

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

1996 Legislative Session

Resolution No. CR-37-1996

Proposed by Chairman Del Giudice (by request - County Executive)

Introduced by Council Member Del Giudice

Co-Sponsors

Date of Introduction July 2, 1996

RESOLUTION

A RESOLUTION concerning

Woodview Village District

For the purpose of creating a district for the purpose of developing and financing infrastructure improvements; levying certain special assessments on all real and personal property within the district contingent upon the issuance and sale of bonds for the purpose of financing infrastructure improvements; creating a special fund; and generally relating to the developing and financing of infrastructure improvements within and outside the district.

WHEREAS, Chapter 549 of the Laws of Maryland 1995 (Article 17, Division 13, Section 10-268 of the Public Local Laws of the State of Maryland), herein recodified and henceforth referred to as Section 10-269 of the Prince George's County Code (collectively, the "Act") authorizes the County to create a district for the purpose of developing and financing infrastructure improvements; and

WHEREAS, there is proposed the creation of a district to be known as the "Woodview Village District", which is to include approximately six hundred (600) units on an approximately eighty-one (81) acre site, more specifically described in Attachment 2 of the Application (Exhibit 1) submitted by the "Applicant", Rocky Gorge Communities, Inc., the "Application" and "Attachments" are filed with the Clerk of the Council and are incorporated by reference herein; and

WHEREAS, Woodview Village District consists of nine parcels with a total area of 33,414,464 square feet or 78.38531 acres, including 367,461 square feet of street dedication

and is recorded among the Land Records of Prince George's County, Maryland, in Liber 7253 at Folio 804; and

WHEREAS, the purpose of the creation of Woodview Village District is to develop and finance certain infrastructure improvements; and

WHEREAS, infrastructure improvements to be located within Woodview Village District to be financed include: (1) the design, construction, extension and alteration of additional lanes and intersection improvements on Route 202 between I-95 and Lake Arbor Way located on the west side of Woodview Village District; (2) the design, construction, extension and alteration of additional lanes on Lottsford Road between Route 202 and Campus Way North located on the north side of Woodview Village District; (3) the design, construction, extension and alteration of additional lanes on Campus Way North between Lottsford Road and Grey Gables Court located on the east side of Woodview Village District; (4) the design and construction of Woodview Road to provide the main entrance from Campus Way North; (5) the design, construction, establishment, extension, and alteration of an adequate master storm drainage system; and (6) tree conservation requirements for the preservation of woodlands on-site and off-site; and

WHEREAS, infrastructure improvements outside Woodview Village District, which are related to infrastructure improvements within Woodview Village District to be financed include: (1) a contribution to the Maryland-National Capital Park and Planning Commission for the design and construction of a recreation facility to be located at Route 202 and Lake Arbor, approximately one-half mile southeast of Woodview Village District; and (2) a contribution to the Prince George's County Board of Education for the design, construction, and extension of improvements to the schools serving Woodview Village District; and

WHEREAS, all costs as defined in Subsection (a)(3) of the Act associated with the development and financing of infrastructure improvements authorized by this resolution within and outside Woodview Village District are to be financed through proceeds received from the sale and issuance of special obligation bonds in an aggregate principal amount not to exceed \$8,000,000; and

WHEREAS, the County shall designate a trustee and an administrator which shall be responsible for administration of Woodview Village District, and such designees shall have such duties and responsibilities as evidenced in an indenture of trust, by and between the County and the trustee and administrator, as amended or modified by the terms of the indenture of trust, agreement, and any supplemental indenture of trust; and

WHEREAS, there is proposed to be levied and imposed a special tax, to be designated the "Woodview Village Special Assessment, " upon all real and personal property within Woodview Village District, unless exempted by law or by the provisions hereof, for the purposes, to the extent and in the manner herein provided, and assessed according to the Laws of Maryland contingent upon the issuance and sale of special obligation bonds for the purpose of financing infrastructure improvements at least sufficient in each year in which any of such special obligation bonds are outstanding to provide for the payment of the principal of and the interest on such special obligation bonds and redemption premium, if any, on such special obligation bonds, to replenish any debt service reserve fund, and for any other purpose related to the ongoing expenses of or security for such special obligation bonds, through the application of the procedures provided in the Rate and Method of Apportionment of Woodview Village Special Assessments, which is attached hereto and made a part hereof, and is hereafter referred to as "Exhibit 2"; and

WHEREAS, the Woodview Village Special Assessment shall be levied, imposed and collected in Woodview Village District each assessment year for a term not to exceed thirty (30) years, beginning with the 1996-97 assessment year, in an amount determined by the County Executive or the County Executive's designee; and

WHEREAS, except as may be required by the Maryland Constitution, this resolution, any executive order adopted in furtherance of this resolution, the designation and creation of Woodview Village District, and the levy of a Woodview Village Special Assessment may not be subject to any referendum by reason of any other State or local law; and

WHEREAS, the Woodview Village Special Assessment shall be calculated and levied according to the procedures provided in Exhibit 2; and

WHEREAS, the maximum amount to be assessed with respect to any parcel of property, developed and undeveloped, which is located within Woodview Village District shall be calculated pursuant to the methodology provided in Exhibit 2; and

WHEREAS, the Woodview Village Special Assessment on any parcel of developed property may be fully prepaid at any time and the obligation to pay the Woodview Village Special Assessment permanently satisfied by payment of an amount calculated according to the prepayment provisions provided in Exhibit 2; and

WHEREAS, the County, through a designated trustee or administrator shall provide for the payment of the Woodview Village Special Assessment; and

WHEREAS, the Woodview Village Special Assessment shall be collected in the same manner and at the same time as ordinary real property taxes; provided, however, that the County, through its designated trustee or administrator may collect the Woodview Village Special Assessment at a different time or in a different manner as determined by the County Executive, if necessary to meet the financial obligations of Woodview Village District; and

WHEREAS, the Woodview Village Special Assessment shall not be levied on public property and home owner association property as provided in Exhibit 2; and

WHEREAS, the Woodview Village Special Assessment levied and imposed pursuant to this Resolution is subject to the same penalties and the same procedure, sale, and lien priority in case of delinquency as is provided for general ad valorem taxes; and

WHEREAS, any property owner claiming that the amount or application of the Woodview Village Special Assessment is not correct and requesting a refund may file a written notice of appeal and refund to that effect with the administrator not later than thirty (30) calendar days after having paid the Woodview Village Special Assessment that is disputed. The administrator shall promptly review the appeal, and if necessary, meet with the property owner, consider written and oral evidence regarding the amount of the Woodview Village Special Assessment and decide the appeal. If the administrator's decision requires the Woodview Village Special Assessment to be modified or changed in favor of the property owner, a cash refund shall not be made, except for the last year of levy but an adjustment shall

be made to the Woodview Village Special Assessment in the next assessment year. This procedure shall be exclusive and its exhaustion by any property owner shall be a condition precedent to any legal action by such owner; and

WHEREAS, except for any delinquent Woodview Village Special Assessment and related penalties and interest, Woodview Village Special Assessments used to pay for either or both the acquisition and construction of any public facilities for Woodview Village District, through the issuance of special obligation bonds or otherwise and levied on any parcel shall not be levied after the thirtieth (30th) assessment year in which such parcel was assessed as developed property. After such thirtieth (30th) assessment year, and the collection of any delinquent Woodview Village Special Assessments, penalties and interest, the County Executive or the County Executive's designee shall cause a document evidencing such termination of the levy and collection to be recorded; and

WHEREAS, the County is required pursuant to State and local law, to create a special fund with respect to Woodview Village District; and

WHEREAS, the County, shall designate a trustee to provide for the administration of the Special Fund; and

WHEREAS, proceeds of the Woodview Village Special Assessments to be levied on all real and personal property within Woodview Village District are to be paid to the Special Fund; and

WHEREAS, special obligation bonds issued to finance infrastructure improvements within and outside Woodview Village District shall be payable from the Special Fund;

WHEREAS, the Special Fund and any other fund established by the County to provide for the payment of the principal of or interest on special obligation bonds issued by the County pursuant to this Act may not be invested by the trustee, on behalf of the fiscal officer of the County except in the manner prescribed by Article 31, Secs. 6 and 7 of the Maryland Annotated Code, any such trustee on behalf of the fiscal officer of the County may invest the proceeds, pending the expenditure thereof, as prescribed under the provisions of Article 95, Sec. 22 of the Maryland Annotated Code; and

WHEREAS, any moneys remaining in the Special Fund on the date of termination of Woodview Village District shall be paid to the general fund of the County; and

WHEREAS, the Applicant has agreed to impose certain covenants on the Property regarding minority business enterprises and architectural elements, the covenants are herein referred to as "the Declaration of Covenants" (Exhibit 3) and the "Property" is described in the Declaration of Covenants (Attachment 1 of Exhibit 3), which are filed with the Clerk of the Council and are incorporated by reference herein; and

WHEREAS, the owners of at least two-thirds of the assessed valuation of the real property located within Woodview Village District and at least two-thirds of the owners of the real property located within Woodview Village District have requested the designation and creation of Woodview Village District; the levying of the Woodview Village Special Assessment to finance infrastructure improvements is conditioned upon the issuance and sale of special obligation bonds and the creation of a special fund; and

WHEREAS, a public hearing was held regarding the creation of Woodview Village District; the levying of the Woodview Village Special Assessment to finance infrastructure improvements conditioned upon the issuance and sale of special obligation bonds; and the creation of a special fund after the County notified each record owner of property located in the proposed district of the public hearing and after giving not less than 10 days notice in a newspaper of general circulation in the County pursuant to State and local law;

NOW, THEREFORE, BE IT RESOLVED by the County Council of Prince George's County, Maryland that there is hereby created within Prince George's County the Woodview Village District.

BE IT FURTHER RESOLVED that prior to a Special Obligation Bond offering and contingent upon the issuance and sale of Special Obligation Bonds for the purpose of financing Woodview Village Infrastructure Improvements, the Applicant shall duly execute and record among the Land Records of Prince George's County, Maryland, a Declaration of Covenants on the Property regarding minority business enterprises and architectural elements, which are filed with the Clerk of the Council and are incorporated by reference herein.

BE IT FURTHER RESOLVED that there is levied and imposed the Woodview Village Special Assessment upon all real and personal property within Woodview Village District, unless exempted by law or by the provisions hereof, for the purposes, to the extent and in the manner herein provided, through the application of the procedures provided in Exhibit 2, which is attached hereto; provided however, that for any Assessment Year the amount of the Special Assessment may be reduced by the County Executive or the County Executive's designee.

BE IT FURTHER RESOLVED that the Woodview Village Special Assessment levied and imposed by this resolution in Woodview Village District shall take effect and be in force for the fiscal year beginning July 1, 1996, and each assessment year thereafter, for a term to not exceed thirty (30) years.

BE IT FURTHER RESOLVED that there is hereby established the Special Fund with respect to Woodview Village District, which shall be administered by a trustee designated by the County, wherein the Woodview Village Special Assessment levied on all real and personal property within Woodview Village District are to be paid.

BE IT FURTHER RESOLVED that this Resolution shall take effect on the day of its adoption.

Adopted this 23rd day of July, 1996.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY:
Stephen J. Del Giudice
Chairman

ATTEST:

Joyce T. Sweeney

Clerk of the Council

APPROVED:

DATE: _____

BY:

Wayne K. Curry
County Executive