

EXHIBIT 10



THE PRINCE GEORGE'S COUNTY GOVERNMENT

(301) 952-3690

Karen R. Toles

Councilman, District 7

November 3, 2014

CORRECTED COPY

Report of the Standing Committee

PUBLIC SAFETY AND FISCAL MANAGEMENT

Thursday, October 30, 2014 – 1:30PM Room 2027

Karen R. Toles, Chairman
Derrick L. Davis, Vice Chair
Andrea C. Harrison
Mary A. Lehman
Ingrid M. Turner

Pursuant to the Rules of Procedure, the meeting convened at 2:00 pm with the following Council Members present:

Karen R. Toles, Chairman
Derrick Davis, Vice Chairman
Mary Lehman

Ingrid M. Turner
Mel Franklin
Eric Olson

Staff Present:

Frank Porter, Director PSFM
Colette Gresham, Legislative Officer
William Hunt, Deputy Council Administrator
Catherine A. Lynch, Administrative Aide

Edwin Brown, Administrative Assistant
David H. Van Dyke, Audits and Investigations
Inez Claggett, Audits and Investigations

Others Present:

Nathaniel Tutt, OCE
David Iannucci, OCE
Amber Hendricks, OCE
Thomas Himler, DCOA
LaKeecia Allen, OOL

Rodney Streeter, District 5
Dwayne Mingo, District 7
Angela M. Angel, DOE
Dan Lynch
Benjamin F. Guy Andes, IV, G.S. Proctor & Assoc.

AGENDA

1. **CR-92-2014** (County Executive) A Resolution designating the Largo Town Center Metro Development District and providing for and determining certain matters in connection with the establishment of the Development District, creating a tax increment fund with respect to the Development District and allocating certain property taxes with respect to the Development District to be paid over to the tax increment fund.

Favorable 4-0 (In favor Councilmembers Toles, Davis, Lehman and Turner)

2. **CR-93-2014** (County Executive) A Resolution designating the Prince George's Plaza Metro Development District and providing for and determining certain matters in connection with the establishment of the Development district, creating a tax increment fund with respect to the Development District and allocating certain property taxes with respect to the Development District to be paid over to the tax increment fund.

Favorable 4-0 (In favor Councilmembers Toles, Davis, Lehman and Turner)

3. **CR-94-2014** (County Executive) A Resolution designating the Suitland -Naylor Road Development District and providing for and determining certain matters in connection with the establishment of the Development District, creating a tax increment fund with respect to the Development District and allocating certain property taxes with respect to the Development District to be paid over to the tax increment fund.

Favorable as Amended 3-0 (In favor Councilmembers Toles, Davis, and Turner)

4. **CR-95-2014** (County Executive) A Resolution designating the New Carrollton Metro Development District and providing for and determining certain matters in connection with the establishment of the Development District, creating a tax increment fund with respect to the Development District and allocating certain property taxes with respect to the Development District to be paid over to the tax increment fund.

Favorable as Amended 3-0 (In favor Councilmembers Toles, Davis, and Turner)

5. **CR-87-2014** (County Executive) A Resolution approving the terms and conditions of a negotiated Payment in Lieu of Taxes (PILOT) Agreement between Prince George's County, Maryland and BE NC Station Holdings, LLC.

Favorable 4-0 (In favor Councilmembers Toles, Davis, Lehman, and Turner)

6. **CR-42-2014** (County Executive) A Resolution declaring certain parcels of County-owned real property as surplus, and approving the County Executive's plan for disposal of such parcels

Favorable 4-0 (In favor Councilmember Toles, Davis, Lehman and Turner)

PSFM Committee

Karen Toles, Chair
Derrick Davis, Vice Chair
Andrea C. Harrison
Mary A. Lehman
Ingrid M. Turner

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

2014 Legislative Session

Resolution No. CR-92-2014

Proposed by The Chairman (by request – County Executive)

Introduced by Council Members Franklin, Campos, Davis, Harrison, Olson, Toles, Turner

Co-Sponsors _____

Date of Introduction October 7, 2014

RESOLUTION

1 A RESOLUTION concerning

2 Largo Town Center Metro 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 12-201 through 12-213,
5 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 a
7 contiguous unincorporated area of the County known as Largo, Maryland and to be known as the
8 “Largo Town Center Metro Development District” (the “Development District”); providing for,
9 and determining, various matters in connection with the establishment of a development district,
10 creating a tax increment fund with respect to the Development District, and allocating certain
11 property taxes with respect to the Development District to be paid over to the tax increment fund
12 as provided in the Tax Increment Financing Act; making certain findings and determinations
13 with respect to the tax increment fund and the uses of such fund; providing that special
14 obligation bonds may be issued from time to time pursuant to an ordinance or ordinances enacted
15 in accordance with the Tax Increment Financing Act and secured by the tax increment fund; and
16 generally relating to the Largo Town Center Metro Development District.

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

1 WHEREAS, the development of the real property in the proposed Largo Town Center
2 Metro Development District plan may include commercial, retail and residential mixed use
3 development and ancillary facilities, including, but not limited to, a parking garage; and

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

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

9 WHEREAS, the County expects to issue special obligation bonds in one or more series to
10 finance public infrastructure improvements as permitted under the Tax Increment Financing Act,
11 including, but not limited to, the financing of the costs of parking facilities, roads, streets, water
12 and sewer utilities and related 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 (the
16 "County Taxes") and any other revenues pledged by the County as more specifically provided
17 for therein.

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

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

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

29 (3) "Assessment Ratio" means a real property tax assessment ratio, however
30 designated or calculated, that is used or applied under applicable general law to determine the
31 Assessable Base including the assessment percentage as provided under § 8-103(c) of the Tax-
32 Property Article.

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

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

6 (6) “Original Assessable Base” means the Assessable Base of January 1 of the year
7 preceding the effective date of this Resolution, which is January 1, 2013.

8 (7) “Original Full Cash Value” means the dollar amount that is determined by
9 dividing the Original Assessable Base by the Assessment Ratio used to determine the Original
10 Assessable Base.

11 (8) “Original Taxable Value” means, for any Tax Year, the dollar amount that is:

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

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

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

16 (ii) The Original Assessable Base.

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

20 (10) “Tax Increment Fund” means the tax increment fund established in Section 5 of
21 this Resolution.

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

24 SECTION 2. BE IT FURTHER RESOLVED, that acting pursuant to the Tax Increment
25 Financing Act, it is hereby found and determined that the establishment of the Development
26 District, the creation of the Tax Increment Fund and the issuance of Bonds from time to time
27 pursuant to the Tax Increment Financing Act, all for the purpose of providing funds to finance
28 public infrastructure improvements as permitted thereunder, including, but not limited to, the
29 financing of the costs of parking facilities, roads, streets, water and sewer utilities and related
30 infrastructure improvements, accomplishes the public purposes of the Tax Increment Financing

1 Act, and generally promotes the health, welfare and safety of the residents of the State of
2 Maryland and of the County.

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

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

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

1 to be held by the County. Prior to the issuance of the Bonds, the Tax Increment Fund may be
2 used by the County for any of the purposes set forth in Section 12-209 of the Tax Increment
3 Financing Act, including payments to the County for any legal purpose.

4 SECTION 6. BE IT FURTHER RESOLVED, that Bonds may be issued from time to
5 time pursuant to an ordinance or ordinances enacted in accordance with the Tax Increment
6 Financing Act for the purpose of providing funds to finance public infrastructure improvements
7 as permitted thereunder, including, but not limited to, the financing of the costs of parking
8 facilities, roads, streets, water and sewer utilities and related infrastructure improvements. Such
9 ordinance or ordinances shall specify, in general detail, the improvements to be financed through
10 the issuance of the Bonds and the nature and extent of any pledge of County revenues for the
11 payment of debt service on the Bonds, and shall otherwise conform to the applicable
12 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 or to any other party) shall be paid into
22 the Tax Increment Fund established hereunder to be applied in accordance with the provisions of
23 Section 12-209 of the Tax Increment Financing Act. The County acknowledges that neither the
24 rate at which taxes are levied on real property within the Development District nor the manner of
25 assessment of the value of real property within the Development District is to vary from the rate
26 or manner of assessment that otherwise would have applied if the Development District were not
27 designated and the Tax Increment Fund not created, except to the extent that a specific valuation
28 adjustment is mandated by the Tax Increment Financing Act for real property that qualifies for
29 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.

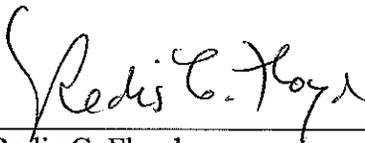
Adopted this 12th day of November, 2014.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND



BY: _____
Mel Franklin
Chairman

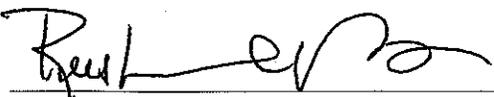
ATTEST:



Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: 11-20-2014

BY:  _____
Rushern L. Baker, III
County Executive

Note: Exhibit B is available as an Inclusion File in LIS

EXHIBIT A
DESCRIPTION OF THE PARCEL

Tax Parcel ID Nos.:

Lot #	District #	Tax Account #
1	13	3581329
2	13	3817525
3	13	3106234
4	13	1475250
5	13	1475268
6	13	1475300
7	13	1438597
8	13	1415298
9	13	3585783
10	13	1562867
11	13	1475292
12	13	3585775
13	13	3106226
14	13	3438892



Proposed TIF District: Largo Town Center Metro

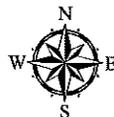
Area of Proposed District: 171 Gross Acres

Legend

-  Proposed TIF Boundary
-  Property Boundaries

0 300 600 1,200
Feet

1 inch = 600 feet



IMPORTANT NOTE:
The numbers on the lots DO NOT correspond with the legal (platted) and/or Tax Assessor "Lot" numbers. They only apply to THIS map and key to the MAP_LOT_ID field in the accompanying spreadsheet. In the spreadsheet, cross-reference to the ACCT_PRIMARY field, which is the Assessor's unique Tax ID for the lot, where complete legal, ownership, and address information can be found.



The Maryland-National Capital Park and Planning Commission
Prince George's County Planning Department
October 2, 2014

**Prince George's County Council
Agenda Item Summary**

Meeting Date: 11/12/2014
Reference No.: CR-092-2014
Draft No.: 1
Proposer(s): County Executive
Sponsor(s): Franklin, Campos, Davis, Harrison, Olson, Toles, Turner
Item Title: A Resolution designating the Largo Town Center Metro Development District and providing for and determining certain matters in connection with the establishment of the Development District, creating a tax increment fund with respect to the Development District and allocating certain property taxes with respect to the Development District to be paid over to the tax increment fund

Drafter: Bond Counsel
Resource Personnel: Bond Counsel

LEGISLATIVE HISTORY:

Date Presented:		Executive Action:
Committee Referral:	10/7/2014 - PSFM	Effective Date:
Committee Action:	10/30/2014 - FAV	
Date Introduced:	10/7/2014	
Public Hearing:		
Council Action (1)	11/12/2014 - ADOPTED	
Council Votes:	WC:A, DLD:A, MRF:A, AH:A, ML:A, EO:A, OP:A, IT:A, KT:A	
Pass/Fail:	P	
Remarks:		

AFFECTED CODE SECTIONS:

COMMITTEE REPORTS:

Public Safety and Fiscal Management

Date 10/30/2014

REPORT: COMMITTEE VOTE: Favorable 4-0 (Councilmembers: Toles, Davis, Lehman, and Turner)

This Resolution will establish and designate as a Development District the area to be known as the "Largo Town Center Metro Development District" located in a contiguous unincorporated area of the County known as Largo, Maryland, pursuant to State law related to the Tax Increment Financing Act. There will be no issuance of bonds or bond amount in this legislation. The issuance of Tax Increment Financing (TIF) bonds as related to "Largo Town Center Metro Development "District" will require separate legislation.

The designation of this Development District at this Transit Oriented Development (TOD) Center will provide incentives in order to attract investment into the area which will expand the commercial tax base, attract job opportunities and spur growth around the transit center. Also, this development at this transit center will provide the opportunity to create walkable, mixed-use, transit accessible communities in the County.

The Office of Law has reviewed this legislation and finds it to be in proper legislative form with no legal impediments to its adoption.

There will be no negative fiscal impact on the County with the adoption of CR-92-2014.

BACKGROUND INFORMATION/FISCAL IMPACT:

(Includes reason for proposal, as well as any unique statutory requirements)

The proposed resolution designates the Largo Town Center Metro Development District, pursuant to Sections 12-201 through 12-213, inclusive, of the Economic Development Article of the Annotated Code of Maryland, as amended (the "Tax Increment Financing Act"), provides for the creation of a tax increment fund with respect to the Development District and allocates certain property taxes with respect to the Development District to be paid over to the tax increment fund. Pursuant to the provisions of the Tax Increment Financing Act, the County may determine to issue special obligation bonds to finance the costs of parking facilities, roads, streets, water and sewer utilities and related infrastructure improvements to be constructed in the Development District.

CODE INDEX TOPICS:

INCLUSION FILES:

I-CR-92-2014 Exhibit B.pdf
