

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**  
**2004 Legislative Session**

Resolution No. CR-63-2004  
Proposed by Council Member Hendershot  
Introduced by Council Member Hendershot  
Co-Sponsors \_\_\_\_\_  
Date of Introduction October 5, 2004

**RESOLUTION**

1 A RESOLUTION concerning

2 Northgate College Park Development District

3 For the purpose of designating a contiguous area within Prince George's County, Maryland (the  
4 "County") as a "development district" as that term is used in Sections 14-201 through 14-214,  
5 inclusive of Article 41 of the Annotated Code of Maryland, as amended (2003 Replacement  
6 Volume) (the "Tax Increment Act") and as such development district to be located in the City of  
7 College Park, an incorporated area of the County and to be known as the "Northgate College  
8 Park Development District" providing for, and determining, various matters in connection with  
9 the establishment of a development district creating a tax increment fund with respect to the  
10 development district allocating certain property taxes with respect to the development district to  
11 be paid over to the tax increment fund as provided in the Tax Increment Act; making certain  
12 findings and determinations with respect to the tax increment fund and the use of such fund;  
13 providing that special obligation bonds may be issued from time to time pursuant to an ordinance  
14 or ordinances enacted in accordance with the Tax Increment Act, and secured by the tax  
15 increment fund and generally relating to the Northgate College Park Development District.

16 WHEREAS, The Tax Increment Financing Act, Sections 14-201 through 14-214,  
17 inclusive, of Article 41 of the Annotated Code of Maryland, as amended (2003 Replacement  
18 Volume) (the "Tax Increment Act") constitutes those provisions of Maryland law authorizing  
19 Prince George's County, Maryland (the "County") to establish a "development district" (as that  
20 term is used in the Tax Increment Act) and a tax increment fund into which the taxes  
21 representing the levy on the Tax Increment are deposited; and

1 WHEREAS, the owners of the real property in the proposed Northgate College Park  
 2 Development District plan to construct a residential condominium complex, which will include  
 3 parking facilities and commercial uses; and

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

6 WHEREAS, the County has agreed to pledge its receipts from taxes representing the levy  
 7 on the Tax Increment into the tax increment fund, as more specifically provided for herein; and

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

11 WHEREAS, the County expects to issue special obligation bonds in one or more series to  
 12 finance public infrastructure improvements; and

13 WHEREAS, if the County issues its special obligation bonds upon enactment of an  
 14 ordinance or ordinances such ordinance or ordinances will provide that the special obligation  
 15 bonds shall be secured by a pledge of the taxes representing the levy on the Tax Increment, as  
 16 more specifically provided for herein.

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

21 (1) "Adjusted Assessable Base" means, for real property that qualifies for a farm or  
 22 agricultural use under Section 8-209 of the Tax-Property Article, the fair market value of the  
 23 property without regard to its agricultural use assessment as of January 1 of that year preceding  
 24 the effective date of the resolution creating the Development District under Section 14-206 of the  
 25 Tax Increment Act.

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

28 (3) "Assessment Ratio" means any real property tax assessment ratio, however  
 29 designated or calculated, which is used or applied under applicable general law in determining  
 30 the Assessable Base including the assessment percentage as provided under Section 8-103(c) of  
 31 the Tax-Property Article.

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

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

(6) "Original Assessable Base" means the Assessable Base as of January 1 of the year preceding the effective date of this Resolution which is January 1, 2003.

(7) "Original Full Cash Value" means the dollar amount which is determined by dividing the Original Assessable Base by the Assessment Ratio used to determine the Original Assessable Base.

(8) "Original Taxable Value" means, for any Tax Year, the dollar amount that is the lesser of:

(a) The product of the Original Full Cash Value times the Assessment Ratio applicable to that Tax Year;

(b) The Original Assessable Base; or

(c) If an Adjusted Assessable Base applies, then the Original Taxable Value is the Adjusted Assessable Base.

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

(10) "Tax Increment Fund" means the tax increment fund established in Section 6 of this Resolution.

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

SECTION 1 AND BE IT FURTHER RESOLVED, that, acting pursuant to the Tax Increment Act it is hereby found and determined that the establishment of the Development District, the creation of the Tax Increment Fund and the issuance of Bonds from time to time pursuant to the Tax Increment Act, all for the purpose of providing funds to finance the costs of certain parking facilities and infrastructure improvements accomplishes the public purposes of the Tax Increment Act and generally promotes the health, welfare and safety of the residents of the State of Maryland and of the County.

1           SECTION 2. AND BE IT FURTHER RESOLVED, that a contiguous area of the  
2 County consisting of the property set forth below is hereby designated as a “Development  
3 District” (to be known as the “Northgate College Park Development District”) pursuant to  
4 Section 14-206 of the Tax Increment Act. The Development District shall consist of the property  
5 listed in Exhibit A of this Resolution and all adjoining roads, highways, alleys, rights of way,  
6 parks and other similar property in order to form a contiguous area as shown on the map  
7 submitted to the County Council together with this Resolution. The boundaries of the  
8 Development District may be modified prior to and after the issuance of the Bonds as provided  
9 in Section 4 of this Resolution.

10           SECTION 3. AND BE IT FURTHER RESOLVED, that prior to the issuance of the  
11 Bonds, the County Executive may, by executive order, reduce or enlarge the boundaries of the  
12 Development District. After the issuance of the Bonds, the County Executive, by executive  
13 order, may enlarge the boundaries of the Development District but may not reduce the size of  
14 such District so long as there are any Bonds outstanding pursuant to the Tax Increment Act and  
15 this Resolution, unless the ordinance with respect to such Bonds permits the County to reduce  
16 the area constituting the Development District or the holder or the holders of the Bonds consents  
17 to any such reduction.

18           SECTION 4. AND BE IT FURTHER RESOLVED, that there is hereby established a  
19 special fund to be designated the “Northgate College Park Development District Tax Increment  
20 Fund” (the “Tax Increment Fund”) with respect to the Northgate College Park Development  
21 District and the County Executive, Chief Administrative Officer and the Financial Officer of the  
22 County are hereby directed and authorized to deposit in such Tax Increment Fund all taxes  
23 received by the County for any Tax Year commencing after the effective date of this Resolution  
24 equal to that portion of the taxes payable to the County (but not including any taxes payable to  
25 the State of Maryland, the City of College Park or to any other party) representing the levy on  
26 the Tax Increment that would normally be paid to the County. The County Executive, the Chief  
27 Administrative Officer and the Financial Officer and other officers and employees of the County,  
28 to the extent applicable, are hereby authorized to take all necessary steps in order to establish a  
29 separate fund to be held by the County.

30           SECTION 5. AND BE IT FURTHER RESOLVED, that one or more series of Bonds  
31 may be issued from time to time pursuant to an ordinance or ordinances enacted in accordance

1 with the Tax Increment Act for the purpose of providing funds for the financing of public  
2 infrastructure improvements. Such ordinance or ordinances shall specify, in general detail, the  
3 proposed undertaking to be financed with the proceeds of the Bonds and shall otherwise conform  
4 to the requirements of the Tax Increment Act and this Resolution.

5 SECTION 6. AND BE IT FURTHER RESOLVED, that the County hereby covenants  
6 and pledges that if any Bonds issued under the Tax Increment Act with respect to the  
7 Development District are outstanding, the property taxes on real property within the  
8 Development District shall be divided so that (i) that portion of the taxes which would be  
9 produced by the rate at which taxes levied each year by the County upon the Original Taxable  
10 Value shall be allocated to and when collected paid into the funds of the County in the same  
11 manner as taxes by or for the County on all other property are paid and (ii) that portion of the  
12 taxes representing the levy on the Tax Increment that would normally be paid to the County (but  
13 not including any taxes payable to the State of Maryland, the City of College Park or to any other  
14 party) shall be paid into the Tax Increment Fund established hereunder to be applied in  
15 accordance with the provisions of Section 14-208 of the Tax Increment Act. The County  
16 acknowledges that neither the rate at which taxes are levied on real property within the  
17 Development District nor the manner of assessment of the value of real property within the  
18 Development District is to vary from the rate or manner of assessment that otherwise would have  
19 applied if the Development District were not designated and the Tax Increment Fund not created.

20 SECTION 7. AND BE IT FURTHER RESOLVED, that the provisions of this  
21 Resolution are severable, and if any provision, sentence, clause, section or part hereof is held or  
22 determined to be illegal, invalid or unconstitutional or inapplicable to any person or  
23 circumstances, such illegality, invalidity or unconstitutionality or inapplicability shall not affect  
24 or impair any of the remaining provisions, sentences, clauses, sections or parts of this Resolution  
25 or their application to other persons or circumstances. It is hereby declared to be the legislative  
26 intent that this Resolution would have been passed if such illegal, invalid, unconstitutional or  
27 inapplicable provision, sentence, clause, section or part had not been included herein, and as if  
28 the person or circumstances to which this Resolution or any part hereof are inapplicable had been  
29 specifically exempted herefrom

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY: \_\_\_\_\_  
Tony Knotts  
Chairman

ATTEST:

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

APPROVED:

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

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

EXHIBIT A

PROPERTIES INCLUDED IN THE  
NORTHGATE COLLEGE PARK DEVELOPMENT DISTRICT

A 2.87 acre parcel of land known as Parcel C and Parcel 8, being located on Tax Map 33, Grid D-1, said property being in the 21<sup>st</sup> Election District of Prince George's County, Maryland, and being zoned M-U-I.