

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2016 Legislative Session

Resolution No. CR-76-2016
Proposed by The Chairman (by request – County Executive)
Introduced by Council members Davis, Harrison, Turner and Franklin
Co-Sponsors _____
Date of Introduction September 27, 2016

RESOLUTION

1 A RESOLUTION concerning

2 Westphalia Town Center Special Taxing District

3 For the purpose of designating an area within Prince George’s County, Maryland as a “special
4 taxing district” as that term is used in Section 10-269 of the Prince George’s County Code, as
5 amended, and as that term is used in Sections 21-501 through 21-518 and Section 21-523 of the
6 Local Government Article of the Annotated Code of Maryland, as amended (collectively, the
7 “Act”), such special taxing district to be located in Upper Marlboro, Maryland and to be known
8 as the “Westphalia Town Center Special Taxing District”; providing for, and determining,
9 various matters in connection with the establishment of a special taxing district; creating a
10 special fund with respect to the Special Taxing District; providing for the introduction of a future
11 ordinance or ordinances to provide for the levy of a special tax in connection with the Special
12 Taxing District; pledging proceeds of such special tax to be paid over to the special fund as
13 provided in the Act; making certain findings and determinations with respect to the special fund
14 and the use of such fund; providing that special obligation bonds may be issued from time to
15 time pursuant to an ordinance or ordinances enacted in accordance with the Act and secured by
16 the special fund; and generally relating to the Westphalia Town Center Special Taxing District.

17 WHEREAS, Section 10-269 of the Prince George’s County Code, as amended, and
18 Sections 21-501 through 21-518 and Section 21-523 of the Local Government Article of the
19 Annotated Code of Maryland (the “Special Taxing District Act,” and collectively with Section
20 10-269 of the Prince George’s County Code, the “Act”), constitute those provisions of Maryland
21 law authorizing Prince George’s County, Maryland (the “County”) to establish a “special taxing
22 district” (as that term is used under the Act) and a special fund into which the Special Tax

1 (hereinafter defined) for the Special Taxing District (hereinafter defined) is deposited; and

2 WHEREAS, Walton Westphalia Development (USA), LLC and Walton Westphalia
3 Europe, LP and WUSF 1 Westphalia, LLC (collectively, the “Owners”) are the owners of at least
4 two-thirds of the assessed valuation of the real property located within the Special Taxing
5 District and at least two-thirds of the owners of the real property located within the Special
6 Taxing District and have petitioned the County to designate and create the Special Taxing
7 District within Upper Marlboro, Maryland as more specifically provided within such petition;
8 and

9 WHEREAS, Walton Development & Management (USA), Inc., an Arizona corporation, or
10 one of its subsidiaries or affiliates (the “Developer”), will manage the development of the
11 property on behalf of the Owners and plans to cause to be constructed a mixed-use development
12 including retail, commercial, residential and office facilities and hotels and related infrastructure
13 improvements; and

14 WHEREAS, such development will further economic development within the County and
15 thus meet the public purposes contemplated by the Act; and

16 WHEREAS, the Owners have requested the levy of a Special Tax (as defined herein) upon
17 all real property within the proposed Special Taxing District unless exempted by law or as
18 provided herein and in an ordinance that may be enacted authorizing the issuance of the bonds;
19 and

20 WHEREAS, the Owners have requested that the County issue its special obligation bonds
21 in one or more issues or series to finance infrastructure improvements within or adjacent to the
22 Special Taxing District, as permitted by the Act; and

23 WHEREAS, the Act authorizes the County to issue special obligation bonds from time to
24 time for the purpose of providing funds to be used to fulfill one or more of the purposes of said
25 Act; and

26 WHEREAS, the County expects to issue its special obligation bonds upon enactment of an
27 ordinance or ordinances, such ordinance or ordinances will provide that the special obligation
28 bonds shall be secured by a pledge of the Special Taxes and any other revenues pledged by the
29 County as more specifically provided for therein.

30 SECTION 1. NOW, THEREFORE, BE IT RESOLVED by the County Council of Prince
31 George’s County, Maryland, that for the purposes of this Resolution, the terms defined in the

1 recitals shall have the meanings therein set forth and, in addition, the following terms shall have
2 the meanings set forth below:

3 (1) “Bonds” means special obligation bonds, revenue bonds, notes, or other similar
4 instruments issued by the County pursuant to and in accordance with this Resolution and the Act.

5 (2) “Special Tax” means the special taxes levied and imposed by the County on the
6 real property within the Special Taxing District pursuant to the Act.

7 (3) “Special Taxing District” means the area within the County designated in Section
8 3 of this Resolution as a special taxing district under the Act.

9 (4) “Special Taxing District Fund” means the special taxing district fund established
10 in Section 5 of this Resolution.

11 SECTION 2. BE IT FURTHER RESOLVED, that acting pursuant to the Act, it is hereby
12 found and determined that the establishment of the Special Taxing District, the creation of the
13 Special Taxing District Fund and the issuance of Bonds from time to time pursuant to the Act, all
14 for the purpose of providing funds to finance the costs of certain infrastructure improvements
15 within or adjacent to the Special Taxing District accomplishes the public purposes of the Act and
16 generally promotes the health, welfare and safety of the residents of the State of Maryland and of
17 the County.

18 SECTION 3. BE IT FURTHER RESOLVED, that an area of Upper Marlboro, Maryland
19 and the County consisting of the property set forth below is hereby designated as a “Special
20 Taxing District” (to be known as the “Westphalia Town Center Special Taxing District”)
21 pursuant to Section 10-269 (e) of the Prince George’s County Code, as amended, and Section 21-
22 503 of the Special Taxing District Act. The Special Taxing District shall consist of property
23 described in Exhibit A to this Resolution and as depicted in the maps attached hereto as Exhibit
24 B and all adjoining roads, highways, alleys, rights of way, parks and other similar property.

25 SECTION 4. BE IT FURTHER RESOLVED, that there is hereby established a “special
26 fund” within the meaning of the Act to be designated the “Westphalia Town Center Special
27 Taxing District Fund” with respect to the Special Taxing District. The taxes derived from the
28 levy of the Special Tax on real property within the Special Taxing District, once such Special
29 Tax is levied and collected, shall be paid over to the Special Taxing District Fund pursuant to
30 Section 21-506 of the Special Taxing District Act and Section 10-269(e)(2)(B) of the Prince
31 George’s County Code. The County Executive, the Chief Administrative Officer and the

1 Financial Officer and other officers and employees of the County, to the extent applicable, are
2 hereby authorized to take all necessary steps in order to establish a separate fund to be held by
3 the County.

4 SECTION 5. BE IT FURTHER RESOLVED, that Bonds may be issued from time to time
5 pursuant to an ordinance or ordinances enacted in accordance with the Act for the purpose of
6 providing funds for the financing of infrastructure improvements within or adjacent to the
7 Special Taxing District. Such ordinance or ordinances shall specify, in general detail, the
8 proposed undertaking to be financed with the proceeds of the Bonds, as well as a rate and
9 method of apportionment of special taxes which shall provide for the general procedure and
10 methodology related to the levy and imposition of a special tax upon all real and personal
11 property within the Special Taxing District unless exempted by law, and shall otherwise conform
12 to the requirements of the Act and this Resolution.

13 SECTION 6. BE IT FURTHER RESOLVED, that the provisions of this Resolution are
14 severable, and if any provision, sentence, clause, section or part hereof is held or determined to
15 be illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such
16 illegality, invalidity or unconstitutionality or inapplicability shall not affect or impair any of the
17 remaining provisions, sentences, clauses, sections or parts of this Resolution or their application
18 to other persons or circumstances. It is hereby declared to be the legislative intent that this
19 Resolution would have been passed if such illegal, invalid, unconstitutional or inapplicable
20 provision, sentence, clause, section or part had not been included herein, and as if the person or
21 circumstances to which this Resolution or any part hereof are inapplicable had been specifically
22 exempted herefrom.

23 SECTION 7. BE IT FURTHER RESOLVED, that this Resolution is administrative in
24 nature and shall take effect upon approval by the County Executive.

Adopted this 1st day of November, 2016.

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
PROPERTIES INCLUDED IN THE
WESTPHALIA TOWN CENTER SPECIAL TAXING DISTRICT

The special taxing district will be comprised of the tax parcels identified by the tax account numbers in the table below, as shown on the map in Exhibit B.

<u>Account</u>		
<u>Identifier</u>	<u>Property Owner</u>	<u>Property Address</u>
15 5513657	Walton Westphalia Europe LP	Marlboro Pike
15 5513646	Walton Westphalia Europe LP	4899 Melwood Road
15 5513668	Walton Westphalia Europe LP	Pennsylvania Avenue
15 5513692	Walton Maryland LLC ETAL WUSF 1 Westphalia LLC	4500 Moores Way
15 5513681	Walton Westphalia Europe LP	Maryland 4
15 3716040	Walton Westphalia Dev US LLC	9051 Presidential Parkway
15 5513704	Walton Maryland LLC ETAL WUSF 1 Westphalia LLC	Pennsylvania Avenue
15 5513715	Walton Maryland LLC ETAL WUSF 1 Westphalia LLC	4850 Pennsylvania Avenue
15 5513670	Walton Westphalia Europe LP	Maryland 4
15 5513635	Walton Westphalia Europe LP	4999 Melwood Road
15 5513624	Walton Westphalia Dev US LLC	4901 Melwood Road
15 5556031	Walton Westphalia Dev US LLC	10501 Observatory Place
15 5556042	Walton Westphalia Dev US LLC	10503 Observatory Place
15 5556053	Walton Westphalia Dev US LLC	10505 Observatory Place
15 5556064	Walton Westphalia Dev US LLC	10507 Observatory Place
15 5556075	Walton Westphalia Dev US LLC	10509 Observatory Place
15 5556086	Walton Westphalia Dev US LLC	5501 Woodyard Road
15 5556097	Walton Westphalia Dev US LLC	5503 Woodyard Road
15 5556100	Walton Westphalia Dev US LLC	5505 Woodyard Road
15 5556111	Walton Westphalia Dev US LLC	5507 Woodyard Road

Account		
<u>Identifier</u>	<u>Property Owner</u>	<u>Property Address</u>
15 5556122	Walton Westphalia Dev US LLC	5509 Woodyard Road
15 5556133	Walton Westphalia Dev US LLC	5511 Woodyard Road
15 5556144	Walton Westphalia Dev US LLC	5601 Woodyard Road
15 5556155	Walton Westphalia Dev US LLC	5603 Woodyard Road
15 5556166	Walton Westphalia Dev US LLC	5605 Woodyard Road
15 5556177	Walton Westphalia Dev US LLC	5607 Woodyard Road
15 5556188	Walton Westphalia Dev US LLC	5609 Woodyard Road
15 5556190	Walton Westphalia Dev US LLC	5611 Woodyard Road
15 5556202	Walton Westphalia Dev US LLC	5613 Woodyard Road
15 5556213	Walton Westphalia Dev US LLC	5615 Woodyard Road
15 5556224	Walton Westphalia Dev US LLC	5617 Woodyard Road
15 5556474	Walton Westphalia Dev US LLC	5522 Glover Park Drive
15 5556485	Walton Westphalia Dev US LLC	5520 Glover Park Drive
15 5556496	Walton Westphalia Dev US LLC	5518 Glover Park Drive
15 5556508	Walton Westphalia Dev US LLC	5516 Glover Park Drive
15 5556510	Walton Westphalia Dev US LLC	5514 Glover Park Drive
15 5556521	Walton Westphalia Dev US LLC	5512 Glover Park Drive
15 5556532	Walton Westphalia Dev US LLC	5510 Glover Park Drive
15 5556543	Walton Westphalia Dev US LLC	5508 Glover Park Drive
15 5556554	Walton Westphalia Dev US LLC	5506 Glover Park Drive
15 5556565	Walton Westphalia Dev US LLC	5504 Glover Park Drive
15 5556576	Walton Westphalia Dev US LLC	5502 Glover Park Drive
15 5556587	Walton Westphalia Dev US LLC	5500 Glover Park Drive
15 5556598	Walton Westphalia Dev US LLC	10514 Galena Lane
15 5556601	Walton Westphalia Dev US LLC	10516 Galena Lane
15 5556612	Walton Westphalia Dev US LLC	10518 Galena Lane
15 5556623	Walton Westphalia Dev US LLC	10520 Galena Lane
15 5556634	Walton Westphalia Dev US LLC	10522 Galena Lane
15 5556645	Walton Westphalia Dev US LLC	10524 Galena Lane

Account		
<u>Identifier</u>	<u>Property Owner</u>	<u>Property Address</u>
15 5556862	Westphalia Twn Ctr Res Assn	Observatory Place
15 5556873	Westphalia Twn Ctr Res Assn	Woodyard Road
15 5556884	Westphalia Twn Ctr Res Assn	Woodyard Road
15 5556895	Westphalia Twn Ctr Res Assn	Woodyard Road
15 5556907	Westphalia Twn Ctr Res Assn	Woodyard Road
15 5557002	Walton Westphalia Dev US LLC	10801 Eastland Circle
15 5557013	Walton Westphalia Dev US LLC	10803 Eastland Circle
15 5557024	Walton Westphalia Dev US LLC	10805 Eastland Circle
15 5557035	Walton Westphalia Dev US LLC	10807 Eastland Circle
15 5557161	Walton Westphalia Dev US LLC	5601 Manor Park Drive
15 5557172	Walton Westphalia Dev US LLC	5603 Manor Park Drive
15 5557183	Walton Westphalia Dev US LLC	5605 Manor Park Drive
15 5557194	Walton Westphalia Dev US LLC	5607 Manor Park Drive
15 5557206	Walton Westphalia Dev US LLC	5609 Manor Park Drive
15 5557217	Walton Westphalia Dev US LLC	5611 Manor Park Drive
15 5557332	Walton Westphalia Dev US LLC	5634 Woodyard Road
15 5557343	Walton Westphalia Dev US LLC	5632 Woodyard Road
15 5557354	Walton Westphalia Dev US LLC	5630 Woodyard Road
15 5557365	Walton Westphalia Dev US LLC	5628 Woodyard Road
15 5557376	Walton Westphalia Dev US LLC	5626 Woodyard Road
15 5557387	Walton Westphalia Dev US LLC	5624 Woodyard Road
15 5557398	Walton Westphalia Dev US LLC	5622 Woodyard Road
15 5557401	Walton Westphalia Dev US LLC	5620 Woodyard Road
15 5557412	Walton Westphalia Dev US LLC	5618 Woodyard Road
15 5557423	Walton Westphalia Dev US LLC	Woodyard Road
15 5557434	Walton Westphalia Dev US LLC	5616 Woodyard Road
15 5557445	Walton Westphalia Dev US LLC	5612 Woodyard Road
15 5557456	Walton Westphalia Dev US LLC	5610 Woodyard Road
15 5557467	Walton Westphalia Dev US LLC	5608 Woodyard Road

Account		
<u>Identifier</u>	<u>Property Owner</u>	<u>Property Address</u>
15 5557478	Walton Westphalia Dev US LLC	5606 Woodyard Road
15 5557480	Walton Westphalia Dev US LLC	5604 Woodyard Road
15 5557491	Walton Westphalia Dev US LLC	5602 Woodyard Road
15 5557503	Walton Westphalia Dev US LLC	5600 Woodyard Road
15 5557514	Walton Westphalia Dev US LLC	5510 Woodyard Road
15 5557525	Walton Westphalia Dev US LLC	5508 Woodyard Road
15 5557536	Walton Westphalia Dev US LLC	5506 Woodyard Road
15 5557547	Walton Westphalia Dev US LLC	5504 Woodyard Road
15 5557558	Walton Westphalia Dev US LLC	5502 Woodyard Road
15 5557560	Walton Westphalia Dev US LLC	5500 Woodyard Road
15 5557571	Walton Westphalia Dev US LLC	10601 Observatory Place
15 5557582	Walton Westphalia Dev US LLC	10603 Observatory Place
15 5557593	Walton Westphalia Dev US LLC	10605 Observatory Place
15 5557605	Walton Westphalia Dev US LLC	10607 Observatory Place
15 5557616	Walton Westphalia Dev US LLC	10609 Observatory Place
15 5557627	Walton Westphalia Dev US LLC	10611 Observatory Place
15 5557638	Walton Westphalia Dev US LLC	10613 Observatory Place
15 5557640	Walton Westphalia Dev US LLC	10615 Observatory Place
15 5557651	Walton Westphalia Dev US LLC	5501 Manor Park Drive
15 5557662	Walton Westphalia Dev US LLC	5503 Manor Park Drive
15 5557673	Walton Westphalia Dev US LLC	5505 Manor Park Drive
15 5557684	Walton Westphalia Dev US LLC	5507 Manor Park Drive
15 5557695	Walton Westphalia Dev US LLC	5509 Manor Park Drive
15 5557707	Walton Westphalia Dev US LLC	5511 Manor Park Drive
15 5557718	Walton Westphalia Dev US LLC	5513 Manor Park Drive
15 5557720	Walton Westphalia Dev US LLC	10822 Eastland Circle
15 5557731	Walton Westphalia Dev US LLC	10820 Eastland Circle
15 5557742	Walton Westphalia Dev US LLC	10818 Eastland Circle
15 5557753	Walton Westphalia Dev US LLC	10816 Eastland Circle

Account		
<u>Identifier</u>	<u>Property Owner</u>	<u>Property Address</u>
15 5557764	Walton Westphalia Dev US LLC	10814 Eastland Circle
15 5557775	Walton Westphalia Dev US LLC	10812 Eastland Circle
15 5557786	Walton Westphalia Dev US LLC	10810 Eastland Circle
15 5557797	Walton Westphalia Dev US LLC	10808 Eastland Circle
15 5557800	Walton Westphalia Dev US LLC	10806 Eastland Circle
15 5557811	Walton Westphalia Dev US LLC	10804 Eastland Circle
15 5557822	Walton Westphalia Dev US LLC	10802 Eastland Circle
15 5557833	Walton Westphalia Dev US LLC	10800 Eastland Circle
15 5557844	Walton Westphalia Dev US LLC	10724 Eastland Circle
15 5557855	Walton Westphalia Dev US LLC	10722 Eastland Circle
15 5557866	Walton Westphalia Dev US LLC	10720 Eastland Circle
15 5557877	Walton Westphalia Dev US LLC	10718 Eastland Circle
15 5557888	Walton Westphalia Dev US LLC	10716 Eastland Circle
15 5557890	Walton Westphalia Dev US LLC	10714 Eastland Circle
15 5557902	Walton Westphalia Dev US LLC	10712 Eastland Circle
15 5558052	Westphalia Twn Ctr Res Assn	Eastland Circle
15 5558063	Westphalia Twn Ctr Res Assn	Eastland Circle
15 5558074	Westphalia Twn Ctr Res Assn	Eastland Circle
15 5558085	Westphalia Twn Ctr Res Assn	Eastland Circle
15 5558096	Westphalia Twn Ctr Res Assn	Eastland Circle
15 5558108	Westphalia Twn Ctr Res Assn	Eastland Circle

EXHIBIT B

WESTPHALIA SPECIAL TAXING DISTRICT MAPS

(ATTACHED)