

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**  
**2009 Legislative Session**

Resolution No. CR-85-2009

Proposed by The Chairperson (by request – County Executive)

Introduced by Council Member Harrison

Co-Sponsors \_\_\_\_\_

Date of Introduction November 10, 2009

**RESOLUTION**

1 A RESOLUTION concerning

2 Woodmore Towne Centre at Glenarden Development District

3 For the purpose of designating a contiguous area within Prince George’s County, Maryland

4 (the “County”) as a “development district” as that term is used in Sections 12-201 through

5 12-213, inclusive, of the Economic Development Article of the Annotated Code of Maryland, as

6 amended (the “Tax Increment Financing Act”), such development district to be located in the

7 City of Glenarden, Maryland, adjacent to Maryland Route 202 and to be known as the

8 “Woodmore Towne Centre at Glenarden Development District;” providing for, and determining,

9 various matters in connection with the establishment of a development district; creating a tax

10 increment fund with respect to the development district; allocating certain property taxes with

11 respect to the development district to be paid over to the tax increment fund as provided in the

12 Tax Increment Financing Act; providing that the City of Glenarden’s share of incremental taxes

13 shall not be included or deposited into the Tax Increment Fund; making certain findings and

14 determinations with respect to the tax increment fund and the uses of such fund; providing that

15 special obligation bonds may be issued from time to time pursuant to an ordinance or ordinances

16 enacted in accordance with the Tax Increment Financing Act and secured by the tax increment

17 fund; and generally relating to the Woodmore Towne Centre at Glenarden Development District.

18 WHEREAS, the Tax Increment Financing Act constitutes those provisions of Maryland law  
19 authorizing the County to establish a “development district” (as that term is used in the Tax  
20 Increment Financing Act) and a tax increment fund into which the taxes representing the levy on  
21 the Tax Increment (hereinafter defined) for the Development District (hereinafter defined) are  
22 deposited; and

1           WHEREAS, the owners and developers of the real property in the proposed Woodmore  
2 Towne Centre at Glenarden Development District plan to construct a commercial development  
3 including retail, commercial and office facilities; and

4           WHEREAS, such development will further economic development within the County and  
5 thus meet the public purposes contemplated by the Tax Increment Financing Act; and

6           WHEREAS, the City Council of the City of Glenarden is considering adoption of a  
7 resolution approving the Development District as required by the Tax Increment Financing Act;  
8 and

9           WHEREAS, the Tax Increment Financing Act authorizes the County to issue special  
10 obligation bonds from time to time for the purpose of providing funds to be used to fulfill one or  
11 more of the purposes of said Act; and

12           WHEREAS, the County expects to issue special obligation bonds in one or more series to  
13 finance roads, streets, water and sewer utilities and related infrastructure improvements; and

14           WHEREAS, if the County issues its special obligation bonds upon enactment of an  
15 ordinance or ordinances, such ordinance or ordinances will provide that the special obligation  
16 bonds shall be secured by a pledge of the taxes representing the County's levy on the Tax  
17 Increment (the "County Taxes") and any other revenues pledged by the County as more  
18 specifically provided for therein.

19           SECTION 1. NOW, THEREFORE, BE IT RESOLVED by the County Council of Prince  
20 George's County, Maryland, that for the purposes of this Resolution, the terms defined in the  
21 recitals shall have the meanings therein set forth and, in addition, the following terms shall have  
22 the meanings set forth below:

23           (1) "Adjusted Assessable Base" means the fair market value of real property that  
24 qualifies for a farm or agricultural use under Section 8-209 of the Tax-Property Article, without  
25 regard to the agricultural use assessment for the property as of January 1 of that year preceding  
26 the effective date of the resolution creating the Development District under Section 12-203 of the  
27 Tax Increment Financing Act.

28           (2) "Assessable Base" means the total assessable base, as determined by the  
29 Supervisor of Assessments, of all real property subject to taxation in the Development District.

30           (3) "Assessment Ratio" means a real property tax assessment ratio, however  
31 designated or calculated, that is used under applicable general law to determine the Assessable

1 Base including the assessment percentage as provided under Section 8-103(c) of the Tax-  
2 Property Article.

3 (4) "Bonds" includes any revenue bonds or bond, note or notes, or other similar  
4 instruments or instrument issued by the County pursuant to and in accordance with this  
5 Resolution and the Tax Increment Financing Act.

6 (5) "City" means the City of Glenarden, Maryland.

7 (6) "Development District" means the contiguous area in the County designated in  
8 Section 3 of this Resolution as a development district under the Tax Increment Financing Act.

9 (7) "Original Assessable Base" means the Assessable Base as of January 1 of the year  
10 preceding the effective date of this Resolution, which is January 1, 2008.

11 (8) "Original Full Cash Value" means the dollar amount that is determined by  
12 dividing the Original Assessable Base by the Assessment Ratio used to determine the Original  
13 Assessable Base.

14 (9) "Original Taxable Value" means, for any Tax Year, the dollar amount that is:

15 (a) The Adjustable Assessable Base, if an Adjusted Assessable Base applies; or

16 (b) In all other cases, the lesser of:

17 (i) The product of multiplying the Original Full Cash Value by the  
18 Assessment Ratio applicable to that Tax Year; and

19 (ii) The Original Assessable Base.

20 (10) "Tax Increment" means for any Tax Year, the amount by which the Assessable  
21 Base as of January 1 preceding that Tax Year exceeds the Original Taxable Value divided by the  
22 Assessment Ratio used to determine the Original Taxable Value.

23 (11) "Tax Increment Fund" means the tax increment fund established in Section 5 of  
24 this Resolution.

25 (12) "Tax Year" means the period from July 1 of a calendar year through June 30 of  
26 the next calendar year.

27 SECTION 2. BE IT FURTHER RESOLVED, that acting pursuant to the Tax Increment  
28 Financing Act, it is hereby found and determined that the establishment of the Development  
29 District, the creation of the Tax Increment Fund and the present intent to issue Bonds pursuant to  
30 the Tax Increment Financing Act, all for the purpose of providing funds to finance the costs of  
31 certain roads, streets, water and sewer utilities and related infrastructure improvements

1 accomplishes the public purposes of the Tax Increment Financing Act, and generally promotes  
2 the health, welfare and safety of the residents of the State of Maryland and of the County.

3 SECTION 3. BE IT FURTHER RESOLVED, that a contiguous area of the City and  
4 County consisting of the property set forth on Exhibit A attached hereto is hereby designated as a  
5 “Development District” (to be known as the “Woodmore Towne Centre at Glenarden  
6 Development District”) pursuant to Section 12-203 of the Tax Increment Financing Act. The  
7 Development District shall consist of the property identified in Exhibit A of this Resolution and  
8 all adjoining roads, highways, alleys, rights of way and other similar property in order to form a  
9 contiguous area as shown on the map attached hereto as Exhibit B and submitted to the County  
10 Council together with this Resolution. The boundaries of the Development District may be  
11 modified prior to and after the issuance of the Bonds as provided in Section 4 of this Resolution.

12 SECTION 4. BE IT FURTHER RESOLVED, that prior to the issuance of the Bonds, the  
13 County Executive may, by executive order, reduce or enlarge the boundaries of the Development  
14 District by not more than three percent (3%) of the net acreage of the Development District or  
15 further specify the description of such boundaries. After the issuance of the Bonds, the County  
16 Executive, by executive order, may enlarge the boundaries of the Development District but may  
17 not reduce the boundaries of the Development District as long as there are any Bonds  
18 outstanding pursuant to the Tax Increment Financing Act and this Resolution, unless the  
19 ordinance with respect to such bonds permits the County to reduce the area constituting the  
20 Development District or the holders of the bonds or a representative on their behalf consents to  
21 any such reduction.

22 SECTION 5. BE IT FURTHER RESOLVED, that there is hereby established a special  
23 fund to be designated the “Woodmore Towne Centre at Glenarden Development District Tax  
24 Increment Fund” (the “Tax Increment Fund”) with respect to the Woodmore Towne Centre at  
25 Glenarden Development District and the County Executive, Chief Administrative Officer and the  
26 Financial Officer of the County are hereby directed and authorized to deposit in such Tax  
27 Increment Fund all taxes received by the County for any Tax Year commencing after the  
28 effective date of this Resolution equal to that portion of the taxes payable to the County (but not  
29 including any taxes payable to the State of Maryland, the City or any other party) representing  
30 the levy on the Tax Increment that would normally be paid to the County. The County  
31 Executive, the Chief Administrative Officer and the Financial Officer and other officers and

1 employees of the County, to the extent applicable, are hereby authorized to take all necessary  
2 steps in order to establish a separate fund to be held by the County. Prior to the issuance of the  
3 Bonds the Tax Increment Fund may be used by the County for any of the purposes set forth in  
4 Section 12-209 of the Tax Increment Financing Act, including payments to the County for any  
5 legal purpose.

6 SECTION 6. BE IT FURTHER RESOLVED, that Bonds may be issued from time to time  
7 pursuant to an ordinance or ordinances enacted in accordance with the Tax Increment Financing  
8 Act for the purpose of providing funds for the financing of certain roads, streets, water and sewer  
9 utilities and related infrastructure improvements. Such ordinance shall specify, in general detail,  
10 the improvements to be financed through the issuance of the Bonds and the nature and extent of  
11 any pledge of County revenues for the payment of debt service on the Bonds, and shall otherwise  
12 conform to the requirements of the Tax Increment Financing Act and this Resolution.

13 SECTION 7. BE IT FURTHER RESOLVED, that the County hereby covenants and  
14 pledges that if any Bonds issued under the Tax Increment Financing Act with respect to the  
15 Development District are outstanding, the property taxes on real property within the  
16 Development District shall be divided so that (i) that portion of the taxes which would be  
17 produced by the rate at which taxes levied each year by the County upon the Original Taxable  
18 Value shall be allocated to and when collected paid into the funds of the County in the same  
19 manner as taxes by or for the County on all other property are paid; and (ii) that portion of the  
20 taxes representing the levy on the Tax Increment that would normally be paid to the County (but  
21 not including any taxes payable to the State of Maryland, the City or any other party) shall be  
22 paid into the Tax Increment Fund established hereunder to be applied in accordance with the  
23 provisions of Section 12-209 of the Tax Increment Financing Act. The County acknowledges  
24 that neither the rate at which taxes are levied on real property within the Development District  
25 nor the manner of assessment of the value of real property within the Development District is to  
26 vary from the rate or manner of assessment that otherwise would have applied if the  
27 Development District were not designated and the Tax Increment Fund not created, except to the  
28 extent that a specific valuation adjustment is mandated by the Tax Increment Financing Act for  
29 real property that qualifies for farm or agricultural use.

30 SECTION 8. BE IT FURTHER RESOLVED, that the provisions of this Resolution are  
31 severable, and if any provision, sentence, clause, section or part hereof is held or determined to

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

9 SECTION 9. BE IT FURTHER RESOLVED, that this Resolution is administrative in  
10 nature and shall take effect upon approval by the County Executive.

Adopted this 17<sup>th</sup> day of November, 2009.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY: \_\_\_\_\_  
Marilynn M. Bland  
Chairperson

ATTEST:

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

APPROVED:

DATE: \_\_\_\_\_ BY: \_\_\_\_\_  
Jack B. Johnson  
County Executive

**EXHIBIT A**

**DESCRIPTION OF THE PARCELS**

[See Attached Description]

**EXHIBIT B**

**PLAT**

[See Attached]