

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**  
**2017 Legislative Session**

Bill No. CB-109-2017

Chapter No. 89

Proposed and Presented by The Chairman (by request – County Executive)

Introduced by Council Members Davis, Glaros, Franklin, Harrison, Patterson, Taveras,  
and Turner

Date of Introduction October 17, 2017

**BILL**

1 AN ACT concerning

2 The Issuance and Sale of Special Obligation Bonds  
3 for the Kingdom Square Development District and  
4 Kingdom Square Special Taxing District

5 For the purpose of amending and restating in its entirety CB-98-2010 of the County Council of  
6 Prince George's County, Maryland; amending and ratifying CR-76-2010 of the County Council  
7 of Prince George's County, Maryland; providing that special obligation bonds may be issued  
8 from time to time under the provisions of this Act, Sections 12-201 through 12-213 of the  
9 Economic Development Article of the Annotated Code of Maryland, as amended (the "Tax  
10 Increment Financing Act"), Section 10-269 of the Prince George's County Code, as amended,  
11 Sections 21-501 through 21-518 and Section 21-523 of the Local Government Article of the  
12 Annotated Code of Maryland, as amended (collectively with Section 10-269 of the Prince  
13 George's County Code, the "Special Taxing District Act," and together with the Tax Increment  
14 Financing Act, the "Acts"), and CR-76-2010 of the County Council of Prince George's County,  
15 Maryland as the same is being amended by the terms hereof, in an amount not to exceed the  
16 aggregate principal amount of Sixteen Million One Hundred Thousand Dollars (\$16,100,000), in  
17 order for the County to finance or reimburse, in accordance with the Acts, costs related to the  
18 construction and installation of certain of the public infrastructure improvements as more  
19 particularly described herein; making certain findings and determinations, among others,  
20 concerning the public benefit and purpose of such special obligation bonds, including that prior  
21 to the issuance of such bonds the criteria set forth in CR-38-2011, including but not limited to the

1 “But-For Test,” the “Trigger Mechanism/Look Back Provision,” LMBE participation and the  
2 impact of the County credit/bond rating, have been satisfied; providing that such special  
3 obligation bonds authorized to be issued hereby shall be payable, first, from the amounts levied  
4 and deposited in the Tax Increment Fund (as defined in the Formation Resolution identified  
5 herein) and, secondly, to the extent the Tax Increment Fund does not contain monies in an  
6 amount sufficient for payment of debt service on such special obligation bonds and to the extent  
7 amounts are required for deposit in funds and accounts created within the indenture providing for  
8 the issuance of the special obligation bonds to replenish deficiencies therein and to pay the  
9 administrative expenses of the County, from the special tax to be levied and deposited in the  
10 Special Taxing District Fund (as defined in the Formation Resolution) and that the special  
11 obligation bonds shall not constitute a general obligation debt of the County or a pledge of the  
12 County’s full faith and credit or taxing power other than the taxes representing the levy on the  
13 Tax Increment (as defined in the Formation Resolution), the Hotel Taxes (as defined in the  
14 Formation Resolution) and the Special Taxes (as defined in the Formation Resolution);  
15 authorizing the County Executive of the County to specify, prescribe, determine, provide for and  
16 approve certain details, forms, documents or procedures in connection with such special  
17 obligation bonds issued hereunder and any other matters necessary or desirable in connection  
18 with the authorization, issuance, sale and payment of such special obligation bonds; authorizing  
19 the County Executive to take certain actions, to execute documents and make certain  
20 commitments on behalf of the County in connection with the issuance, sale and delivery of such  
21 special obligation bonds; authorizing the execution and delivery of such special obligation bonds  
22 and such other documents as may be necessary and desirable to effectuate the financing of the  
23 infrastructure improvements and the issuance, sale and delivery of such special obligation bonds;  
24 and generally providing for, and determining various matters in connection with, the issuance,  
25 sale, delivery and payment of such special obligation bonds.

26 WHEREAS, in order for the County to finance or reimburse, in accordance with the Acts,  
27 costs related to the construction and installation of certain of the public infrastructure  
28 improvements as more particularly described herein, the County Council by adoption of CR-76-  
29 2010 (the “Original Formation Resolution”): (i) designated a contiguous area within the County  
30 known as the “Kingdom Square Development District” (the “Development District”) as a  
31 “development district” as that term is used in the Tax Increment Financing Act, (ii) established

1 the “Kingdom Square Development District Tax Increment Fund” (the “Tax Increment Fund”),  
2 (iii) designated an area within the County known as the “Kingdom Square Special Taxing  
3 District” (the “Special Taxing District,” and together with the Development District, the  
4 “Districts”) as a “special taxing district” as that term is used in the Special Taxing District Act,  
5 and (iv) established the “Kingdom Square Special Tax Fund” (the “Special Taxing District  
6 Fund”); and

7 WHEREAS, subsequent to the enactment of the Original Formation Resolution, the County  
8 Council enacted CB-98-2010 (the “First Bond Ordinance”), pursuant to which certain provisions  
9 of the Original Formation Resolution were amended (the Original Formation Resolution, as  
10 amended by the First Bond Ordinance and this Act, is referred to herein as the “Formation  
11 Resolution”); and

12 WHEREAS, the County has determined to (i) amend certain provisions of the Original  
13 Formation Resolution and (ii) amend and restate in its entirety the First Bond Ordinance, in each  
14 case pursuant to the terms of this Act; and

15 WHEREAS, the County has the power under the Formation Resolution to provide funds to  
16 finance public infrastructure improvements as permitted under the Tax Increment Financing Act  
17 through the issuance and delivery from time to time of special obligation bonds, secured by the  
18 Tax Increment Fund, to support the development of real property in the Development District,  
19 including residential and commercial facilities, structured parking and a hotel; and

20 WHEREAS, the County has the power under the Formation Resolution to provide funds to  
21 finance public infrastructure improvements as permitted under the Special Taxing District Act  
22 through the issuance and delivery from time to time of special obligation bonds, secured by the  
23 Special Taxing District Fund, to finance the cost of infrastructure improvements within and  
24 related to the Special Taxing District; and

25 WHEREAS, CapHeights Central, LLC, a Delaware limited liability company, or one of its  
26 subsidiaries or affiliates (the “Developer”), plans to acquire, construct and install the  
27 infrastructure improvements in the Kingdom Square Development District and the Kingdom  
28 Square Special Taxing District described in the Amended Description of Improvements, attached  
29 hereto as Exhibit A and made a part hereof (the “Improvements”), to serve such development;  
30 and

31 WHEREAS, the proposed infrastructure improvements will be situated both within and

1 outside of the Districts and all such proposed infrastructure improvements shall be reasonably  
2 related to one another as required by the Acts; and

3 WHEREAS, in order to assist in facilitating the financing for the Improvements, the County  
4 desires to issue its special obligation bonds (as hereinafter defined and further described, the  
5 “Bonds”) to fund such Improvements; and

6 WHEREAS, the Bonds will be issued and secured pursuant to the provisions of the Acts,  
7 the Formation Resolution, this Act, CR-38-2011, the trust indenture and the development  
8 agreement or similar agreement(s) hereinafter authorized; and

9 WHEREAS, the Bonds will be delivered and the Improvements will be provided in  
10 accordance with the terms and the requirements set forth in a development agreement or similar  
11 document between the County and the Developer, including the obligation of the Developer to  
12 construct the Improvements; and

13 WHEREAS, the proceeds of the Bonds may be used to reimburse the Developer for costs  
14 permitted by the Acts that are being or have been incurred by the Developer in connection with  
15 its construction of the Improvements; and

16 WHEREAS, to the extent that the monies on deposit in the Tax Increment Fund in any  
17 given Tax Year exceed any payment required to be satisfied by such monies for administrative  
18 costs related to the Bonds and the debt service payable on the Bonds, as well as any other  
19 payment required to be satisfied by monies on deposit in the Tax Increment Fund pursuant to a  
20 development agreement, such excess will be paid over at the end of each such Tax Year to the  
21 County for deposit in its general fund in such amounts and for such uses as set forth herein; and

22 WHEREAS, if the debt service payable on the Bonds in any Tax Year exceeds the monies  
23 on deposit in the Tax Increment Fund, such debt service payments shall be paid by a special tax  
24 to be levied and collected pursuant to the Formation Resolution; and

25 WHEREAS, the construction and installation of the Improvements will further economic  
26 development within the County and thus meet the public purposes contemplated by the Acts and  
27 the Formation Resolution and will satisfy the criteria set forth in the CR-38-2011, including but  
28 not limited to the following: the “But-For Test,” the “Trigger Mechanism/Look Back Provision,”  
29 LMBE participation and the impact on the County credit/bond rating; and

30 WHEREAS, prior to the Bonds being issued or sold, the Developer or its assigns, the  
31 County Executive and bond counsel shall certify that the provisions of CR-38-2011 have been

1 complied with and that the Minority Business Enterprise (“MBE”) Plan has been approved by  
 2 the Compliance Manager; and

3 WHEREAS, prior to the issuance and delivery of the Bonds, the County Council must  
 4 review the TIF Proposal and certifications and approve the same by Resolution; and

5 WHEREAS, the public infrastructure improvements to be financed will be owned or  
 6 dedicated to a governmental entity including, but not limited to, the County or the State of  
 7 Maryland; now, therefore,

8 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,  
 9 Maryland, as follows:

10 A. The words and terms used in this Act that are defined in the Acts or the Formation  
 11 Resolution shall have the meanings indicated in the Acts and Formation Resolution, as the case  
 12 may be, unless the context clearly requires a contrary meaning.

13 B. Acting pursuant to the Acts and the Formation Resolution, it is hereby found and  
 14 determined that the issuance of the Bonds, as hereinafter defined, for delivery to the original  
 15 purchaser in connection with a public offering or private placement for the purpose of providing  
 16 funds for the financing of the infrastructure improvements related to the development of the  
 17 Districts, accomplish the public purposes of the Acts and the Formation Resolution, and pursuant  
 18 to the Formation Resolution and this Act, the County has complied with Sections 12-203 and 12-  
 19 208(c) and (d) of the Tax Increment Financing Act, Section 10-269(e) of the Prince George’s  
 20 County Code and Sections 21-506 and 21-508 of the Special Taxing District Act.

21 C. The types of infrastructure improvements to be financed as permitted by the Acts in  
 22 connection with the Districts are set forth in Exhibit A, including costs related to such  
 23 improvements which are intended to be funded with the issuance of the Bonds. It is recognized  
 24 that the total costs shown as to be financed with the issuance of the Bonds are estimated and that  
 25 the specific items to be funded and the amount of funding for each item shall be as further  
 26 specified in documentation approved by the County at the time of the issuance of the Bonds.  
 27 The infrastructure improvements are either contained within the geographic boundaries of the  
 28 Districts or outside the Districts and to the extent located outside the Districts are reasonably  
 29 related to other infrastructure improvements located within the Districts.

30 D. Before the Bonds are issued, the Financial Officer of the County shall record among  
 31 the Land Records of the County at the cost of the Kingdom Square Special Taxing District a

1 declaration encumbering all real property located in the Kingdom Square Special Taxing District  
2 except for property exempt by law and designating that property as subject to a special taxing  
3 district, which declaration shall also require that any deed entered into to evidence the  
4 acquisition or transfer of property within the Kingdom Square Special Taxing District must  
5 reflect the fact that such property is located in the Kingdom Square Special Taxing District and  
6 subject to the Special Taxes. The declaration shall terminate when the Financial Officer records  
7 a release stating that all Bonds are fully repaid or have been defeased.

8 E. Pursuant to the provisions of the Formation Resolution and in accordance with the Tax  
9 Increment Financing Act, so long as the Bonds remain outstanding, the County shall deposit into  
10 the Tax Increment Fund (i) all real property taxes received by the County for any Tax Year after  
11 the effective date of the Formation Resolution equal to that portion of the taxes payable to the  
12 County representing the levy on the Tax Increment that would normally be paid to the County,  
13 and (ii) the Hotel Taxes. Monies in the Tax Increment Fund are pledged to the payment of the  
14 Bonds.

15 F. Pursuant to the provisions of the Formation Resolution and in accordance with the  
16 Special Taxing District Act, the County hereby covenants to levy the Special Taxes in rate and  
17 amount at least sufficient in each year in which any of the Bonds are outstanding to provide for  
18 the payment of the principal of and interest on the Bonds to the extent of any deficiency in the  
19 Tax Increment Fund and to provide for replenishment of any debt service reserve fund securing  
20 the Bonds as well as for the payment of County administrative expenses, to the extent such  
21 replenishments and expenses are not otherwise provided for, as aforesaid. The Special Taxes  
22 also may be levied with respect to refunding bonds issued under the Special Taxing District Act  
23 pursuant to the provisions of an ordinance or resolution enacted or adopted by the County in  
24 connection with the issuance of such refunding bonds. Monies in the Special Taxing District  
25 Fund are pledged to the payment of the Bonds. Special Taxes will be levied and imposed upon  
26 all real and personal property within the Kingdom Square Special Taxing District, unless  
27 exempted by law or by the provisions hereof, for the purposes, to the extent and in the manner  
28 provided in the Second Amended and Restated Rate and Method of Apportionment, attached  
29 hereto and made a part hereof, as Exhibit B (the "Rate and Method"), through the application of  
30 the procedures provided therein. As set forth in the Rate and Method and as provided herein, no  
31 Special Taxes shall be collected unless the Tax Increment Fund does not contain monies in an

1 amount sufficient to pay such debt service on the Bonds, to replenish the debt service reserve  
2 fund securing the Bonds and to pay any administrative expenses of the County. Further, the  
3 Special Taxes levied and imposed by the Formation Resolution in the Kingdom Square Special  
4 Taxing District shall take effect and be in force for the fiscal year beginning July 1, 2017,  
5 provided that such Special Taxes shall terminate when the Bonds are no longer outstanding  
6 which, for purposes of this Act as it relates only to the Special Taxes, shall mean the Bonds have  
7 been fully repaid or defeased.

8 G. The Bonds may be issued in one or more series from time to time in an aggregate  
9 principal amount not to exceed Sixteen Million One Hundred Thousand Dollars (\$16,100,000).  
10 The proceeds of the Bonds will be utilized solely to finance all or part of the costs of (i) the  
11 improvements described in Exhibit A, (ii) funding a debt service reserve fund with respect to the  
12 Bonds, (iii) funding capitalized interest with respect to the Bonds, (iv) paying allowable costs of  
13 issuing the Bonds and (v) paying administrative expenses of the Districts, through the issuance  
14 of such Bonds for delivery to the original purchaser in connection with a public offering or  
15 private placement as permitted pursuant to the provisions of the Acts. The Bonds will be  
16 payable, first, from the amounts levied and deposited in the Tax Increment Fund created by the  
17 Formation Resolution, and, secondly, to the extent the Tax Increment Fund does not contain  
18 monies in an amount sufficient for payment of debt service on such Bonds and to the extent  
19 amounts are required for deposit in the debt service reserve fund securing the Bonds to replenish  
20 deficiencies therein, and to pay County administrative expenses related to the Districts, from the  
21 Special Taxes to be levied and deposited in the Special Taxing District Fund created by the  
22 Formation Resolution. Provisions may be made for municipal bond insurance or any other type  
23 of financial guaranty of the Bonds, if applicable. In addition, the Bonds may be secured through  
24 the establishment of additional sinking funds or the pledge of other assets and revenues toward  
25 the payment of the principal and interest on the Bonds, if applicable. The Bonds issued  
26 hereunder are a special obligation of the County and do not constitute a general obligation debt  
27 of the County or a pledge of the County's full faith and credit or taxing power except for the  
28 Special Taxes, the Hotel Taxes and the taxes representing the levy on the Tax Increment as set  
29 forth in the Formation Resolution. In addition, Bonds issued hereunder may be refunded by  
30 bonds issued under the Acts.

31 H. The Bonds shall be executed in the name of the County and on its behalf by the County

1 Executive, by manual or facsimile signature, the corporate seal of the County or a facsimile  
2 thereof shall be impressed or otherwise reproduced thereon and attested by the Clerk of the  
3 County Council or the Chief Administrative Officer by manual or facsimile signature. Any  
4 development agreement and trust indenture to which the County will be a party to provide for the  
5 construction by the Developer and the acquisition by the County of the public improvements  
6 related to the Districts, and where applicable, all other documents as the County Executive  
7 deems necessary to effectuate the issuance, sale and delivery of the Bonds of any series, shall be  
8 executed in the name of the County and on its behalf by the County Executive by manual  
9 signature, and the corporate seal of the County or a facsimile thereof shall be impressed or  
10 otherwise reproduced thereon and attested by the Clerk of the County Council or the Chief  
11 Administrative Officer by manual signature. If any officer whose signature or countersignature  
12 or a facsimile of whose signature or countersignature appears on the Bonds of any series or on  
13 any of the aforesaid documents ceases to be such officer before the delivery of the Bonds of such  
14 series or any of the other aforesaid documents, such signature or countersignature or such  
15 facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer  
16 had remained in office until delivery. The County Executive, the Clerk of the County Council  
17 and other officials of the County are hereby authorized and empowered to do all such acts and  
18 things and execute such documents and certificates as the County Executive may determine to be  
19 necessary to carry out and comply with the provisions of this Act, subject to the limitations set  
20 forth in the Acts and this Act.

21 I. The Bonds shall be delivered to the original purchaser in connection with a public  
22 offering or private placement upon such terms and conditions as the County Executive shall  
23 approve. The County Council deems it to be in the best interest of the County to authorize the  
24 County Executive to approve the terms of the sale and delivery of the Bonds, within the  
25 limitations of Acts and this Act.

26 J. Subject to the provisions of this Act, the County Executive by executive order:

- 27 (1) shall prescribe the form, tenor, terms and conditions of and security for the Bonds;  
28 (2) shall prescribe the principal amounts, rate or rates of interest which shall not exceed six  
29 and one-half percent (6.5%) per annum, premiums, if any, denominations, date, maturity or  
30 maturities (within the limits prescribed in the Acts), and the time and place or places of payment  
31 of the Bonds, and the terms and conditions and details under which the Bonds may be called for



1 redemption prior to their stated maturities;

2 (3) may appoint bond counsel, underwriters, a financial advisor and if necessary, may  
3 appoint a trustee, a bond registrar and a paying agent or agents for the Bonds;

4 (4) shall approve the form and contents of, and execute and deliver (where applicable), any  
5 trust indenture, development agreement and such other documents to which the County is a party  
6 and which may be necessary to effectuate the issuance, sale and delivery of the Bonds;

7 (5) may execute and deliver a contract or contracts for the purchase and sale of the Bonds  
8 (or any portion thereof) in form and content satisfactory to the County Executive;

9 (6) shall determine the time of execution, issuance, sale and delivery of the Bonds and  
10 prescribe any and all other details of the Bonds;

11 (7) shall approve the terms of the sale of the Bonds, as provided herein;

12 (8) shall provide for the direct or indirect payment of all costs, fees and expenses incurred  
13 by or on behalf of the County in connection with the issuance, sale and delivery of the Bonds,  
14 including (without limitation) costs of printing (if any) and issuing the Bonds, the funding of  
15 reserves, legal expenses (including the fees of bond counsel) and compensation to any person  
16 performing services by or on behalf of the County in connection therewith; and

17 (9) shall do any and all things necessary, proper or expedient in connection with the  
18 issuance, sale and delivery of the Bonds in order to accomplish the legislative policy of the Acts  
19 and the public purposes of this Act, subject to the limitations set forth in the Acts and any  
20 limitations prescribed by this Act.

21 This delegation of authority to the County Executive is subject to his discretion and to the  
22 extent he does not exercise such discretion pursuant to the provisions of this Act, neither such  
23 officer nor the County shall be subject to any liability.

24 K. This Act replaces and supersedes in its entirety the First Bond Ordinance, which from  
25 and after the date hereof shall be of no further force or effect.

26 L. In connection with the owners of at least two-thirds of the assessed valuation of the real  
27 property located within the Special Taxing District and at least two-thirds of the owners of the  
28 real property located within the Special Taxing District having petitioned the County to  
29 undertake proceedings under the Special Taxing District Act (i) to levy additional special taxes  
30 in the form of a special hotel rental tax on hotels, as described in Section 9-1301(c)(5) of Article  
31 24 of the Annotated Code of Maryland, as amended, located in the Special Taxing District (the

1 “Special Hotel Rental Tax”) to be paid over to the Tax Increment Fund, and (ii) to issue special  
 2 obligation bonds or special obligation refunding bonds pursuant to the Special Taxing District  
 3 Act secured in part by a levy of the Special Hotel Rental Tax in order to finance or refinance all,  
 4 or a portion, of the costs of the Improvements, the following amendments are hereby made to the  
 5 Original Formation Resolution:

6 (1) The Rate and Method of Apportionment of Special Taxes attached to the Original  
 7 Formation Resolution, as the same was amended and restated by the Amended and Restated Rate  
 8 and Method of Apportionment of Special Taxes attached to the First Bond Ordinance, is hereby  
 9 deleted and inserted in lieu thereof is the Second Amended and Restated Rate and Method of  
 10 Apportionment of Special Taxes attached hereto as Exhibit B.

11 (2) The following definition is added to Section 1 of the Original Formation Resolution:  
 12 “Special Hotel Rental Tax” means the special hotel rental tax on hotels located in the  
 13 Special Taxing District, as such Special Hotel Rental Tax is more particularly described herein  
 14 and in CB-[ ]-[ ] [THIS AMENDED AND RESTATED ORDINANCE] of the County  
 15 Council of Prince George’s County, Maryland.

16 (3) The following definitions included in Section 1 of the Original Formation Resolution  
 17 are hereby amended and restated in their entirety to read as follows:

18 “Hotel Taxes” means, collectively, (i) the transient occupancy taxes levied and  
 19 collected in each Tax Year by the County pursuant to Division 8, Subdivision 3, Subtitle 10 of  
 20 the Prince George’s County Code, as amended, on hotels located in the Development District,  
 21 and (ii) the Special Hotel Rental Tax.

22 “Special Taxes” means ad valorem or special taxes levied by the County on all real and  
 23 personal property within the Special Taxing District pursuant to the Special Taxing District Act  
 24 and the methodology described in Exhibit B to this Resolution (as the same may be amended and  
 25 restated from time to time) to pay, if necessary, the debt service on the Bonds in an aggregate  
 26 principal amount that does not exceed \$16,100,000 and to make other payments permitted under  
 27 the Tax Increment Financing Act and the Special Taxing District Act; provided, however, that  
 28 “Special Taxes” does not include the Special Hotel Rental Tax.

29 (4) The following is hereby inserted into the Original Formation Resolution as a new  
 30 Section 10A thereto and immediately follows the Section 10 presently contained therein:

31 SECTION 10A. BE IT FURTHER RESOLVED that, pursuant to the Special Taxing

1 District Act and this Resolution, the County hereby levies and imposes the Special Hotel Rental  
2 Tax at a rate and amount of three percent (3.0%) on all gross amounts of money paid to the  
3 owners or operators of hotels located in the Special Taxing District by transient guests or tenants  
4 for renting, using or occupying a room or rooms in the hotels located in the Special Taxing  
5 District to provide for the payment of the principal of and interest on the Bonds and to provide  
6 for replenishment of any debt service reserve fund securing the Bonds as well as for the payment  
7 of County administrative expenses, to the extent such replenishments and expenses are not  
8 otherwise provided for. The Special Hotel Rental Tax also may be levied with respect to  
9 refunding bonds issued under the Special Taxing District Act pursuant to the provisions of an  
10 ordinance or resolution enacted or adopted by the County in connection with the issuance of such  
11 refunding bonds. The Special Hotel Rental Tax is levied and imposed upon the room rental rate  
12 of all hotels within the Special Taxing District, for the purposes, to the extent and in the manner  
13 provided in this Resolution through the application of the procedures provided herein. Further,  
14 the Special Hotel Rental Tax levied and imposed by the Special Taxing District Act and this  
15 Resolution in the Special Taxing District shall take effect and be in force on the date this  
16 Resolution becomes law. The levy and imposition of the Special Hotel Rental Tax shall remain  
17 in place until all of the Bonds have been fully repaid or defeased. The Special Hotel Rental Tax  
18 described herein is in addition to the transient occupancy taxes levied and collected in each Tax  
19 Year by the County pursuant to Division 8, Subdivision 3, Subtitle 10 of the Prince George's  
20 County Code, as amended, on hotels located in the Development District. In connection with the  
21 Special Hotel Rental Tax, the Financial Officer of the County shall record among the Land  
22 Records of the County, before the Bonds are issued and at the cost of the Special Taxing District,  
23 a declaration to the effect that all hotels located in the Special Taxing District are subject to the  
24 Special Hotel Rental Tax until such time as the Financial Officer of the County records a release  
25 stating that the Special Hotel Rental Tax has been terminated.

26 Except to the extent modified by this Act, the Original Formation Resolution is hereby  
27 ratified and confirmed.

28 SECTION 2. BE IT FURTHER ENACTED, that the Bonds being authorized herein and the  
29 construction costs of the public improvements for which said Bonds are authorized and issued  
30 are not deemed to be construction, monetary contributions or procurement for purposes of  
31 Subtitle 10A of the Prince George's County Code and public improvements funded in whole or

1 part by said Bonds are specifically exempted from the provisions of Subtitle 10A, provided,  
2 however, that Section 10A-121 and Sections 2-247 through 2-253.05, of the Prince George's  
3 County Code shall apply.

4 SECTION 3. BE IT FURTHER ENACTED, that the provisions of this Act are severable,  
5 and if any provision, sentence, clause, section or part hereof is held or determined to be illegal,  
6 invalid or unconstitutional or inapplicable to any person or circumstances, such illegality,  
7 invalidity or unconstitutionality or inapplicability shall not affect or impair any of the remaining  
8 provisions, sentences, clauses, sections or parts of this Act or their application to other persons or  
9 circumstances. It is hereby declared to be the legislative intent that this Act would have been  
10 passed if such illegal, invalid, unconstitutional or inapplicable provision, sentence, clause,  
11 section or part had not been included herein, and as if the person or circumstances to which this  
12 Act or any part hereof are inapplicable had been specifically exempted herefrom.

13 SECTION 4. BE IT FURTHER ENACTED, that this Act shall take effect 45 days  
14 following the approval hereof by the County Executive.

Adopted this 14th day of November, 2017.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY: \_\_\_\_\_  
Derrick Leon Davis  
Chairman

ATTEST:

\_\_\_\_\_  
Redis C. Floyd  
Clerk of the Council

APPROVED:

DATE: \_\_\_\_\_

BY: \_\_\_\_\_  
Rushern L. Baker, III  
County Executive

**Exhibit A**

**Amended Description of Improvements**

The improvements include, but are not limited to, surface demolition, demolition of existing structures, rough grading with import, sediment control and landscaping, stormwater management, storm drainage, holding area for compensatory storage, off-site improvements/bike trail/bus shelter/pavilion, wet utilities (water and sewer), unsuitable soil/soil import (flood mitigation), relocation of water main, parking garage/surface parking, construction costs related to the foregoing and such other infrastructure improvements within the Districts as may be authorized by the Acts.

**Exhibit B**

**Second Amended and Restated Rate and Method of Apportionment**