County Council Of Howard County, Maryland

2016 Legislative Session   **Legislative Day No. 8**

Resolution No. 105 -2016

Introduced by: The Chairperson at the request of the County Executive

A RESOLUTION adopted pursuant to Sections 12-201 *et seq.* of the Economic Development Article of the Annotated Code of Maryland (the "Tax Increment Financing Act") and Sections 21-501 *et seq.* of the Local Government Article of the Annotated Code of Maryland (the "Special Taxing District Act", and collectively with the Tax Increment Financing Act, the "Acts") providing for the designation of contiguous property in the downtown Columbia area of Howard County as a development district for purposes of the Tax Increment Financing Act (the "Development District") and for the designation of a separate area within the development district as a special taxing district for the purposes of the Special Taxing District Act (the "Special Taxing District", and collectively with the Development District, the "Districts"); creating certain special funds pursuant to the Acts; providing for the deposit and use of moneys in such special funds; pledging that the County will allocate and divide property taxes on real property within the Development District so that the portion of the real property taxes levied on the amount by which the assessable base of the real property in the Development District exceeds the original taxable value (the "Tax Increment") will be allocated and paid into one of the special funds, and providing for the levy and collection of special taxes or ad valorem taxes to be deposited to the other special fund in the event the real property taxes levied on the Tax Increment are or will be insufficient to pay debt service on certain bonds issued under the Acts; and providing for, finding, and determining matters in connection therewith.

Introduced and read first time _____ , 2016.

By order _____
Jessica Feldmark, Administrator

Read for a second time at a public hearing on _____ , 2016.

By order _____
Jessica Feldmark, Administrator

This Resolution was read the third time and was Adopted___, Adopted with amendments___, Failed___, Withdrawn___, by the County Council on

_____ , 2016.

Certified By _____
Jessica Feldmark, Administrator

Approved by the County Executive _____ , 2016

_____
Allan H. Kittleman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

Recitals

2   Sections 12-201 *et seq.* of the Economic Development Article of the Annotated Code of Maryland

3   (as amended from time to time, the "Tax Increment Financing Act") authorize Howard County, Maryland

4   (the "County") to establish a "development district" and a "special fund" into which the real property taxes

5   levied on the "tax increment" (as each is defined in the Tax Increment Financing Act) of the properties

6   located in the development district are deposited, and to issue bonds, the proceeds of which may be used (i)

7   to buy, lease, condemn, or otherwise acquire property, or an interest in property, in the development district

8   or needed for a right-of-way or other easement to or from the development district; (ii) for site removal; (iii)

9   for surveys and studies; (iv) to relocate businesses or residents; (v) to install utilities, construct parks and

10   playgrounds, and for other needed improvements, including roads to, from or within the development

11   district, parking, and lighting; (vi) to construct or rehabilitate buildings for a governmental purpose or use;

12   (vii) for reserves or capitalized interest; (viii) for necessary costs to issue "bonds" (as such term is used in the

13   Tax Increment Financing Act); and (ix) to pay principal and interest on loans, advances or indebtedness that

14   a political subdivision incurs for any of the foregoing purposes.

15   Sections 21-501 *et seq.* of the Local Government Article of the Annotated Code of Maryland (as

16   amended from time to time, the "Special Taxing District Act", and collectively, with the Tax Increment

17   Financing Act, the "Acts") authorizes certain counties, including the County, to create a "special taxing

18   district" (as such term is defined in the Special Taxing District Act), to levy ad valorem taxes or special taxes

19   on all real property within the special taxing district and to borrow money by issuing and selling its bonds for

20   the purpose of financing, refinancing or reimbursing the "cost" (as such term is defined in the Special Taxing

21   District Act) of establishing, acquiring, designing, constructing, altering or extending adequate infrastructure

22   improvements as necessary for the development and use of land, including storm drainage systems, sewers,

23   water systems, roads, bridges, culverts, tunnels, sidewalks, lighting, parking, parks and recreation facilities,

24   libraries, schools, transit facilities and solid waste facilities. The bonds authorized to be issued by the Special

25   Taxing District Act are special obligations of a county payable from a special fund created to pay debt

26   service on the bonds and from any sinking funds and debt service reserve funds established therefor.

27   The County has determined to designate approximately ~~120~~ 145 acres of property located in

28   Columbia, Maryland, as identified by reference to the tax parcel numbers set forth on <u>Exhibit A</u> to this

1 Resolution and by the map shown on Exhibit B to this Resolution (the "Development District Properties"), as

2 a development district. The Development District Properties form a contiguous area and are located entirely

3 within the geographic boundaries of the County.

4   The Howard Research And Development Corporation (the "Owner" and the "Developer") has

5 proposed to develop certain properties within the development district and construct a mixed-use

6 development, including parking facilities and related infrastructure (including, but not limited to installing

7 utilities, constructing roads, and other needed infrastructure improvements) (the "Improvements"), as

8 generally described in a final "Application for Creation of a Tax Increment Finance District and/or Tax

9 Increment Financing," delivered to the County and dated March 10, 2016. The Developer has proposed that

10 the County issue multiple series of bonds secured by real property taxes levied on the Tax Increment (the

11 "Tax Increment Revenues") and special taxes from time to time in the aggregate principal amount of One

12 Hundred Seventy Million Dollars ($170,000,000). As contemplated in Bill No. ——— 56-2016 (the "Bond

13 Ordinance"), which is being introduced simultaneously with this Resolution, the Developer has proposed that

14 the County issue bonds for the initial phase of public improvements in the aggregate principal amount of

15 Ninety Million Dollars ($90,000,000).

16   Prior to issuing and selling bonds under the Special Taxing District Act, a request must be made to

17 the applicable county by both (i) at least two-thirds of the owners of the real property located within the

18 special taxing district and (ii) the owners of at least two-thirds of the assessed valuation of the real property

19 located within the special taxing district, to designate by resolution a geographical area as a "special taxing

20 district", to adopt a resolution creating a special fund, to provide for the levy of an ad valorem tax or special

21 tax on all real property within the special taxing district, and to pledge that it will pay such ad valorem or

22 special tax into the special fund.

23   The Developer is the current owner of approximately 61 acres of property located in Columbia,

24 Maryland, consisting of tax account number 15-019921 and Map 36, Grid 1, Parcel 527 and by the map

25 shown on Exhibit C to this Resolution (the "Special Taxing District Property"). The Special Taxing District

26 Property is located entirely within the geographic boundaries of the County.

27   The Developer, as the owner of the Special Taxing District Property, has submitted an "Application

28 to Request the Creation of a Special Taxing District, the Levy of Special Taxes on the Property in the Special

Taxing District, and the Issuance of Special Obligation Bonds" (the "Request") to the County. The signatory

to the Request represents that the Developer, as of the date of the Request, (i) owns at least two-thirds of the

assessed valuation of the Special Taxing District Property, calculated in accordance with the Special Taxing

District Act and (ii) constitutes at least two-thirds of the owners of the Special Taxing District Property,

calculated in accordance with the Special Taxing District Act. In the Request, the Developer has asked the

County to (i) establish a special taxing district consisting of the Special Taxing District Property to be known

as the "Crescent Special Taxing District" (the "Special Taxing District"); (ii) undertake to issue its bonds as

special obligations of the County, in one or more series, from time to time, in order to finance or reimburse

all or a portion of the cost of the Improvements, to the extent permitted under the Special Taxing District

Act; and (iii) levy, impose and collect special taxes in accordance with the Special Taxing District Act on

real property located in the Special Taxing District as set forth in the Howard County, Maryland Crescent

Special Taxing District – Rate and Method of Apportionment of Special Taxes, attached as Exhibit B to the

Bond Ordinance.

The County Council of Howard County, Maryland (the "County Council"), following a public

hearing held prior to the adoption of this Resolution pursuant to notice published in a newspaper of general

circulation in the County not less than 10 days before such hearing, has determined that a need exists in the

County for the Improvements in connection with the proposed development in the development district and

that the Improvements will serve to enhance directly and indirectly the taxable base of the County, encourage

the development of residential areas, commerce and industry within the County, increase the general health

and welfare of the residents of the County and increase employment within the County through the

construction of public improvements and the expected increased commercial activity within and outside the

Development District and the Special Taxing District (collectively, the "Districts").

Pursuant to the Acts, the County has determined to designate the Development District Properties as

a "development district," pursuant to the provisions of the Tax Increment Financing Act, and the Special

Taxing District Property as a "special taxing district," pursuant to the provisions of the Special Taxing

District Act. The County has further determined to create the separate special funds required by the Acts and

to authorize the issuance of bonds pursuant to an ordinance specifying and describing the proposed

1   undertaking, specifying certain details of the bonds, which ordinance has been introduced as Bill

2   No. ⸻56-2016.

3   **Now, therefore, in accordance with the Acts:**

4   **Section 1. Be it resolved by the County Council of Howard County, Maryland,**

5   That, for the purposes of this Resolution:

6   (a)   The terms defined in the Recitals hereto shall have the meanings therein set forth (unless

7   also defined in this Section 1) and, in addition, the following terms shall have the meanings set forth below:

8   (i) "Adjusted Assessable Base" means the fair market value of the real property in the

9   Development District (as defined in this Resolution) that qualifies for a farm or agricultural use under

10   Section 8-209 of the Tax-Property Article of the Annotated Code of Maryland, without regard to the

11   agricultural use assessment for the property as of January 1 of the year preceding the effective date of

12   this Resolution (meaning January 1, 2015).

13   (ii) "Assessable Base" means the total assessable base, as determined by the Supervisor of

14   Assessments, of all real property subject to taxation in the Development District.

15   (iii) "Assessment Ratio" means a real property tax assessment ratio, however designated or

16   calculated, that is used under applicable general law to determine the Assessable Base. "Assessment

17   Ratio" includes the assessment percentage specified under Section 8-103(c) of the Tax-Property Article

18   of the Annotated Code of Maryland.

19   (iv) "Bonds" means any revenue bonds, special obligation bonds, note, or other similar

20   instrument issued by the County in accordance with the Acts to finance or reimburse the cost of the

21   Improvements located in or reasonably related to the Districts and other costs permitted by the Acts.

22   (v) "Development District" means the contiguous area in the County described on <u>Exhibit A</u>

23   and <u>Exhibit B</u> to this Resolution and designated in Section 3 of this Resolution by name as the

24   "Downtown Columbia Development District" and as a development district under the Tax Increment

25   Financing Act.

26   (vi) "Districts" means the Development District and the Special Taxing District, collectively.

1   (vii)   "Indenture" means the indenture of trust entered into by the County and the Trustee

2   (hereinafter defined) in connection with the issuance of any of the Bonds or the Refunding Bonds

3   (hereinafter defined), as amended, modified or supplemented from time to time.

4   (viii)   "Original Assessable Base" means the Assessable Base as of January 1 of the year

5   preceding the effective date of this Resolution (meaning January 1, 2015).

6   (ix)   "Original Full Cash Value" means the dollar amount that is determined by dividing

7   the Original Assessable Base by the Assessment Ratio used to determine the Original Assessable Base.

8   (x)   "Original Taxable Value" means, for any Tax Year (hereinafter defined), the dollar

9   amount that is:

10   (A)   the Adjusted Assessable Base, if an Adjusted Assessable Base applies; or

11   (B)   in all other cases, the lesser of:

12   (1)   the product of multiplying the Original Full Cash Value by the Assessment

13   Ratio applicable to that Tax Year, and

14   (2)   the Original Assessable Base.

15   (xi)   "Refunding Bonds" means any revenue bonds, special obligation bonds, note, or

16   other similar instrument issued in one or more series by the County from time to time to refund any of

17   the Bonds and to pay other costs permitted by Acts with respect to the Districts.

18   (xii)   "Special Funds" means, collectively, the Tax Increment Fund and the Special Tax

19   Fund created pursuant to Sections 6 and 7 of this Resolution, respectively.

20   (xiii)   "Special Taxes" means the special taxes, if any, which shall be levied by the County

21   on the real property within the Special Taxing District.

22   (xiv)   "Special Taxes Fund" means the "Crescent Special Taxes Fund" created pursuant to

23   Section 7 of this Resolution as a special fund in accordance with the Special Taxing District Act.

24   (xv)   "Special Taxing District" means the area in the County as identified by tax account

25   number 15-019921 and Map 36, Grid 1, Parcel 527 and as shown on Exhibit C to this Resolution and

26   designated in Section 4 of this Resolution by name as the "Crescent Special Taxing District" and as a

27   special taxing district under the Special Taxing District Act.

1 (xvi) "Tax Increment" means, for any Tax Year, the amount by which the Assessable

2 Base as of January 1 preceding such Tax Year exceeds the Original Taxable Value divided by the

3 Assessment Ratio used to determine the Original Taxable Value.

4 (xvii) "Tax Increment Fund" means the "Downtown Columbia Tax Increment Fund"

5 created pursuant to Section 6 of this Resolution in accordance with the Tax Increment Financing Act.

6 (xviii) "Tax Year" means the period from July 1 of a calendar year through June 30 of the

7 next calendar year.

8 (xix) "Trustee" means the bank, trust company or other banking association appointed

9 from time to time to serve as the Trustee under the Indenture.

10 (b) References in this Resolution (i) to certain provisions of the Annotated Code of Maryland

11 shall be to such provisions, as replaced, supplemented or amended from time to time, and (ii) to terms also

12 defined in the Tax Increment Financing Act or the Special Taxing District Act are to be construed in

13 accordance with the provisions of such respective Acts, and in the event of any inconsistency between such

14 terms as used in this Resolution and such Acts, or either one of the Acts, the provisions of the Acts shall

15 control.

16 **Section 2. And be it further resolved by the County Council of Howard County, Maryland,**

17 That acting pursuant to the Acts, it is hereby found and determined as follows:

18 (a) The Recitals to this Resolution are deemed a substantive part of this Resolution and are

19 incorporated by reference herein.

20 (b) The creation of the Districts provided for herein as a development district and a special

21 taxing district, respectively, within the meanings of the respective Acts, and the issuance by the County of

22 Bonds pursuant to both of the Acts in order to finance or reimburse costs and activities permitted by the Acts,

23 will serve the public purposes as set forth above.

24 (c) The Developer, which is a private, for-profit entity, has undertaken or expressed a desire to

25 undertake residential and commercial development within the Development District.

26 (c) The Developer has expressed a desire that all of the Developer's property within the Special

27 Taxing District be subject to additional taxation in accordance with the Special Taxing District Act.

1   (d)   Any Bonds issued pursuant to the Acts shall be a special obligation of the County and may

2   not constitute a general obligation debt of the County or a pledge of the County's full faith and credit or

3   taxing power, and the County shall not be obligated to pay debt service on such Bonds except from moneys

4   deposited to the Special Funds identified herein and from moneys held under the Indenture.

5   (e)   The proposed Districts are located wholly within the geographic boundaries of the County.

6   (f)   References in this Resolution to "public improvements" and the "Improvements" are

7   intended to include the activities and costs that proceeds of Bonds may be applied to in accordance with both

8   of the Acts.

9   **Section 3. And be it further resolved by the County Council of Howard County, Maryland,**

10   That the Development District Properties are hereby designated as the "Downtown Columbia Development

11   District" pursuant to Section 12-203 of the Tax Increment Financing Act. The contiguous area consisting of

12   the Development District Properties is also referred to as the Development District for purposes of this

13   Resolution and constitutes a "development district" within the meaning of and for all purposes of the Tax

14   Increment Financing Act. It is intended by this designation that any portion of the property described

15   in Exhibit A and Exhibit B currently located in the Development District that is subsequently further

16   subdivided, combined or transferred to another party shall continue to be within the Development District

17   and subject to the provisions of the Tax Increment Financing Act, notwithstanding such subdivision,

18   combination or transfer. No parcel within the Development District shall be merged or combined with a

19   parcel outside the Development District unless and until the boundaries of the Development District are

20   amended to include such property in accordance with the Tax Increment Financing Act.

21   **Section 4. And be it further resolved by the County Council of Howard County, Maryland,**

22   That the Special Taxing District Property is hereby designated as the "Crescent Special Taxing District"

23   pursuant to Section 21-503 of the Special Taxing District Act. The area consisting of the Special Taxing

24   District Property is also referred to as the Special Taxing District for purposes of this Resolution and

25   constitutes a "special taxing district" within the meaning of and for all purposes of the Special Taxing

26   District Act. It is intended by this designation that any portion of the property as described by tax account

27   number 15-019921 and Map 36, Grid 1, Parcel 527 and as shown on Exhibit C currently located in the

28   Special Taxing District that is subsequently further subdivided, combined or transferred to another party shall

1 continue to be within the Special Taxing District and subject to the provisions of the Special Taxing District

2 Act, notwithstanding such subdivision, combination or transfer. No parcel within the Special Taxing District

3 shall be merged or combined with a parcel outside the Special Taxing District unless and until the boundaries

4 of the Special Taxing District are amended to include such property in accordance with the Special Taxing

5 District Act.

6 **Section 5. And be it further resolved by the County Council of Howard County, Maryland,**

7 That this Resolution may be amended by one or more resolutions of the County Council, which resolutions

8 may enlarge or reduce the Districts. No such resolution shall be effective to reduce the size of the Districts so

9 long as there are any Bonds or Refunding Bonds outstanding with respect to the Districts pursuant to the

10 Acts, unless the ordinance with respect to such Bonds or Refunding Bonds permits the County to reduce the

11 area constituting the Districts or the applicable percentage of the holders of such Bonds or Refunding Bonds

12 specified in the Indenture or a representative on their behalf consents to any such reduction. In addition,

13 prior to the issuance of the Bonds, the County Executive of the County (the "County Executive") may, by

14 executive order, reduce or enlarge the boundaries of ~~either~~ the Development District by not more than five

15 acres; provided, however, that the boundaries of the Special Taxing District may not be reduced or enlarged

16 by executive order.

17 **Section 6. And be it further resolved by the County Council of Howard County, Maryland,**

18 That

19 (a)   Pursuant to Section 12-208 of the Tax Increment Financing Act, there is hereby created a

20 "special fund" within the meaning of the Tax Increment Financing Act to be designated the "Downtown

21 Columbia Tax Increment Fund" (the "Tax Increment Fund").

22 (b)   The County Executive or the Director of Finance of the County (the "Director of Finance")

23 or their designees, on behalf of the County, following the effective date of this Resolution, but before any

24 Bonds are issued, is each hereby authorized and directed to obtain from the Supervisor of Assessments a

25 certification as to the amount of the Original Assessable Base, or if applicable, the Adjusted Assessable Base.

26 (c)   The County hereby pledges that beginning with the Tax Year following the effective date of

27 this Resolution and until the Bonds and any Refunding Bonds have been fully paid and the Indenture has

1   been discharged in accordance with its terms, the property taxes on real property within the Development

2   District shall be divided as follows:

3   (i) That portion of the taxes which would be produced by the rate at which taxes levied each

4   year by the County upon the Original Taxable Value shall be allocated to and when collected paid into

5   the funds of the County in the same manner as taxes by or for the County on all other property are paid;

6   and

7   (ii) That portion of the taxes levied on the Tax Increment that normally would be paid into the

8   general fund of the County shall be paid into the Tax Increment Fund to be applied in accordance with

9   the provisions of Section 9 of this Resolution and Section 12-209 of the Tax Increment Financing Act.

10   This yield shall not be considered as county taxes for the purposes of any constant yield tax limitation or

11   State or local restriction.

12   (d)   Any taxes allocated to the Tax Increment Fund as required by Section 12-203(a)(3)(ii) of the

13 Tax Increment Financing Act and subsection (c)(ii) above shall be placed in the Tax Increment Fund.

14   (e)   The Director of Finance or other appropriate fiscal officers are hereby directed and

15 authorized to deposit or cause to be deposited in the Tax Increment Fund all taxes received by the County for

16 any Tax Year commencing after the effective date of this Resolution that represent the levy on the Tax

17 Increment referred to in subsection (c)(ii) above.

18   (f)   The County Executive, the Director of Finance or their designees are hereby authorized to

19 take all necessary steps in order to establish and manage the Tax Increment Fund to be held by the County. If

20 the Indenture so provides, the Tax Increment Fund may be held and managed in accordance with the

21 provisions of the Indenture.

22   (g)   If, during a time when no Bonds or Refunding Bonds are outstanding with respect to the

23 Districts, the Assessment Ratio mandated by Maryland law is increased from that which applied in

24 determining the Original Assessable Base, it is the intent and expectation of the County, to the extent

25 permitted by law, that a supplemental resolution will be adopted by the County Council for the purpose of

26 assuring that additional funds are not deposited in the Tax Increment Fund as a result of the change in

27 Assessment Ratio as compared to the amount of funds that would have been required to be deposited in the

28 Tax Increment Fund if the Assessment Ratio had not been so increased.

1   **Section 7. And be it further resolved by the County Council of Howard County, Maryland,**

2 That

3   (a)   Pursuant to Section 21-506 of the Special Taxing District Act, there is hereby created a

4 "special fund" within the meaning of the Special Taxing District Act to be designated the "Crescent Special

5 Taxes Fund" (the "Special Taxes Fund").

6   (b)   The taxes derived from the levy of the Special Taxes on real property within the Special

7 Taxing District, once such Special Taxes are levied and collected, shall be paid over to the Special Taxes

8 Fund pursuant to Section 21-506 of the Special Taxing District Act and subsection (c) of this Section 7.

9   (c)   Until the Bonds and any Refunding Bonds have been fully paid and the Indenture has been

10 discharged in accordance with its terms, the County hereby pledges that it will pay all amounts collected

11 from the Special Taxes levied under the Special Taxing District Act on real property within the

12 Special Taxing District into the Special Taxes Fund established pursuant to this Section 7. This pledge to pay

13 such Special Taxes derived from the Special Taxing District is intended to be in complete fulfillment of the

14 condition precedent to the issuance of the Bonds and any Refunding Bonds contained in Section 21-506(b) of

15 the Special Taxing District Act. The pledge to so pay those collected Special Taxes shall be continuous and

16 irrevocable so long as any Bonds or Refunding Bonds are outstanding.

17   (d)   The Director of Finance or other appropriate fiscal officers are hereby directed and

18 authorized to deposit or cause to be deposited in the Special Taxes Fund all Special Taxes received by the

19 County in accordance with the provisions of this Resolution and the Special Taxing District Act.

20   (e)   The County Executive, the Director of Finance and other appropriate officers and employees

21 of the County, to the extent applicable, are hereby authorized to take all necessary steps in order to establish

22 and manage the Special Taxes Fund to be held by the County. If the Indenture so provides, the Special Taxes

23 Fund may be held and managed in accordance with the provisions of the Indenture.

24   (f)   Monies in the Special Taxes Fund may only be used to pay for the principal of, interest on,

25 and redemption premium, if any, on the Bonds and Refunding Bonds, to replenish any debt service reserve

26 established under the Indenture, for any other purpose related to the ongoing expenses of or security for the

27 Bonds and Refunding Bonds, and as permitted by the Special Taxing District Act.

1   **Section 8. And be it further resolved by the County Council of Howard County, Maryland,**

2   That pursuant to an ordinance to be enacted by the County Council for the purpose of providing funds for the

3   activities related to the Districts, the County may issue the Bonds in one or more series from time to time.

4   The ordinance, which is intended to be the Bond Ordinance, shall specify, in general detail, the proposed

5   undertakings to be financed or reimbursed with the proceeds of the Bonds; the maximum principal amount of

6   the Bonds to be issued; and the maximum rate of interest the Bonds may bear; and shall otherwise conform

7   to the requirements of the Acts.

8   **Section 9. And be it further resolved by the County Council of Howard County, Maryland,**

9   That

10 (a)   If no Bonds or Refunding Bonds are outstanding with respect to the Development District

11 and the governing body of the County so determines, moneys in the Tax Increment Fund may be:

12 (i) used for any other purposes described in Section 12-207 of the Tax Increment Financing

13 Act;

14 (ii) accumulated to pay debt service on Bonds to be issued later;

15 (iii) used for payment or reimbursement of debt service that the County is obligated under a

16 general or limited obligation to pay or has paid on bonds issued by the State of Maryland or the County,

17 the proceeds of which have been used for any of the purposes specified in Section 12-207 of the Tax

18 Increment Financing Act; or

19 (iv) paid to the County for any other legal purpose.

20 (b)   As long as any Bonds or Refunding Bonds are outstanding with respect to the Development

21 District and the governing body of the County so determines, moneys in the Tax Increment Fund may be

22 used as provided in subsection (a) of this Section 9 in any fiscal year of the County as determined by the

23 governing body of the County, but only to the extent that:

24 (i) the amount in the Tax Increment Fund exceeds the unpaid debt service payable on such

25 Bonds or Refunding Bonds in such fiscal year and is not restricted so as to prohibit the use of such

26 moneys; and

1   (ii) such use is not prohibited by the ordinance authorizing the issuance of the Bonds or

2 Refunding Bonds, by the Indenture or by any other resolution adopted or ordinance enacted by the

3 Council.

4   **Section 10. And be it further resolved by the County Council of Howard County, Maryland,**

5 That when no Bonds or Refunding Bonds are outstanding with respect to the Special Taxing District, and the

6 governing body of the County so determines, moneys in the Special Taxes Fund may be paid to the general

7 fund of the County; otherwise, moneys in the Special Taxes Fund shall be used and applied solely as

8 permitted under the Special Taxing District Act. Notwithstanding anything to the contrary contained herein,

9 no moneys in the Special Taxes Fund may be used for the purpose of paying expenses incurred in the

10 ongoing operation or maintenance of the Improvements.

11   **Section 11. And be it further resolved by the County Council of Howard County, Maryland,**

12 That the County Executive, the Director of Finance and all other appropriate officers and employees of the

13 County are further authorized to do all such acts and things and approve and execute such other documents

14 and certificates as shall be deemed necessary or desirable by them or upon the advice of counsel, to the

15 extent such activities are within the scope of their authority, in order to facilitate the issuance of any Bonds,

16 the development of the Districts, the use and application of moneys in the Special Funds and the financing or

17 reimbursement of costs of public improvements permitted under the Acts and applicable law, and the

18 transactions contemplated by this Resolution.

19   **Section 12. And be it further resolved by the County Council of Howard County, Maryland**,

20 That the provisions of this Resolution are severable, and if any provision, sentence, clause or section hereof

21 is held or determined to be illegal, invalid, unconstitutional or inapplicable to any person or circumstances,

22 such illegality, invalidity, unconstitutionality or inapplicability shall not affect or impair any of the remaining

23 provisions, sentences, clauses or sections of this Resolution or their application to other persons or

24 circumstances, and it is hereby declared to be the legislative intent that this Resolution would have passed if

25 such illegal, invalid, unconstitutional or inapplicable provision, sentence, clause or section had not been

26 included herein, and as if the person or circumstances to which this Resolution or any part hereof are

27 inapplicable had been specifically exempted herefrom.

1   **Section 13. And be it further resolved by the County Council of Howard County, Maryland**,

2   That it is the intention of the Council that the provisions of this Resolution shall be liberally construed in

3   order to effectuate the transactions contemplated hereby and by the Acts.

4   **Section 14. And be it further resolved by the County Council of Howard County, Maryland,**

5   That this Resolution shall become effective upon its adoption by the Council. In the event that no Bonds are

6   issued pursuant to the Acts within five years of the effective date of this Resolution, this Resolution shall

7   expire and shall be of no further force and effect. The Council may extend the effectiveness of this

8   Resolution prior to its expiration by adopting another resolution. Upon the expiration of this Resolution, the

9   Council may take such actions as may be necessary in accordance with the Acts and other applicable law to

10   provide for the expenditure or transfer of any moneys then on deposit in the Special Funds subsequent to

11   such date.

12   **Section 15. Be it further resolved by the County Council of Howard County, Maryland,** That unless, on or

13   before November 30, 2016, the ownership of Merriweather Post Pavilion has been transferred to the Downtown

14   Columbia Arts and Culture Commission, Inc., and the Parking Easement Agreement by and among Merriweather Post

15   Business Trust, The Howard Research and Development Corporation, and the Downtown Columbia Arts and Culture

16   Commission dated May 31, 2016 has been recorded in the land records of Howard County, this Resolution shall be

17   void.

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Exhibit A

Tax Parcel Identification Numbers
For the Development District Properties

Map Number	Tax Account Number
1	1415019891
2	1415019549
3	1415001739
4	1415009039
5	1415009047
6	1415132353
7	1415053860
8	1415120002
9	1415119993
10	1415041471
11	1415019379
12	1415041498
13	1415013745
14	1415019352
15	1415031425
16	1415019964
<u>17</u>	<u>1415010975</u>
17	1415010967
<u>17</u>	<u>1415010959</u>
18	1415057009
19	1415042397
20	1415057440
21	1415057459
22	1415077964
23	1415077972
24	1415019921
25	1415126205
26	1415595518
27	1415595516
28	1415130164
29	1415126264
30	1415595159
31	1415595515
32	1415130156

Exhibit B

(Map of Development District Properties shown on following page)

Exhibit C

(Map of Special Taxing District Property shown on following page)