

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

1999 Legislative Session

Resolution No. CR-12-1999

Proposed by The Chairman (by request - County Executive)

Introduced by Council Member Gourdine

Co-Sponsors _____

Date of Introduction April 20, 1999

RESOLUTION

1 A RESOLUTION concerning

2 The issuance and sale by the Maryland Industrial Development Financing Authority, of one or
 3 more series of its limited obligation taxable economic development revenue bonds for the benefit
 4 of Cloverleaf Enterprises, Inc., (Property located at 6336 Rosecroft Drive, Fort Washington,
 5 Prince George's County, Maryland).

6 For the purpose of approving the issuance and sale by the Maryland Industrial Development
 7 Financing Authority, pursuant to the Maryland Economic Development Revenue Bond Act, as
 8 amended, and the Maryland Industrial Development Financing Authority Act, as amended, of
 9 one or more series of its limited obligation taxable economic development revenue bonds in an
 10 aggregate principal amount not to exceed \$7,500,000, for the purpose of refinancing the costs of
 11 acquisition by Cloverleaf Enterprises, Inc., of a certain facility that consists of and includes (a) a
 12 parcel of land containing approximately 124 acres located at 6336 Rosecroft Drive, Fort
 13 Washington, Maryland, and the improvements existing thereon, (b) certain equipment and
 14 machinery, and (c) other necessary or suitable interests in land or improvements and used by
 15 Cloverleaf Enterprises, Inc., as a harness horse racing, business meeting, and family
 16 entertainment facility; specifying and describing this facility; generally describing the public
 17 purpose to be served by the facility; specifying and describing various related matters; and
 18 generally relating to the Rosecroft Raceway in the County.

19 WHEREAS, the Maryland Industrial Development Financing Authority Act, codified as
 20 Section 5-901 *et seq.* of Article 83A of the Annotated Code of Maryland (the "MIDFA Act"),
 21 provides that, in order to accomplish the purposes of the MIDFA Act, the Maryland Industrial
 22 Development Financing Authority (the "Authority"), on behalf of the State of Maryland (the

1 "State"), may issue and sell bonds as provided by and in accordance with the Maryland
2 Economic Development Revenue Bond Act (the "Revenue Bond Act"). (In this Resolution, the
3 MIDFA Act and the Revenue Bond Act are sometimes collectively referred to as the "Acts.")
4 The MIDFA Act further provides that the Authority may accomplish the acquisition of one or
5 more facilities from the proceeds of the sale of its bonds by one or more of the methods
6 described in the Revenue Bond Act; and

7 WHEREAS, Section 5-938(e) of the MIDFA Act provides that, before the issuance and sale
8 of bonds by the Authority, the legislative body of the county or municipality in which the facility
9 to be financed with the proceeds of the bonds is to be located shall adopt a resolution that (a) is
10 administrative in nature, not subject to the procedures required for legislative acts and not subject
11 to referendum, (b) specifies and describes the facility; and (c) generally describes the public
12 purpose to be served by the facility; and

13 WHEREAS, Cloverleaf Enterprises, Inc., a Maryland corporation (the "Applicant"), has
14 requested Prince George's County, Maryland, a body corporate and politic and a political
15 subdivision of the State and a county and public body within the meaning of the Acts (the
16 "County"), to approve the issuance by the Authority of its bonds in an aggregate principal
17 amount not to exceed \$7,500,000, to provide for the refinancing of the costs of acquisition by the
18 Applicant of a certain facility located within the geographical boundaries and jurisdiction of the
19 County (the "Facility") and more particularly described below; and

20 WHEREAS, the County has determined, based on the findings and determinations set forth
21 below, that it is in the best interests of the citizens of the County to approve the refinancing by
22 the Authority of the costs of acquisition of the Facility by the Applicant by approving the
23 issuance and sale by the Authority, pursuant to the Acts, at any time and from time to time, of
24 one or more series of its limited obligation taxable economic development revenue bonds in
25 aggregate principal amount not to exceed \$7,500,000; now, therefore, pursuant to and in
26 accordance with the Acts,

27 SECTION 1. BE IT RESOLVED by the County Council of Prince George's County,
28 Maryland, that all words and terms used in this Resolution (including the Recitals set forth
29 above) that are defined or used in the Acts shall have the meanings indicated in the Acts, unless
30 the context clearly requires a contrary meaning.

1 SECTION 2. BE IT FURTHER RESOLVED that in accordance with Section 5-938(e)(2)
2 of the MIDFA Act, the Facility shall consist of and include (a) a parcel of land containing
3 approximately 124 acres located at 6336 Rosecroft Drive, Fort Washington, Maryland, together
4 with any and all improvements existing thereon, which improvements include and consist of a
5 complete harness horse racing facility consisting of a clubhouse, grandstand, administrative
6 offices, print shop, paddock, barns and other outbuildings, including approximately 30 separate
7 types of building construction, comprising 59 detached building structures containing a gross
8 building area of approximately 451,000 square feet, (b) certain necessary or useful equipment
9 and machinery, and (c) such other interests in land or improvements as may be necessary or
10 suitable for these purposes, including roads and rights of access, utilities, and other necessary site
11 preparation facilities, to be used as a harness horse racing, business meeting, and family
12 entertainment facility.

13 SECTION 3. BE IT FURTHER RESOLVED that the County Council finds and determines
14 that the Facility and the financial assistance to be provided by the Authority, as described in this
15 Resolution, will fulfill, accomplish, and promote the declared public purposes of the Acts, which
16 are to (a) relieve conditions of unemployment in the State and in the County, (b) encourage the
17 increase of industry and commerce and a balanced economy in the State and the County, (c)
18 assist in the retention of existing industry and commerce and in the attraction of new industry
19 and commerce in the State and the County, (d) promote economic development in the State by
20 stimulating the local economy, and (e) generally promote the health, welfare, and safety of the
21 residents of each of the counties and municipalities of the State. Specifically, the County
22 Council finds and determines, based on representations of the Applicant, that the refinancing of
23 the costs of acquisition of the Facility by the Applicant will increase employment in the County
24 by creating approximately 15 new jobs within three years and retaining approximately 350
25 existing jobs. Accordingly, it is in the interest of the public welfare of the citizens of the State
26 and of the County that the County Council approve the issuance by the Authority of its bonds for
27 the purpose of refinancing the costs of acquisition of the Facility.

28 SECTION 4. BE IT FURTHER RESOLVED that the County Council approves the
29 issuance and sale by the Authority at any time and from time to time of one or more series of its
30 limited obligation taxable economic development revenue bonds in an aggregate principal
31 amount not to exceed \$7,500,000 (the "Bonds"), the proceeds of any series of which the

1 Authority may lend to the Applicant, to be used by the Applicant to refinance the costs of
2 acquisition of the Facility.

3 SECTION 5. BE IT FURTHER RESOLVED that (a) the Bonds and the interest on them
4 will be limited obligations of the Authority, payable solely from revenues or money to be
5 received by the Authority in connection with the refinancing of the costs of acquisition of the
6 Facility or from any other funds provided for that purpose, (b) the Bonds will not constitute an
7 indebtedness to which the faith and credit of the State, the Department of Business and
8 Economic Development of the State (the "Department"), the Authority, the County, or any other
9 public body is pledged, and (c) neither the Bonds nor the interest on them will ever constitute an
10 indebtedness or a charge against the general credit or taxing powers of the State, the Department,
11 the Authority, the County, or any other public body, nor ever constitute or give rise to any
12 pecuniary liability of the State, the Department, the Authority, the County, or any other public
13 body.

14 SECTION 6. BE IT FURTHER RESOLVED that the Bonds shall be authorized, issued,
15 sold and delivered without direct or indirect cost to the County. To that end, the Applicant shall
16 pay all necessary expenses of preparing, printing, selling, and issuing the Bonds and all other
17 costs contemplated and permitted by the Acts, including, without limitation, all costs, fees, and
18 expenses (including, without limitation, all attorneys' fees) incurred by or on behalf of the
19 County in connection with this Resolution, whether or not the proposed refinancing is
20 consummated.

21 SECTION 7. BE IT FURTHER RESOLVED that the passage of this Resolution does not
22 in any way indicate the approval of, or constitute any commitment for approval by, the County or
23 any of its officers or employees of any license, permit, application, or other request to the County
24 with respect to the refinancing, zoning, construction, acquisition, or operation of the Facility.

25 SECTION 8. BE IT FURTHER RESOLVED that no further action by the County Council
26 is necessary to effect the refinancing of the costs of acquisition of the Facility by the Applicant
27 or the completion of the transactions contemplated in this Resolution, including, without
28 limitation, the issuance and sale of the Bonds.

29 SECTION 9. BE IT FURTHER RESOLVED that in accordance with Section 5-938(e) of
30 the MIDFA Act, this Resolution is administrative in nature, not subject to the procedures
31 required for legislative acts of the County and not subject to referendum.

1 SECTION 10. BE IT FURTHER RESOLVED that this Resolution shall take effect on the
2 date of its adoption.

Adopted this 20th day of April , 1999.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
M. H. Jim Estepp
Chairman

ATTEST:

Joyce T. Sweeney
Clerk of the Council