

SENATE BILL 702

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P2

1999 Regular Session  
9r2291  
CF 9r2457

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By: **Senators Mitchell and McFadden**

Introduced and read first time: February 19, 1999

Assigned to: Rules

Re-referred to: Budget and Taxation and Finance, February 25, 1999

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: April 5, 1999

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CHAPTER\_\_\_\_\_

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

1 Article - Financial Institutions  
2 Section 13-701(q), (r), and (s) and 13-717.2  
3 Annotated Code of Maryland  
4 (1998 Replacement Volume and 1998 Supplement)

5 Preamble

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

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

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

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

19 **Article - Financial Institutions**

20 13-701.

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

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

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

26 (Q) (1) "HIPPODROME PERFORMING ARTS CENTER FACILITY" MEANS THE  
27 PERFORMING ARTS CENTER FACILITY LOCATED AT THE HIPPODROME PERFORMING  
28 ARTS CENTER SITE.

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

34 (R) "HIPPODROME PERFORMING ARTS CENTER FINANCING FUND" MEANS THE  
35 HIPPODROME PERFORMING ARTS CENTER FINANCING FUND ESTABLISHED UNDER §  
36 13-717.2 OF THIS SUBTITLE.

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

3 (1) THE EUTAW BUILDING, 400-410 WEST BALTIMORE STREET,  
4 DESCRIBED IN THE BALTIMORE CITY LAND RECORDS AS WARD 4, SECTION 8, BLOCK  
5 631, LOT 18;

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

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

13 (3) THE HIPPODROME THEATRE, 12 NORTH EUTAW STREET, DESCRIBED  
14 IN THE BALTIMORE CITY LAND RECORDS AS WARD 4, SECTION 8, BLOCK 631, LOT 17;  
15 AND

16 (4) TWO VACANT LOTS, 412 AND 414 WEST BALTIMORE STREET,  
17 DESCRIBED IN THE BALTIMORE CITY LAND RECORDS AS WARD 4, SECTION 8, BLOCK  
18 631, LOTS 1 AND 2.

19 13-709.

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

22 (b) The Authority may:

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

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

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

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

27 [and]

28 (iv) Montgomery County Conference Center site or any interest

29 therein; and

30 (V) HIPPODROME PERFORMING ARTS CENTER SITE OR ANY  
31 INTEREST THEREIN; AND

32 (2) Construct or enter into a contract to construct a facility on that site.

1 13-711.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8                   (ii)    If appropriated for a Baltimore Convention Center facility, the  
9 Baltimore Convention Center Fund;

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

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

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

20   (f)     The Authority shall:

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

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

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

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

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

1 13-717.2.

2 (A) (1) THERE IS A HIPPODROME PERFORMING ARTS CENTER FINANCING  
3 FUND.

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

7 (B) THE FUND SHALL CONSIST OF:

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

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

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

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

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

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

21 (D) THE AUTHORITY SHALL PAY ANY AND ALL EXPENSES INCURRED BY THE  
22 AUTHORITY CONCERNING THE HIPPODROME PERFORMING ARTS CENTER FACILITY  
23 FROM THE FUND.

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

26 (2) ANY INVESTMENT EARNINGS SHALL BE TRANSFERRED TO THE  
27 CREDIT OF THE FUND.

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

