAND RECORDS AS WARD 4, SECTION 8, BLOCK
3 631, LOT 18;

4 (2) (I) THE BALTIMORE GRAND, 401 WEST FAYETTE STREET,
5 DESCRIBED IN THE BALTIMORE CITY LAND RECORDS AS WARD 4, SECTION 8, BLOCK
6 631, LOT 13; AND

7 (II) THE UNIT KNOWN AS THE CATERING UNIT OF THE
8 CONDOMINIUM REGIME, RECORDED IN THE BALTIMORE CITY LAND RECORDS AT
9 LIBER S.E.B. 2558, FOLIO 513, AND AS DESCRIBED AT LIBER S.E.B. 494, FOLIO 471,
10 LIBER S.E.B. 1494, FOLIO 475, AND LIBER S.E.B. 1789, FOLIO 574; AND

11 (3) THE HIPPODROME THEATRE, 12 NORTH EUTAW STREET, DESCRIBED
12 IN THE BALTIMORE CITY LAND RECORDS AS WARD 4, SECTION 8, BLOCK 631, LOT 17.

13 13-709.

14 (a) Contracts for the acquisition of any facility site or the construction of the
15 facility or facility site shall receive the prior approval of the Board of Public Works.

16 (b) The Authority may:

17 (1) Acquire by any of the means specified in § 13-711(a) of this subtitle a:

18 (i) Site at Camden Yards for a facility;

19 (ii) Baltimore Convention Center site or any interest therein;

20 (iii) Ocean City Convention Center site or any interest therein;

21 [and]

22 (iv) Montgomery County Conference Center site or any interest
23 therein; and

24 (V) HIPPODROME PERFORMING ARTS CENTER SITE OR ANY
25 INTEREST THEREIN; AND

26 (2) Construct or enter into a contract to construct a facility on that site.
27 13-711.

28 (a) (1) Subject to annual appropriations and the provisions of this subtitle,
29 the Authority may acquire in its own name, by gift, purchase, or condemnation, any
30 real or personal property, or interests in property, necessary or convenient to
31 construct or operate any facility.

32 (2) The Authority, when acquiring in its own name any real or personal
33 property, or interests in property as specified in paragraph (1) of this subsection, shall
34 first attempt to acquire real or personal property by means of negotiation and
35 purchase, except as provided in paragraph (3) of this subsection.

1 (3) If the Authority is not able to acquire real or personal property by the
2 conditions set forth in paragraph (2) of this subsection, the Authority may exercise the
3 powers of condemnation for private property, as provided in subsection (b) of this
4 section, if appropriate.

5 (4) If the Authority determines that the provisions of paragraphs (2) and
6 (3) of this subsection are inappropriate, then the Authority may exercise the powers of
7 condemnation for private property, as provided in subsection (c) of this section.

8 (b) Subject to the provisions of subsection (a) of this section and to the prior
9 approval of the Board of Public Works and review by the Legislative Policy
10 Committee, the Authority may exercise the power of ordinary condemnation for any
11 private property for any purpose of the Authority:

12 (1) In accordance with the provisions of Title 12 of the Real Property
13 Article; and

14 (2) Only in Camden Yards AND AT THE HIPPODROME PERFORMING ARTS
15 CENTER SITE.

16 (c) Subject to the provisions of subsection (a) of this section and to the prior
17 approval of the Board of Public Works and review by the Legislative Policy
18 Committee, the Authority may exercise the power conferred by Article III, § 40A of the
19 State Constitution to acquire in Baltimore City for this State by quick take
20 condemnation any private property for any purpose of the Authority:

21 (1) In accordance with the provisions of §§ 8-334 through 8-339 of the
22 Transportation Article and applicable provisions of Title 12 of the Real Property
23 Article; and

24 (2) Only in Camden Yards AND AT THE HIPPODROME PERFORMING ARTS
25 CENTER SITE.

26 (d) (1) This State, its agencies, and political subdivisions may lease, lend,
27 grant, or otherwise convey to the Authority, at its request, any property, or interest
28 therein, including property devoted to public use, that is necessary or convenient for
29 the purposes of this subtitle, subject to the prior approval of the Board of Public
30 Works.

31 (2) Subject to the prior approval of the Board of Public Works, the State
32 may lease or sublease any facility, or interest therein, from or to the Authority,
33 whether or not constructed or usable.

34 (3) Lease payments to the Maryland Stadium Authority appropriated by
35 the State of Maryland shall be transferred to:

36 (i) If appropriated for a sports facility or other facility at Camden
37 Yards, the Maryland Stadium Authority Financing Fund;

1 (ii) If appropriated for a Baltimore Convention Center facility, the
2 Baltimore Convention Center Fund;

3 (iii) If appropriated for an Ocean City Convention Center facility,
4 the Ocean City Convention Center Fund; or

5 (iv) If appropriated for a Montgomery County Conference Center
6 facility, the Montgomery County Conference Center Fund.

7 (e) For any acquisition of real or personal property, or interest in property
8 other than the Camden Yards site, Baltimore Convention Center site, [or] Ocean City
9 Convention Center site, OR HIPPODROME PERFORMING ARTS CENTER SITE, in any
10 county where planning, zoning, and development regulations have legal status, the
11 Authority shall comply with and is subject to those regulations to the same extent as
12 a private commercial or industrial enterprise.

13 (f) The Authority shall:

14 (1) In cooperation with the City of Baltimore, appoint a task force that
15 includes residents and business and institutional representatives from the area
16 adjacent to Camden Yards for the purpose of reviewing the schematic, preliminary,
17 and final plans for facilities at Camden Yards;

18 (2) Submit schematic plans for development of Camden Yards and the
19 Baltimore Convention Center site to the City of Baltimore for review and comment
20 before acquiring any property;

21 (3) Submit preliminary and final plans for Baltimore facilities to the
22 City of Baltimore for review and comment; and

23 (4) Participate in the design review processes currently established by
24 the City of Baltimore.

25 (g) This section does not affect the right of the Authority to acquire an option
26 or institute any condemnation proceeding for later acquisition of the property once
27 the approval required by this section is obtained.

28 13-717.2.

29 (A) (1) THERE IS A HIPPODROME PERFORMING ARTS CENTER FINANCING
30 FUND.

31 (2) THE AUTHORITY SHALL USE THE FUND AS A NONLAPSING,
32 REVOLVING FUND FOR CARRYING OUT THE PROVISIONS OF THIS SUBTITLE
33 CONCERNING THE HIPPODROME PERFORMING ARTS CENTER FACILITY.

34 (B) THE FUND SHALL CONSIST OF:

35 (1) FUNDS APPROPRIATED FOR DEPOSIT TO THE FUND;

1 (2) REVENUES COLLECTED OR RECEIVED FROM ANY SOURCE UNDER
2 THIS SUBTITLE CONCERNING THE HIPPODROME PERFORMING ARTS CENTER
3 FACILITY;

4 (3) INTEREST OR OTHER INCOME EARNED ON THE INVESTMENT OF
5 MONEYS IN THE FUND; AND

6 (4) ANY ADDITIONAL MONEYS MADE AVAILABLE FROM ANY PUBLIC OR
7 PRIVATE SOURCE FOR THE PURPOSE OF THE FUND.

8 (C) (1) THE FUND IS A CONTINUING, NONLAPSING FUND THAT SHALL BE
9 AVAILABLE IN PERPETUITY TO IMPLEMENT THE PROVISIONS OF THIS SUBTITLE
10 CONCERNING THE HIPPODROME PERFORMING ARTS CENTER FACILITY.

11 (2) NO PART OF THE FUND MAY REVERT OR BE CREDITED TO THE
12 GENERAL FUND OR ANY OTHER SPECIAL FUND OF THE STATE.

13 (D) THE AUTHORITY SHALL PAY ANY AND ALL EXPENSES INCURRED BY THE
14 AUTHORITY CONCERNING THE HIPPODROME PERFORMING ARTS CENTER FACILITY
15 FROM THE FUND.

16 (E) (1) THE FUND SHALL BE INVESTED AND REINVESTED BY THE STATE
17 TREASURER IN THE SAME MANNER AS STATE FUNDS.

18 (2) ANY INVESTMENT EARNINGS SHALL BE TRANSFERRED TO THE
19 CREDIT OF THE FUND.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
21 effect October 1, 1999.