

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**  
**2010 Legislative Session**

Bill No. CB-95-2010  
 Chapter No. 78  
 Proposed and Presented by Council Member Harrison  
 Introduced by Council Member Harrison  
 Co-Sponsors \_\_\_\_\_  
 Date of Introduction September 28, 2010

**BILL**

1 AN ACT concerning

2                   The Issuance of Special Obligation Tax Increment Financing Bonds  
 3                   for the Woodmore Towne Centre at Glenarden Development District

4 For the purpose of providing that special obligation tax increment financing bonds may be issued  
 5 under the provisions of this Act, Sections 12-201 through 12-213 of the Economic Development  
 6 Article of the Annotated Code of Maryland, as amended (the "Tax Increment Financing Act"),  
 7 CR-85-2009 of the County Council of Prince George's County, Maryland (the "Formation  
 8 Resolution", and CR-98-2010 (the "TIF Criteria Resolution") in the aggregate principal amount  
 9 of Seventeen Million Dollars (\$17,000,000) in order for the County to acquire, finance or  
 10 reimburse the public infrastructure improvements as more particularly described herein; making  
 11 certain findings and determinations, among others, concerning the public benefit and purpose of  
 12 such bonds; providing that such bonds authorized to be issued hereby shall be payable solely  
 13 from real property taxes deposited in the Tax Increment Fund (as defined in the Formation  
 14 Resolution) and that the bonds shall not constitute a general obligation debt of the County or a  
 15 pledge of the County's full faith and credit or taxing power other than the taxes representing the  
 16 levy on the Tax Increment (as defined in the Formation Resolution); providing for a proposed  
 17 agreement between the County and Petrie/ELG Inglewood, LLC, a Maryland limited liability  
 18 company or its assigns (the "Developer") and any other governmental entity, if necessary, prior  
 19 to the issuance and delivery of the bonds in the form of a TIF proposal consistent with the  
 20 requirements of this Act and the County TIF Criteria Resolution as well as other conditions for  
 21 the issuance of the bonds and the acquisition, financing, or reimbursing and construction of the

1 public infrastructure improvements); authorizing the County Executive of the County to specify,  
2 prescribe, determine, provide for and approve certain details, forms, documents or procedures in  
3 connection with such bonds issued hereunder and any other matters necessary or desirable in  
4 connection with the authorization, issuance, delivery and payment of such bonds consistent with  
5 the provisions of this Act; authorizing the County Executive to take certain actions, to execute  
6 documents and make certain commitments on behalf of the County in connection with the  
7 issuance and delivery of such bonds consistent with the provisions of this Act; authorizing the  
8 execution and delivery of such bonds and such other documents as may be necessary and  
9 desirable to effectuate the financing of the infrastructure improvements and the issuance and  
10 delivery of such bonds; and generally providing for, and determining various matters in  
11 connection with, the issuance, delivery and payment of such bonds.

12 WHEREAS, the Formation Resolution designated the “Woodmore Towne Centre at  
13 Glenarden Development District” and established a special fund designated the “Woodmore  
14 Towne Centre at Glenarden Development District Tax Increment Fund;” and

15 WHEREAS, by its Resolution number R-78-2010, the City Council of the City of  
16 Glenarden approved the designation Woodmore Towne Centre at Glenarden Development  
17 District (the “City Approval”); and

18 WHEREAS, the Developer, the owner of the real property in the Woodmore Towne Centre  
19 at Glenarden Development District, plans to develop retail, commercial, office, hotel and  
20 residential facilities (the “Development”) and to construct and install the public infrastructure  
21 improvements in the Woodmore Towne Centre at Glenarden Development District described in  
22 Exhibit A attached hereto and made a part hereof (the “Infrastructure”) to serve the  
23 Development; and

24 WHEREAS, the County has the power under the Tax Increment Financing Act to pay for  
25 the County’s acquisition, financing or reimbursement of the Infrastructure from the Developer  
26 through the issuance and delivery to the Developer of such bonds in compliance with the TIF  
27 Criteria Resolution; and

28 WHEREAS, the bonds will be issued and secured pursuant to the provisions of the Tax  
29 Increment Financing Act and the Formation Resolution; and

30 WHEREAS, to the extent that the taxes representing the levy on the Tax Increment in any  
31 given fiscal year of the County exceed the debt service payable on the bonds in any such fiscal

1 year, as well as any other payment required to be satisfied by the Tax Increment, such excess  
 2 will be paid over at the end of each such fiscal year to the County for deposit in its general fund  
 3 in such amounts and for such uses as set forth herein; and

4 WHEREAS, development of retail, commercial, office, hotel and residential facilities will  
 5 further economic development within the County and thus meet the public purposes  
 6 contemplated by the Tax Increment Financing Act and the Formation Resolution; and

7 WHEREAS, prior to the bonds being issued or sold, Petrie/ELG Inglewood, LLC, a  
 8 Maryland limited liability company or its assigns, County Executive and Bond Counsel shall  
 9 certify that the provisions of CR-98-2010 have been complied with and that the Minority  
 10 Business Enterprise (“MBE”) Plan has been approved by the Compliance Manager; and

11 WHEREAS, prior to the issuance and sale of the bonds, the County Council must review  
 12 the TIF proposal and certifications and approve the same by Resolution; now therefore,

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

15 A. The words and terms used in this Act that are defined in the Tax Increment Financing Act  
 16 or the Formation Resolution shall have the meanings indicated in the Tax Increment Financing  
 17 Act and the Formation Resolution, as the case may be, unless the context clearly requires a  
 18 contrary meaning.

19 B. It is hereby found and determined that the issuance of the Bonds (defined below) and the  
 20 delivery of the Bonds to the Developer for the purpose of acquiring, financing or reimbursing the  
 21 Infrastructure, accomplish the public purposes of the Tax Increment Financing Act and the  
 22 Formation Resolution.

23 C. It is recognized that the total costs of Infrastructure shown as to be acquired, financed or  
 24 reimbursed by the County with the issuance of the Bonds are estimated and that the specific  
 25 items to be acquired, financed or reimbursed and the amount of such acquisition, financing or  
 26 reimbursement shall be as further specified in documentation approved by the County Council at  
 27 the time of the issuance of the related Bonds.

28 D. In accordance with Section 12-204(b)(2)(i) of the Tax Increment Financing Act, it is hereby  
 29 found that the County Council has complied with the provisions of Sections 12-203 and 12-  
 30 208(c) and (d) of the Tax Increment Financing Act by designating the Woodmore Towne Centre  
 31 at Glenarden Development District, receiving a certification of the Supervisor of Assessments,

1 | pledging the division of property taxes, and receiving the City Approval.

2 | E. Pursuant to the provisions of the Formation Resolution and in accordance with the Tax  
3 | Increment Financing Act, so long as the Bonds remain outstanding, the County shall deposit into  
4 | the Tax Increment Fund all real property taxes received by the County for any Tax Year after the  
5 | effective date of the Formation Resolution equal to that portion of the taxes payable to the  
6 | County representing the levy on the Tax Increment that would normally be paid to the County.  
7 | Monies in the Tax Increment Fund are pledged to the payment of the Bonds and County  
8 | administrative expenses related to the Development District. The balance remaining in the Tax  
9 | Increment Fund at the end of any fiscal year of the County after such payments shall be  
10 | transferred to the general fund of the County.

11 | F. The bonds may be issued in the aggregate principal amount of Seventeen Million Dollars  
12 | (\$17,000,000) and shall bear interest at a maximum interest rate of seven percent (7%) per  
13 | annum (the "Bonds"). The Bonds shall be issued as a single instrument in denomination equal to  
14 | the aggregate principal amount of the Bonds issued. The Bonds shall be delivered by the County  
15 | to the Developer in consideration of the Developer's construction and transfer, as applicable, of  
16 | the Infrastructure to the County. The Bonds, as well as County administrative expenses related  
17 | to the Development District, will be payable solely from the amounts levied and deposited in the  
18 | Tax Increment Fund. The Bonds are a special obligation of the County to be issued in  
19 | accordance with the TIF Criteria Resolution and do not constitute a general obligation debt of the  
20 | County or a pledge of the County's full faith and credit or taxing power except for the taxes  
21 | representing the levy on the Tax Increment as set forth in the Formation Resolution.

22 | G. The Bonds shall be executed in the name of the County and on its behalf by the County  
23 | Executive, by manual or facsimile signature, the corporate seal of the County or a facsimile  
24 | thereof shall be impressed or otherwise reproduced thereon and attested by the Clerk of the  
25 | County Council or the Chief Administrative Officer by manual or facsimile signature. The TIF  
26 | proposal and, where applicable, all other documents as the County Executive deems necessary to  
27 | effectuate the issuance and delivery of the Bonds, shall be executed in the name of the County  
28 | and on its behalf by the County Executive by manual signature, and the corporate seal of the  
29 | County or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by  
30 | the Clerk of the County Council or the Chief Administrative Officer by manual signature. If any  
31 | officer whose signature or countersignature or a facsimile of whose signature or countersignature

1 appears on the Bonds or on any of the aforesaid documents ceases to be such officer before the  
2 delivery of the Bonds or any of the other aforesaid documents, such signature or  
3 countersignature or such facsimile shall nevertheless be valid and sufficient for all purposes, the  
4 same as if such officer had remained in office until delivery. The County Executive, the Chief  
5 Administrative Officer, the Director of Finance, the Clerk of the County Council and other  
6 officials of the County are hereby authorized and empowered to do all such acts and things and  
7 execute such documents and certificates as the County Executive may determine to be necessary  
8 to carry out and comply with the provisions of this Act, subject to the limitations set forth in the  
9 Tax Increment Financing Act and this Act. Prior to the issuance of the Bonds as required by the  
10 County TIF Criteria Resolution, the Developer, County Executive, and bond counsel to the  
11 County shall certify to the County Council that the provisions of the County's TIF Criteria  
12 Resolution have been complied with and that the MBE Plan has been approved by the  
13 Compliance Manager in conformance with the MBE Plan Guidelines promulgated by the  
14 Compliance Manager.

15 H. Subject to the provisions of this Act, the County Executive by executive order:

16 (1) shall specify that the Bonds shall be issued in the principal amount of Seventeen  
17 Million Dollars (\$17,000,000) and further specify the rate of interest on the Bonds;

18 (2) shall specify the manner and terms of the delivery of the Bonds to the Developer;

19 (3) shall specify the form and terms of the Bonds;

20 (4) shall prescribe the date, maturity or maturities (within the limits prescribed in the Tax  
21 Increment Financing Act), and the time and place or places of payment of the Bonds, and the  
22 terms and conditions and details under which the Bonds may be called for redemption prior to  
23 their stated maturities;

24 (5) may appoint bond counsel and a financial advisor;

25 (6) shall approve the form and contents of the TIF Proposal and such other documents to  
26 which the County is a party and which may be necessary to effectuate the issuance and delivery  
27 of the Bonds and the acquisition, financing or reimbursement of the Infrastructure;

28 (7) shall determine the time of execution, issuance and delivery of the Bonds and prescribe  
29 any and all other details of the Bonds;

30 (8) shall provide for the direct or indirect payment of all costs, fees and expenses incurred  
31 by or on behalf of the County in connection with the issuance and delivery of the Bonds and the

1 acquisition of the Infrastructure, including (without limitation) costs of printing (if any) and  
2 issuing the Bonds, the funding of reserves, legal expenses (including the fees of bond counsel)  
3 and compensation to any person performing services by or on behalf of the County in connection  
4 therewith; and

5 (9) shall do any and all things necessary, proper or expedient in connection with the  
6 issuance and delivery of the Bonds and the acquisition, financing or reimbursement of the  
7 Infrastructure in order to accomplish the legislative policy of the Tax Increment Financing Act  
8 and the public purposes of this Act, subject to the limitations set forth in the Tax Increment  
9 Financing Act and any limitations prescribed by this Act.

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

13 SECTION 2. BE IT FURTHER ENACTED, that the Bonds and the construction costs of  
14 the Infrastructure for which said Bonds are authorized and issued are not deemed to be  
15 construction, monetary contributions or procurement for purposes of Subtitle 10A of the Prince  
16 George's County Code and the Infrastructure funded in whole or part by said Bonds are  
17 specifically exempted from the provisions of Subtitle 10A, provided, however, that Section 10A-  
18 121 and Sections 2-247 through 2-253.05, of the Prince George's County Code shall apply.

19 SECTION 3. BE IT FURTHER ENACTED, that the provisions of this Act are severable,  
20 and if any provision, sentence, clause, section or part hereof is held or determined to be illegal,  
21 invalid or unconstitutional or inapplicable to any person or circumstances, such illegality,  
22 invalidity or unconstitutionality or inapplicability shall not affect or impair any of the remaining  
23 provisions, sentences, clauses, sections or parts of this Act or their application to other persons or  
24 circumstances. It is hereby declared to be the legislative intent that this Act would have been  
25 passed if such illegal, invalid, unconstitutional or inapplicable provision, sentence, clause,  
26 section or part had not been included herein, and as if the person or circumstances to which this  
27 Act or any part hereof are inapplicable had been specifically exempted herefrom.  
28

1 SECTION 4. BE IT FURTHER ENACTED, that this Act shall take effect 45 days from the  
2 date it becomes law.

Adopted this 26th day of October, 2010.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY: \_\_\_\_\_  
Thomas E. Dernoga  
Chair

ATTEST:

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

APPROVED:

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

BY: \_\_\_\_\_  
JACK B. JOHNSON  
County Executive

Exhibit A available in hard copy only.

**THE COUNTY EXECUTIVE HAVING FAILED TO RETURN THIS BILL WITH EITHER HIS APPROVAL OR VETO WITHIN TEN (10) DAYS AFTER THE DATE OF ITS PRESENTATION TO HIM, THIS BILL BECAME LAW ON 11/29/2010.**

**TO BECOME EFFECTIVE ON 1/14/2011.**