



Legislation Text

---

File #: 17-0388, Version: 1

---

**Ordinance Amending Non-Coded Ordinance Number 1026 as Amended by Non-Coded Ordinance Number 1043 Entitled "Ordinance Establishing a Special Assessment for the Peninsula Town Center Community Development Authority and Authorizing an Amended and Restated Collection Agreement with the Community Development Authority"**

**PURPOSE/BACKGROUND:**

The City Council approved the levy of a special assessment (the "Assessment") on real property in the Peninsula Town Center Community Development Authority (the "CDA") by Non-Coded Ordinance Number 1026, entitled "Ordinance Establishing a Special Assessment for the Peninsula Town Center Community Development Authority and Authorizing a Collection Agreement with the Community Development Authority", adopted October 25, 2006 (the "Ordinance 1026").

The City Council, by Non-Coded Ordinance Number 1043 adopted August 16, 2007 (together with Ordinance 1026, the "Assessment Ordinance"), to increase the maximum amount of the Assessment from \$212,178,801 to \$232,000,000 to provide that the Assessment will be in an amount sufficient to pay debt service on the Series 2007 Bonds and all other amounts required to be paid from the Assessment.

The CDA, by Resolution adopted December 5, 2017 and as amended and restated on April 11, 2018, approved the issuance and sale of Special Obligation Refunding Bonds, Series 2018 to refund the outstanding Series 2007 Bond obligations of the CDA, to extend the maturity of the bonds for an additional 8 years, and to pay certain costs relating to the issuance of the 2018 Bonds which requires the continuing levy of the Assessment on the real property in the CDA in the maximum amount of \$155,845,095 representing the Assessment remaining on the date of their meeting.

The City Council, by Resolution of even date herewith, is being asked to approve the CDA's issuance and sale of the Special Obligation Refunding Bonds and the execution of an Amended and Restated Memorandum of Understanding between the City, the CDA, T Peninsula Axis VA, LLC, T Peninsula Hotel VA, LLC, and Peninsula Parking Lot VA, LLC and an Amended and Restated Collection Agreement with the CDA and Hampton Mall Associates' successors and assigns, J.C Penney Properties, Inc., and Target Corporation.

City Council has also been requested by the CDA to amend the Assessment Ordinance to provide for the continuing levy of the assessment associated with the Special Obligation Refunding Bonds, Series 2018 and to authorize the use of expedited proceedings in accordance with §58.1-3965.2 of the Code of Virginia to sell the real property within the CDA district when the special tax or special assessment described under subdivision A 3 or A 5 of § 15.2-5158 of the Code of Virginia imposed on the real property is delinquent on the first anniversary of the date on which the tax or assessment became due.

City staff recommends approval.

**Discussion:**

See PURPOSE/BACKGROUND above.

**Impact:**

Special Assessment \$155,845,095.00 within the CDA District.

**Recommendation:**

Conduct public hearing and approve after approval of the 2018 Bond Resolution.

**WHEREAS**, the City Council approved the levy of a special assessment (the "Assessment") on real property in the Peninsula Town Center Community Development Authority (the "CDA") by Non-Coded Ordinance Number 1026, entitled "Ordinance Establishing a Special Assessment for the Peninsula Town Center Community Development Authority and Authorizing a Collection Agreement with the Community Development Authority", adopted October 25, 2006 (the "Ordinance 1026");

**WHEREAS**, the City Council, by Non-Coded Ordinance Number 1043 adopted August 16, 2007 (together with Ordinance 1026, the "Assessment Ordinance"), to increase the maximum amount of the Assessment from \$212,178,801 to \$232,000,000 to provide that the Assessment will be in an amount sufficient to pay debt service on the Series 2007 Bonds and all other amounts required to be paid from the Assessment;

**WHEREAS**, the CDA, by Resolution adopted December 5, 2017 and as amended and restated on April 11, 2018, approved the issuance and sale of Special Obligation Refunding Bonds, Series 2018 to refund the outstanding Series 2007 Bond obligations of the CDA, to extend the maturity of the bonds for an additional 8 years, and to pay certain costs relating to the issuance of the 2018 Bonds which requires the continuing levy of the Assessment on the real property in the CDA in the maximum amount of \$155,845,095 representing the Assessment remaining on the date of their meeting;

**WHEREAS**, the City Council, by Resolution of even date herewith, approved the CDA's issuance of the Special Obligation Refunding Bonds and the execution of an Amended and Restated Memorandum of Understanding between the City, the CDA, T Peninsula Axis VA, LLC, T Peninsula Hotel VA, LLC, and Peninsula Parking Lot VA, LLC and an Amended and Restated Collection Agreement with the CDA and Hampton Mall Associates' successors and assigns, J.C Penney Properties, Inc., and Target Corporation; and

**WHEREAS**, City Council proposes to amend the Assessment Ordinance to provide for the continuing levy of the assessment associated with the Special Obligation Refunding Bonds, Series 2018 and to authorize the use of expedited proceedings in accordance with §58.1-3965.2 of the Code of Virginia to sell the real property within the CDA district when the special tax or special assessment described under subdivision A 3 or A 5 of § 15.2-5158 of the Code of Virginia imposed

on the real property is delinquent on the first anniversary of the date on which the tax or assessment became due.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Hampton, Virginia as follows:

1. Amendment of Assessment Ordinance. The Assessment Ordinance is amended to provide for the continuing levy of the Assessment in the maximum principal amount of \$155,845,095 and a revised Special Assessment Roll levying the Assessment in such maximum principal amount as described in the Amended and Restated Collection Agreement; and

2. Expedited Proceedings Pursuant to §58.1-3965.2 of the Code of Virginia. The Assessment Ordinance is amended to provide for the use of expedited proceedings in accordance with §58.1-3965.2 of the Code of Virginia, as it may be amended from time to time, to sell the real property within the CDA district when the special tax or special assessment described under subdivision A 3 or A 5 of § 15.2-5158 of the Code of Virginia imposed on the real property is delinquent on the first anniversary of the date on which the tax or assessment became due.