

County Council of Howard County, Maryland

2013 Legislative Session

Legislative Day No. 1

Resolution No. 10 -2013

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

A RESOLUTION amending uncodified sections in Council Resolution No. 14-2009 to reflect additional property to be added to the Districts and to amend the property description and plats attached to Council Resolution No. 14-2009; to reflect a change in the name of the Developer for the Project; to extend the expiration of Council Resolution No. 14-2009; and generally relating to Council Resolution No. 14-2009.

Introduced and read first time _____, 2013.

By order _____
Stephen LeGendre, Administrator

Read for a second time at a public hearing on _____, 2013.

By order _____
Stephen LeGendre, Administrator

This Resolution was read the third time and was Adopted __, Adopted with amendments __, Failed __, Withdrawn __, by the County Council

On _____, 2013.

Certified By _____
Stephen LeGendre, Administrator

Approved by the County Executive _____, 2013.

Ken Ulman, 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.

1 **WHEREAS**, on or about May 4, 2009, the County Council of Howard County
2 adopted Council Resolution No. 14-2009 (“CR 14”); and

3
4 **WHEREAS**, CR 14 was signed by the County Executive and became effective
5 on May 6, 2009; and

6
7 **WHEREAS**, CR 14 was presented to the County Council as part of a package
8 related to the construction of a public parking garage to serve the MARC station in
9 Savage and for the development of a mixed-use project consisting of residential, office,
10 retail, and hotel uses within the Savage Town Centre Development District (the
11 “Project”); and

12
13 **WHEREAS**, CR 14 designated a special taxing district known as the “Savage
14 Towne Centre Special Taxing District” and a development district known as the “Savage
15 Towne Centre Development District” (together, the “Districts”) and created a Savage
16 Towne Centre Tax Increment Fund and a Savage Towne Centre Special Taxes Fund; and

17
18 **WHEREAS**, other items in the legislative package included Council Bill No. 21-
19 2009 that provided for the collection of a special tax on property in the Districts and for
20 the issuance of up to \$17,000,000 of special obligation bonds at a maximum interest rate
21 of 7% per year in order to finance or reimburse the costs of public improvements related
22 to development within the District and Council Bill No. 20-2009 that approved a multi-
23 year agreement between the County and Petrie Ross Ventures D.C., LLC (“PRV”), for
24 the construction of the parking garage and related infrastructure; and

25
26 **WHEREAS**, on or about May 2, 2011, the County Council adopted Council
27 Resolution No. 40-2011 (“CR 40”) which extended the expiration of CR 14 from two
28 years to five years after its effective date; and

29
30 **WHEREAS**, CR 40 was signed by the County Executive and became effective
31 on May 4, 2011; and

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WHEREAS, PRV entered into a Real Estate Sales Agreement on July 30, 2009 with Boise Maryland Business Trust (“Boise”), as amended by Amendment No. 1 to Real Estate Agreement dated May 5, 2011 (together, the “Agreement”), to purchase certain real property consisting of approximately 5.96 acres located in Annapolis Junction, Howard County, Maryland (the “Additional Property”), which Additional Property is currently owned by Boise; and

WHEREAS, PRV assigned its rights under the Agreement to Savage Towne Centre Ventures, LLC (“STCV”) on February 6, 2012, and STCV entered into Amendment No. 2 to Real Estate Agreement on February 6, 2012 with Boise; and

WHEREAS, PRV entered into a Transportation Public-Private Partnership Agreement (“PPP Agreement”) with the Maryland Department of Transportation, the Maryland Transit Administration and the Maryland Transportation Authority (collectively, the “State Agencies”) pursuant to which PRV would construct the Improvements as described in the “Request for the Creation of a Special Taxing District and the Issuance of Special Obligation Bonds” (the “Original Request”) and the State Agencies will transfer ownership of all of the property described in Exhibits A and B to CR 14 (the “Original Property”) except as provided in the PPP Agreement; and

WHEREAS, on November 28, 2012, the name of PRV was changed to “Annapolis Junction Town Center, LLC” (the “Developer”) ; and

WHEREAS, STCV has represented that the members of PRV have agreed to sell all of the membership interests in PRV to STCV; and

WHEREAS, the State Agencies and PRV, subject to approval of the Maryland Board of Public Works, intend to amend the PPP Agreement to, among other things, approve the change in majority control of PRV to enable STCV to develop and construct the Improvements; and

1
2 **WHEREAS**, representatives of the State, STCV and Boise intend to submit to the
3 County an “Amended and Restated Request for the Creation of a Special Taxing District
4 and the Issuance of Special Obligation Bonds” (the “Amended and Restated Request”);
5 and

6
7 **WHEREAS**, CR 14 includes a provision for the enlargement of the Districts by
8 one or more resolutions of the County Council; and

9
10 **WHEREAS**, CR 14 further provides that its effectiveness may be extended prior
11 to its expiration by enacting another resolution.

12
13 **NOW, THEREFORE,**

14
15 *Section 1. Be it Resolved by the County Council of Howard County, Maryland, that the*
16 *Recitals to this Resolution are deemed a substantive part of this Resolution and are*
17 *incorporated by reference herein.*

18
19 *Section 2. And Be It Further Resolved by the County Council of Howard County,*
20 *Maryland, that Exhibits A and B to Council Resolution No. 14-2009 are replaced with*
21 *Exhibits A and B attached hereto to include the Original Property and the Additional*
22 *Property, and lines 8 through 11 on page 2 of Council Resolution No. 14-2009 are*
23 *amended to include the Additional Property as follows:*

24
25 *“The State of Maryland (the “State”) is the current owner of approximately 12.73 acres*
26 *of property located in Annapolis Junction, Maryland on Dorsey Run Road at Henkels*
27 *Lane (THE “STATE PROPERTY”), AND BOISE MARYLAND BUSINESS TRUST*
28 *(“BOISE”) IS THE CURRENT OWNER OF APPROXIMATELY 5.96 ACRES LOCATED*
29 *IN THE CITY OF ANNAPOLIS JUNCTION, HOWARD COUNTY, MARYLAND AND*
30 *CONTIGUOUS TO THE STATE PROPERTY (THE “BOISE PROPERTY”), as BOTH*
31 *THE STATE PROPERTY AND THE BOISE PROPERTY ARE identified by reference to*
32 *the tax parcels and the metes and bounds description set forth on Exhibit A to this*

1 Resolution and by the plats shown on Exhibit B to this Resolution (collectively, the
2 “Property”).

3

4 **Section 3. And Be It Further Resolved** by the County Council of Howard County,
5 Maryland, that line 13 on page 2 of Council Resolution No. 14-2009 is amended to
6 reflect the change in the name of the Developer as follows:

7

8 “[[Petrie Ross Joint Ventures D.C., L.L.C.]] ANNAPOLIS JUNCTION TOWN CENTER,
9 LLC (the “Developer”)...”

10

11 **Section 4. And Be It Further Resolved** by the County Council of Howard County,
12 Maryland, that lines 15 through 18 on page 3 of Council Resolution No. 14-2009 are
13 amended to provide for the Amended Request as follows:

14

15 “[[Prior to the introduction of this resolution,]] Representatives of the State,[[and]] the
16 Developer AND BOISE [[have submitted]] INTEND TO SUBMIT to the County a copy of
17 [[the]] AN AMENDED AND RESTATED Request (THE “AMENDED AND RESTATED
18 REQUEST”). The signatories to the AMENDED AND RESTATED Request WILL
19 represent (A) that the State, as of the date of the AMENDED AND RESTATED Request,
20 (i) constitutes 100% of the owners of the STATE Property and (ii) owns 100% of the
21 assessed valuation of the STATE Property, calculated in accordance with the Special
22 Taxing District Act, AND (B) THAT BOISE, AS OF THE DATE OF THE AMENDED
23 AND RESTATED REQUEST, (I) CONSTITUTES 100% OF THE OWNERS OF THE
24 BOISE PROPERTY AND (II) OWNS 100% OF THE ASSESSED VALUATION OF THE
25 BOISE PROPERTY, CALCULATED IN ACCORDANCE WITH THE SPECIAL TAXING
26 DISTRICT ACT.”

27

28 **Section 5. And Be It Further Resolved** by the County Council of Howard County,
29 Maryland, that all references in Council Resolution No. 14-2009 to “Savage Towne
30 Centre,” with regards to the Development District, the Special Taxing District, the Tax
31 Increment Fund and the Special Taxes Fund, shall be deleted and substituted with
32 “Annapolis Junction Town Center.”

33

1 **Section 6. And Be It Further Resolved** by the County Council of Howard County,
2 Maryland, that the definitions of “Adjustable Assessable Base” and “Original Assessable
3 Base” in Section 1 of Council Resolution No. 14-2009 are amended to read as follows:

4
5 “(i) “Adjustable Assessable Base” means the fair market value of the property, that
6 qualifies for a farm or agricultural use under Section 8-209 of the Tax-Property Article
7 of the Annotated Code of Maryland, without regard to the agricultural use assessment for
8 the property as of January 1 of the year preceding the effective date of this Resolution,
9 AS AMENDED (meaning January 1, [[2008]] 2012).”

10 * * * *

11 “(viii) “Original Assessable Base” means the Assessable Base as of January 1 of that
12 year preceding the effective date of this Resolution, AS AMENDED (meaning January 1,
13 [[2008]] 2012).”

14
15 **Section 7. And Be It Further Resolved** by the County Council of Howard County,
16 Maryland that Section 4 of Council Resolution No. 14-2009 is amended to add the
17 following sentence:

18
19 “In addition, prior to the issuance of the Bonds, the County Executive may, by executive
20 order, reduce or enlarge the boundaries of the Districts by not more than one-half acre.”

21
22 **Section 8. And Be It Further Resolved** by the County Council of Howard County,
23 Maryland that Section 13 of Council Resolution No. 14-2009 is amended to provide until
24 December 31, 2014 for the issuance of bonds as follows:

25
26 “Section 13. And be it further resolved by the County Council of Howard County,
27 Maryland, that this Resolution shall become effective upon its adoption by the Council.
28 In the event that no Bonds are issued pursuant to the Acts [[within two years of the
29 effective date of this Resolution]] ON OR BEFORE DECEMBER 31, 2014, this
30 Resolution shall expire and shall be of no further force and effect. The Council may
31 extend the effectiveness of this Resolution prior to its expiration by adopting another
32 resolution. Upon the expiration of this Resolution, the Council may take such actions as
33 may be necessary in accordance with the Acts and other applicable law to provide for the

1 *expenditure or transfer of any moneys then on deposit in the Special Funds subsequent to*
2 *such date.”*

3

4 ***Section 9. And Be It Further Resolved*** *by the County Council of Howard County,*
5 *Maryland, that this Resolution shall become effective upon its enactment.*

Exhibit A

(Metes and Bounds and Tax Parcel Identification Numbers)

PROPERTY DESCRIPTION

[see attached metes and bounds description]

TAX PARCEL IDENTIFICATION NUMBERS

<u>Map</u>	<u>Grid</u>	<u>Parcel</u>	<u>Lot</u>	<u>Acres/SF</u>
0048	0020	0194	A1	2.212 acres
0048	0019	0194	A2	1.05 acres
0048	0020	0194	A3	3.996 acres
0048	0019	0194	A4	1.95 acres
0048	0019	0194	A5	33,061 SF
0048	0019	0194	A6	2.76 acres
0048	0020	0137	B	5.96 acres

Exhibit B

(Plat shown on following page)

41781591_6.DOC

GLWGUTSCHICK, LITTLE & WEBER, P.A.

CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS, LANDSCAPE ARCHITECTS

DESCRIPTION OF ANNAPOLIS JUNCTION TOWN CENTER

BEING a tract of land lying in Guilford Election District No. 6 of Howard County, Maryland, being part of Parcel A-1 and all of Parcels A-2 thru A-6, as shown on a Plat of Subdivision entitled "SAVAGE TOWNE CENTRE, PARCELS "A-1" THRU "A-6"", and recorded as Plat Nos. 20130 thru 20135, and part of Parcel B as shown on a Plat of Subdivision entitled "PARCELS 'A' & 'B', GOLDEN KEY" and recorded as Plat No. 5909, all among the Land Records of Howard County, Maryland, and part of Dorsey Run Road as shown State Roads Commission (SRC) Plat No. 57272, and also parts of Henkels Lane as shown on State Roads Commission (SRC) Plat No. 45947, and being more particularly described, as follows:

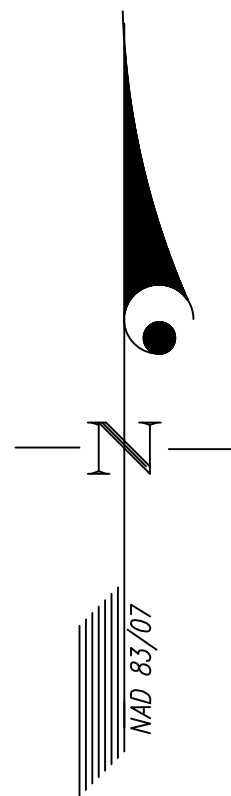
BEGINNING for the same at the southerly end of the 1st or North 08°11'50" W, 39.98 feet easterly right of way line of Dorsey Run Road as shown on said SRC Plat No. 57272; thence running with and along the easterly right of way lines, the following seven (7) courses and distances

1. North 08°11'50" West, 39.98 feet to a point; thence
2. North 03°34'36" West, 69.82 feet to a point; thence
3. 101.38 feet along the arc of non-tangential curve deflecting to the left having a radius of 1,154.46 feet and a chord bearing and distance of North 05°58'45" West, 101.35 feet to a point; thence
4. North 06°41'36" West, 53.71 feet to a point; thence
5. 91.95 feet along the arc of non-tangential curve deflecting to the right having a radius of 1,068.51 feet and a chord bearing and distance of North 02°06'09" West, 91.92 feet to a point; thence
6. 96.43 feet along the arc of non-tangential curve deflecting to the right having a radius of 722.45 feet and a chord bearing and distance of North 03°30'23" East, 96.36 feet to a point; thence
7. 19.83 feet along the arc of non-tangential curve deflecting to the right having a radius 90.00 feet and a chord bearing and distance of North 13°38'30" East, 19.79 feet to a point; thence leaving said easterly right of way lines and running so as to cross and divide said Dorsey Run Road, the following two (2) courses and distances
8. 90.41 feet along the arc of non-tangential curve deflecting to the right having a radius of 516.96 feet and a chord bearing and distance of North 15°14'31" East, 90.29 feet to the point of tangency; thence
9. North 20°15'07" East, 132.26 feet to the southwesterly end of the 13th or North 20°15'07" East, 601.26 feet southeasterly right of way line of said SRC Plat No. 57272; thence running with and along said southeasterly right of way line

10. North 20°15'07" East, 601.26 feet to the southwesterly end of the 14th or North 68°39'53" East, 46.46 feet truncation right of way line of said SRC Plat No. 57272; thence leaving southeasterly right of way line of Dorsey Run Road and running with and along said truncation right of way line
11. North 68°39'53" East, 46.46 feet to the northwesterly end of the 15th or 179.06 feet arc southwesterly right of way of Henkels Lane as shown on said SRC Plat No. 57272; thence running with and along the southwesterly right of way lines of Henkels Lane, the following three (3) courses and distances
12. 179.06 feet along the arc of non-tangential curve deflecting to the right having a radius of 295.03 feet and a chord bearing and distance of South 42°08'06" East, 176.33 feet to the point of tangency; thence
13. South 24°44'53" East, 97.96 feet to a point of curvature; thence
14. 229.86 feet along the arc of tangential curve deflecting to the left having a radius of 328.48 feet and a chord bearing and distance of South 44°47'40" East, 225.19 feet to a point on the 5th or North 73°52'50" West, 730.05 feet southwesterly right of line of Henkels Lane as shown on SRC Plat No. 45947, 406.10 feet from the easterly end thereof; thence leaving said SRC Plat No. 57272 and running reversely with and along the southwesterly right of way lines of SRC Plat No. 45947, the following twelve (12) courses and distances
15. South 73°52'50" East, 406.10 feet to a point of curvature; thence
16. 13.08 feet along the arc of tangential curve deflecting to the right having a radius of 341.97 feet and a chord bearing and distance of South 72°47'02" East, 13.07 feet to a point; thence
17. North 18°18'41" East, 4.06 feet to a point; thence
18. 16.03 feet along the arc of non-tangential curve deflecting to the right having a radius of 346.03 feet and a chord bearing and distance of South 70°21'45" East, 16.02 feet to a point; thence
19. South 20°57'48" West, 4.06 feet to a point; thence
20. 87.50 feet along the arc of non-tangential curve deflecting to the right having a radius of 341.97 feet and a chord bearing and distance of South 61°42'22" East, 87.27 feet to a point; thence
21. North 70°17'56" East, 3.42 feet to a point; thence
22. South 60°12'04" East, 42.88 feet to a point; thence
23. 69.86 feet along the arc of non-tangential curve deflecting to the right having a radius of 351.97 feet and a chord bearing and distance of South 41°24'40" East, 69.74 feet to a point; thence
24. South 35°43'31" East, 36.08 feet to a point; thence
25. South 00°17'49" East, 51.75 feet to a point; thence
26. South 35°43'31" East, 4.03 feet to a point lying on the northwesterly line of the property of CSX Transportation, Inc.; thence leaving said SRC Plat No. 45947 and running with said northwesterly lines of CSX Transportation, Inc. (as surveyed by Dewberry for CSX in July 2012) and running so as to cross and divide the aforementioned Parcel B, Golden Key, the following eleven (11) courses and distances
27. South 56°46'31" West, 48.98 feet to a point; thence
28. South 56°17'31" West, 94.50 feet to a point; thence

29. South 58°01'31" West, 106.00 feet to a point; thence
30. South 58°01'31" West, 109.90 feet to a point; thence
31. South 61°16'31" West, 98.50 feet to a point; thence
32. South 60°46'31" West, 90.90 feet to a point; thence
33. South 62°46'31" West, 100.00 feet to a point; thence
34. South 66°01'31" West, 99.00 feet to a point; thence
35. South 65°46'31" West, 105.40 feet to a point; thence
36. South 66°46'31" West, 95.00 feet to a point; thence
37. South 68°31'31" West, 24.66 feet to a point on the common line of the
aforementioned Parcel B and Parcel A-1; thence leaving Parcel B and continuing
with said northwesterly lines of CSX Transportation, Inc. and running so as to
cross and divide said Parcel A-1, the following two (2) courses and distances
38. South 68°31'31" West, 72.34 feet to a point: thence
39. South 71°01'30" West, 14.26 feet to a point on the westerly or North 00°24'38"
West, 52.57 feet line of said Parcel A-1, 36.65 feet from the northerly end thereof;
thence running with and along a part of said westerly line
40. North 00°24'38" West, 36.65 feet to the northeasterly end of the southerly or
308.13 feet arc of said Parcel A-1; thence running with and along said southerly
or 308.13 feet arc of said Parcel A-1
41. 308.13 feet along the arc of non-tangential curve deflecting to the right having a
radius of 4,244.47 feet and a chord bearing and distance of South 69°31'44" West,
308.06 feet to the point of beginning, containing a computed area of 18.8314
acres of land, more or less.

S:\Survey Drawings\11107\EXHIBITS\11107 EXHIBIT 1.dwg
 PLOTTED: 12/17/2012 9:31 AM, LAST SAVED: 12/17/2012 9:30 AM, PLOTTED BY: Paul Clark



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SCALE	ZONING
1"=100'	
DATE	TAX MAP - GRID
DEC. 2012	48 - 20

EXHIBIT # 1	
ANNAPOLIS JUNCTION TOWN CENTER DEVELOPMENT DISTRICT AND SPECIAL TAXING DISTRICT	
GUILFORD ELECTION DISTRICT No. 6	
HOWARD COUNTY, MARYLAND	

G. L. W. FILE No.	11107
SHEET	1 OF 1

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