

AGENDA
REGULAR CITY COUNCIL MEETING
MONDAY, DECEMBER 3, 2018
COUNCIL CHAMBERS - 8 p.m.

I. **CALL MEETING TO ORDER**

II. **PLEDGE OF ALLEGIANCE**

III. **QUORUM**

IV. **AGENDA ADDITIONS/DELETIONS/AMENDMENTS**

V. **CITIZEN PARTICIPATION**

VI. **PRESENTATIONS**

VII. **CITY BOARDS AND COMMITTEES**

A. Appointments/Reappointments/Swearing-in

Documents:

[20181203 - MEMO COMMITTEE APPOINTS.PDF](#)

VIII. **COUNCIL ANNOUNCEMENTS**

IX. **CITY MANAGER'S REPORT**

X. **CONSENT AGENDA**

A. Approval of November 5 Meeting Minutes

Documents:

[20181203 - NOVEMBER 5 MEETING MINUTES.PDF](#)

B. Approval of Resolution R-84-18

Accepting Bid Proposal for Construction Inspection and Lead-Based Paint Inspection for the HUD CDBG Housing Rehabilitation Program

Documents:

[20181203 - RESOLUTION R-84-18.PDF](#)

C. Approval of Resolution R-85-18

Accepting Bid Proposal for Energy Audits for the HUD CDBG Housing Rehabilitation Program

Documents:

[20181203 - RESOLUTION R-85-18.PDF](#)

D. Approval of Resolution R-86-18

Approving Variance Application BV-12-18, a Request by Ms. Chakita Kay to allow the Construction of Approximately 191 Linear Feet of Six Foot High Vinyl Replacement Fencing Along Plymouth Court When, According to the Prince George's County Zoning Ordinance, Such Fencing Shall Not be More

Than Four Feet High, at 15915 Perkins Lane

Documents:

[20181203 - RESOLUTION R-86-18.PDF](#)

E. Approval of Resolution R-87-18

Approving Variance Application BV-13-18, a Request by Ms. Vickie Dippel for a Variance to Validate Existing Lot Coverage at 31.7% and to Further Increase Lot Coverage by 0.2% to Allow Construction of a 5' x 6' Bump-out Addition Onto the Rear of the Dwelling for a Total of 31.9% Lot Coverage When, According to the Prince George's County Zoning Ordinance, Lot Coverage in the R-80 Zone Shall Not be More Than 30% at 2405 Pittland Lane

Documents:

[20181203 - RESOLUTION R-87-18.PDF](#)

F. Approval of Resolution R-88-18

Accepting a Proposal for an Agreement for Architect/Engineering Open End Contract – Categories 8, 9 & 13

Documents:

[20181203 - RESOLUTION R-88-18.PDF](#)

G. Approval of Resolution R-89-18

By Two-Thirds Vote Waiving of Bidding Requirements of Section 61 of the City Charter to Authorize the Purchase of Sewer Foam Injection Root Control Services

Documents:

[20181203 - RESOLUTION R-89-18.PDF](#)

H. Approval of Resolution R-92-18

Accepting a Proposal for an Agreement for Architect/Engineering Open End Contract – Category 7

Documents:

[20181203 - RESOLUTION R-92-18.PDF](#)

I. Approval of Resolution R-93-18

Accepting a Proposal for an Agreement for Architect/Engineering Open End Contract – Categories 6, 11 & 14

Documents:

[20181203 - RESOLUTION R-93-18.PDF](#)

J. Approval of Resolution R-94-18

Accepting a Proposal for an Agreement for Architect/Engineering Open End Contract – Category 10

Documents:

[20181203 - RESOLUTION R-94-18.PDF](#)

XI. **OLD BUSINESS**

- A. Introduction and Approval of Emergency Ordinance O-9-18
Amending City Code Chapter 6, "Elections", Article IV, "Fair Elections Practices", to Add Section 6-66A, "Date for Filing Certificate of Candidacy," to Establish the First Date on Which Candidates May Establish Candidacy for City Elective Office – **Public Hearing/Eligible for Action**

Documents:

[20181203 - EMERGENCY ORDINANCE O-9-18.PDF](#)

- B. Annexation Resolution R-71-18
Enlarging the Corporate Boundaries of the City of Bowie, by Annexing Into the City Lands Contiguous to and Adjoining the City's Existing Corporate Boundary, Including Outparcels A and B and Karington Center Boulevard in Karington (Now Known as South Lake), Part of Parcel 8 and all of Parcels 126 and 127 on Prince George's County Tax Map 70, Generally Located on the South Side of Maryland Route 214 and West Side of US 301 – **Public Hearing/Eligible for Action**

Documents:

[20181203 - RESOLUTION R-71-18.PDF](#)

- C. South Lake (Karington) Declaration of Covenants Resolution R-76-18
Staff will present a proposed Declaration of Covenants Restricting Total Number of Dwelling Units on property – **Public Hearing/Eligible for Action**

Documents:

[20181203 - RESOLUTION R-76-18.PDF](#)

XII. **NEW BUSINESS**

- A. Budget Guidance for FY 2020
The Finance Department will provide trend information and major themes to City Council for the upcoming FY 2020 Budget process. City Council budget objectives will be discussed at this meeting

Documents:

[20181203 - BUDGET GUIDANCE FY2020.PDF](#)

- B. South Lake (Karington) Resolution R-90-18
Staff will present for introduction a proposed resolution approving the establishment by Prince George's County, Maryland of the Karington Development District. This resolution is required by the Tax Increment Financing Act because such development district will be located within the corporate limits of the City

Documents:

C. South Lake (Karington) Resolution R-91-18

Staff will present for introduction a proposed resolution ratifying, confirming and consenting to the establishment by Prince George's County, Maryland of the Karington Special Taxing District. This resolution is required by the Special Taxing District Act because such special taxing district will be located within the corporate limits of the City

Documents:

D. South Lake (Karington) Ordinance O-8-18

Staff will present for introduction a proposed ordinance providing for a pledge of the City's incremental tax revenues derived from the normal ad valorem real property tax levied by the City on properties located in the Karington Development District. Such incremental tax revenues will be pledged to support debt service on special obligation bonds to be issued by Prince George's County, Maryland to finance, reimburse or refinance costs of infrastructure improvements that benefit the South Lake development and to cover administrative expenses relating to such development district and bonds

Documents:

XIII. **ADJOURNMENT**

Note: The Ethics Commission has advised that under certain circumstances, members of the public may qualify as lobbyists when they testify before the City Council. If so, the Bowie Ethics Ordinance requires that certain information be filed with the Ethics Commission. Please review the information about lobbying that is provided with the City Clerk. If you have any questions about lobbying, please contact the Ethics Commission or the Assistant City Manager.

This meeting will be televised live on Verizon Channel 10 and Comcast Channel 71 and 996, repeated on 12/5/18 and 12/8/18 at 7 p.m., and [web-streamed live](#)

For a closed-captioned version of the meeting video, please go to <https://www.youtube.com/user/cityofbowiemd/playlists> and select the 2018 Council Meetings list. Once the meeting video opens, be sure to click on "CC" button to turn on closed captioning.

NEXT REGULAR MEETING OF THE BOWIE CITY COUNCIL - MONDAY, JANUARY 7, 2019
- COUNCIL CHAMBERS - 8 p.m.

M E M O R A N D U M

TO: City Council

CC: Alfred D. Lott, City Manager

FROM: Awilda Hernandez, City Clerk

SUBJECT: City Committee Appointments/Reappointments/Swearing-in

DATE: November 29, 2018

Committee Appointments and Swearing-in:

1. Dr. Kimberly L. Bolling was interviewed on November 19 for appointment to the Community Outreach Committee. Council concurred to appoint her to the committee as a member for a 2-year term, please move to appoint her.

REGULAR CITY COUNCIL MEETING MINUTES

MONDAY, NOVEMBER 5, 2018

CALL MEETING TO ORDER:

The Regular Meeting of the Bowie City Council was held on Monday, November 5, 2018 in the Council Chambers at City Hall. Mayor Robinson called the meeting to order at 8:02 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG:

Mayor Robinson led the Pledge of Allegiance to the Flag.

QUORUM:

In attendance were Mayor Robinson, Councilmembers Esteve, Gardner, Marcos, Truth and Woolfley, City Manager Lott, Assistant City Manager Mears, City Clerk Hernandez, City Attorney Levan, Staff, Press and the Public.

AGENDA ADDITIONS/DELETIONS/AMENDMENTS:

Mayor Robinson stated that Item A under New Business South Lake Declaration of Covenants Resolution R-76-18, is rescheduled to a future meeting.

CITIZEN PARTICIPATION:

1. Scott Vining, Trinity Drive – Spoke in regards to speeding on Belair Drive, need more patrol.
2. Ken McCaughey, Chalford Lane – Spoke in support of funding for the Bowie Heritage Trail in next years' City budget.
3. Patty McCaughey, Chalford Lane - Spoke in support of funding for the Bowie Heritage Trail in next years' City budget.
4. Dustin Kuzan, Silver Maple Ct - Spoke in support of funding for the Bowie Heritage Trail in next years' City budget.

PRESENTATIONS:

Mayor Pro Tem Gardner presented a Proclamation to Lt. Colonel Henry C. Turner, Jr. on the occasion of his 60th Birthday.

COUNCIL ANNOUNCEMENTS:

Mayor Robinson mentioned the plaque that is on the back of the room by the press table that was dedicated in honor of John McNamara, the reporter from the Bowie-Blade that was killed in June.

CITY MANAGER'S REPORT:

City Manager Lott had no report.

CONSENT AGENDA:

Councilmember Marcos moved the approval of Consent Agenda Items: A) Approval of October 15 Meeting Minutes; B) Approval of Proclamation P-14-18 Proclaiming the Month of November as Municipal Government Works Month in Bowie; C) Approval of Proclamation P-15-18 Declaring November 11 as Veteran's Day; D) Approval of Resolution R-72-18 Authorizing Entering in Agreements for the Supply of Water and Wastewater Treatment Chemicals in Accordance With the Metropolitan Washington Council of Governments Request for Proposals; E) Approval of Resolution R-74-18 Approving Variance Application BV-10-18, a Request by Mary Fulton to Validate Construction of a Six Foot High Wooden Fence With Structural Supports (Vertical Posts and Horizontal Rails) Facing Outward From the Property at 2923 Tarragon Lane; F) Approval of Resolution R-75-18 Approving Variance Application BV-11-18, a Request by Helen and Donald Fournier to Allow the Construction of Approximately 52 Linear Feet of Six Foot High Vinyl Replacement Fencing Along Kittery Lane When, According to the Prince George's County Zoning Ordinance, Such Fencing Shall Not be More Than Four Feet High, at 12406 Kembridge Drive; G) Approval of Resolution R-77-18 Accepting a Bid Proposal for Millstream Branch Debris Removal; H) Approval of Resolution R-78-18 Accepting a Proposal for an Agreement for Architect/Engineering Open End Contract – Category 12; I) Approval of Letter to M-NCPPC Planning Director re: Revision to Detailed Site Plan #DSP-18007 New bathhouse in Pool Area – The Aspen at Melford Town Center. Mayor Pro Tem Gardner seconded the motion and it passed 6-0.

OLD BUSINESS:

A. Indoor Court Facility Feasibility Staff Report – City Manager Lott stated that the FY 2019 budget appropriates funds to hire a consultant to conduct a feasibility study related to the possible construction of a new indoor court facility in the City. Before the funds are to be used, staff conducted an analysis with the different options available and prepared a presentation. The purpose of the presentation is to provide critical information with regards to a potential indoor court facility and obtain specific Council direction with respect to the spending of the \$100,000 allocated for a feasibility study.

City Community Services Director, Sally Hein and Project Manager, Matt Reno summarized the presentation. There are two options when it comes to the facility size. Option 1) would consist of 1 high school basketball court facility, which will be overlaid with 2 middle school courts or 2 volleyball courts; approximately 20,000 sq ft. Option 2) would be 2 high school basketball court facility which will be overlaid with 4 middle school courts or 4 volleyball courts, approximately 33,500 sq ft. Staff also analyzed several properties for potential locations, some owned by the City and one that is not. All properties had their pros and cons. Lastly the possible construction types which are air dome, tension structure, pre-engineered metal building or brick and mortar. Staff also met with the members of the Bowie Community Recreation Committee to get their comments on the facility.

Staff also had two alternative proposals, one from Greater Mt. Nebo AME Church and one from The Community Housing Initiative. Reverend Weaver from Greater Mt. Nebo AME Church introduced Mr. Cliff Pulliam a Board member of The Richard Allen Community Development Corporation which is the group that would be working with the City on the project if Council chooses to partner with them. The GMNEBO site is on the corner of intersection Rt 301 and Rt 214 with close access to major transportation routes. The site has all the elements necessary to construct a multi-sport facility both indoor and outdoor. The property is not located in the incorporate limits of the City so it would have to be annexed into the City.

Mr. Courtney Booker with Community Housing Initiative, Inc., presented their proposal to Council. They propose to develop a public/private partnership and reposition the current ice rink as a multi-sports facility. They will up the bill to pay for the facility and then the City would enter into a long-term lease and at a break-even point they will do a revenue share from all facility activities with the City.

City Manager Lott stated that staff's position if Council chooses to proceed with the construction of an indoor court facility, is to move forward with hiring a consultant to analyze the feasibility and cost of constructing option 2 as a tension structure or metal building, either on Rt. 197 adjacent to the Bowie Golf & Country Club or Allen Pond Park in the area of the existing ice arena. Should Council be interested in pursuing a partnership with another entity such as GMNEBO or the Community Housing Initiative, those partnerships could be included in the analysis as well.

Public Hearing:

1. Carrie Bridges, Hoven Lane – Stated that Council needs to make a decision and not continue with just talks.
2. Renee Carter, Narrows Lane – Would like to see the inclusion of a swimming pool in the new facility.
3. Thomas Cheek – Need to also include soccer and football fields.
4. Karen Parker, Myrtle Avenue – Spoke in support of including a swimming pool and indoor turff.
5. Dave Naves, Dunnagle Ct – Supports the proposal presented by GMNEBO.
6. Alexandra Roane, Donnington Ct – Supports the proposal presented by GMNEBO.
7. Viola Underdue, Dunwood Valley Dr. – Supports multi-sport complex with pool.
8. Marvin Rodgers, Apache Fears Circle – Supports proposal from GMNEBO.
9. Kevin Holmes, BBGC – Thanked Council for continuing the discussion and supports the feasibility study.

Since there were no more speakers signed up to speak, Mayor Robinson declared the Public Hearing to have been held.

Councilmember Esteve thanked everyone for their presentations but in reality, there is just no funding for this project.

Mayor Pro Tem Gardner also thanked everyone for the presentations and believes there is a possibility to continue to explore ways that this facility can be built.

Councilmember Woolfley asked Mr. Pulliam what is the timeframe for getting infrastructure started on site. Mr. Pulliam responded that it depends on many factors, one is being annexed into the City and how long that process takes. Councilmember Woolfley then asked if they had had any conversations with M-NCPPC. Mr. Pulliam responded minor; they seem to also be tight on funds because of their new complex being built.

Councilmember Trough asked staff if they are amiable to looking at both proposals presented this evening. City Manager Lott responded that staff is willing to work with all groups that benefit the City.

Councilmember Esteve made a motion to direct staff to work with The Richard Allen Community Development Corporation and with ADDO/Community Housing Initiative, Inc., to assess in more specific details what a partnership could look like and report back to Council at a January meeting. Councilmember Trough seconded the motion. Motion passed 6-0.

ADJOURNMENT AND MOVE TO CLOSE SESSION:

Mayor Pro Tem Gardner moved to adjourn the Regular City Council meeting and mover to Close Session, General Provisions Article §3-305(b)(7): To consult with counsel to obtain legal advice; and §3-305(b)(8): To consult with staff, consultants, or other individuals about pending or potential litigation. Councilmember Trough seconded the motion and it carried 6-0. The meeting adjourned at 10:29 p.m.

Respectfully submitted,

Awilda Hernandez, MMC
City Clerk

MEMORANDUM

TO: City Council

FROM: Alfred D. Lott
City Manager

SUBJECT: Accepting Bid Proposal for Construction and Lead-Based Paint Inspection Services for the HUD CDBG Housing Rehabilitation Program – R-84-18

DATE: December 3, 2018

Several licensed and certified firms were contacted and bid packages were sent to selected firms for the above referenced project. This project is being done in accordance with the City's five (5) year consolidated plan which determined that Housing Rehabilitation for single-family homeowners is one of the community's priority needs that will achieve a benefit to low and moderate income residents of the City. The project is being funded through the U.S. Department of Housing and Community Development Block Grant Program and the MD Department of Housing and Community Development's Community Legacy Program.

At the close of bidding on Friday, September 28 2018, one (1) proposal had been submitted. Below is a tabulation of the bid proposal received:

East Coast Building Consultants	
Bethesda, Maryland	\$32,400.00

The Office of Grant Development and Administration recommends that the most responsive and responsible bid proposal East Coast Building Consultants in the amount of \$13,500, be accepted. The bid includes (1) \$225 per house for lead-based paint inspection, (2) \$300 per house for construction inspection, and (3) \$150.00 per sign for six (6) signs. The total FY19 budget for this project is \$336,389 and the construction inspection bid is a part of this budget.

I concur with the above recommendation and request your approval of R-84-18.

ADL: JB

RESOLUTION
OF THE COUNCIL OF THE CITY OF BOWIE, MARYLAND
ACCEPTING BID PROPOSAL FOR CONSTRUCTION INSPECTION AND LEAD-
BASED PAINT INSPECTION FOR THE HUD CDBG HOUSING REHABILITATION
PROGRAM

WHEREAS, several licensed and certified firms were contacted and requests for proposals were sent to selected firms for Construction and Lead-Based Paint Inspection for the HUD CDBG Housing Rehabilitation Program; and

WHEREAS, the Housing Rehabilitation Program is included in the City's five (5) year consolidated plan; and

WHEREAS, this project is being funded through the U.S. Department of Housing Community Development Block Program, the MD Department of Housing and Community Development Community Legacy Program; and

WHEREAS, at the close of bidding at 1:00 p.m., Friday, September 28, 2018, one (1) proposal had been received; and

WHEREAS, after careful review of the proposal submitted, it was determined that East Coast Building Consultants had submitted the most responsive and responsible proposal in the amount of \$32,400.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Bowie, Maryland, that the Council accepts the proposal of East Coast Building Consultants and hereby directs the City Manager to sign a contract with East Coast Building Consultants for \$32,400.

INTRODUCED AND PASSED by the Council of the City of Bowie, Maryland at the Regular Meeting on December 3, 2018.

ATTEST:

Awilda Hernandez, City Clerk

G. Frederick Robinson, Mayor

MEMORANDUM

TO: City Council

FROM: Alfred D. Lott
City Manager

SUBJECT: Accepting Bid Proposal for Energy Audits for the HUD CDBG
Housing Rehabilitation Program – R-85-18

DATE: December 3, 2018

Several licensed and certified firms were contacted and bid packages were sent to selected firms for the above referenced project. This project is being done in accordance with the City's five (5) year consolidated plan which determined that Housing Rehabilitation is one of the community's priority needs that will achieve a benefit to low and moderate income residents of the City. The project is being funded through the U.S. Department of Housing and Community Development Block Grant Program and the MD Department of Housing and Community Development Community Legacy Program.

At the close of bidding on Friday, September 28, 2018, one (1) proposal had been submitted. Below is a tabulation of the bid proposals received:

Go Green Initiative, LLC	
Lanham, MD	\$21,000.00

The Office of Grant Development and Administration recommends that the most responsive and responsible bid proposal of Access Green, in the amount of \$21,000.00, be accepted. The bid includes \$260 per house for thirty houses "Home Energy Assessments" and \$90 per house for 30 houses for mandatory "Home Energy Reports". The FY19 budget for this project is \$336,389 and the energy audit bid is a part of this budget.

I concur with the above recommendation and request your approval of R-85-18.

ADL: JB

RESOLUTION
OF THE COUNCIL OF THE CITY OF BOWIE, MARYLAND
ACCEPTING BID PROPOSAL FOR ENERGY AUDITS FOR THE HUD CDBG
HOUSING REHABILITATION PROGRAM

WHEREAS, several licensed and certified firms were contacted and requests for proposals were sent to selected firms for Energy Audits for the HUD CDBG Housing Rehabilitation Program; and

WHEREAS, the Housing Rehabilitation Program is included in the City's five (5) year consolidated plan; and

WHEREAS, this project is being funded through the U.S. Department of Housing Community Development Block Program and the MD Department of Housing and Community Development Community Legacy Program; and

WHEREAS, at the close of bidding at 10:00 a.m., Friday, September 28, 2018, one (1) proposal had been received; and

WHEREAS, after careful review of the proposals submitted, it was determined that Go Green Initiative, LLC had submitted the most responsive and responsible proposal in the amount of \$21,000.00

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Bowie, Maryland, that the Council accepts the proposal of Go Green Initiative, LLC and hereby directs the City Manager to sign a contract with Access Green for \$21,000.00.

INTRODUCED AND PASSED by the Council of the City of Bowie, Maryland at the Regular Meeting on December 3, 2018.

ATTEST:

Awilda Hernandez, City Clerk

G. Frederick Robinson, Mayor



City of Bowie

15901 Excalibur Road
Bowie, Maryland 20716

MEMORANDUM

TO: City Council

FROM: Alfred D. Lott, ICMA-CM, CPM
City Manager

SUBJECT: Resolution R-86-18
BV-12-18
15915 Perkins Lane

DATE: November 28, 2018

Attached please find a copy of Resolution R-86-18 for BV-12-18 approving a variance to allow construction of approximately 191 linear feet of six foot high vinyl replacement fencing along Plymouth Court when, according to the Zoning Ordinance, such fencing shall not be more than four feet high, at 15915 Perkins Lane. Council is authorized to adopt this Resolution via the adopted variance and departure procedures granted to the City. The Bowie Advisory Planning Board (BAPB) approved the above case on November 13, 2018, in accordance with the staff recommendation, and adopted their findings in Resolution #BV-12-18. No appeal or oral argument has been filed with the City, nor has any City Council member called up the action of the BAPB recommending approval of the requested variance. The attached resolution reflects BAPB's findings and recommendation.

Recommendation

It is recommended that Council approve the attached Resolution (R-86-18).

MAYOR G. Frederick Robinson **MAYOR PRO TEM** Henri Gardner

COUNCIL Michael P. Estève ♦ Courtney D. Glass ♦ James L. Marcos ♦ Isaac C. Truth ♦ Dufour Woolfley **CITY MANAGER** Alfred D. Lott
City Hall (301) 262-6200 FAX (301) 809-2302 TDD (301) 262-5013 WEB www.cityofbowie.org

RESOLUTION
OF THE COUNCIL OF THE CITY OF BOWIE, MARYLAND
APPROVING VARIANCE APPLICATION BV-12-18, A REQUEST BY MS.
CHAKITA KAY TO ALLOW THE CONSTRUCTION OF APPROXIMATELY
191 LINEAR FEET OF SIX FOOT HIGH VINYL REPLACEMENT FENCING
ALONG PLYMOUTH COURT WHEN, ACCORDING TO THE PRINCE
GEORGE'S COUNTY ZONING ORDINANCE, SUCH FENCING SHALL NOT
BE MORE THAN FOUR FEET HIGH,
AT 15915 PERKINS LANE

WHEREAS, the City of Bowie (hereinafter the "City"), pursuant to Ordinance O-24-98 (hereafter the "Ordinance"), is authorized to hear requests for Variances from the terms of the Prince George's County Zoning Ordinance (hereafter the "Zoning Ordinance") with respect to building setbacks, height, lot coverage and so forth, and to make recommendations to the Bowie City Council in connection therewith; and,

WHEREAS, the City is authorized by the Ordinance to grant an application for a Variance if the Bowie Advisory Planning Board (hereinafter the "BAPB") makes the following findings pursuant to Section 27-230 of the Zoning Ordinance:

- (1) A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions; and,
- (2) The strict application of the Zoning Ordinance will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and,
- (3) The variance will not substantially impair the intent, purpose, or integrity of the General or Master Plan.

WHEREAS, the City Council is authorized by the Ordinance to accept or deny the recommendation of the BAPB with respect to Departures and Variances; and,

WHEREAS, on or about October 19, 2018, Ms. Chakita Kay (the "Applicant") of 15915 Perkins Lane (the "Subject Property") in the Pointer Ridge section of the City submitted an application for a Variance from Section 27-420 (a) of the Zoning Ordinance for the above address, specifically requesting a Variance to allow the construction of approximately 191 linear feet of six foot high vinyl replacement fencing along Plymouth Court when, according to the Zoning Ordinance, such fencing shall not be more than four feet high; and,

WHEREAS, the Subject Property was posted with a public hearing advertisement on October 26, 2018 in accordance with the adopted Ordinance; and,

WHEREAS, the technical staff report recommended **APPROVAL** of the Variance request; and,

WHEREAS, on November 13, 2018, the BAPB heard testimony and accepted evidence with respect to whether it can make the necessary findings set forth in the Ordinance to grant a Variance; and,

WHEREAS, the Board voted to recommend **APPROVAL** of the Variance in accordance with the staff recommendation, and the BAPB's recommendation was based on the findings and analysis found in the technical staff report and testimony provided during the hearing; and,

WHEREAS, no person of record filed an appeal and no member of the City Council requested oral argument regarding the BAPB's decision; and,

WHEREAS, the City Council accepts the following findings of fact recommended by the BAPB, specifically as follows:

1. The Subject Property is zoned R-80 (One Family Detached Residential) and contains 16,021 square feet.
2. The Subject Property is currently improved with a single-family detached dwelling, driveway and in-ground swimming pool. A six foot high wooden, board-on-board fence exists along Plymouth Court, approximately 11 feet from the curb.
3. On October 18, 2018 the City's Administrative Review Board/Board of Appeals granted a setback Variance from the City Code to allow a new fence to be located at the same location as the existing, wooden stockade fence, 11 feet from the curb abutting Plymouth Court.
4. According to Prince George's County permit records, a building permit was issued in 1979 for a fence and swimming pool, which complied with zoning regulations at the time of installation. A replacement fence was erected in 1990 under an approved County building permit.
5. The Applicant is requesting a Variance to allow the construction of approximately 191 linear feet of six foot high, vinyl replacement fencing along Plymouth Court.
6. Section 27-420 (a) of the Prince George's County Zoning Ordinance prescribes that in the case of a corner lot consisting of one acre or

less, fences in the front yard or side yard shall not be more than four feet high unless a Variance is approved. The Subject Property is a corner lot having two front yards: one in front of the house along Perkins Lane and one along Plymouth Court.

7. There are other six foot high privacy fences erected within the neighborhood.
8. The City sent notice of the Variance request to eight adjacent residents/property owners. No responses were received.

WHEREAS, the City Council hereby makes the following conclusions of law:

1. The specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions. The City Council finds that the Subject Property is non-rectangular and of an unusual shape. The house is located 22 feet from the southwestern side lot line, while the eastern lot line along Plymouth Court is situated on a long curve (over 150 feet). The area where the current fence exists along Plymouth Court is also directly opposite the south end of Price Lane, a cut-through street serving the larger neighborhood, where it intersects with Plymouth Court. Due to this intersection, the rear portion of the Subject Property is more exposed to the effects of turning vehicles than that of an interior lot. The City Council also finds the Subject Property has an extraordinary condition because it is a corner lot having two front yards. The location of the house on the Subject Property creates an odd-shaped rear yard and the entire area behind the house is currently fenced. Also, as indicated by the Applicant, the rear yard contains slopes (between 15%-25%, according to PGAtlas) and mature trees.

Because of the characteristics of the corner lot having two front yards, its unusual shape and oddly shaped rear yard, its long, curved lot line along Plymouth Court and exposure to the effects of turning vehicles from Price Lane, as well as the presence of steep slopes and mature trees in the rear yard, the City Council concludes that this criterion is met.

2. The strict application of the Zoning Ordinance will result in a peculiar and unusual practical difficulty to the property owner. The City Council finds that the Applicant has an unusual practical difficulty because of the configuration of the Subject Property and the existence of steep slopes and mature trees in the rear yard. The existence of the swimming pool, which is required to have a six foot high fence under the County Building Code, would be an impediment to construction of a six foot high fence that meets the locational requirements of the County Zoning Ordinance. The City Council determined that there is no way to construct a six foot high fence around the pool and not need a Variance from

Section 27-420 (a) of the Zoning Ordinance. Even if the pool did not exist, adherence to the zoning regulations would result in a substantially reduced and irregularly shaped area behind the house if a six foot high fence was constructed in compliance with the Ordinance. Finally, as noted above, the City Council finds that the location of the Subject Property at the intersection of Plymouth Court and Price Lane results in a greater exposure of the rear yard to the effects of vehicular traffic than that of an interior lot. A practical difficulty exists because a four foot high fence would be insufficient to address these issues. Also, there are other six foot high privacy fences erected within the neighborhood.

The City Council finds these factors support the conclusion that the strict application of the Zoning Ordinance will result in a peculiar and unusual practical difficulty to the property owner and, therefore, concludes that this criterion is met.

3. A Variance for the six foot high fence requested in this application will not substantially impair the intent, purpose or integrity of the County General Plan or Master Plan. The Applicant's six foot high, sight-tight, vinyl fence with a lattice top is residential in character and is not detrimental in its appearance. The fence replacement will improve the visual appearance of the property. The City Council further finds the vinyl fence material and sight-tight design are similar to other fences found within residential neighborhoods.

The Subject Property is located within a Residential, Low Density land use area within the Developing Tier as designated in the 2006 Approved Bowie and Vicinity Master Plan. A stated Goal for the Developing Tier in both the General Plan and Area Master Plan is to sustain or reinforce existing suburban residential neighborhoods. Master Plan Policy 3 for the Developing Tier states:

Policy 3. Protect, maintain and enhance the unique historical, cultural, and architectural identity, heritage and character of the City of Bowie.

Strategy 3 under this policy states the following:

3. Encourage the compatibility of infill residential development...Consideration should be given to similarity in density, style, size, material and design to the surrounding residential neighborhoods.

The City Council concludes that approval of the Variance request will not be harmful to the character of the surrounding residential neighborhood, because the fence's design and building materials are similar and compatible with other development in the area. Based on these factors, the City Council concludes that approval of the Variance request will not substantially impair the intent, purpose

or integrity of the Master Plan or the General Plan. Therefore, this criterion has been met.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Bowie, Maryland that the above "Whereas" clauses are hereby incorporated as operative provisions of this Resolution.

BE IT FURTHER RESOLVED that the Council of the City of Bowie, Maryland hereby adopts Resolution R-86-18 to **APPROVE** Variance BV-12-18, to allow construction of approximately 191 linear feet of six foot high vinyl replacement fencing along Plymouth Court when, according to the Zoning Ordinance, such fencing shall not be more than four feet high, at 15915 Perkins Lane.

INTRODUCED AND PASSED by the Council of the City of Bowie, Maryland at a meeting on December 3, 2018.

ATTEST:

THE CITY OF BOWIE, MARYLAND

Awilda Hernandez
City Clerk

G. Frederick Robinson
Mayor

191 linear feet
of six foot high
fencing requiring
a variance

$R=195.00'$
 $A=128.31'$
 PLYMOUTH COURT

R=195.00.
A=128.37.

LOT 75
16 021 sq

MAB, rd

Resolution # BV-12- 000000/8

Date: November 13, 2018

WE'LL GIVE YOU A 100%
FULL CREDIT TOWARDS
UPGRADING THIS
SURVEY TO A
BOUNDARY/STAKE
SURVEY FOR ONE
YEAR FROM THE DATE





City of Bowie

15901 Excalibur Road
Bowie, Maryland 20716

MEMORANDUM

TO: City Council

FROM: Alfred D. Lott, ICMA-CM, CPM
City Manager

SUBJECT: Resolution R-87-18
BV-13-18
2405 Pittland Lane

DATE: November 28, 2018

Attached please find a copy of Resolution R-87-18 for BV-13-18 approving a variance validating existing lot coverage at 31.7%, and increasing lot coverage by 0.2% to a total of 31.9%, above the 30% maximum prescribed by the Zoning Ordinance, for the construction of a new, 5' x 6' (30 square foot) bump-out addition onto the rear of the existing dwelling at 2405 Pittland Lane. Council is authorized to adopt this Resolution via the adopted variance and departure procedures granted to the City. The Bowie Advisory Planning Board (BAPB) approved the above case on November 13, 2018, and adopted their findings in Resolution #BV-13-18. No appeal or oral argument has been filed with the City, nor has any City Council member called up the action of the BAPB recommending approval of the requested variance. The attached resolution reflects BAPB's findings and recommendation.

Recommendation

It is recommended that Council approve the attached Resolution (R-87-18).

RESOLUTION
OF THE COUNCIL OF THE CITY OF BOWIE, MARYLAND
APPROVING VARIANCE APPLICATION BV-13-18, A REQUEST BY
MS. VICKIE DIPPEL FOR A VARIANCE TO VALIDATE EXISTING LOT
COVERAGE AT 31.7% AND TO FURTHER INCREASE LOT COVERAGE
BY 0.2% TO ALLOW CONSTRUCTION OF A 5' X 6' BUMP-OUT
ADDITION ONTO THE REAR OF THE DWELLING FOR A TOTAL OF
31.9% LOT COVERAGE WHEN, ACCORDING TO THE PRINCE
GEORGE'S COUNTY ZONING ORDINANCE, LOT COVERAGE IN THE
R-80 ZONE SHALL NOT BE MORE THAN 30%
AT 2405 PITTLAND LANE

WHEREAS, the City of Bowie (hereinafter the "City"), pursuant to Ordinance O-24-98 (hereafter the "Ordinance"), is authorized to hear requests for Variances from the terms of the Prince George's County Zoning Ordinance (hereafter the "Zoning Ordinance") with respect to building setbacks, height, lot coverage and so forth, and to make recommendations to the Bowie City Council in connection therewith; and,

WHEREAS, the City is authorized by the Ordinance to grant an application for a Variance if the Bowie Advisory Planning Board (hereinafter the "BAPB") makes the following findings pursuant to Section 27-230 of the Zoning Ordinance:

- (1) A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions; and,
- (2) The strict application of the Zoning Ordinance will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and,
- (3) The variance will not substantially impair the intent, purpose, or integrity of the General or Master Plan.

WHEREAS, the City Council is authorized by the Ordinance to accept or deny the recommendation of the BAPB with respect to Departures and Variances; and,

WHEREAS, on or about October 22, 2018, Ms. Vickie Dippel ("the Applicant"), owner of property located at 2405 Pittland Lane in the Pointer Ridge section of the City ("the Property"), submitted an application for a Variance from Section 27-442 (c) (Table II) of the Zoning Ordinance to validate existing lot coverage at 31.7% and to further increase lot coverage by 0.2% to a total of 31.9% above the 30% maximum prescribed by the Zoning Ordinance to allow construction of a 5'x 6' (30 square foot) bump-out addition onto the rear of the existing house; and,

WHEREAS, the Subject Property was posted with a public hearing advertisement on October 26, 2018 in accordance with the adopted Ordinance; and,

WHEREAS, the technical staff report recommended **APPROVAL** of the portion of the request validating existing lot coverage of 31.7% and **DENIAL** of the portion of the request to expand existing lot coverage by 0.2% to a total of 31.9% lot coverage; and,

WHEREAS, on November 13, 2018, the BAPB heard testimony and accepted evidence with respect to whether it can make the necessary findings set forth in the Ordinance to grant a Variance; and,

WHEREAS, the Board voted to recommend **APPROVAL** of the portion of the request validating existing lot coverage of 31.7%, in accordance with the staff recommendation, as well as **APPROVAL** of the portion of the request to expand existing lot coverage by 0.2%; and,

WHEREAS, the BAPB's recommendation was based on the findings and analysis found in the technical staff report and testimony provided during the hearing; and,

WHEREAS, no person of record filed an appeal and no member of the City Council requested oral argument regarding the BAPB's decision; and,

WHEREAS, the City Council accepts the following findings of fact recommended by the BAPB, specifically as follows:

1. The Subject Property is zoned R-80 (One-Family Detached Residential) and contains 10,456 square feet.
2. The Subject Property is currently improved with a single-family dwelling, double-width driveway and 150 square foot shed. The Applicant's home is the "rancher" house type, the smallest model constructed by the Levitt Corporation in this section of Pointer Ridge.
3. The property located immediately to the rear of the Subject Property is wooded parkland owned by The Maryland-National Capital Park and Planning Commission.
4. Section 27-442 (c) (Table II) of the Zoning Ordinance prescribes that lots in the R-80 zone shall not have lot coverage in excess of 30%.
5. Based on the lot area shown on the record plat and tax records (10,456 square feet), the maximum square footage of lot coverage

allowed at 30% is 3,136.8 square feet. The Applicant proposes a Variance of 204.42 additional square feet, or 1.9%, to validate existing lot coverage at 31.7% (174.42 square feet over) and to further increase lot coverage by 0.2% (30 square feet) to allow construction of a 5' x 6' bump-out that will exceed the 30% maximum lot coverage requirement prescribed by Section 27-442 (c) of the Prince George's County Zoning Ordinance, resulting in 31.9% lot coverage.

6. A building permit was issued by Prince George's County in March, 2017 in violation of the Zoning Ordinance's lot coverage requirement. A second building permit was issued for the same work in September, 2018. Staff Exhibit A (attached) is the applicant's architectural drawing submitted with the County building permit application. The building permit for the existing addition, issued approximately 20 years ago, also did not comply with the County's lot coverage regulations.
7. The City has not received any complaints regarding the existing addition, which exceeds the 30% lot coverage maximum.
8. There was no response from the five property owners notified of the Variance request.

WHEREAS, the City Council hereby makes the following conclusions of law:

1. The specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions. The Applicant's letter of justification does not identify any unique or unusual features relating to the Subject Property. The Applicant explains that the addition which was constructed approximately 20 years ago was not built correctly and is dire need of replacement. The Applicant points out that Prince George's County issued a building permit (in 2017, and then again in 2018, according to County permit records) for the addition and bump-out, not realizing that the lot coverage maximum had been exceeded. The building permit issued approximately 20 years ago also did not comply with the County's lot coverage regulations.

The City Council concludes that an extraordinary situation exists because of the number of years the current lot coverage has existed, without any known complaints, and the fact that the County twice issued building permits without regard to the lot coverage violation. Having to remove portions of the addition now to comply with zoning requirements would result in a substantial cost to the Applicant. Because the existing lot coverage has been in place for many years

and errors were committed by County staff in approving lot coverage that exceeds the 30% maximum allowed under the Zoning Ordinance, the City Council finds the existing lot coverage did not result from any action of the current owner. In addition, the City Council finds that an extraordinary situation exists relating to the proposed 5' x 6' bump-out addition, because the County has already issued a building permit and this approval should be honored. The Applicant has done their due diligence in preparing architectural plans, which would have to be altered if a Variance is not approved. The City Council finds this to be an extraordinary situation that justifies a Variance for the 0.2% (30 square feet) of additional lot coverage beyond the current 31.7%.

2. The strict application of the Zoning Ordinance will result in a peculiar and unusual practical difficulty to the property owner. The Applicant indicates in the Statement of Justification that if a Variance is not approved for the work included in the County building permit, it will cost a substantial amount of time and money to demolish the old addition, fix the existing house roof and bring that space back to a "non-permeable" surface area. The Applicant states that re-building and expanding the addition as proposed will allow her to finally use the space, which is desperately needed at this time.

The City Council finds that strict application of the Zoning Ordinance will result in a peculiar and unusual practical difficulty to the Applicant, since having to remove a portion of the existing addition to comply with the maximum 30% lot coverage requirement would result in a substantial cost. The City Council further finds that the amount of existing lot coverage has been in place for many years and that the County twice issued building permits without regard to the lot coverage violation. The City Council concludes that having to remove a portion of the addition would constitute a practical difficulty upon the owner of the property and therefore finds this criterion to be met with respect to validating existing lot coverage on the Subject Property. The City Council also finds the above-mentioned practical difficulty applies to the proposed 30 square foot bump-out addition, which would increase the amount of lot coverage by another 0.2% to 31.9%. Regarding the proposed bump-out addition, the City Council concludes that the strict application of the Zoning Ordinance will result in peculiar and unusual practical difficulties or exceptional or undue hardship upon the owner of the property.

3. The variance will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan. The Applicant desires to validate existing lot coverage and construct a 30 square foot bump-out addition that is compatible with the existing dwelling and in keeping with the character of the neighborhood.

The Subject Property is located within a Residential, Low Density land use area within the Developing Tier as designated in the 2006 Approved Bowie and

Vicinity Master Plan. A stated Goal for the Developing Tier in both the General Plan and Area Master Plan is to sustain or reinforce existing suburban residential neighborhoods. Master Plan Policy 3 for the Developing Tier states:

Policy 3. Protect, maintain and enhance the unique historical, cultural, and architectural identity, heritage and character of the City of Bowie.

Strategy 3 under this policy states the following:

3. Encourage the compatibility of infill residential development...Consideration should be given to similarity in density, style, size, material and design to the surrounding residential neighborhoods.

The City Council recognizes that the existing lot coverage has been in place for many years and that the County twice issued building permits without regard to the lot coverage violation. The City Council also concludes that approval of the Variance request for additional lot coverage will not impair the Master Plan or General Plan, since the property already exceeds the 30% lot coverage maximum and the 5' x 6' bump-out addition (30 square feet) represents only a 0.2% increase in lot coverage.

Based on these factors, the City Council concludes that approval of the Variance request to validate existing lot coverage at 31.7% will not substantially impair the intent, purpose or integrity of the Master Plan or the General Plan. Furthermore, the City Council concludes that approval of the portion of the Variance request for the bump-out addition will not be harmful to the character of the surrounding residential neighborhood, because the architecture and scale of the proposed addition is compatible with the residential neighborhood. The City Council concludes that approval of this portion of the Variance request will not substantially impair the intent, purpose or integrity of the Master Plan and General Plan.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Bowie, Maryland that the above "Whereas" clauses are hereby incorporated as operative provisions of this Resolution.

BE IT FURTHER RESOLVED that the Council of the City of Bowie, Maryland hereby adopts Resolution R-87-18 to **APPROVE** Variance BV-13-18 to validate existing lot coverage at 31.7%, and to **APPROVE** of the portion of the request to increase lot coverage by 0.2% to a total of 31.9%, above the 30% maximum prescribed by the Zoning Ordinance, for the construction of a new, 5' x 6' (30 square foot) bump-out addition onto the rear of the existing dwelling, at 2405 Pittland Lane.

INTRODUCED AND PASSED by the Council of the City of Bowie, Maryland at a meeting on December 3, 2018.

ATTEST:

THE CITY OF BOWIE, MARYLAND

Awilda Hernandez
City Clerk

G. Frederick Robinson
Mayor

MEMORANDUM

TO: City Council

FROM: Alfred D. Lott, City Manager

SUBJECT: Contract Award, Agreement for Architect/Engineering Open End Contract - Categories 8, 9 & 13 - R-88-18

DATE: November 26, 2018

A legal notice advertising a Request for Qualifications (RFQ) for an Agreement for Architect/Engineering Open End Contract was placed in the Bowie Blade, on eMaryland Marketplace and on the City's website on April 26, 2018. The RFQ included 15 separate technical categories of services. Interested firms were permitted to submit for one or multiple categories. A total of (86) eighty-six Proposals were submitted at the June 14, 2018 due date. The following is a list of the categories and number of Proposals received:

- Category 1-Water/Wastewater Treatment (Design) (7)
- Category 2-Water/Wastewater Distribution (Design) (9)
- Category 3-Stormwater Management and Ecological (Design & CMI) (12)
- Category 4-Traffic Engineering (Design) (4)
- Category 5-Roadways/Bridges (Design) (7)
- Category 6-Mechanical, Electrical and Plumbing (Design) (7)
- Category 7-Architectural (Design) (10)
- Category 8-Survey Services (4)
- Category 9-Structural and Geotechnical (Design) (5)
- Category 10-Geographic Information Systems (4)
- Category 11-Planning and Administrative for A/E Services (4)
- Category 12-Water/Wastewater (CMI Services) (4)
- Category 13-Streets/Bridges (CMI Services) (5)
- Category 14-Building/Structural/Architectural/MEP (CMI Services) (4)
- Category 15-Corrosion (Design and CMI Services) (0)

As described in the RFQ, the City's intent is to identify well qualified engineering firms in each of these categories, and enter into open ended agreements with multiple firms. The open ended agreements will significantly shorten the time required to select firms and negotiate contracts needed for these engineering services. Professional services delivered through these Agreements will be negotiated and procured on a Task Order basis as the City's needs arise.

The base term of the Agreement is three (3) years, FY19 (Award Date -6/30/19), FY20 (7/1/19-6/30/20) and FY21 (7/1/20-6/30/21). This Contract may be renewed for two (2) additional two-year periods with the same terms and conditions in the sole discretion of the City.

At this time, staff has completed the reviews for Categories 8, 9 & 13. We anticipate awarding Categories continuously through December 14, 2018. Proposals were evaluated by a two (2) member panel made up of City staff. As required by City Charter and the Procurement Policy, criteria for selection included the firm's experience, qualifications, capacity, reputation and understanding of the City requirements.

After careful review, it was determined that Rummel, Klepper & Kahl, LLP (RK&K) of Baltimore, MD, A. Morton Thomas & Associates, Inc. (AMT) of Rockville, MD and Charles P. Johnson & Associates, Inc. (CPJ) of Silver Spring, MD had submitted the most responsive and responsible proposals for Category 8-Survey Services.

After careful review, it was determined that EBA Engineering, Inc. (EBA) of Laurel, MD, Rummel, Klepper & Kahl, LLP (RK&K) of Baltimore, MD and McLaren Technical Services, Inc. (McLaren) of Baltimore, MD had submitted the most responsive and responsible proposals for Category 9-Structural and Geotechnical (Design).

After careful review, it was determined that EBA Engineering, Inc. (EBA) of Laurel, MD, Rummel, Klepper & Kahl, LLP (RK&K) of Baltimore, MD and A. Morton Thomas & Associates, Inc. (AMT) of Rockville, MD had submitted the most responsive and responsible proposals for Category 13-Streets/Bridges (CMI Services).

I concur with the above recommendation and request your approval of R-88-18.

ADL/GS/cs

RESOLUTION
OF THE COUNCIL OF THE CITY OF BOWIE, MARYLAND
ACCEPTING A PROPOSAL FOR AN AGREEMENT FOR
ARCHITECT/ENGINEERING OPEN END CONTRACT – CATEGORIES 8, 9 & 13

WHEREAS, pursuant to Section 61 of the City Charter, a Request for Qualifications (RFQ) was issued in the Bowie Blade, on eMaryland Marketplace, and on the City's website for an Agreement for Architect/Engineering Open End Contract; and

WHEREAS, this RFQ included 15 separate technical categories of services and interested firms were permitted to submit for one or multiple categories; and

WHEREAS, the City's intent is to identify well qualified engineering firms in each of these categories, and enter into open ended agreements with multiple firms to significantly shorten the time required to negotiate contracts needed for these engineering services; and

WHEREAS, on the June 14, 2018 due date, the City received eighty six (86) proposals; and

WHEREAS, after careful review, it was determined that Rummel, Klepper & Kahl, LLP (RK&K) of Baltimore, MD, A. Morton Thomas & Associates, Inc. (AMT) of Rockville, MD and Charles P. Johnson & Associates, Inc. (CPJ) of Silver Spring, MD had submitted the most responsive and responsible proposals for Category 8-Survey Services.

WHEREAS, after careful review, it was determined that EBA Engineering, Inc. (EBA) of Laurel, MD, Rummel, Klepper & Kahl, LLP (RK&K) of Baltimore, MD and McLaren Technical Services, Inc. (McLaren) of Baltimore, MD had submitted the most responsive and responsible proposals for Category 9-Structural and Geotechnical (Design).

WHEREAS, after careful review, it was determined that EBA Engineering, Inc. (EBA) of Laurel, MD, Rummel, Klepper & Kahl, LLP (RK&K) of Baltimore, MD and A. Morton Thomas & Associates, Inc. (AMT) of Rockville, MD had submitted the most responsive and responsible proposals for Category 13-Streets/Bridges (CMI Services).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Bowie, Maryland, that the Council hereby accepts the proposal of RK&K, AMT and CPJ and authorizes the City Manager to enter into a contract with RK&K, AMT and CPJ consistent with the terms and conditions in the RFQ and in the proposal submitted by these firms dated June 14, 2018 for Category 8-Survey Services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Bowie, Maryland, that the Council hereby accepts the proposal of EBA, RK&K and McLaren

consistent with the terms and conditions in the RFQ and in the proposal submitted by these firms dated June 14, 2018 for Category 9-Structural and Geotechnical (Design).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Bowie, Maryland, that the Council hereby accepts the proposal of EBA, RK&K and AMT consistent with the terms and conditions in the RFQ and in the proposal submitted by these firms dated June 14, 2018 for Category 13-Streets/Bridges (CMI Services)

INTRODUCED AND PASSED by the Council of the City of Bowie, Maryland at a meeting on December 3, 2018.

ATTEST:

THE CITY OF BOWIE, MARYLAND

Awilda Hernandez
City Clerk

G. Frederick Robinson
Mayor

M E M O R A N D U M

TO: City Council

FROM: Alfred D. Lott
City Manager

SUBJECT: Waive Bidding for Purchase of Sewer Foam Injection Root Control
Services
R-89-18

DATE: November 27, 2018

The FY19 Public Works Utilities Division budget allows for the purchase of Sewer Foam Injection Root Control Services. The Public Works Department has located a Contract with Baltimore City (Contract# B50002616) through Duke's Root Control, Inc., upon which we will be able to piggyback.

The foam injection program has been very successful in controlling root growth inside City sewer lines and helping to prevent sewer backups. This year we have budgeted \$130,000 for this program.

The Public Works Department recommends waiving bidding requirements for good cause shown, as allowed by Section 61(b) of the City Charter, for the purchase of Sewer Foam Injection Root Control Services in the amount of \$130,000.

I concur with the above recommendation and request your approval of R-89-18.

ADL:GS:cs

RESOLUTION
OF THE COUNCIL OF THE CITY OF BOWIE, MARYLAND
BY TWO-THIRDS VOTE WAIVING WAIVING OF BIDDING REQUIREMENTS OF
SECTION 61 OF THE CITY CHARTER TO AUTHORIZE THE PURCHASE OF SEWER
FOAM INJECTION ROOT CONTROL SERVICES

WHEREAS, the FY19 Public Works Utilities Division budget allows for the purchase of Sewer Foam Injection Root Control Services; and

WHEREAS, the Public Works Department has located a Contract with Baltimore City (Contract# B50002616) through Duke's Root Control, Inc., upon which we will be able to piggyback; and

WHEREAS, the foam injection program has been very successful in controlling root growth inside City sewer lines and helping to prevent sewer backups; and

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Bowie, Maryland, upon a two thirds vote, that the bidding requirements of Section 61 of the City Charter are hereby waived; and

BE IT FURTHER RESOLVED, that the Council authorizes the City Manager to issue a Purchase Order to Duke's Root Control, Inc. in the amount of \$130,000.

INTRODUCED AND PASSED by the Council of the City of Bowie, Maryland, at a Regular Meeting on December 3, 2018.

ATTEST:

CITY OF BOWIE, MARYLAND

Awilda Hernandez, City Clerk

G. Frederick Robinson, Mayor

MEMORANDUM

TO: City Council

FROM: Alfred D. Lott, City Manager

SUBJECT: Contract Award, Agreement for Architect/Engineering Open End Contract - Category 7 - R-92-18

DATE: November 28, 2018

A legal notice advertising a Request for Qualifications (RFQ) for an Agreement for Architect/Engineering Open End Contract was placed in the Bowie Blade, on eMaryland Marketplace and on the City's website on April 26, 2018. The RFQ included 15 separate technical categories of services. Interested firms were permitted to submit for one or multiple categories. A total of (86) eighty-six Proposals were submitted at the June 14, 2018 due date. The following is a list of the categories and number of Proposals received:

- Category 1-Water/Wastewater Treatment (Design) (7)
- Category 2-Water/Wastewater Distribution (Design) (9)
- Category 3-Stormwater Management and Ecological (Design & CMI) (12)
- Category 4-Traffic Engineering (Design) (4)
- Category 5-Roadways/Bridges (Design) (7)
- Category 6-Mechanical, Electrical and Plumbing (Design) (7)
- Category 7-Architectural (Design) (10)
- Category 8-Survey Services (4)
- Category 9-Structural and Geotechnical (Design) (5)
- Category 10-Geographic Information Systems (4)
- Category 11-Planning and Administrative for A/E Services (4)
- Category 12-Water/Wastewater (CMI Services) (4)
- Category 13-Streets/Bridges (CMI Services) (5)
- Category 14-Building/Structural/Architectural/MEP (CMI Services) (4)
- Category 15-Corrosion (Design and CMI Services) (0)

As described in the RFQ, the City's intent is to identify well qualified engineering firms in each of these categories, and enter into open ended agreements with multiple firms. The open ended agreements will significantly shorten the time required to select firms and negotiate contracts needed for these engineering services. Professional services delivered through these Agreements will be negotiated and procured on a Task Order basis as the City's needs arise.

The base term of the Agreement is three (3) years, FY19 (Award Date -6/30/19), FY20 (7/1/19-6/30/20) and FY21 (7/1/20-6/30/21). This Contract may be renewed for two (2) additional two-year periods with the same terms and conditions in the sole discretion of the City.

At this time, staff has completed the reviews for Category 7. We anticipate awarding Categories continuously through December 14, 2018. Proposals were evaluated by a two (2) member panel made up of City staff. As required by City Charter and the Procurement Policy, criteria for selection included the firm's experience, qualifications, capacity, reputation and understanding of the City requirements.

After careful review, it was determined that Wheeler Goodman Masek (WGM) of Annapolis, MD, Bignell Watkins Hasser Architects, PC (BWH) of Annapolis, MD, Frederick Ward Associates, Inc. (FWA) of Bel Air, MD, Gant Brunnett Architects (GBA) of Baltimore, MD and Buchart Horn, Inc. (BH) of Baltimore, MD had submitted the most responsive and responsible proposals for Category 7-Architectural (Design).

I concur with the above recommendation and request your approval of R-92-18.

ADL/GS/cs

RESOLUTION
OF THE COUNCIL OF THE CITY OF BOWIE, MARYLAND
ACCEPTING A PROPOSAL FOR AN AGREEMENT FOR
ARCHITECT/ENGINEERING OPEN END CONTRACT-CATEGORY 7

WHEREAS, pursuant to Section 61 of the City Charter, a Request for Qualifications (RFQ) was issued in the Bowie Blade, on eMaryland Marketplace, and on the City's website for an Agreement for Architect/Engineering Open End Contract; and

WHEREAS, this RFQ included 15 separate technical categories of services and interested firms were permitted to submit for one or multiple categories; and

WHEREAS, the City's intent is to identify well qualified engineering firms in each of these categories, and enter into open ended agreements with multiple firms to significantly shorten the time required to negotiate contracts needed for these engineering services; and

WHEREAS, on the June 14, 2018 due date, the City received eighty six (86) proposals; and

WHEREAS, after careful review, it was determined that Wheeler Goodman Masek (WGM) of Annapolis, MD, Bignell Watkins Hasser Architects, PC (BWH) of Annapolis, MD, Frederick Ward Associates, Inc. (FWA) of Bel Air, MD, Gant Brunnett Architects (GBA) of Baltimore, MD and Buchart Horn, Inc. (BH) of Baltimore, MD had submitted the most responsive and responsible proposals for Category 7-Architectural (Design).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Bowie, Maryland, that the Council hereby accepts the proposal of WGM, BWH, FWA, GBA and BH and authorizes the City Manager to enter into a contract with WGM, BWH, FWA, GBA and BH consistent with the terms and conditions in the RFQ and in the proposal submitted by these firms dated June 14, 2018 for Category 7-Architectural (Design).

INTRODUCED AND PASSED by the Council of the City of Bowie, Maryland at a meeting on December 3, 2018.

ATTEST:

THE CITY OF BOWIE, MARYLAND

Awilda Hernandez
City Clerk

G. Frederick Robinson
Mayor

MEMORANDUM

TO: City Council

FROM: Alfred D. Lott, City Manager

SUBJECT: Contract Award, Agreement for Architect/Engineering Open End Contract - Categories 6, 11 & 14 - R-93-18

DATE: November 28, 2018

A legal notice advertising a Request for Qualifications (RFQ) for an Agreement for Architect/Engineering Open End Contract was placed in the Bowie Blade, on eMaryland Marketplace and on the City's website on April 26, 2018. The RFQ included 15 separate technical categories of services. Interested firms were permitted to submit for one or multiple categories. A total of (86) eighty-six Proposals were submitted at the June 14, 2018 due date. The following is a list of the categories and number of Proposals received:

- Category 1-Water/Wastewater Treatment (Design) (7)
- Category 2-Water/Wastewater Distribution (Design) (9)
- Category 3-Stormwater Management and Ecological (Design & CMI) (12)
- Category 4-Traffic Engineering (Design) (4)
- Category 5-Roadways/Bridges (Design) (7)
- Category 6-Mechanical, Electrical and Plumbing (Design) (7)
- Category 7-Architectural (Design) (10)
- Category 8-Survey Services (4)
- Category 9-Structural and Geotechnical (Design) (5)
- Category 10-Geographic Information Systems (4)
- Category 11-Planning and Administrative for A/E Services (4)
- Category 12-Water/Wastewater (CMI Services) (4)
- Category 13-Streets/Bridges (CMI Services) (5)
- Category 14-Building/Structural/Architectural/MEP (CMI Services) (4)
- Category 15-Corrosion (Design and CMI Services) (0)

As described in the RFQ, the City's intent is to identify well qualified engineering firms in each of these categories, and enter into open ended agreements with multiple firms. The open ended agreements will significantly shorten the time required to select firms and negotiate contracts needed for these engineering services. Professional services delivered through these Agreements will be negotiated and procured on a Task Order basis as the City's needs arise.

The base term of the Agreement is three (3) years, FY19 (Award Date -6/30/19), FY20 (7/1/19-6/30/20) and FY21 (7/1/20-6/30/21). This Contract may be renewed for two (2) additional two-year periods with the same terms and conditions in the sole discretion of the City.

At this time, staff has completed the reviews for Category 6, 11 & 14. We anticipate awarding Categories continuously through December 14, 2018. Proposals were evaluated by a two (2) member panel made up of City staff. As required by City Charter and the Procurement Policy, criteria for selection included the firm's experience, qualifications, capacity, reputation and understanding of the City requirements.

After careful review, it was determined that EBL Engineers, LLC (EBL) of Baltimore, MD, Henry Adams Consulting Engineers (Henry Adams) of Baltimore, MD, Setty Associates International, PLLC (Setty) of Baltimore, MD and Min Engineering, Inc. (Min) of Pikesville, MD had submitted the most responsive and responsible proposals for Category 6-Mechanical, Electrical and Plumbing (Design).

After careful review, it was determined that Hill International, Inc. (Hill) of Glen Burnie, MD, KCI Technologies, Inc. (KCI) of Sparks, MD and Rummel, Klepper & Kahl, LLP (RKK) of Baltimore, MD had submitted the most responsive and responsible proposals for Category 11-Planning and Administrative for A/E Services.

After careful review, it was determined that Hill International, Inc. (Hill) of Glen Burnie, MD and Rummel, Klepper & Kahl, LLP (RKK) of Baltimore, MD had submitted the most responsive and responsible proposals for Category 14-Building/Structural/Architectural/MEP (CMI Services).

I concur with the above recommendation and request your approval of R-93-18.

ADL/GS/cs

RESOLUTION
OF THE COUNCIL OF THE CITY OF BOWIE, MARYLAND
ACCEPTING A PROPOSAL FOR AN AGREEMENT FOR
ARCHITECT/ENGINEERING OPEN END CONTRACT – CATEGORIES 6, 11 & 14

WHEREAS, pursuant to Section 61 of the City Charter, a Request for Qualifications (RFQ) was issued in the Bowie Blade, on eMaryland Marketplace, and on the City's website for an Agreement for Architect/Engineering Open End Contract; and

WHEREAS, this RFQ included 15 separate technical categories of services and interested firms were permitted to submit for one or multiple categories; and

WHEREAS, the City's intent is to identify well qualified engineering firms in each of these categories, and enter into open ended agreements with multiple firms to significantly shorten the time required to negotiate contracts needed for these engineering services; and

WHEREAS, on the June 14, 2018 due date, the City received eighty six (86) proposals; and

WHEREAS, after careful review, it was determined that EBL Engineers, LLC (EBL) of Baltimore, MD, Henry Adams Consulting Engineers (Henry Adams) of Baltimore, MD, Setty Associates International, PLCC (Setty) of Baltimore, MD and Min Engineering, Inc. (Min) of Pikesville, MD had submitted the most responsive and responsible proposals for Category 6-Mechanical, Electrical and Plumbing (Design).

WHEREAS, after careful review, it was determined that Hill International, Inc. (Hill) of Glen Burnie, MD, KCI Technologies, Inc. (KCI) of Sparks, MD and Rummel, Klepper & Kahl, LLP (RKK) of Baltimore, MD had submitted the most responsive and responsible proposals for Category 11-Planning and Administrative for A/E Services.

WHEREAS, after careful review, it was determined that Hill International, Inc. (Hill) of Glen Burnie, MD and Rummel, Klepper & Kahl, LLP (RKK) of Baltimore, MD had submitted the most responsive and responsible proposals for Category 14-Building/Structural/Architectural/MEP (CMI Services).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Bowie, Maryland, that the Council hereby accepts the proposal of EBL, Henry Adams, Setty & Min and authorizes the City Manager to enter into a contract with EBL, Henry Adams, Setty & Min consistent with the terms and conditions in the RFQ and in the proposal submitted by these firms dated June 14, 2018 for Category 6-Mechanical, Electrical and Plumbing (Design).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Bowie, Maryland, that the Council hereby accepts the proposal of Hill, KCI and RKK consistent with the terms and conditions in the RFQ and in the proposal submitted by these firms dated June 14, 2018 for Category 11-Planning and Administrative for A/E Services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Bowie, Maryland, that the Council hereby accepts the proposal of Hill & RKK consistent with the terms and conditions in the RFQ and in the proposal submitted by these firms dated June 14, 2018 for Category 14-Building/Structural/Architectural/MEP (CMI Services).

INTRODUCED AND PASSED by the Council of the City of Bowie, Maryland at a meeting on December 3, 2018.

ATTEST:

THE CITY OF BOWIE, MARYLAND

Awilda Hernandez
City Clerk

G. Frederick Robinson
Mayor

MEMORANDUM

TO: City Council

FROM: Alfred D. Lott, City Manager

SUBJECT: Contract Award, Agreement for Architect/Engineering Open End Contract -
Category 10 - R-94-18

DATE: November 29, 2018

A legal notice advertising a Request for Qualifications (RFQ) for an Agreement for Architect/Engineering Open End Contract was placed in the Bowie Blade, on eMaryland Marketplace and on the City's website on April 26, 2018. The RFQ included 15 separate technical categories of services. Interested firms were permitted to submit for one or multiple categories. A total of (86) eighty-six Proposals were submitted at the June 14, 2018 due date. The following is a list of the categories and number of Proposals received:

- Category 1-Water/Wastewater Treatment (Design) (7)
- Category 2-Water/Wastewater Distribution (Design) (9)
- Category 3-Stormwater Management and Ecological (Design & CMI) (12)
- Category 4-Traffic Engineering (Design) (4)
- Category 5-Roadways/Bridges (Design) (7)
- Category 6-Mechanical, Electrical and Plumbing (Design) (7)
- Category 7-Architectural (Design) (10)
- Category 8-Survey Services (4)
- Category 9-Structural and Geotechnical (Design) (5)
- Category 10-Geographic Information Systems (4)
- Category 11-Planning and Administrative for A/E Services (4)
- Category 12-Water/Wastewater (CMI Services) (4)
- Category 13-Streets/Bridges (CMI Services) (5)
- Category 14-Building/Structural/Architectural/MEP (CMI Services) (4)
- Category 15-Corrosion (Design and CMI Services) (0)

As described in the RFQ, the City's intent is to identify well qualified engineering firms in each of these categories, and enter into open ended agreements with multiple firms. The open ended agreements will significantly shorten the time required to select firms and negotiate contracts needed for these engineering services. Professional services delivered through these Agreements will be negotiated and procured on a Task Order basis as the City's needs arise.

The base term of the Agreement is three (3) years, FY19 (Award Date -6/30/19), FY20 (7/1/19-6/30/20) and FY21 (7/1/20-6/30/21). This Contract may be renewed for two (2) additional two-year periods with the same terms and conditions in the sole discretion of the City.

At this time, staff has completed the reviews for Category 5 & 14. We anticipate awarding Categories continuously through December 14, 2018. Proposals were evaluated by a two (2) member panel made up of City staff. As required by City Charter and the Procurement Policy, criteria for selection included the firm's experience, qualifications, capacity, reputation and understanding of the City requirements.

After careful review, it was determined that KCI Technologies, Inc. (KCI) of Sparks, MD and Rummel, Klepper & Kahl, LLP (RKK) of Baltimore, MD and Sabra, Wang, & Associates, Inc. (SWA) of Columbia, MD had submitted the most responsive and responsible proposals for Category 10-Geographic Information Systems.

I concur with the above recommendation and request your approval of R-94-18.

ADL/GS/cs

RESOLUTION
OF THE COUNCIL OF THE CITY OF BOWIE, MARYLAND
ACCEPTING A PROPOSAL FOR AN AGREEMENT FOR
ARCHITECT/ENGINEERING OPEN END CONTRACT – CATEGORY 10

WHEREAS, pursuant to Section 61 of the City Charter, a Request for Qualifications (RFQ) was issued in the Bowie Blade, on eMaryland Marketplace, and on the City's website for an Agreement for Architect/Engineering Open End Contract; and

WHEREAS, this RFQ included 15 separate technical categories of services and interested firms were permitted to submit for one or multiple categories; and

WHEREAS, the City's intent is to identify well qualified engineering firms in each of these categories, and enter into open ended agreements with multiple firms to significantly shorten the time required to negotiate contracts needed for these engineering services; and

WHEREAS, on the June 14, 2018 due date, the City received eighty six (86) proposals; and

WHEREAS, after careful review, it was determined that KCI Technologies, Inc. (KCI) of Sparks, MD and Rummel, Klepper & Kahl, LLP (RKK) of Baltimore, MD and Sabra, Wang, & Associates, Inc. (SWA) of Columbia, MD had submitted the most responsive and responsible proposals for Category 10-Geographic Information Systems.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Bowie, Maryland, that the Council hereby accepts the proposal of KC, RKK and SWA consistent with the terms and conditions in the RFQ and in the proposal submitted by these firms dated June 14, 2018 for Category 10-Geographic Information Systems.

INTRODUCED AND PASSED by the Council of the City of Bowie, Maryland at a meeting on December 3, 2018.

ATTEST:

THE CITY OF BOWIE, MARYLAND

Awilda Hernandez
City Clerk

G. Frederick Robinson
Mayor

MEMORANDUM

To: City Council

From: Alfred D. Lott, City Manager

Subject: Amending City Code Chapter 6, Elections - Establishing Date for Filing Certificate of Candidacy – Emergency Ordinance O-9-18

Date: November 29, 2018

At the November 19 Council Meeting, Council directed staff to proceed with an Emergency Ordinance to set May 1st as the start of candidate filings for City elections. Attached Emergency Ordinance O-9-18 has been drafted and reviewed by the City Attorney and is eligible for Council action this evening.

Per City Charter Sec. 12(a) Procedures for Enacting Ordinances - In cases of emergency determined by the council, the waiting period requirement may be suspended by the unanimous vote of the members of the council who are present.

Staff recommends that Council approve Emergency Ordinance O-9-18.

EMERGENCY ORDINANCE
OF THE COUNCIL OF THE CITY OF BOWIE, MARYLAND
AMENDING CITY CODE CHAPTER 6, “ELECTIONS”, ARTICLE IV, “FAIR
ELECTIONS PRACTICES”, TO ADD SECTION 6-66A, “DATE FOR FILING
CERTIFICATE OF CANDIDACY,” TO ESTABLISH THE FIRST DATE ON WHICH
CANDIDATES MAY ESTABLISH CANDIDACY FOR CITY ELECTIVE OFFICE

WHEREAS, pursuant to Md. Code Ann., Local Gov’t. Article, § 5-202, the City of Bowie, Maryland (the “City”) has the authority to pass such ordinances as it deems necessary to preserve peace and good order, to secure persons from danger and destruction and to protect the health, comfort and convenience of the citizens of the municipality; and

WHEREAS, the Charter of the City of Bowie, provides, in Section 36, “Power of Council to regulate elections, etc.”, that “[t]he Council shall have the power to provide by ordinance in every respect not covered by this Charter or State or County law for the conduct of voter registration, filing for office, City election procedures; and

WHEREAS, pursuant to this authority, the City Council has adopted Chapter 6 of the City Code, “Elections”, Article IV, “Fair Election Practices,”; and

WHEREAS, it has come to the attention of the City Council that Section 6-68 of the City Code requires clarification as to the first date on which a person may establish candidacy for City elective office; and

WHEREAS, given the immanence of the November, 2019, City election, and the need for clarity among residents, voters, and potential candidates regarding the beginning of the campaign season, the City Council declares the enactment of this Ordinance to be a matter of emergency.

Section 1. NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Council of the City of Bowie, Maryland that Chapter 6, “Elections”, Article IV, “Fair Election

Practices”, be and is hereby amended to add Section 6-66A, “Date for filing certificate of candidacy”, as follows:

SEC. 6-66A. DATE FOR FILING CERTIFICATE OF CANDIDACY.

NO CERTIFICATE OF CANDIDACY FOR CITY ELECTIVE OFFICE MAY BE FILED WITH THE CITY CLERK BEFORE REGULAR BUSINESS HOURS ON THE FIRST MONDAY IN MAY OF THE YEAR IN WHICH THE ELECTION IS TO BE HELD.

Section 2. **BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF BOWIE** that this Emergency Ordinance shall become effective immediately upon its enactment by the Council of the City of Bowie, Maryland provided that a fair summary of this Ordinance is published at least once within ten (10)_days after the date of passage in a newspaper having general circulation in the City.

INTRODUCED by the Council of the City of Bowie, Maryland at a regular meeting on the ____ day of _____, 2018.

PASSED by the Council of the City of Bowie, Maryland at a regular meeting on the ____ day of _____, 2018.

ATTEST:

THE CITY OF BOWIE, MARYLAND

Awilda Hernandez
City Clerk

By: _____
G. Frederick Robinson, Mayor

APPROVED AS TO FORM AND SUFFICIENCY:

Elissa D. Levan, City Attorney



City of Bowie

15901 Excalibur Road
Bowie, Maryland 20716

MEMORANDUM

TO: City Council

FROM: Alfred D. Lott, ICMA-CM, CPM
City Manager

SUBJECT: Resolution R-71-18
Karington (South Lake) and Adjacent Parcels Annexation

DATE: October 11, 2018

I. Background

Annexations typically involve a two-step process. First, an Annexation Agreement is approved by City Council resolution that details the terms under which the City and the residents or owners within the area being annexed consent to the annexation. Second, the Council must introduce a Resolution of Annexation. City Council authorized the City Manager to sign an Annexation Agreement in R-18-16 approved on June 6, 2016. An Annexation Agreement with Karington, LLC was executed on June 7, 2016.

Attached is the Resolution of Annexation (R-71-18). After the introduction of the Resolution of Annexation, a public hearing date is advertised in a local paper for four consecutive weeks. Subsequently, the Annexation Resolution is adopted by Council at a public hearing, to be held no sooner than 15 days after the public hearing advertising requirement has been met. Annexations become effective 45 days after adoption. Based on these legal requirements and scheduling, a public hearing for the adoption of R-71-18 is scheduled for December 3, 2018. Forty-five days from the Annexation Resolution adoption date is January 17, 2019.

Resolution R-71-18 will enlarge the City boundaries by annexing 421.0920 acres of land, including Outparcels A and B and Karington Center Boulevard in Karington (now known as South Lake) that is subject to the Annexation Agreement (approximately 381.52 acres), part of Parcel 8 and all of Parcels 126 and 127 on Tax Map 70, that are not currently within the City limits. The City Attorney has reviewed and approved R-71-18.

II. Recommendation

Staff recommends that Council **APPROVE** Resolution R-71-18 for the purpose of annexing Outparcels A and Karington Center Boulevard of Karington, Outparcel B of Karington, part of Parcel 8 and all of Parcels 126 and 127 on Tax Map 70, into the corporate limits of the City.

MAYOR G. Frederick Robinson **MAYOR PRO TEM** Henri Gardner

COUNCIL Michael P. Estève ♦ Courtney D. Glass ♦ James L. Marcos ♦ Isaac C. Trouth ♦ Dufour Woolfley **CITY MANAGER** Alfred D. Lott
City Hall (301) 262-6200 FAX (301) 809-2302 TDD (301) 262-5013 WEB www.cityofbowie.org

RESOLUTION
OF THE COUNCIL OF THE CITY OF BOWIE, MARYLAND
ENLARGING THE CORPORATE BOUNDARIES OF THE CITY
OF BOWIE, BY ANNEXING INTO THE CITY LANDS
CONTIGUOUS TO AND ADJOINING THE CITY'S EXISTING
CORPORATE BOUNDARY, INCLUDING OUTPARCELS A AND
B AND KARINGTON CENTER BOULEVARD IN KARINGTON
(NOW KNOWN AS SOUTH LAKE), PART OF PARCEL 8 AND
ALL OF PARCELS 126 AND 127 ON PRINCE GEORGE'S
COUNTY TAX MAP 70, GENERALLY LOCATED ON THE
SOUTH SIDE OF MARYLAND ROUTE 214
AND WEST SIDE OF US 301

WHEREAS, the Council of the City of Bowie, Maryland ("the Bowie City Council"), a municipal corporation of the State of Maryland, has determined to enlarge and extend the limits of the City of Bowie ("City"), in accordance with the procedures set forth in Md. Code Ann., Local Gov't Article, Title 4, Subtitle 4, § 4-401 *et seq.*, by including therein property situated within Prince George's County as more particularly shown on the Special Plat of Annexation attached hereto as Exhibit A, which land is contiguous to and adjoining the existing boundaries of the City of Bowie; and

WHEREAS, the land to be annexed includes Outparcels A and B and Karington Center Boulevard in Karington (now known as South Lake) that is subject to the Annexation Agreement (approximately 381.52 acres), part of Parcel 8 and all of Parcels 126 and 127 on Prince George's County Tax Map 70, which is located on the south side of MD 214 and west side of US 301 that is not currently within the City limits, all parcels together comprising an Annexation Area of approximately 421.0920 acres of land; and

WHEREAS, the City Council deems it to be in the best interests of the City and its occupants to annex Outparcels A and B and Karington Center Boulevard in Karington, part of Parcel 8 and all of Parcels 126 and 127 on Prince George's County Tax Map 70; and

WHEREAS, the terms and conditions of annexation are derived in part from a certain Annexation Agreement (Exhibit B), authorized by the Bowie City Council in Resolution R-18-16, which is recorded in the land records of Prince George's County, Maryland at Liber 38323, folio 141; and

WHEREAS, the annexation of Outparcels A and B and Karington Center Boulevard in Karington (now known as South Lake) that is subject to the Annexation Agreement (approximately 381.52 acres), part of Parcel 8 and all of Parcels 126 and 127 on Prince George's County Tax Map 70, will not create any unincorporated areas surrounded entirely by properties located within the City's boundaries; and

WHEREAS, the City has obtained consents to annexation from the owners of at least 25% of the assessed value of the real property in the area to be annexed and there are no persons residing within the area to be annexed; and

WHEREAS, based on the aforesaid consents, the Bowie City Council has determined to initiate a Resolution to enlarge and extend the limits of the City of Bowie to include the area described more fully in Exhibit C, and to make applicable to that area all laws which are now in force and effect or which may be hereafter enacted in the City of Bowie.

NOW, THEREFORE BE IT RESOLVED by the Bowie City Council in legislative session assembled:

Section 1. That there is hereby annexed into the corporate boundaries of the City of Bowie, a municipal corporation of the State of Maryland, all of that land contiguous to and adjoining the current boundaries of the City of Bowie in Prince George's County, Maryland, consisting of 421.0920 acres of land as shown on Exhibit A.

Section 2. That the annexation of the land described in Exhibit C will not create any unincorporated area which is bounded on all sides by real property presently within the corporate limits of the City of Bowie, real property proposed to be within the corporate limits of the City of Bowie, or any combination of such properties.

Section 3. That from and after the effective date of this Resolution, all provisions of the Constitution of Maryland, all laws of the State of Maryland applicable to the City of Bowie, and all duly adopted Charter and Ordinance provisions of the City of Bowie shall be and are hereby extended and made applicable to such portion of Prince George's County as is, under the provisions of the Resolution, annexed to and made a part of the City of Bowie, Maryland. Nothing herein or elsewhere in the Resolution shall affect the power of the Bowie City Council to amend or to repeal any Charter provision or Ordinance existing at the date of passage of this Resolution, or to enact and ordain any Ordinance which, at the date of passage of this Resolution, or hereafter, it may be authorized to enact or ordain;

Section 4. The City Manager of the City of Bowie shall cause a public notice to be published not fewer than four (4) times at not less than weekly intervals in a newspaper having general circulation in the City of Bowie and in the area to be annexed which briefly and accurately describes the proposed change and the conditions and circumstances applicable thereto. The public notice shall further specify that a public hearing will be held on this Resolution by the Bowie City Council at 8:00 p.m. in the Bowie City Hall, 15901 Excalibur Road, Bowie, Maryland 20716, on the 3rd day of December, 2018;

Section 5. This Resolution shall become effective forty-five (45) days from the date of enactment by the Bowie City Council, unless within forty-five (45) days of the date of enactment the Bowie City Council receives a Petition for Referendum filed in

accordance with the provisions of Md. Code Ann., Local Gov't Article, §§ 4-408 through 4-410.

AND BE IT FURTHER RESOLVED, by the Bowie City Council that the City Manager, immediately upon the first publication of the public notice, shall transmit a copy of the public notice to the County Executive, County Council, the Executive Director of the Maryland-National Capital Park and Planning Commission and the Director, Office of Planning of the State of Maryland, each of which shall have the first right to be heard at the scheduled public hearing prior to opening the hearing to the general public.

AND BE IT FURTHER RESOLVED, by the Bowie City Council that the City Manager shall, on or after the effective date of the Resolution, promptly register both the original and new corporate boundaries of the City of Bowie with the City Clerk, the Clerk of the Circuit Court for Prince George's County, the Department of Legislative Reference for the State of Maryland, and the Maryland-National Capital Park and Planning Commission.

INTRODUCED by the Bowie City Council at a regular meeting on October 15, 2018.

ENACTED by the Bowie City Council at a regular meeting on _____.

WITNESS:

THE CITY OF BOWIE, MARYLAND

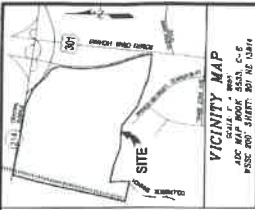
Awilda Hernandez
City Clerk

G. Frederick Robinson
Mayor

Approved as to Form and Legal Sufficiency:

Elissa D. Levan, City Attorney

JEDS DATA					
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NOTES

- [illegible]

AREA TO BE ANNEXED
AREA: 18,342,768 SQ. FT.
OR 421.0920 ACRES

SURVEYOR'S CERTIFICATE

[illegible]

November 11, 2018

W. Wade Buchanan, Jr.
President—One Land Surveys
Merripen, Me. 21838
Local Nat. Exp. 72-26-2019

SPECIAL PURPOSE SURVEY
421.0620 ACRES OF LAND TO BE ANNEXED
INTO THE CORPORATE BOUNDARY OF THE
CITY OF BOWIE

**THE PROPERTY OF KARINGTON,
M.N.C.P.C., PRINCE GEORGE'S COUNTY
CONSOLIDATED RAIL CORPORATION**

DISTRICT No. 47
PRINCE GEORGE'S COUNTY, MARYLAND

[illegible]

38323 141

ANNEXATION AGREEMENT

THIS ANNEXATION AGREEMENT is made this 7 day of June, 2016, by and between the City of Bowie ("the City"), a municipal corporation of the State of Maryland, with its principal offices at 15901 Excalibur Road, Bowie, Maryland 20716, and Karington LLC ("Owner"), a Maryland limited liability corporation with its principal offices at 10100 Business Parkway, Lanham, Maryland 20706.

RECITALS

WHEREAS, the Owner is the record owner of certain real property located in Prince George's County, Maryland, commonly known as the Karington subdivision, and more particularly described in Exhibit "A" attached hereto and made a part hereof as if set forth in full in the body of this Agreement ("the Annexation Area"); and

WHEREAS, Owner and the City desire to have the Annexation Area incorporated into the corporate boundaries of the City; and

WHEREAS, pursuant to the authority contained in Md. Code Ann., Local Gov't Art., Title 4, Subtitle 4, the Owner and the City have agreed that the following conditions and circumstances will apply to the annexation proceedings and to the Annexation Area.

WITNESSETH:1. **WARRANTIES AND REPRESENTATIONS OF CITY:**

A. The City supports the existing development approvals from the Maryland-National Capital Park and Planning Commission ("M-NCPPC") and/or the Prince George's County Council sitting as the District Council for Karington as listed in Exhibit B, as well as any pending or future Applications for Karington that are generally consistent with the aforementioned concept plans. Specifically, the City supports the development of Karington as a

Please return recorded document to:
City Clerk
City of Bowie
15901 Excalibur Road
Bowie, Maryland 20716

Clerk of the
Circuit Court

LG Government
Instrument 0.00
Agency Name: city of
Bowie
Instrument List:
Agreement / Easement
Describe Other:
Karington LLC
Reference/Control #:
=====

Total: 0.00
07/24/2016 11:10
CC16-NR
#54818631002703 ..
Prince George's
County/CC07.03.01 -
Page 1 of 21

mixed-use project consisting of approximately 381.5297 acres, zoned E-I-A, and including residential, retail, office, and hotel uses (the "Project"), with such reasonable amendments thereto to which the applicable authorities and the Applicant may agree.

B. The City will not, directly or indirectly, establish, suggest or acquiesce in any policy, take a position, pursue a course of action, require any standard or condition, make any recommendation to Prince George's County or the M-NCPPC or other governmental or quasi-governmental authority, individuals or citizens groups, or impose any obligation that, as applied to the Annexation Area, is detrimental to the development of the Karington project as set forth in the Paragraph 1.A. above. The parties acknowledge and agree that the Project will be subject to the development review standards applicable to other developments within Prince George's County. However, the City's approval of development and architectural plans is not required, nor are its comments binding. The City may review or comment on M-NCPPC or other County agency referrals, provided that such comments are not inconsistent with this agreement.

C. The parties understand and agree that the City's covenant of support herein is not intended, nor could it be construed, to prohibit the Bowie City Council from enacting such future ordinances or charter provisions or engineering standards or amendments deemed necessary to protect the public health, safety and welfare of the citizens of the City, nor from applying such ordinances or charter provisions to the development of the Annexation Area, provided such application does not operate to divest prior approvals, nor interfere with Owner's vested rights.

D. Nevertheless and notwithstanding anything the contrary contained herein, the City will not pursue or support any zoning change for the Annexation Area, unless the Owner has requested and agreed to all of the terms and conditions of same and the Owner has obtained the City's concurrence to rezoning in advance of any application therefor.

E. The City acknowledges and agrees that it will cooperate with the Owner and support the Owner's efforts to obtain a County TIF for the Karington Property.

2. WARRANTIES AND REPRESENTATIONS OF OWNER:

A. This Agreement constitutes the Owner's formal written consent to annexation as required by Md. Code Ann., Local Gov't Art., § 4-404, subject to the contingency provided in Section 3 herein..

B. The Owner warrants and represents that it has full authority to sign this Agreement and is the sole owner of not less than Twenty-Five Percent (25%) of the assessed valuation in the Annexation Area, and that there is no action pending against it involving it which would in any way affect its right and authority to execute this Agreement.

C. The Owner warrants and represents that there are no persons residing within the Annexation Area.

3. CONTINGENT UPON TAX INCREMENT FINANCING

The City will initiate annexation of the Property only after the City Council has adopted a Resolution stating its intent to establish a Tax Increment Financing ("TIF") district for the Property based on the City Council's consideration and approval of the Owner's application for the establishment of a Tax Increment Financing ("TIF") district for the Property, which application shall be submitted and processed in accordance with the City's TIF policy, which is attached hereto as Exhibit C. The Owner and the City expressly acknowledge and agree that the approval of the Owner's TIF application for the establishment of the TIF District through the adoption of a City Council Resolution, and the ultimate establishment of the TIF District are part of the consideration for entering into this Agreement, and that it is the express and absolute intent of the parties that upon annexation, and provided that the Owner's application for the

establishment of a TIF District is approved, that the TIF District will be established. Should, for any reason, the Owner's application for the establishment of a TIF District be recommended for denial by City Staff or a City Council Resolution, as herein described, not be adopted, this Agreement shall automatically terminate, be null and void, without any further obligations of either party and, most importantly, the City shall not initiate annexation of the Property. The Owner understands that approval of a TIF application does not operate to establish a TIF district, which must be accomplished by legislative act of the City Council after the effective date of the annexation contemplated by this Agreement. The parties acknowledge and agree that if this contingency is met and annexation of the Property is initiated and completed, but the TIF District not established, for any reason, through the necessary legislative act, the Owner may seek any judicial remedy available to nullify and/or to have declared as void said annexation. If any such action is brought to seek said judicial remedy, the City shall not object to or defend against said action, as it is the express intent of the parties that upon annexation and pursuant to the approval of the Owner's application that a TIF District will be established. The parties agree that the Owner's remedies shall be limited to declaratory, injunctive or other equitable relief.

4. ROAD MAINTENANCE.

The City will accept maintenance of all public streets and homeowners association owned access drives within Karington in accordance with established City guidelines. However, acceptance of maintenance for private roads applies to the main aisles only, not individual parking spaces. Said streets shall be constructed in accordance with County standards and will be subject to City inspections during the construction thereof. Any required road bonds shall be posted with the City. The City's acceptance of maintenance for private roads includes snow

removal. The City will support the developer's requests to place eligible road improvements in the County or State CIP budgets.

5. IMPACT FEES AND SPECIAL BUSINESS TAXES.

The City recognizes that the full development of the Project may take place over ten or more years. The City does not currently have any impact fees and will not impose or levy any new taxes or fees not in existence as of the date of this Agreement or will exempt the Property from any such taxes or fees that are adopted by the City. The exemptions provided for by this Paragraph shall automatically expire on the date that is twenty (20) years following the effective date of the Annexation Agreement.

6. APPLICATION OF CITY CODE AND CHARTER:

From and after the effective date of the Annexation Resolution, all provisions of the Charter and Code of the City shall have full force and effect within the Annexation Area except as otherwise specifically provided herein.

7. MUNICIPAL SERVICES:

Upon the effective date of an Annexation accomplished pursuant to this Agreement, Karington will receive all current and future Bowie City services in accordance with the same standards, rules, and procedures as they are provided throughout the City including, but not limited to City police, residential trash removal, snow removal from City streets, and senior bus/transportation service.

8. SCHOOLS.

The City will advocate with the Board of Education and the County the position that the children of Karington residents attend Prince George's County Public Schools located in the City of Bowie.

9. ZIP CODE.

The City will assist the Owner in advocating to the US Postal Service for a Bowie Zip Code and mailing address.

10. CITY BOUNDARY MARKERS.

The Owner will fund and install City Boundary Markers at the boundary lines to the newly enlarged City boundaries.

11. RECORD PLAT.

The Owner will provide the City with a copy of the final record plat for the development in the Annexation Area.

12. MISCELLANEOUS.

A. The use of singular verb, noun and pronoun forms in this Agreement shall also include the plural forms where such usage is appropriate; the use of the pronoun "it" shall also include, where appropriate "he" or "she" and the possessive pronoun "its" shall also include, where appropriate, "his," "hers" and "theirs."

B. From time to time after the date of this Annexation Agreement, the parties, without charge to each other, will perform such other acts, and will execute, acknowledge and will furnish to the other such instruments, documents, materials and information which either party reasonably may request, in order to effect the consummation of the transactions provided for in this Agreement.

C. This Agreement, which includes all exhibits, schedules and addenda hereto, each of which is incorporated in this Agreement by this reference, shall be recorded among the Land Records of Prince George's County and be binding upon and inure to the benefit of the parties, their heirs, successors and assigns, and embodies and constitutes the entire understanding between the parties with respect to the subject matter hereof, and all prior agreements, understandings,

representations, and statements, whether oral or written, are merged in this Annexation Agreement. Neither this Agreement nor any provision hereof may be waived, modified or amended unless such modification is in writing and is signed by the party against whom the enforcement of such waiver, modification or amendment is sought, and then only to the extent set forth in such instrument.

D. The parties hereto acknowledge that, in entering into this Agreement, neither party has been induced by, nor has relied upon, nor included as part of the basis of the bargain herein, any representation or statement, whether express or implied, made by any agent, representative or employee, which representation or statement is not expressly set forth in this Agreement.

E. This Agreement shall be construed according to its plain meaning without giving regard to any inference or implication arising from the fact that it may have been drafted in whole or in part by or for any one of the parties hereto.

F. This Agreement, its benefit and burden, shall be assignable, in whole or in part, by Owner without the consent of the City or of its elected officials, employees or agents, to any purchasers or contract purchasers of the property or any part thereof. However, Owner will not transfer or pledge as security for any debt or obligation, any interest in all or part of the Annexation Area, without first obtaining the written consent and acknowledgment of the transferee or pledgee to the Annexation Agreement and to the complete observance hereof. Owner shall provide the City copies of all documents of transfer or assignment, including exhibits when the documents are fully executed, regardless of recordation.

G. The captions in any Agreement are inserted for convenience only, and in no way define, describe or limit the scope of intent of this Agreement or any of the provisions hereof.

H. The laws of the State of Maryland shall govern the interpretation, validity and construction of the terms and provisions of this Agreement. If any term or provision of this

Agreement is declared illegal or invalid for any reason by a court of competent jurisdiction, the remaining terms and provisions of this Agreement shall, nevertheless, remain in full force and effect.

I. All notices and other communications under this Agreement shall be in writing and shall be sent either by first class mail, postage prepaid, or by personal delivery, addressed to the parties as provided below. Notice shall be deemed given on the date delivered or attempted to be delivered during normal working hours on business days.

38323 149

If to the City: David J. Deutsch, City Manager
The City of Bowie
15901 Excalibur Road
Bowie, Maryland 20716

With a copy to: Elissa D. Levan, Esquire
Funk & Bolton, P.A.
36 S. Charles Street, 12th Floor
Baltimore, Maryland 21201

If to the Owner: Kenneth H. Michael, Manager
Karington LLC
10100 Business Parkway
Lanham, Maryland 20706

With a copy to: Mr. Stephen Ellick
Glazer, Winston, Honigman, Ellick
5300 Wisconsin Avenue, Suite 740
Washington, DC 20015


Matthew C. Tedesco
McNamee, Hosea, Jernigan, Kim, Greenan & Lynch, P.A.
6411 Ivy Lane, Suite 200
Greenbelt, Maryland 20770

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day
and year first written above.

WITNESS:




THE CITY OF BOWIE

By: 

WITNESS/ATTEST:



KARINGTON, L.L.C.:

By: 

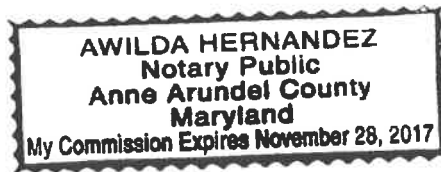
38323 150

STATE OF MARYLAND
COUNTY OF PRINCE GEORGE'S, to wit:

I HEREBY CERTIFY, that on this 7 day of June, 2016, before me, a Notary Public in and for the State aforesaid, personally appeared David J. Deutsch who has been satisfactorily proven to be the person whose name is subscribed to the within instrument, who acknowledged himself to be the City Manager of the City of Bowie, a municipal corporation of the State of Maryland, and that said City Manager, being duly authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the municipal corporation as such City Manager.

WITNESS my hand and notarial seal.

Awilda Hernandez (SEAL)
Notary Public



My Commission Expires: 11/28/17

STATE OF MARYLAND,
COUNTY OF PRINCE GEORGE'S, to wit:

I HEREBY CERTIFY, that on this 21st day of April, 2016, before me, a Notary Public in and for the State aforesaid, personally appeared Kenneth H. Michael, Managing Partner of Karington L.L.C., acknowledged that, being authorized by his principal to do so, he executed the foregoing instrument on behalf of Karington L.L.C. for the purposes therein contained, by signing the name of such limited liability corporation as such Managing Partner.

WITNESS my hand and notarial seal.

Rachel M. Brunk (SEAL)
Notary Public



My Commission Expires: 1/7/20

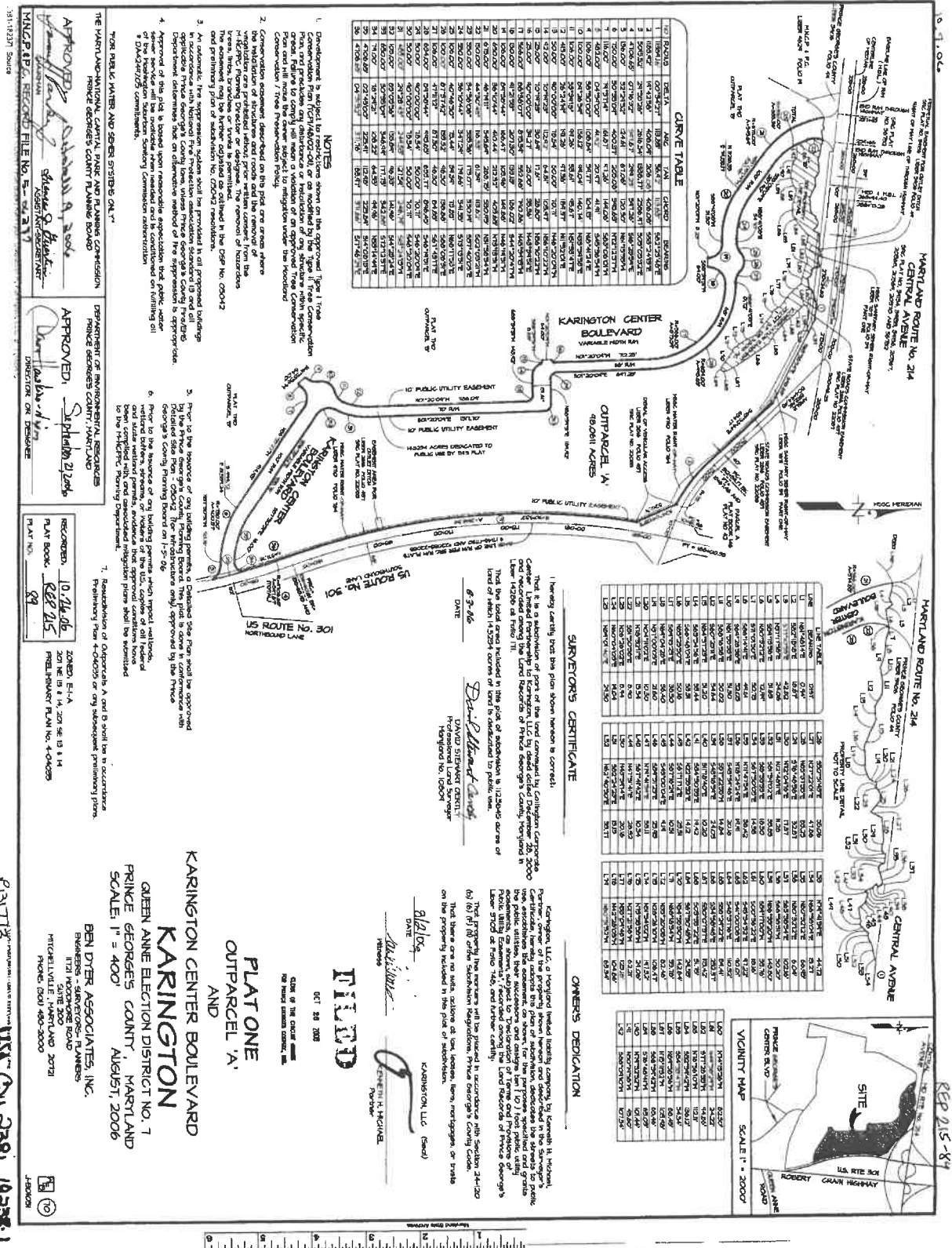
I HEREBY CERTIFY that the foregoing instrument was prepared by or under the supervision of an attorney duly admitted to practice before the Court of Appeals of Maryland.

Elissa D. Levan
Elissa D. Levan, City Attorney

38323 151

EXHIBIT A

Record Plats and ALTA Survey



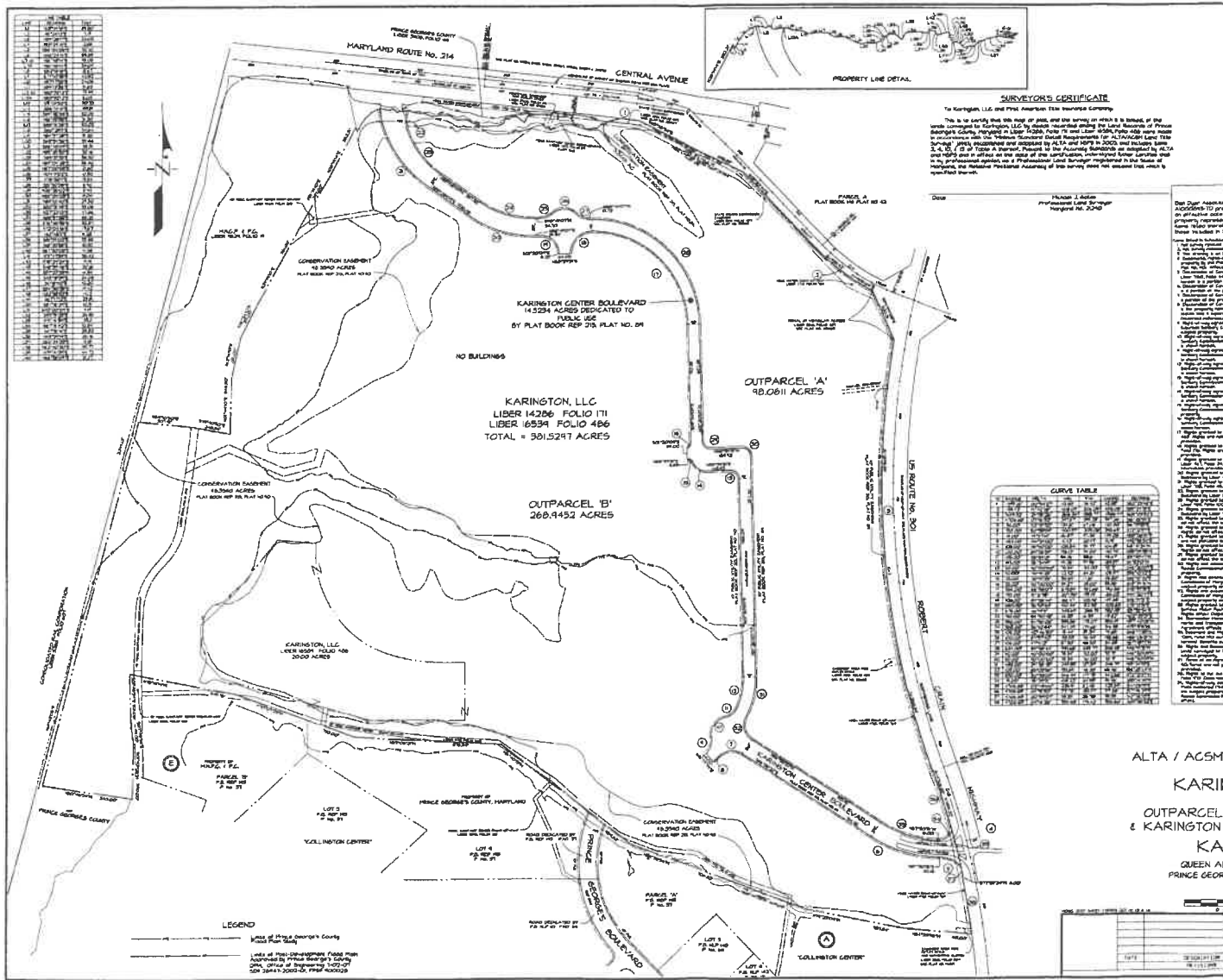
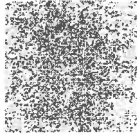
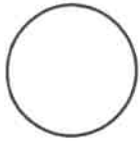


EXHIBIT B**KARINGTON AS OF MARCH 8, 2016**

Property Size:	381.5297 acres
Zoning:	E-I-A (Employment and Institutional Area), permits M-X-T (Mixed-Use) for projects such as Karington
Proposed Land Use:	Approximately 450,000-550,000 square feet of retail use, approximately 0-200,000 square feet of office use, approximately 390 hotel rooms and approximately 1,388 dwelling units, including 400 multi-family apartments, 216 condominium units, , 491 townhouse units and 281 single-family detached units.
Project Status:	Conceptual Site Plan approved by District Council and Preliminary Subdivision Plan approved by County Planning Board, 2004. Detailed Site Plan for grading and infrastructure approved, 2005. Final Subdivision Plan approved, 2006. Revision to Detailed Site Plan and Woodland Conservation Plan approved, 2008. Stormwater management and sediment control permits approved, 2011. Overall Rough Grading Permit approved and ready for issuance, 2013.



BEN DYER ASSOCIATES, INC.
Engineers / Surveyors / Planners

DESCRIPTION OF
421.0920 ACRES OF LAND
TO BE ANNEXED INTO THE CORPORATE BOUNDARY OF THE
CITY OF BOWIE QUEEN ANNE DISTRICT No. 7
PRINCE GEORGE'S COUNTY, MARYLAND

Being all those pieces or parcels of land, contained within the outline hereinafter described, lying, situate and being at the intersection of the west side of US Route 301, a variable width public right-of-way as shown on State Roads Commission of Maryland Right-of-Way Plat No.'s 17148-17150 and No.'s 22083-22085, and the South side of Maryland Route 214, a variable width public right-of-way, also known as Central Avenue, as shown on State Roads Commission of Maryland Right-of-Way Plat No.'s 20567-20570, 22083-22085, 39154-39156 and 56752, said property also being bound on the South by the subdivision entitled Collington Center as recorded among the Land Records of Prince George's County, Maryland in Plat Book R.E.P. 193 at Plat 37, and bound to the West by the subdivision entitled Collington Station as recorded among the Land Records of Prince George's County, Maryland in Plat Book N.L.P. 144 at Plat No.'s 83-84 and 88 and Plat Book N.L.P. 151 at Plat No.'s 47, 49, 51 and 53, and being more particularly described as referenced to the Maryland State Plane Coordinate System (NAD 83) as follows:

Beginning for the same at the northeasterly corner of Parcel "B" as shown on a plat entitled "Plat Two Part of Block "A", Parcel "B" Part of Block "A" Lots 15-37 Part of Block "B" Lots 4-16 Collington Station" and recorded among the aforesaid Plat Records in Plat Book N.L.P. 144 at Plat No. 83, said point also being at the beginning of the South 14°42'57" West, 600.56 foot plat line as shown on the aforementioned plat, said point also at the northeasterly corner of the Existing Corporate Limits of the City of Bowie, as contained in the City of Bowie Resolution R-55-93 (Amendment 1) recorded among the aforesaid Land Records in Liber V.J. 9111 at Folio 300, said point being in the southerly right-of-way line of the aforementioned Maryland Route 214, said point also being in the westerly right-of-way line of the aforesaid Washington, Philadelphia and Baltimore Railroad (N.L.P. 5283/610), and said point of beginning being the north westernmost corner of the herein described; thence leaving the point of beginning, so fixed, and the westerly right-of-way line of the Washington, Philadelphia and Baltimore Railroad (N.L.P. 5283/610);

1. South 82°31'52" East, 69.95 feet to a point: said point being the northwesterly corner of Parcel 126 owned by MNCPPC and recorded among the aforesaid Land Records in Liber VJ 9629 at Folio 19, said point also being on the southerly right-of-way line of the aforementioned Maryland Route 214, said point also being in the easterly right-of-way line of the aforesaid Washington, Philadelphia and Baltimore Railroad; thence running with and binding on the northerly lines of the aforesaid Parcel 126 and Parcel 127 owned by Prince George's County as recorded among the aforementioned Land Records in Liber WWW 3906 at Folio 49 and also being the southerly right-of-way line of Maryland Route 214 the following two (2) courses and distances;

2. South $83^{\circ}39'10''$ East, 2,150.06 feet to a point of curvature; thence
3. 302.18 feet along the arc of a curve deflecting to the right having a radius of 11,359.16 feet and subtended by a chord bearing South $82^{\circ}54'18''$ East, 302.17 feet to a point of non-tangency; thence continuing with the southerly right-of-way line of Maryland Route 214 and transitioning to the southwesterly right-of-way line of Old Central Avenue, an 80' public right-of-way, as shown on State Roads Commission of Maryland Plat No.'s 22085 and 22086, the following four (4) courses and distances;
4. South $63^{\circ}58'54''$ East, 698.83 feet to a point; thence
5. South $43^{\circ}32'44''$ East, 634.17 feet to a point of curvature; thence
6. 408.09 feet along the arc of a curve deflecting to the left having a radius of 1,185.92 feet and subtended by a chord bearing South $53^{\circ}24'13''$ East, 406.08 feet to a point of non-tangency; thence
7. South $24^{\circ}04'03''$ East, 320.31 feet to a point of intersection of the southwesterly right-of-way line of Old Central Avenue, and US Route 301 (also known as Robert Crain Highway) as shown on State Roads Commission of Maryland Plat No.'s 22083-22085; thence leaving Old Central Avenue, and running with US Route 301 the following four (4) courses and distances; thence
8. 2,616.54 feet along the arc of a non-tangent curve deflecting to the left having a radius of 5,015.52 feet and subtended by a chord bearing South $05^{\circ}05'32''$ East, 2,586.97 feet to a point of reverse curvature; thence
9. 651.22 feet along the arc of a curve deflecting to the right having a radius of 4,706.65 feet and subtended by a chord bearing South $16^{\circ}04'26''$ East, 650.70 feet to a point of non-tangency; thence
10. South $77^{\circ}53'24''$ West, 6.00 feet to a non-tangent point of curvature; thence
11. 350.68 feet along the arc of a curve deflecting to the right having a radius of 4,700.65 feet and subtended by a chord bearing South $09^{\circ}58'22''$ East, 350.60 feet to the north easternmost corner of the Parcel 'A' Open Space as shown on the plat entitled "Parcel 'A' – Block 'A', Lots 5, 8, 9 & Parcel 'B' – Block 'E', Collington Center" and recorded among the aforesaid Plat Records in Plat Book R.E.P. 193 at Plat 37; thence leaving US Route 301 and running with the northerly outline of Collington Center (Plat Ref. R.E.P. 197/37) the following eleven (11) courses and distances; thence
12. North $84^{\circ}23'36''$ West, 415.00 feet to a point; thence
13. North $79^{\circ}22'04''$ West, 587.34 feet to a point; thence
14. North $68^{\circ}49'33''$ West, 409.03 feet to a point; thence
15. North $69^{\circ}35'54''$ West, 706.82 feet to a point; thence
16. North $51^{\circ}40'15''$ West, 969.52 feet to a point; thence
17. North $87^{\circ}06'21''$ West, 876.34 feet to a point; thence
18. North $70^{\circ}07'23''$ West, 750.00 feet to a point; thence

19. North 78°41'19" West, 648.76 feet to a point; thence
20. South 01°46'54" East, 321.00 feet to a point; thence
21. South 07°46'54" East, 99.00 feet to a point; thence
22. South 01°43'06" West, 178.46 feet to a point at the northernmost corner of the conveyance from Lori Lee Anastasi, Personal Representative of the Estate of Stephen A. Anastasi, to Lori Lee Anastasi by deed dated January 29, 2013 and recorded among the aforesaid Land Records in Liber M.M.B. 34411 at Folio 246; thence leaving Collington Center (Plat Ref. R.E.P. 197/37) and running with a portion of the westerly outline of said conveyance to Anastasi (M.M.B. 34411/246); thence
23. South 01°43'06" West, 151.54 feet to a point; thence with a portion of the westerly outline of said conveyance to Anastasi (M.M.B. 34411/246) and with a portion of the northerly outline of the property, now or formerly, belonging to the Board of Commissioners of Prince George's County, Maryland; thence
24. North 80°46'54" West, 540.00 feet to a point; thence running though over and across the aforesaid Washington, Philadelphia and Baltimore Railroad; thence
25. North 39°47'11" West, 84.73 feet to a point, said point being the southeasterly corner of Parcel Z Collington Station (Plat Ref. N.L.P. 151/53), said point also being the southeasterly corner of the Existing Corporate Limits of the City of Bowie, as contained in the City of Bowie Resolution R-55-93 (Amendment 1) recorded among the aforesaid Land Records in Liber V.J. 9111 at Folio 300, in the easterly outline of the aforementioned Washington, Philadelphia and Baltimore Railroad (N.L.P. 5283/610); thence running with and binding on the aforementioned Collington Station as recorded among the aforesaid Land Records of Prince George's County, Maryland
26. North 14°43'14" West, 4,300.98 feet to the point and place of beginning, containing 18,342,768 square feet or 421.0902 acres of land more or less.

This description and the accompanying sketch were prepared by me or under my responsible charge in compliance with requirements set forth in COMAR 09.13.06.12 and I am a duly licensed Professional Land Surveyor under the laws of the State of Maryland.

Ben Dyer Associates, Inc.

September 11, 2018
Date



R. Wade Collinson, Jr.
Professional Land Surveyor
MD No. 21638

License Renewal Date: December 26, 2019





City of Bowie

15901 Excalibur Road
Bowie, Maryland 20716

MEMORANDUM

TO: City Council

FROM: Alfred D. Lott, ICMA-CM, CPM
City Manager

SUBJECT: Resolution R-76-18
South Lake Covenant Restriction
Dwelling Unit Limitation

DATE: November 29, 2018

At the September 17th City Council review of Preliminary Plan #4-17027, Council accepted the staff recommendation to limit the maximum number of dwelling units at South Lake. A condition was included in the City's letter to the County Planning Board, as follows:

1. The overall number of dwelling units at South Lake shall be limited to no more than 1,360 dwelling units. Provided that South Lake is annexed into the City, the Owner shall record a Declaration of Covenants that declares and covenants that, for a period of 15 years following the effective date of the annexation, it will not, without prior approval by the City, apply for Detailed Site Plan or building permit approval for any residential units in excess of a total of 1,360 dwelling units for the entire development proposed on the Owner's property.

In recommending approval of the Preliminary Plan, City Council found, with the above condition, the development levels will remain consistent with the Annexation Agreement.

The attached covenant document was drafted by staff, working with representatives of Karington, LLC, to accomplish the necessary restriction. The covenant limits the number of building permits for residential dwelling units to no more than 1,360 dwelling units, excluding age-restricted dwelling units, for a period of 15 years after the City's annexation becomes effective. It also makes reference to the developer being responsible for certain transportation improvements at the intersection of Trade Zone Avenue and US 301.

The covenant document and R-76-18 have been reviewed by the City Attorney, who concurs. If approved by City Council, the covenant document will be recorded in the Land Records of Prince George's County and will be binding on the property.

II. Recommendation

Staff recommends that Council APPROVE Resolution R-76-18 establishing a maximum number of permissible dwelling units at South Lake and authorizing the City Manager to execute the covenant document on behalf of the City.

MAYOR G. Frederick Robinson **MAYOR PRO TEM** Henri Gardner

COUNCIL Michael P. Estève ♦ Courtney D. Glass ♦ James L. Marcos ♦ Isaac C. Trouth ♦ Dufour Woolfley **CITY MANAGER** Alfred D. Lott
City Hall (301) 262-6200 FAX (301) 809-2302 TDD (301) 262-5013 WEB www.cityofbowie.org

RESOLUTION
OF THE COUNCIL OF THE CITY OF BOWIE, MARYLAND
APPROVING A DECLARATION OF COVENANTS RESTRICTING THE TOTAL
NUMBER OF DWELLING UNITS ON THE PROPERTY KNOWN AS SOUTH LAKE
(FORMERLY KARINGTON) TO NOT MORE THAN 1,360 DWELLING UNITS,
EXCLUDING AGE-RESTRICTED DWELLING UNITS, FOR A PERIOD OF 15
YEARS FROM THE EFFECTIVE DATE OF THE ANNEXATION RESOLUTION
ANNEXING THE PROPERTY INTO THE CITY LIMITS

WHEREAS, the Karington, LLC (the “Declarant”) owns several parcels of land within the development known as South Lake, formerly known as Karington (the “Property”); and

WHEREAS, the Declarant and the City entered into an Annexation Agreement on or about June 7, 2016, filed among the land records of Prince George’s County in Liber 38323, folio 141; and

WHEREAS, the Annexation Agreement, in Exhibit B, identifies the Proposed Land Use for the Property which includes approximately 450,000-550,000 square feet of retail use, approximately 0-200,000 square feet of office use, approximately 390 hotel rooms and approximately 1,388 dwelling units, including 400 multi-family apartments, 216 condominium units, 491 townhouse units and 281 single-family detached units; and

WHEREAS, in the Annexation Agreement, City Council supported the existing development approvals, as well as any pending or future applications that are generally consistent with the referenced concept plans and, further, supported the development of the Property as a mixed-use project, including residential, retail, office and hotel uses, with such reasonable amendments to which the applicable authorities and the developer may agree; and

WHEREAS, the parties have mutually agreed that it is in the best interests of all parties and the public that the number of dwelling units uses permitted on the Property shall be limited to not more than 1,360 residential dwelling units, excluding age-restricted dwelling units, for a period of 15 years following the effective date of the Annexation Resolution; and

WHEREAS, the parties have also mutually agreed that, once Karington develops more than 1,294 residential dwelling units, which is the current dwelling unit cap associated with the project, Karington will be required to construct, provide for or contribute an amount equal to the cost of improvements on North Bound US 301 and Trade Zone Avenue sufficient to mitigate traffic arising from for any additional residential dwelling units built, in accordance with any Preliminary Plan or Detailed Site Plan transportation related condition applicable to the subject site.

NOW, THEREFORE, BE IT RESOLVED by the Bowie City Council that the attached Declaration of Covenants (“the Declaration”) is hereby approved and ratified by the Bowie City Council, and the City Manager is hereby authorized to sign the Declaration on behalf of the City.

INTRODUCED AND PASSED by the Council of the City of Bowie, Maryland at a meeting of the City Council on December 3, 2018.

WITNESS:

THE CITY OF BOWIE, MARYLAND

Awilda Hernandez
City Clerk

G. Frederick Robinson, Mayor

DECLARATION OF COVENANTS AND AGREEMENT
REGARDING LAND USE

THIS DECLARATION OF COVENANTS (“Declaration”) is made this ____ day of _____, 2018 by and between KARINGTON, LLC, a Maryland limited liability company (“Karington”), and the CITY OF BOWIE (the “City”), a municipal corporation of the State of Maryland.

WHEREAS, Karington is the owner of a certain parcel of real property located in the City, which contains a total of approximately 381.5297 acres, and which is more particularly described on Exhibit “A” attached hereto and incorporated herein (the “Property”);

WHEREAS, the Property is zoned E-I-A and Karington proposes a mix of uses including residential, commercial/retail, office and hotel uses;

WHEREAS, Karington and the City have entered into an Annexation Agreement relating to Karington’s ultimate development of the Property and certain terms and conditions with respect to annexation proceedings and such Property (the “Annexation Agreement”);

WHEREAS, it is the parties’ joint intention that this Declaration and the covenants set forth herein shall run with the land and may be enforced by the City.

NOW, THEREFORE, in consideration of the aforesaid recommendations by the City, Karington hereby declares and agrees, on behalf of itself, its successors and assigns, that the Property shall be held, transferred, sold, hypothecated, encumbered, conveyed or otherwise occupied subject to the following covenants, conditions, restriction, limitations and obligations which shall run with and bind the Property or any part thereof and shall inure to the benefit of and be enforceable by the City, its successors and assigns as follows:

1. Notwithstanding any provisions to the contrary contained in the Annexation

Agreement, and further notwithstanding any subdivision or other development entitlement application that is currently under review or that may be submitted in the future for the Property, Karington, for itself, its successors or assigns, hereby declares and covenants that for a period of fifteen (15) years following the effective date of the Annexation Resolution, it will not, without the City's prior written approval, apply for a detailed site plan or building permit approval for any residential dwelling units, excluding age-restricted dwelling units, in excess of a total of one thousand three hundred and sixty (1,360) total dwelling units for the entire development proposed to be located on the Property.

2. Once Karington develops more than 1,294 residential dwelling units, which is the current dwelling unit cap associated with the project, Karington will be required to construct, provide for or contribute an amount equal to the cost of improvements on North Bound US 301 and Trade Zone Avenue sufficient to mitigate traffic arising from for any additional residential dwelling units built, in accordance with any MNCPPC Preliminary Plan or DSP transportation related condition applicable to the subject site.
3. Each person accepting a deed, or other instrument conveying any interest in the Property shall be bound by the terms of this Declaration whether or not the same is incorporated or referred to in such deed or instrument and this Declaration is hereby incorporated by reference in any other conveyance of all or any portion of each person's interest in any real property subject hereto.
4. This Declaration shall be effective immediately upon completion of the annexation of the Property and shall be binding on its successors and assigns to the terms and

conditions thereafter.

5. The Property shall be held, conveyed, encumbered, sold, used and/or occupied subject to the terms and provisions of this Declaration, provided the Property is developed with residential dwelling units as contemplated herein, which shall run with the land.
6. The City shall have the right to enforce, by any proceeding at law or in equity, including injunction, all restrictions, terms, conditions, covenants and agreements imposed upon the Property, and/or Karington, and/or its successors and assigns, pursuant to the provisions of this Declaration. The parties agree that, if Karington breaches the terms of this Declaration, the City will not have an adequate remedy at law and shall therefore be entitled to bring an action in equity for specific performance of the terms of this Declaration. In the event the City is required to bring an action to enforce this Declaration and the other party and its successors or assigns is determined to have violated or breached any provision of this Declaration, the violating party and its successors or assigns will reimburse the prevailing party for all reasonable costs of such proceeding, including reasonable attorneys' fees.
7. This Declaration may not be amended or modified except in a writing executed by all parties hereto, and no waiver of any provision or consent hereunder shall be effective unless executed in writing by the waiving or consenting party.
8. This Declaration shall be construed in accordance with the laws of the State of Maryland. Any suit to enforce the terms hereof or for damages or other remedy for breach or alleged or anticipated breach hereof shall be brought exclusively in

the courts of the State of Maryland in and for Prince George's County, the parties agree and acknowledge the jurisdiction thereof and that exclusive venue is proper therein, and such action shall not be brought in or transferred or removed to the courts of any other jurisdiction.

9. The parties acknowledge and agree that this Declaration shall not amend or otherwise modify the Annexation Agreement as this Declaration is intended to supplement and clarify certain detail relating to more general concepts contained in the Annexation Agreement.

IN WITNESS WHEREOF, the parties have caused these presents to be executed and delivered.

[Page intentionally left blank, signature follow]

WITNESS:

KARINGTON, LLC, a Maryland limited liability company

By: _____
Kenneth H. Michael, Manager

WITNESS/ATTEST

CITY OF BOWIE, a municipal corporation of the State of Maryland

By: _____
Alfred D. Lott, City Manager

STATE OF MARYLAND
COUNTY OF _____:

I HEREBY CERTIFY that on this _____ day of _____, 2018, before me, the undersigned notary public, personally appeared Kenneth H. Michael, Manager, and executed the foregoing Declaration on behalf of Karington, LLC for the purposes therein contained by signing his name in my presence.

WITNESS my hand and notarial seal.

(SEAL)
Notary Public
My Commission Expires: _____

STATE OF MARYLAND

COUNTY OF _____

I HEREBY CERTIFY that on this _____ day of _____, 2018 before me the subscriber, a Notary Public in the State and County aforesaid personally appeared Alfred D. Lott, who acknowledged himself to be the City Manager of the City of Bowie and that he, as such City Manager, being authorized so to do, executed the foregoing Declaration for the purposes therein contained by signing in my presence the name of said City of Bowie by himself as City Manager.

WITNESS my hand and notarial seal.

(SEAL)
Notary Public
My Commission Expires: _____

City of Bowie Budget Policy Guidance Meeting

December 3, 2018

General Fund 2018 Summary

General Fund – Fund Balance decreased by \$1,595,842 or 3.9%

Budgeted revenues	\$ 49,689,500
Use of GF balance	<u>6,009,900</u>
Total budget	<u><u>\$ 55,699,400</u></u>

Actual revenues	\$ 49,146,680
Actual expenditures	<u>50,742,522</u>
Use of fund balance	<u><u>\$ (1,595,842)</u></u>

Total fund balance FY2018	\$ 39,556,903
Total fund balance FY2017	<u>41,152,745</u>
Decrease in total fund balance	<u><u>\$ (1,595,842)</u></u>

Unassigned Fund Balance

Unassigned fund balance: represents the residual fund balance that has not been assigned to other funds or restricted, committed or assigned to specific purposes in the general fund.

Unassigned fund balance	
Unassigned fund balance 2018	\$ 25,812,889
Unassigned fund balance 2017	<u>29,330,312</u>
Decrease in unassigned FB	<u><u>\$ (3,517,423)</u></u>

Fund Balance Policy

The City Council adopted a policy to maintain the General Fund's fund balance at a level no lower than 25 percent of expenditures.

Total fund balance FY2018	<u>\$ 39,556,903</u>
2018 GF expenditures	\$ 50,742,522
Fund Balance as a percentage of expenditures	78%

Budget Highlights

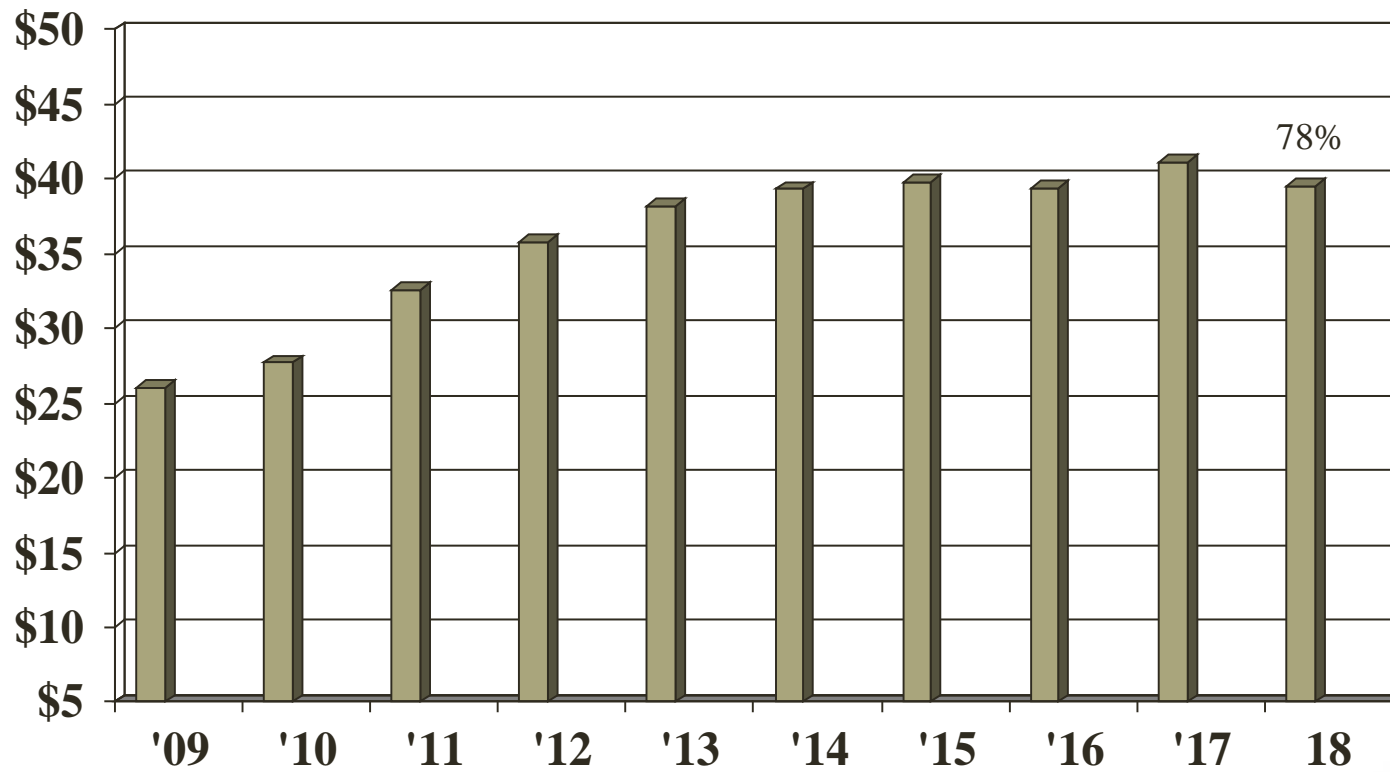
Revenues:	
General fund FY2018 budget	55,699,400
General fund FY2018 actual revenues	<u>49,146,680</u>
unfavorable budget variance	(6,552,720)
Expenditures:	
General fund FY2018 budget	55,699,400
General fund FY2018 actual expenditures	<u>50,742,522</u>
Favorable budget variance	<u>4,956,878</u>
Net budget variance	<u><u>(1,595,842)</u></u>

Liquidity Ratios

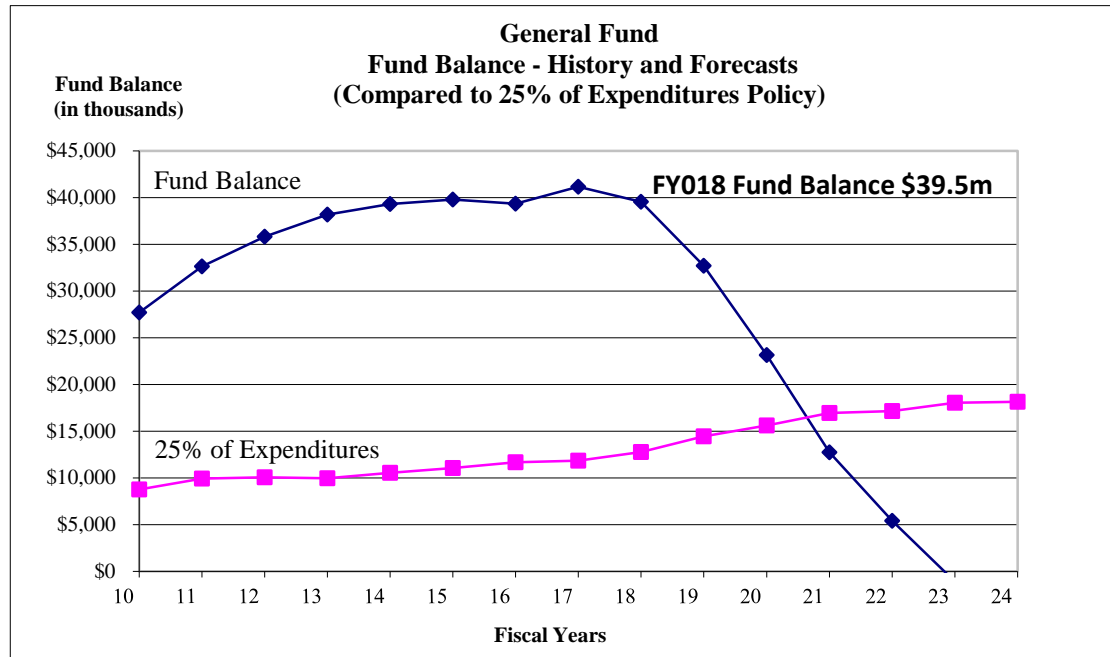
Current assets	<u>\$ 64,860,283</u>
Current liabilities	4,775,271
City has \$14 of current assets to cover every \$1 of debt	\$14

Total assets	<u>\$ 157,686,188</u>
Total liabilities	28,882,002
City has \$5 of total assets to cover every \$1 of total liabilities	\$5

Total Fund Balance – Last Ten Years



General Fund Balance History adjust for 2018 year end



FY2018 Decrease in fund Balance \$1,595,842

Action Items

- Establish a framework for FY2020 Budget
- Set priorities and parameters
- Emphasize importance of using the CIP as a strategic financial planning tool
- Consideration of long term recurring operating costs when adding Capital Projects
- Consideration of debt affordability

Legal Debt Margin

Total net debt applicable to the limit
as a percentage of debt limit in FY2018
18.3 percent before New Ice Arena

Total net debt applicable to the limit
as a percentage of debt limit in FY2019
59.1 percent After Ice Arena

City of Bowie

Specific tasks

- Council meets to establish budget priorities and guidelines.
- City Manager conveys Council policy to department heads for guidance in preparing budget request.

Budget Development Schedule

December/ January	Council meets to establish budget priorities. City Manager conveys Council policy to Department Heads.
December	Staff begins planning recommendations for the Capital Improvement Program.
January	Staff begins developing goals for the coming year and estimating costs for operating budget recommendations.
February	City Manager meets with Department Heads to analyze new projects, evaluate progress on continuing projects, determine operating cost requirements and set priorities.
March	Finance Department makes revenue projections, prepares summaries, edits and assembles the City Manager's Proposed Budget.
April	City Manager submits the Proposed Budget and Capital Improvements Program to City Council between April 10 th and April 15 th , as required by City Charter.
April-May	City Council holds budget work sessions and one or more public hearings, all of which are televised and open to the public.

Fiscal Policies

Revenue and Expenditure Policies

1. The City will strive to adopt an annual General Fund budget in which recurring expenditures do not exceed recurring revenues.
2. A five-year projection of revenues and expenditures for the General and Water and Sewer Fund will be prepared each fiscal year to provide a long-range, strategic perspective for the annual budget process.

Fiscal Policies

Revenue and Expenditure Policies (Continued)

3. On an annual basis the City will set rates for the Water and Sewer Fund at levels which provide for self-sufficiency.
4. One-time nonrecurring revenues shall be used for financing capital projects. Examples of one-time revenues include, but are not limited to: proceeds from the sale of surplus property, capital grants and other infrequent, nonrecurring revenues. The use of one-time revenues for financing ongoing operating expenditures is strongly discouraged.

Fiscal Policies

Capital Financing and Debt Management Policies

1. The City will not use long-term borrowing to finance current operations or normal maintenance expenses.
2. The City will strive to maintain a high reliance on pay-as-you-go financing for its capital improvements.

Fiscal Policies

Capital Financing and Debt Management Policies (Continued)

3. The City will maintain an unassigned fund balance in the General Fund and the Water and Sewer Fund at a level not less than 25 percent of annual expenditures.
4. To the extent that unassigned fund balance in the General Fund exceeds the 25 percent level, the City will draw upon the fund balance to provide pay-as-you-go financing for capital projects or for other one-time capital items.

Fiscal Policies

Capital Financing and Debt Management Policies (Continued)

5. As part of the Capital Improvements Program, an analysis of the long-term financial impact shall be performed for new capital projects. The analysis shall include the initial capital costs for acquisition and construction, as well as the impact on operating costs. The analysis of operating costs shall include the changes in operating and maintenance costs, additional workforce requirements, productivity enhancements, and risk management considerations.

Fiscal Policies

Capital Financing and Debt Management Policies (Continued)

6. All debt issued will be repaid within a period not to exceed the expected useful lives of the improvements financed by the debt.
7. The City will maintain its tax-supported bonded debt at a level not to exceed 0.8 percent of the assessed valuation of taxable property within the City.
8. The ratio of debt service expenditures as a percent of General Fund revenues shall not exceed 10 percent.

Revenue Outlook

- State
- County
- City

Revenue Outlook - State

- In FY2018, Income Taxes rose by 5.4%, Sales Tax increased by 2.3% over FY2017.
- Moderate increases in Sales Tax (4.7%) and Income Taxes (7.8%) estimated for FY2019.
- Projected Sales Tax increase (3.4%) stable growth in Income Taxes (3.4) are projected for FY2020.
- Risks in the future – Housing, lower wages and uncertainty at the federal level.

Source: Bureau of Revenue Estimates, State of Maryland Comptroller's Office, September 24, 2018

Revenue Outlook – County

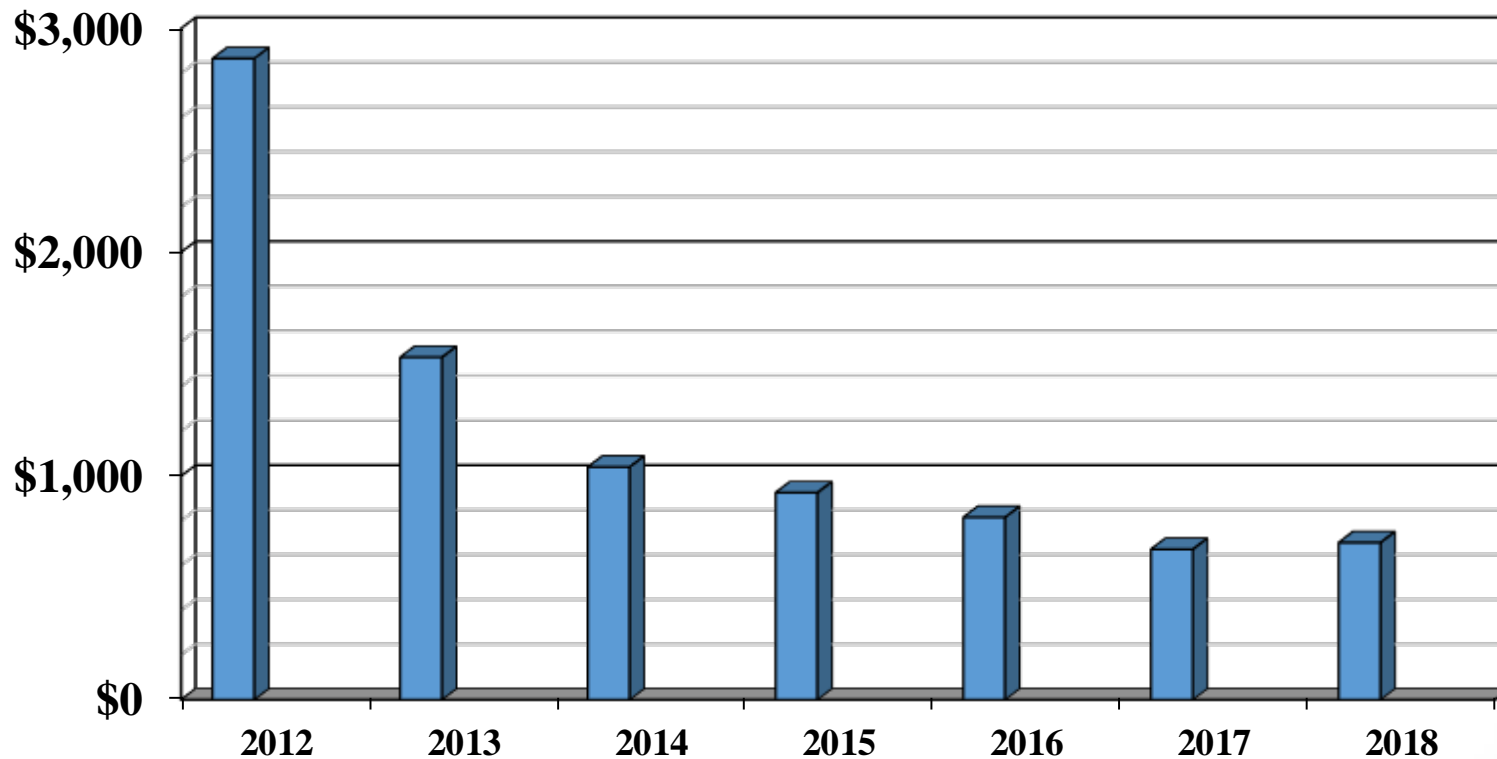
- Stable growth in both the real estate and job markets and the impact of revenues from MGM National Harbor for FY2019: Over all growth of 3.9%.
 - Housing market recovery – Increase of 7.1% in property tax revenue for FY2019.
 - Continued growth in the housing market increased Transfer and Recordation Taxes on average by 20 percent.
 - Intergovernmental Revenues are projected to increase by 11.7% in FY2019.
 - Uncertainty of the regional economic recovery may adversely affect projected revenues for FY2019.
 - Possible reductions in State Aid and cost sharing programs could also negatively impact County revenues.

Revenue Outlook - City

- FY2019 taxable property assessments – projected to increase by 4.5 percent and FY2020 by 5 percent.
- Highway user revenue estimates for FY2019 and FY2020 are \$1,956,268 and \$2,410,462, respectively, as compared to \$3.1 million received in FY2007.
- Using State estimates, Income Taxes will increase by \$526,337 in FY2019, over \$9.7 million collected in FY2018. Expected growth of 3.4 percent in FY2020.
- At risk from potential federal and state cutbacks, which could affect income taxes and grant support.
- Economy currently shows signs of slowing down in 2019.

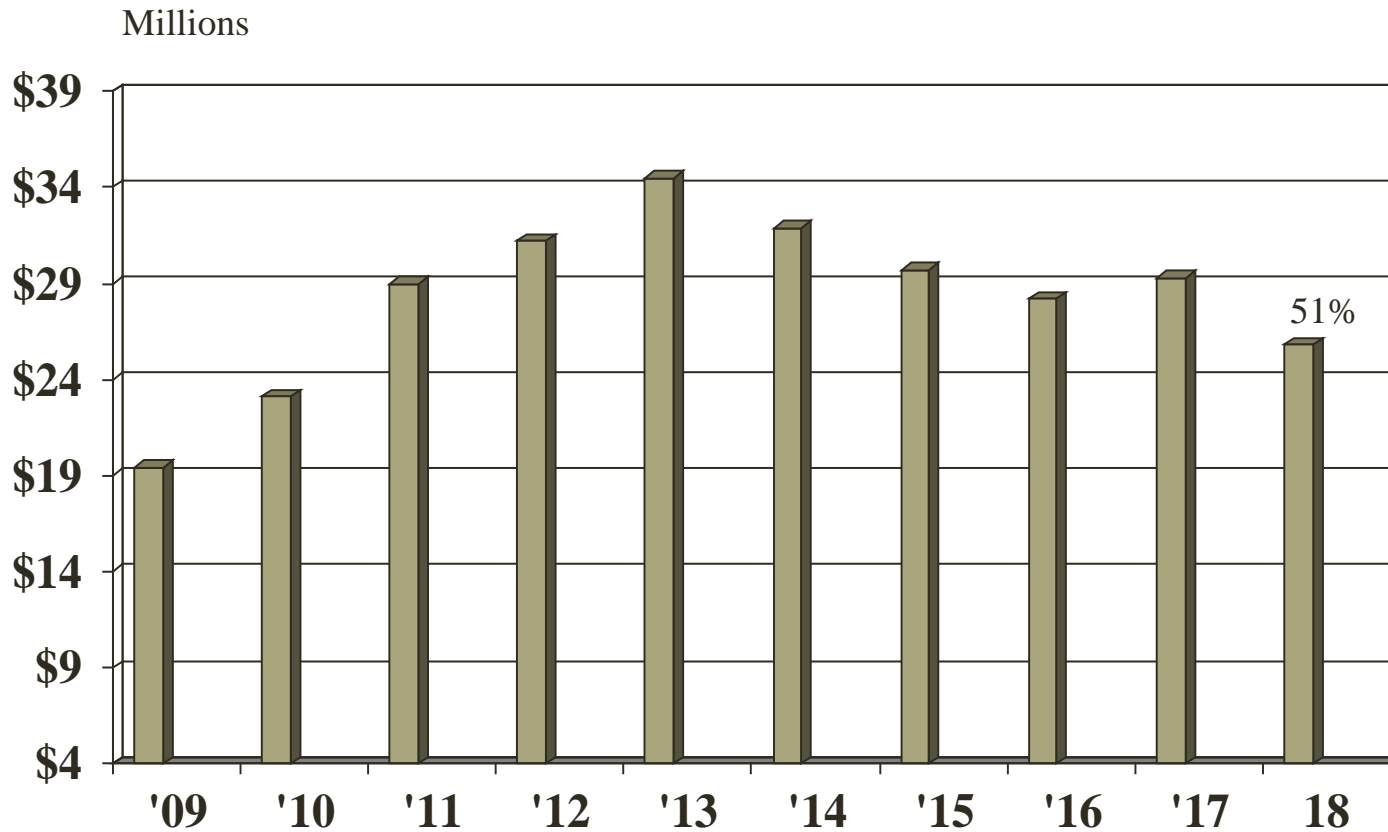
Revenue from Speed Camera Infractions

In millions

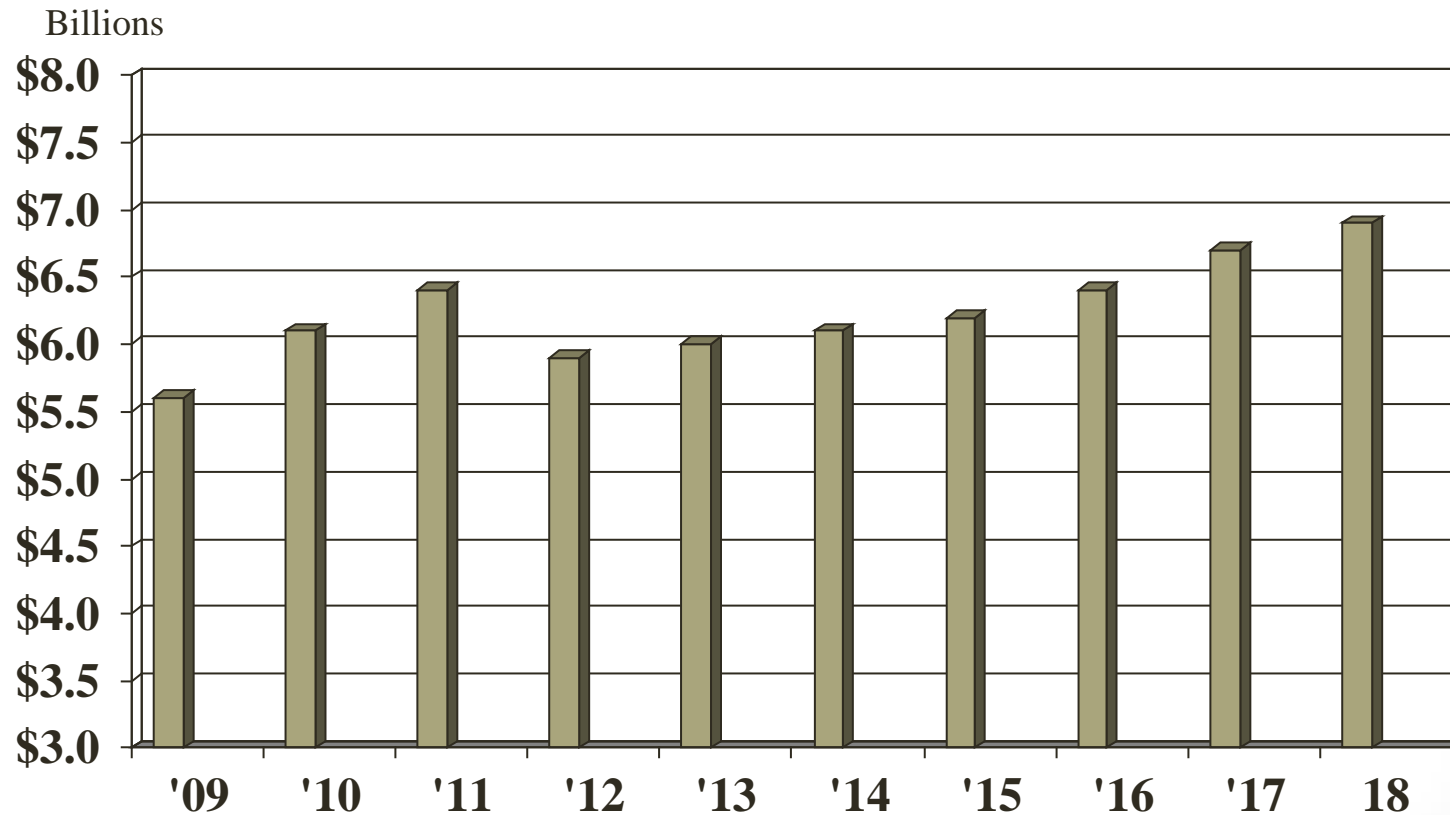


Trends of Major Revenue Sources Last Ten Years

Unassigned Fund Balance – Last Ten Years

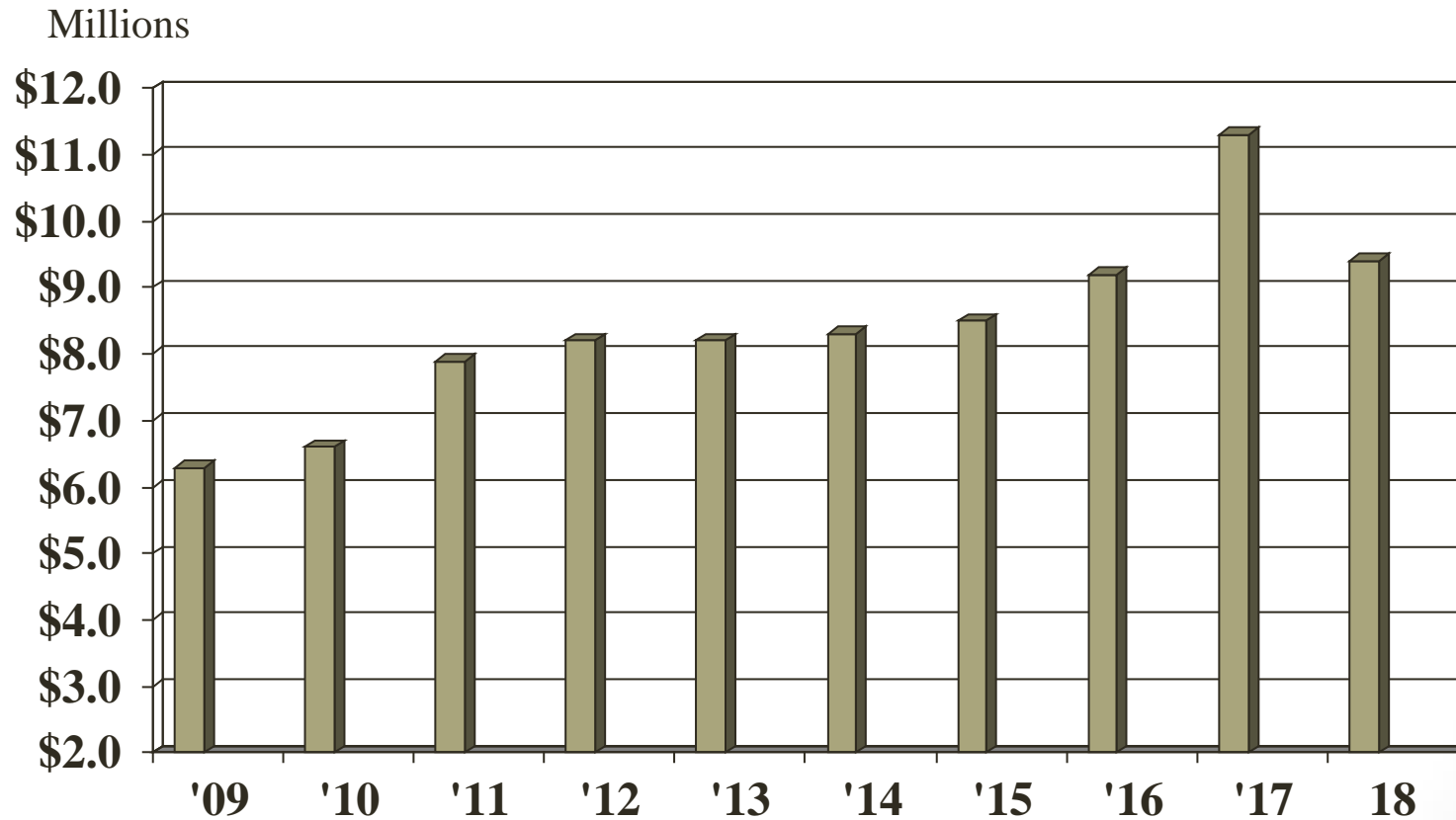


Taxable Assessed Value Last Ten Years



Income Taxes

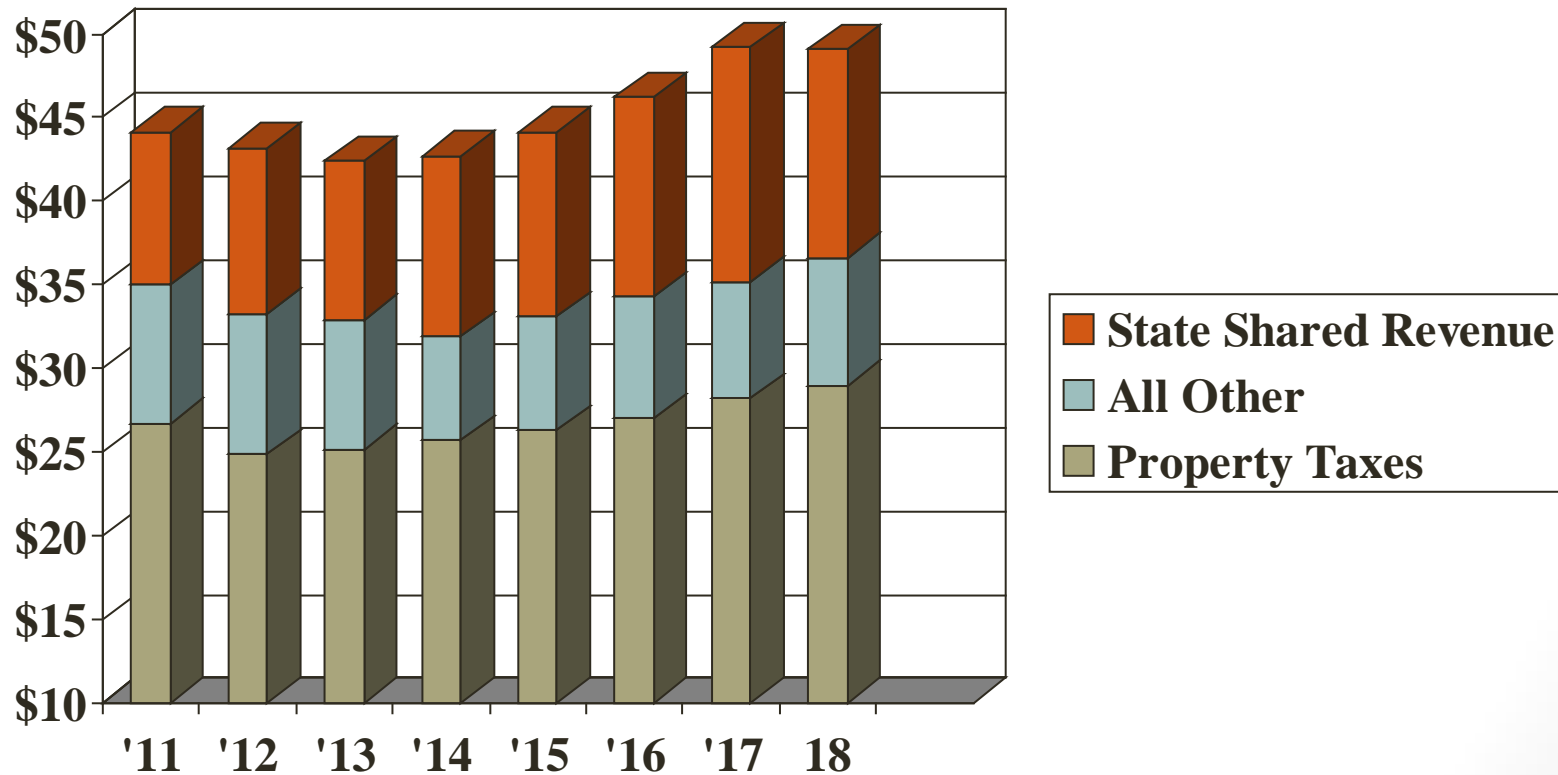
Last Ten Years



General Fund

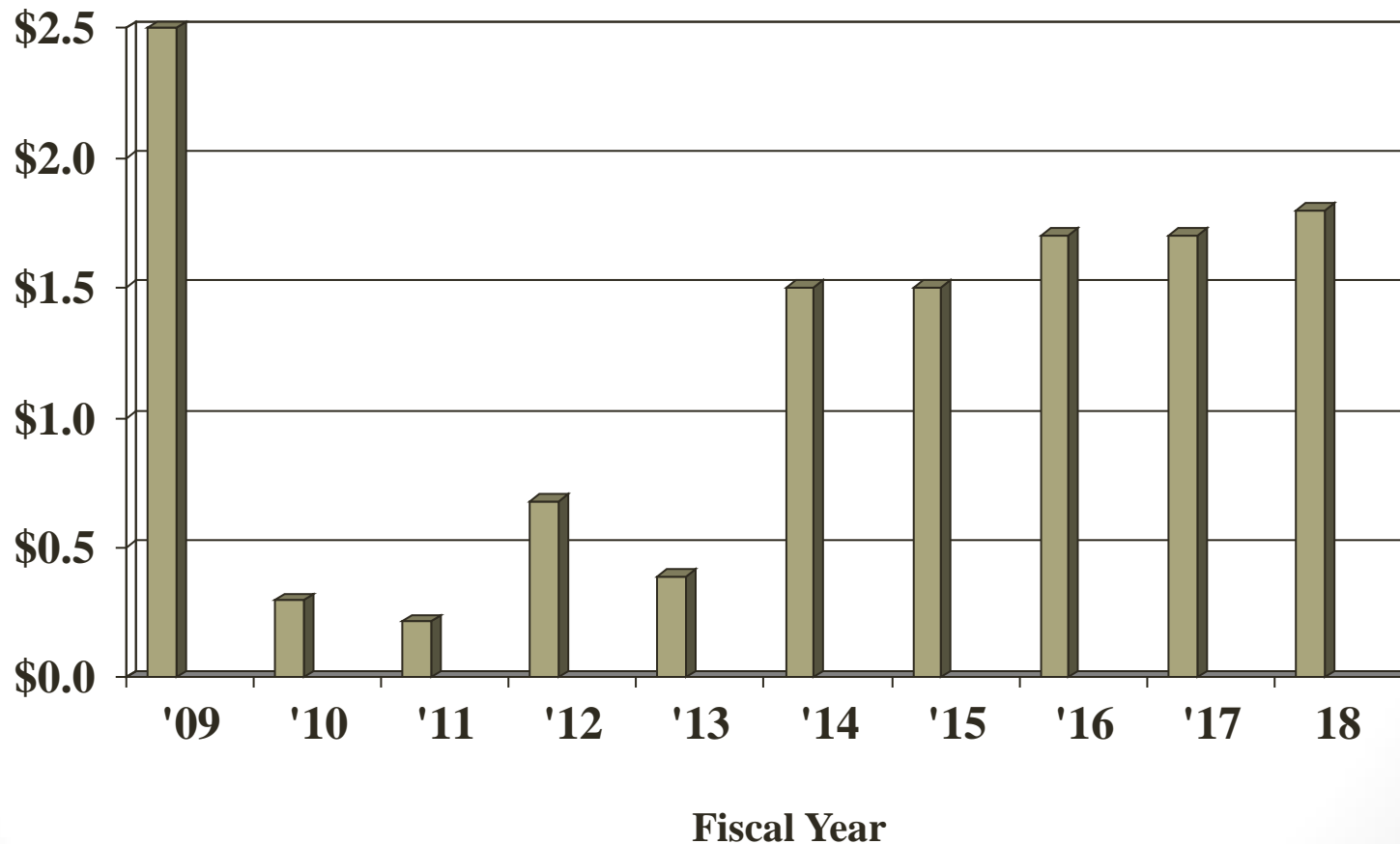
Major Revenue Categories

Millions



Highway User Revenue Last Ten Years

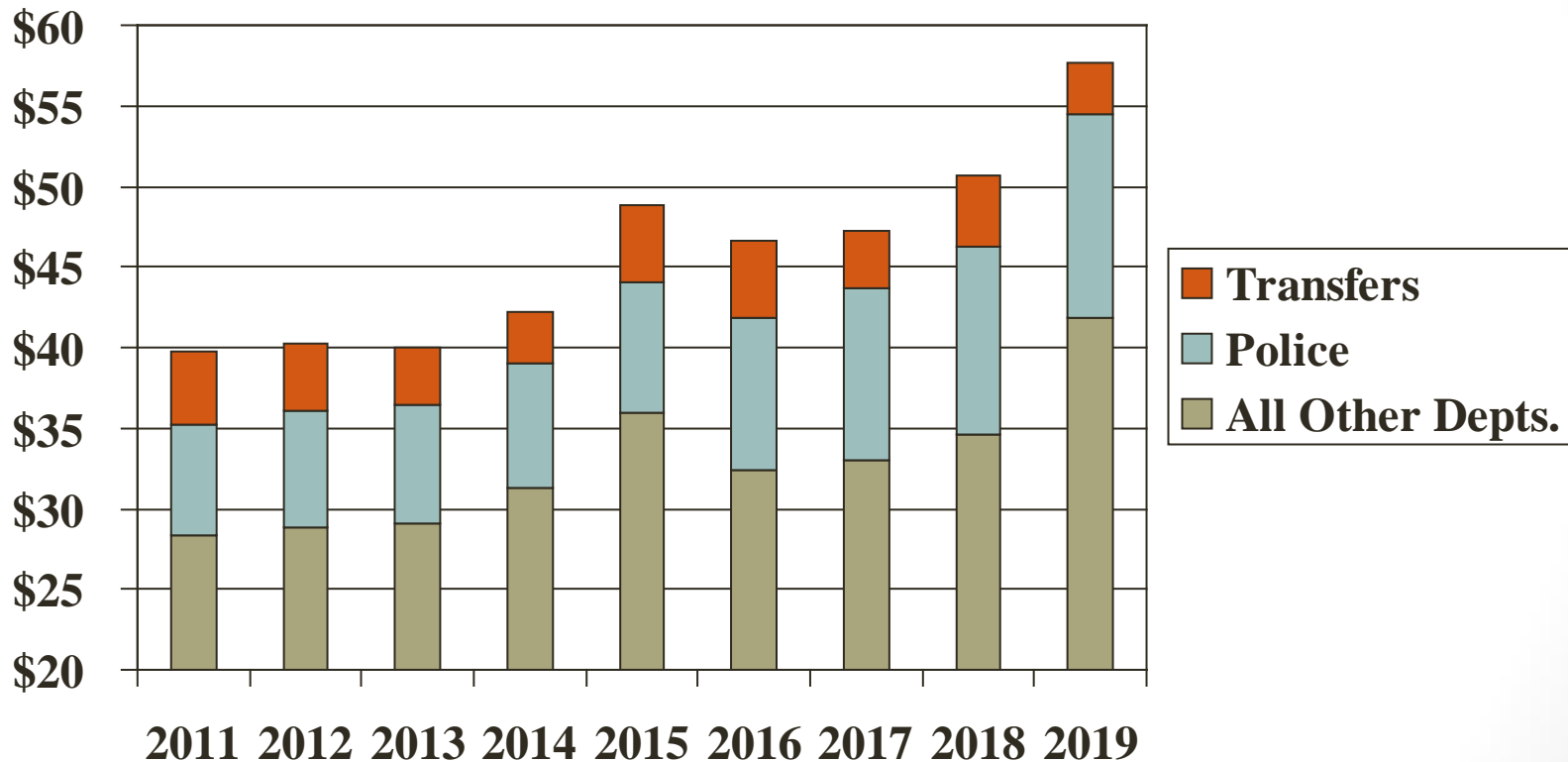
Millions



General Fund Expenditures

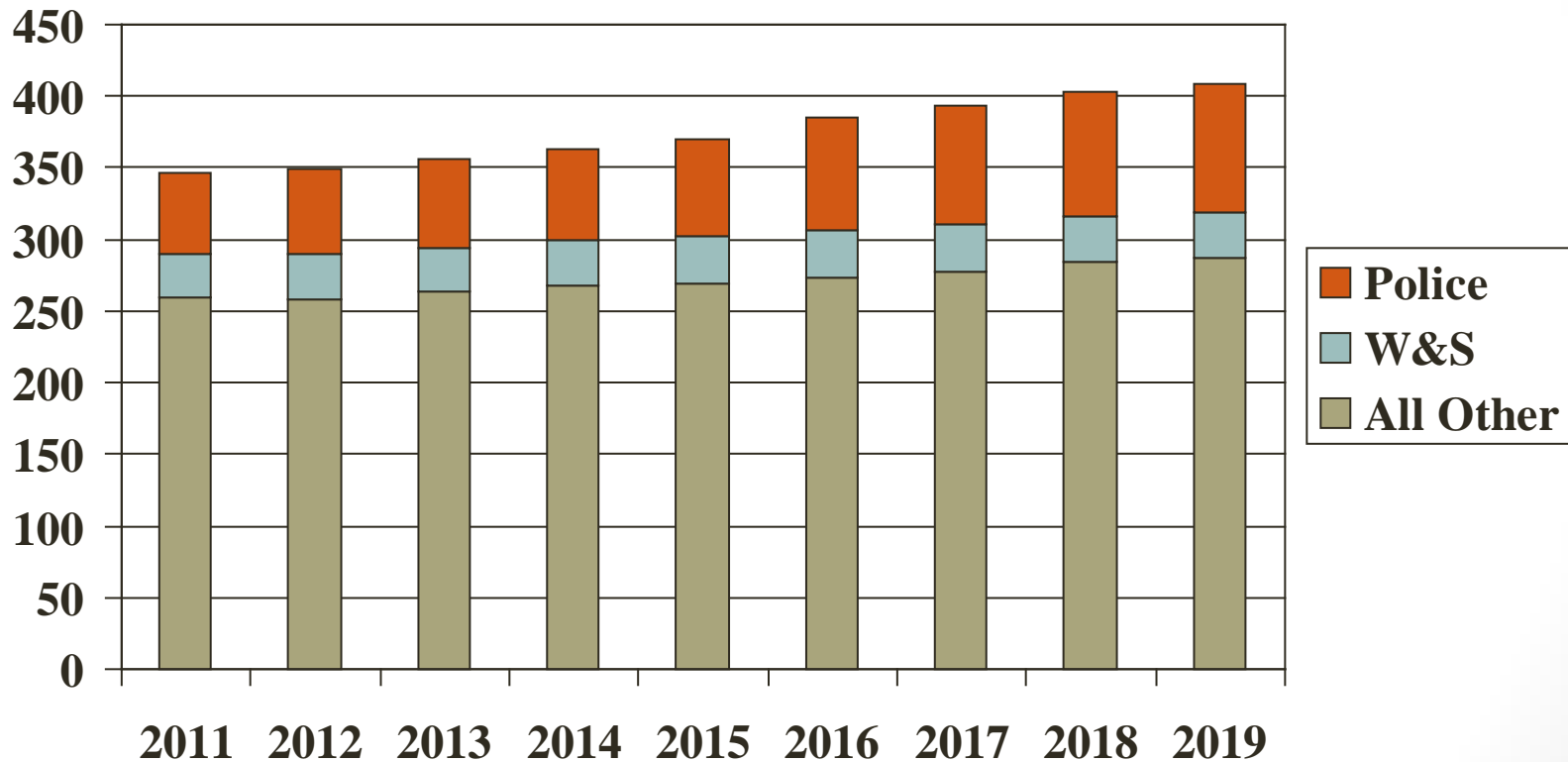
Transfers, Police, All Other Depts.

In Millions

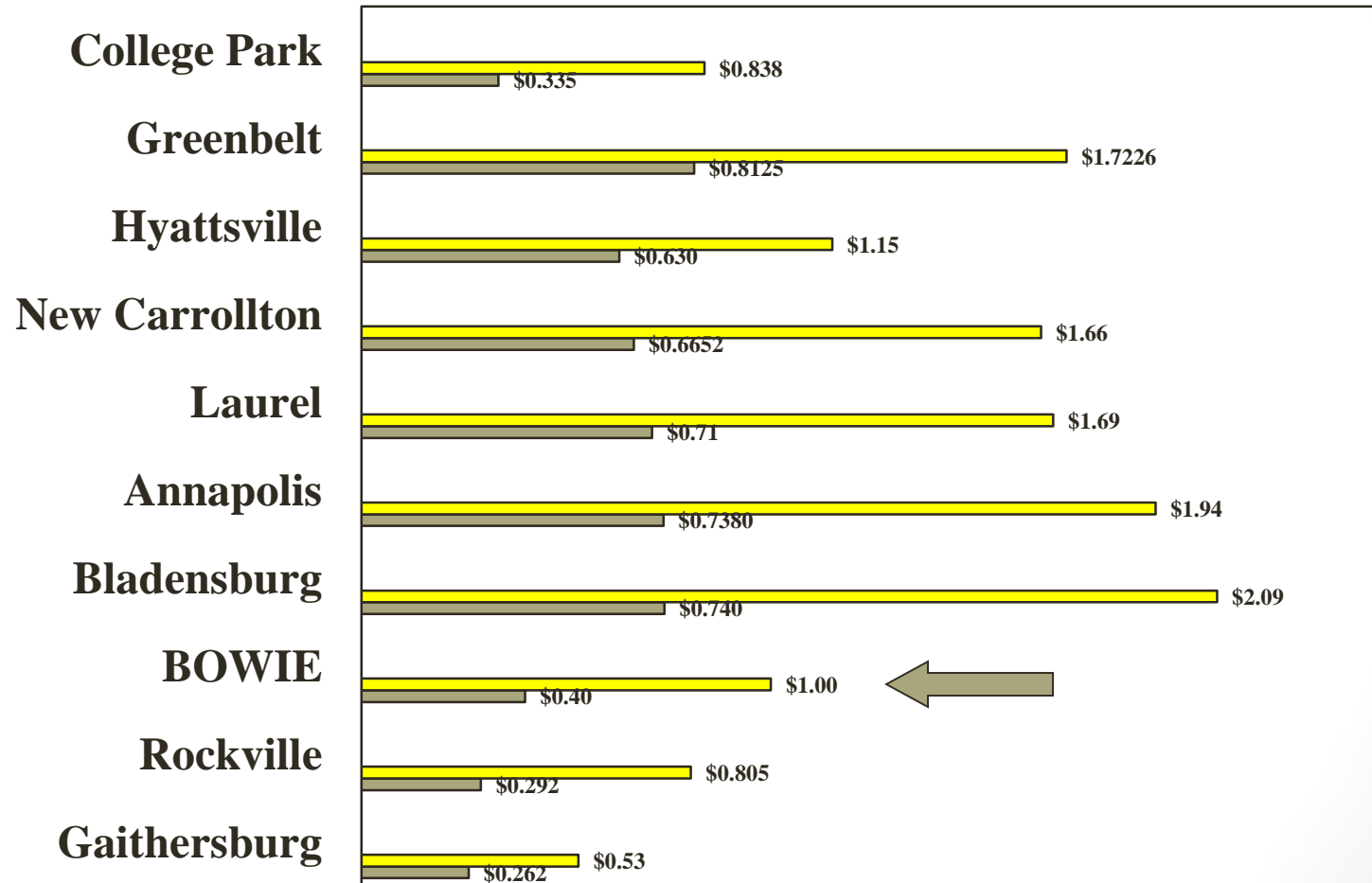


FY2011 – 2018 (Actual), FY2019 (Budget)

Total Personnel Full-time Equivalents



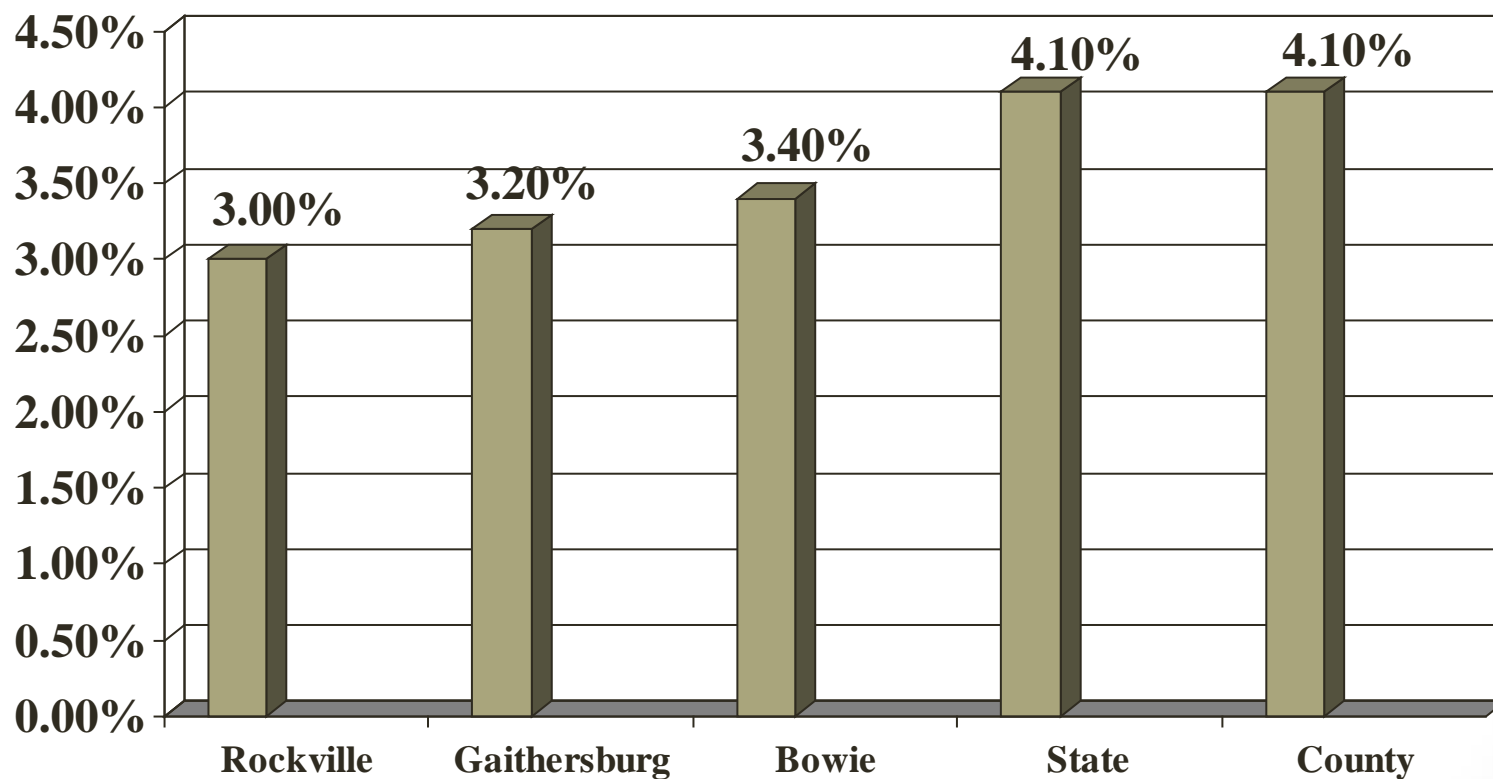
FY2019 Property Tax Rates – Business Personal and Real Property



Note: Some municipalities have additional charges, such as solid waste charges added to this rate.

Source: State of Maryland Department of Assessments and Taxation

Unemployment Rates September 2018



Source: Maryland Dept. of Labor, Licensing & Regulation

Major Capital Projects FY2019

- Ice Arena – (\$25,000,0000)
- Chesapeake Bay – Stormwater Management solutions (\$1,479,600), includes construction of Spangler Lane SWM pond, design of Woodhaven Drive SWM pond and construction of SWM improvement at Kenhill Center.
- Senior Center – HVAC improvements plus replacement of cabinets and counter top (\$1,113,000)

Projects

FY2020 – FY2024

- Stormwater Management projects (\$6.8 mil.)
- Allen Pond Park improvements (\$7.1 mil.)
- Facility Preventive Maintenance (\$2.6 mil.)
- Water Storage Tanks (\$1.6 mil.)
- Water Distribution System (\$6.4 mil.)

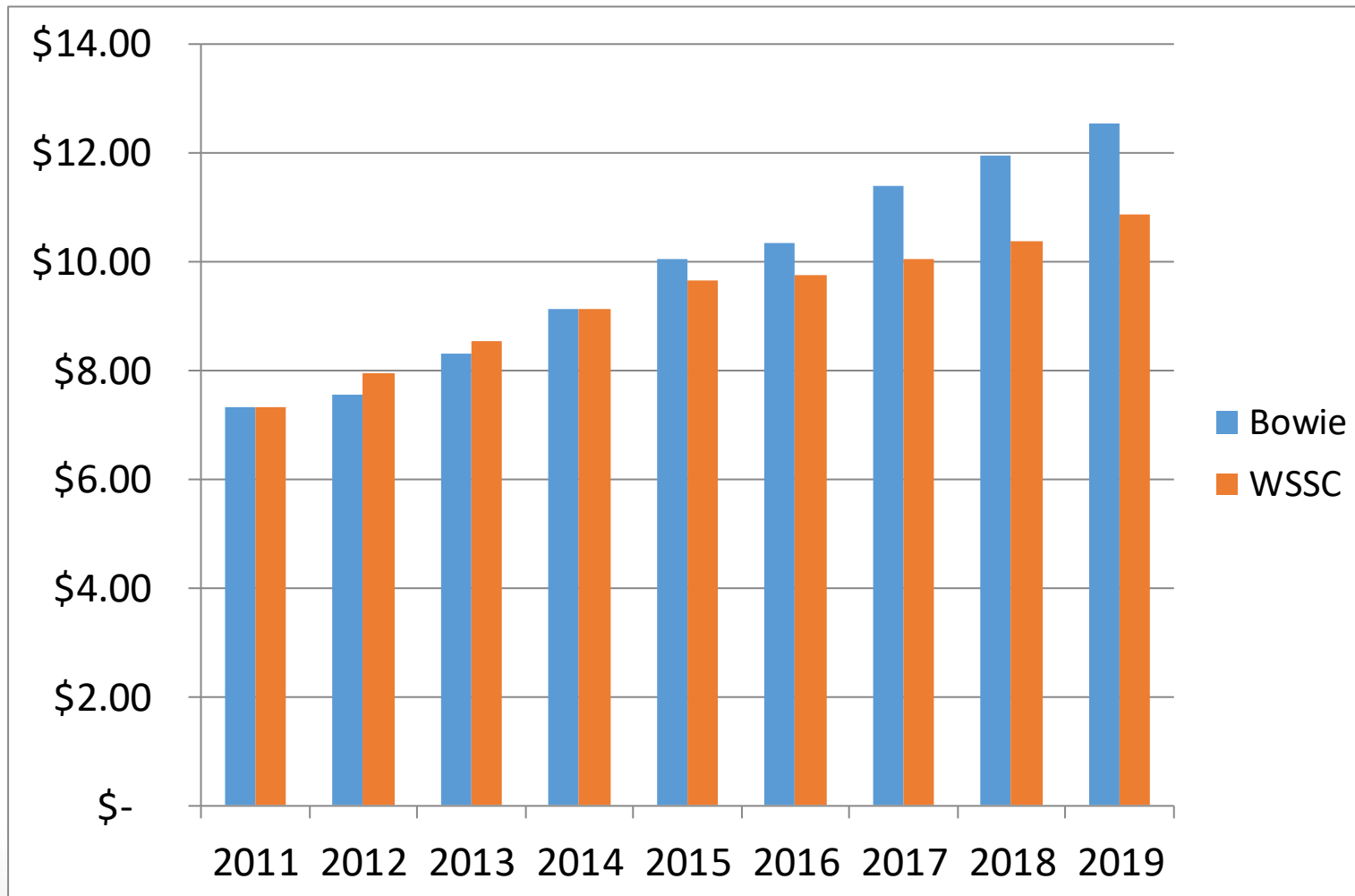
Potential Projects and Services for Future Consideration

- Melford development
- South Lake (Karington) Annexation
- Renovation of Kenhill Center
- City Facilities Management Program
- Rebalancing of refuse/recycling services
- Indoor Sports Facility

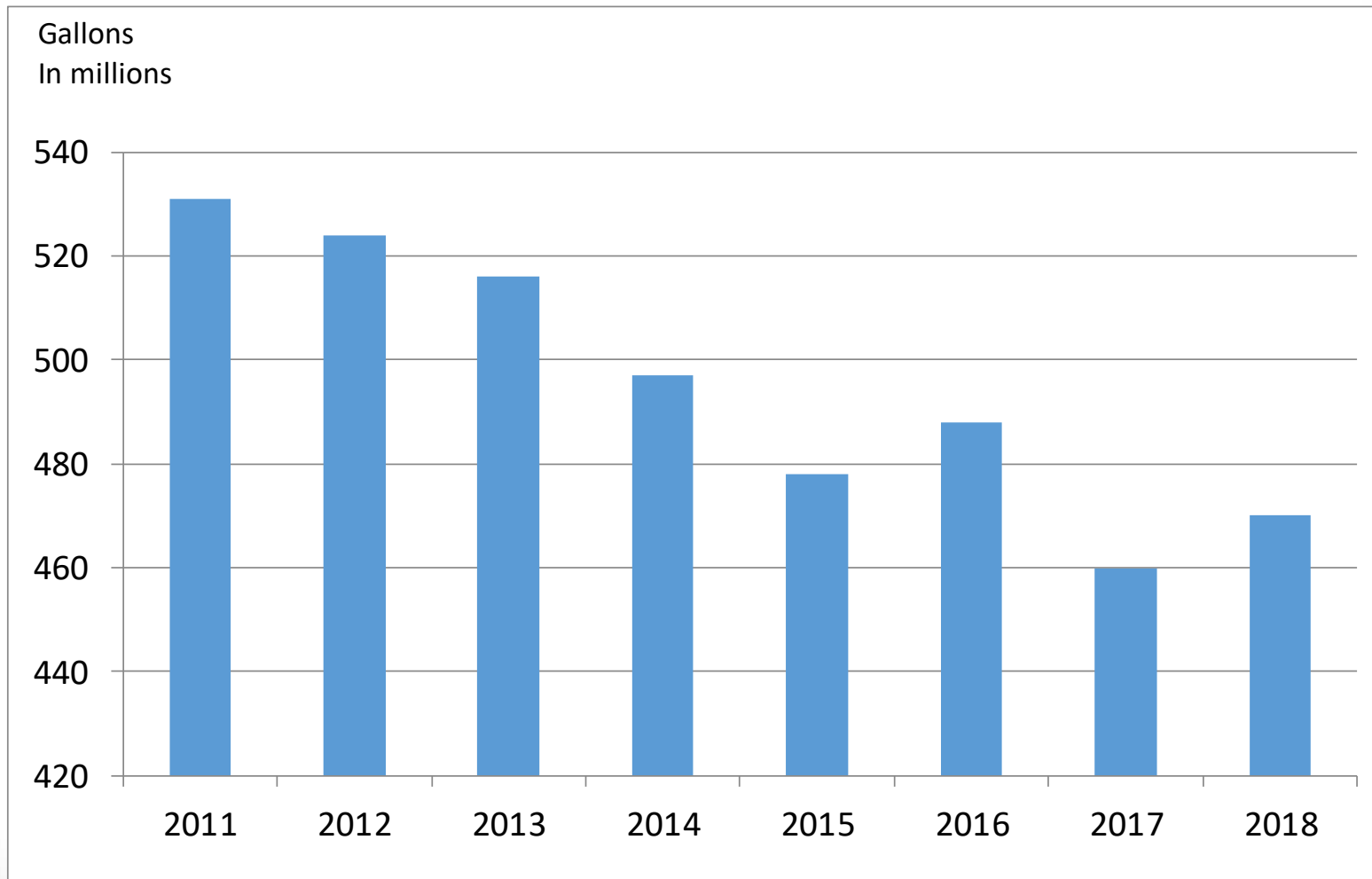
Water and Sewer Fund

- Self-supporting entity financed entirely by user charges.
- Declining user consumption.
- Potential replacement of critical infrastructure. Portions of the W&S system are over 50 years old.
- The financial forecast model anticipated a 10% rate increase for FY2020. It may be necessary to consider a higher rate increase due to declining user consumption.

Water and Sewer Rates Comparison



Residential and Commercial Annual Consumption



Major Factors Impacting the FY2020 Budget

- Assessment values estimated to increase less than 5%, or approximately \$1.4 million annually for several years.
- Expenditures continue to outpace revenue.
- At risk from potential federal cutbacks, and lower wages which would impact income taxes.
- Phase in replacement of damaged cast iron water pipes.
- Impact of subsidies for new recreational facilities.
- Increase in debt service for new Indoor Sports Facility.

Council Guidance for Budget

- Consider the cost recovery of recreational facilities
- Are there any City-funded activities or services that could be eliminated or reduced in scope?
- Consider the impact of future operating cost when adding new capital projects
- The tax rate has remained unchanged over the last nine consecutive years, (continue to monitor the impact on the fund balance).
- Are additional services being requested by the community?

Real Property Tax Rates

All Overlapping Governments

Fiscal Year	City	County	All Other*	Total
2012	.400	.808	.4170	1.6250
2013	.400	.809	.4170	1.6260
2014	.400	.820	.4170	1.6370
2015	.400	.830	.4170	1.6470
2016	.400	.872	.4320	1.7040
2017	.400	.868	.4320	1.7000
2018	.400	.860	.4320	1.6920
2019	.400	.850	.4320	1.6820

*The All Other column includes the State of Maryland, Maryland-National Capital Park & Planning Commission, Washington Suburban Sanitary Commission, and Washington Suburban Transit Commission.

Staff Recommendations – FY2020

- Focus on essential core services.
- Fund new projects with “pay-as-you-go” funding .
- Deferral of non-critical capital projects and equipment scheduled for replacement.
- Establish cost recovery policy for City recreation activities.
- Consider long-term financial impact of current decisions.
- Review user fees/charges and adjust accordingly.

Summary

- The City's financial position remains strong.
- Unassigned fund balance \$25.8 million, 51 percent of expenditures and transfers out.
- Essential core services being provided while maintaining a constant property tax rate that has not increased in the last 9 years (FY2011 through FY2019).
- Expenditure growth 5 to 7 percent.

Council Guidance for Budget

- Council questions or comments.



City of Bowie

15901 Excalibur Road
Bowie, Maryland 20716

MEMORANDUM

TO: City Council

FROM: Alfred D. Lott, ICMA-CM, CPM
City Manager

SUBJECT: Resolution R-90-18 Approving the Establishment by Prince George's County of the Karington Development District

DATE: November 29, 2018

PURPOSE: This memorandum transmits Resolution R-90-18 to Council for introduction at their December 3, 2018 meeting.

BACKGROUND: The June 7, 2016 Annexation Agreement between Karington, LLC ("Karington") and the City provides for the annexation of certain property owned by Karington into the City upon the conditions provided for in such Annexation Agreement. Prior to introduction of this Resolution, the Council must have adopted Resolution R-71-18 providing for such annexation.

The Maryland Tax Increment Financing Act (the "Act") provides that the establishment by a county of a "development district" that is wholly or partly in a municipal corporation shall also require the adoption by the governing body of the municipal corporation of a resolution approving the development district. Such approval is required by the Act whether or not the municipal corporation intends to participate in any tax increment financing undertaken by the applicable county. By CR-73-2016, Prince George's County established a development district pursuant to the Act that is designated as the Karington Development District. The property included in the Karington Development District is a portion of the property being annexed into the City pursuant to Resolution R-71-18.

Resolution R-90-18 approves the establishment by Prince George's County of the Karington Development District as required by the Act. Resolution R-90-18 may not be considered for adoption by the Council until after Resolution R-71-18 becomes effective.

RECOMMENDATION: Staff recommends that the City Council act to introduce this Resolution at your meeting on December 3, 2018.

ATTACHMENT: Resolution R-90-18

RESOLUTION
OF THE COUNCIL OF THE CITY OF BOWIE, MARYLAND FOR THE PURPOSE
OF APPROVING THE ESTABLISHMENT BY PRINCE GEORGE’S COUNTY,
MARYLAND OF THE KARINGTON DEVELOPMENT DISTRICT

WHEREAS, Sections 12-201 through 12-213, inclusive, of the Economic Development Article of the Annotated Code of Maryland (the “Act”), authorize Prince George’s County, Maryland (the “County”) to (i) establish a contiguous area within its jurisdiction as a “development district” (within the meaning of the Act), (ii) issue “bonds” (within the meaning of the Act) for the purpose of financing, reimbursing or refinancing the cost of infrastructure improvements as permitted by the Act, funding reserves and capitalized interest, paying costs to issue the bonds, and for other purposes set forth in the Act, (iii) create a “special fund” (within the meaning of the Act) and to deposit that portion of real property ad valorem taxes imposed on the “tax increment” (within the meaning of the Act) into the special fund, and (iv) use moneys in the special fund to pay debt service on the bonds and for other purposes permitted by the Act; and

WHEREAS, pursuant to the Act and CR-73-2016, adopted by the County Council of Prince George’s County, Maryland (the “County Council”) on November 15, 2016, approved by the County Executive of Prince George’s County, Maryland on November 23, 2016 and effective on November 23, 2016 (as amended or supplemented from time to time, the “TIF Designation Resolution”), the County designated a contiguous area as a development district to be known as the Karington Development District (the “Development District”); and

WHEREAS, the Development District consists of the property described in Exhibit A attached hereto and made a part hereof and as shown on the maps attached hereto as Exhibit B and made a part hereof and all adjoining roads, highways, alleys, rights of way and other similar property necessary to form a contiguous area; and

WHEREAS, the property described in Exhibit A and Exhibit B to this Resolution is the same as the property described in Exhibit A, Exhibit B and Exhibit B1 to the TIF Designation Resolution; and

WHEREAS, 12-203(c) of the Act provides that the establishment by a county of a development district that is wholly or partly in a municipal corporation shall also require the adoption by the governing body of the municipal corporation of a resolution approving the development district; and

WHEREAS, at the time the County established the Development District, no portion of the area included in the Development District was within any municipal corporation; and

WHEREAS, pursuant to Resolution R-18-16, adopted by the Council (the “Council”) of The City of Bowie (the “City”) on June 6, 2016 (the “Annexation Resolution”), the Council authorized the City Manager of the City to sign a certain Annexation Agreement with Karington, LLC (the “Owner”); and

WHEREAS, the Owner owns Outparcels A and B in the Karington subdivision, consisting of approximately 367.0063 acres, as well as Karington Center Boulevard in such subdivision (which boulevard is dedicated to public use by record plat); and

WHEREAS, pursuant to the Annexation Resolution, the City and the Owner entered into an Annexation Agreement dated June 7, 2016 (the “Annexation Agreement”), which is recorded in the Land Records of Prince George’s County, Maryland at Liber 38323, folio 141, providing for the conditions under which the City agreed to annex Outparcels A and B, together with Karington Center Boulevard, all such parcels together comprising approximately 381.52 acres and described in Exhibit “A” attached to the Annexation Agreement; and

WHEREAS, pursuant to Resolution R-71-18, adopted by the Council prior to the introduction of this Resolution, the City provided for the enlargement of the boundaries of the City by annexing 421.0920 acres of land, consisting of Outparcels A and B and Karington Center Boulevard in the Karington subdivision, together with part of Parcel 8 and all of Parcels 126 and 127 on Prince George’s County Tax Map 70 (collectively, the “Annexed Property”); and

WHEREAS, the Development District is comprised of a portion of the Annexed Property; and

WHEREAS, in accordance with Section 12-203(c) of the Act, the Council desires to approve the establishment by the County of the Development District.

Section 1. **NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Bowie, Maryland that the recitals contained in this Resolution are deemed a substantive part of this Resolution and are incorporated by reference herein, and capitalized terms defined in the recitals contained this Resolution and not otherwise defined herein will have the meanings given to such terms in such recitals.

Section 2. **AND BE IT FURTHER RESOLVED** by the Council of the City of Bowie that the Council hereby approves the establishment by the County of the Development District.

Section 3. **AND BE IT FURTHER RESOLVED** by the Council of the City of Bowie that this Resolution shall become effective immediately upon its passage.

Underlining : Indicates material added to this Resolution following introduction
~~Strike-through~~ : Indicates material deleted from this Resolution following introduction

INTRODUCED by the Council of the City of Bowie, Maryland at a meeting on _____, 2018.

PASSED by the Council of the City of Bowie, Maryland at a meeting on _____, 2019.

ATTEST:

THE CITY OF BOWIE, MARYLAND

Awilda Hernandez
City Clerk

G. Frederick Robinson
Mayor

#208213;52000.311

Underlining : Indicates material added to this Resolution following introduction
~~Strike-through~~ : Indicates material deleted from this Resolution following introduction

EXHIBIT A*

PROPERTY INCLUDED IN KARINGTON DEVELOPMENT DISTRICT

[See Attached]

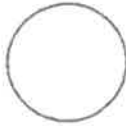
*Note: The attached Exhibit A is the same as Exhibit A to the TIF Designation Resolution. The Karington Development District includes all adjoining roads, highways, alleys, rights of way and other similar property necessary to form a contiguous area with the property described in this Exhibit.

11721 WOODMORE ROAD, SUITE 200
MITCHELLVILLE, MD 20721

TELEPHONE: 301-430-2000

FAX: 301-430-2001

E-MAIL: bendyer@bendyer.com



BEN DYER ASSOCIATES, INC.
Engineers / Surveyors / Planners

EXHIBIT A
OUTPARCEL 'A', OUTPARCEL 'B' AND
KARINGTON CENTER BOULEVARD
KARINGTON
QUEEN ANNE DISTRICT NO. 7
PRINCE GEORGE'S COUNTY, MARYLAND

Being a portion of those lands conveyed by a deed dated December 28, 2000 from Collington Corporate Center I Limited Partnership to Karington. LLC recorded among the Land Records of Prince George's County, Maryland in Liber 14286 at Folio 171, more particularly described as follows:

Being all of Outparcel 'A' and all of Karington Center Boulevard, variable width right-of-way, as shown on a Plat of Subdivision entitled "Plat One, Outparcel 'A' and Karington Center Boulevard, Karington" recorded among the said Land Records in Plat Book REP 215 as Plat No. 89 and all of Outparcel 'B' as shown on a Plat of Subdivision entitled "Plat Two, Outparcel 'B', Karington" recorded among the said Land Records in Plat Book REP 215 as Plat No. 90.

Containing an area of 381.5297 acres of land, more or less.

This description was prepared by me or under my responsible charge in compliance with requirements set forth in COMAR 09.13.06.12 and I am a duly licensed Professional Land Surveyor under the laws of the State of Maryland.

Ben Dyer Associates, Inc.

Date

8 Sep 16

Mark E. Powell
Professional Land Surveyor
MD No. 21153
License Renews 01/28/17



7.Desç.Karington-Parcels-A-B.MEP.0908/col

EXHIBIT B*

MAPS DEPICTING KARINGTON DEVELOPMENT DISTRICT

[See Attached]

*Note: The attached Exhibit B is the same as Exhibits B and B1 to the TIF Designation Resolution. The Karington Development District includes all adjoining roads, highways, alleys, rights of way and other similar property necessary to form a contiguous area with the property depicted in this Exhibit.



City of Bowie

15901 Excalibur Road
Bowie, Maryland 20716

MEMORANDUM

TO: City Council

FROM: Alfred D. Lott, ICMA-CM, CPM
City Manager

SUBJECT: Resolution R-91-18 Ratifying, Confirming and Consenting to the Karington Special Taxing District

DATE: November 29, 2018

PURPOSE: This memorandum transmits Resolution R-91-18 to Council for introduction at their December 3, 2018 meeting.

BACKGROUND: The June 7, 2016 Annexation Agreement between Karington, LLC ("Karington") and the City provides for the annexation of certain property owned by Karington into the City upon the conditions provided for in such Annexation Agreement. Prior to introduction of this Resolution, the Council must have adopted Resolution R-71-18 providing for such annexation.

The Special Taxing District Act (the "Act") identified in Resolution R-91-18 provides that before a county establishes as a special taxing district an area that is wholly or partly within a municipality, the county shall get the consent of the governing body of the municipality. Such consent is required whether or not the municipality intends to participate in any special taxing district financing undertaken by the applicable county. By CR-57-2018 (effective on November 1, 2018), Prince George's County established a special taxing district that is designated as the Karington Special Taxing District. No portion of the Karington Special Taxing District was located within City boundaries at the time CR-57-2018 became effective. The property included in the Karington Special Taxing District is a portion of the property being annexed into the City pursuant to Resolution R-71-18.

Resolution R-91-18 ratifies, confirms and consents to the establishment by Prince George's County of the Karington Special Taxing District as required by the Act. Resolution R-91-18 may not be considered for adoption by the County until after Resolution R-71-18 becomes effective.

RECOMMENDATION: Staff recommends that the City Council act to introduce this Resolution at your meeting on December 3, 2018.

ATTACHMENT: Resolution R-91-18

RESOLUTION
OF THE COUNCIL OF THE CITY OF BOWIE, MARYLAND FOR THE PURPOSE
OF RATIFYING, CONFIRMING AND CONSENTING TO THE ESTABLISHMENT
BY PRINCE GEORGE’S COUNTY, MARYLAND OF THE KARINGTON SPECIAL
TAXING DISTRICT

WHEREAS, Sections 21-501 through 21-523, inclusive, of the Local Government Article of the Annotated Code of Maryland (the “Special Taxing District Act”) and Section 10-269 of the Prince George’s County Code (collectively with the Special Taxing District Act, the “Act”), authorize Prince George’s County, Maryland (the “County”) to (i) designate an area as a “special taxing district” (within the meaning of the Act), (ii) issue “bonds” (within the meaning of the Act) for the purpose of financing, reimbursing or refinancing the cost of infrastructure improvements as permitted by the Act and as necessary for the development and use of land in a defined geographic region in the County, paying costs of issuance of the bonds, funding a debt service reserve fund, paying interest before, during, or for a limited period of time after construction of the infrastructure improvements, and for other purposes set forth in the Act, (iii) create a “special fund” (within the meaning of the Act) and to deposit into the special fund ad valorem or special taxes imposed on real and personal property located within such special taxing district pursuant to the Act, and (iv) use moneys in the special fund to pay debt service on the bonds and for other purposes permitted by the Act; and

WHEREAS, pursuant to the Act and CR-57-2018, adopted by the County Council of Prince George’s County, Maryland (the “County Council”) on October 9, 2018, approved by the County Executive of Prince George’s County, Maryland on November 1, 2018 and effective on November 1, 2018 (as amended or supplemented from time to time, the “STD Designation Resolution”), the County designated an area as a special taxing district to be known as the Karington Special Taxing District (the “Special Taxing District”); and

WHEREAS, the Special Taxing District consists of the property described in Exhibit A attached hereto and made a part hereof and as depicted on the maps attached hereto as Exhibit B and made a part hereof and all adjoining roads, highways, alleys, rights of way, parks and other similar property necessary to form a contiguous area; and

WHEREAS, the property described in Exhibit A and Exhibit B to this Resolution is the same as the property described in Exhibit A and Exhibit B to the STD Designation Resolution; and

WHEREAS, Section 21-505(b) of the Special Taxing District Act provides that before a county may establish as a special taxing district an area that is wholly or partly within a municipality, the county shall get the consent of the governing body of the municipality; and

WHEREAS, at the time the County established the Special Taxing District, no portion of the area included in the Special Taxing District was within any municipality; and

WHEREAS, pursuant to Resolution R-18-16, adopted by the Council (the “Council”) of The City of Bowie (the “City”) on June 6, 2016 (the “Annexation Resolution”), the Council authorized the City Manager of the City to sign a certain Annexation Agreement with Karington, LLC (the “Owner”); and

WHEREAS, the Owner owns Outparcels A and B in the Karington subdivision, consisting of approximately 367.0063 acres, as well as Karington Center Boulevard in such subdivision (which boulevard is dedicated to public use by record plat); and

WHEREAS, pursuant to the Annexation Resolution, the City and the Owner entered into an Annexation Agreement dated June 7, 2016 (the “Annexation Agreement”), which is recorded in the Land Records of Prince George’s County, Maryland at Liber 38323, folio 141, providing for the conditions under which the City agreed to annex Outparcels A and B, together with Karington Center Boulevard, all such parcels together comprising approximately 381.52 acres and described in Exhibit “A” attached to the Annexation Agreement; and

WHEREAS, pursuant to Resolution R-71-18, adopted by the Council prior to the introduction of this Resolution, the City provided for the enlargement of the boundaries of the City by annexing 421.0920 acres of land, consisting of Outparcels A and B and Karington Center Boulevard in the Karington subdivision, together with part of Parcel 8 and all of Parcels 126 and 127 on Prince George’s County Tax Map 70 (collectively, the “Annexed Property”); and

WHEREAS, the Special Taxing District is comprised of a portion of the Annexed Property; and

WHEREAS, Section 21-502(d) of the Special Taxing District Act provides that the provisions thereof shall be liberally construed; and

WHEREAS, in accordance with Section 21-505(b) of the Special Taxing District Act, the Council desires to ratify, confirm and consent to the establishment by the County of the Special Taxing District.

Section 1. NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Bowie, Maryland that the recitals contained in this Resolution are deemed a substantive part of this Resolution and are incorporated by reference herein, and capitalized terms defined in the

Underlining : Indicates material added to this Resolution following introduction
~~Strike through~~ : Indicates material deleted from this Resolution following introduction

recitals contained this Resolution and not otherwise defined herein will have the meanings given to such terms in such recitals.

Section 2. **AND BE IT FURTHER RESOLVED** by the Council of the City of Bowie that the Council hereby ratifies, confirms and consents to the establishment by the County of the Special Taxing District.

Section 3. **AND BE IT FURTHER RESOLVED** by the Council of the City of Bowie that this Resolution shall become effective immediately upon its passage.

INTRODUCED by the Council of the City of Bowie, Maryland at a meeting on _____, 2018.

PASSED by the Council of the City of Bowie, Maryland at a meeting on _____, 2019.

ATTEST:

THE CITY OF BOWIE, MARYLAND

Awilda Hernandez
City Clerk

G. Frederick Robinson
Mayor

#208203;52000.311

Underlining : Indicates material added to this Resolution following introduction
~~Strike through~~ : Indicates material deleted from this Resolution following introduction

EXHIBIT A*

PROPERTY INCLUDED IN KARINGTON SPECIAL TAXING DISTRICT

[See Attached]

***Note:** The attached Exhibit A is the same as Exhibit A to the STD Designation Resolution. The Karington Special Taxing District includes all adjoining roads, highways, alleys, rights of way, parks and other similar property necessary to form a contiguous area with the property described in this Exhibit.

Exhibit A

The special taxing district is comprised of the tax parcels identified by the tax account numbers in the table below and as described in the attached legal description

Tax Account Identifier

07 3813516

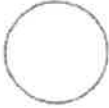
07 3813524

11721 WOODMORE ROAD, SUITE 200
MITCHELLVILLE, MD 20721

TELEPHONE: 301-430-2000

FAX: 301-430-2001

E-MAIL: bendyer@bendyer.com



BEN DYER ASSOCIATES, INC.
Engineers / Surveyors / Planners

EXHIBIT A
OUTPARCEL 'A', OUTPARCEL 'B' AND
KARINGTON CENTER BOULEVARD
KARINGTON
QUEEN ANNE DISTRICT NO. 7
PRINCE GEORGE'S COUNTY, MARYLAND

Being a portion of those lands conveyed by a deed dated December 28, 2000 from Collington Corporate Center I Limited Partnership to Karington, LLC recorded among the Land Records of Prince George's County, Maryland in Liber 14286 at Folio 171, more particularly described as follows:

Being all of Outparcel 'A' and all of Karington Center Boulevard, variable width right-of-way, as shown on a Plat of Subdivision entitled "Plat One, Outparcel 'A' and Karington Center Boulevard, Karington" recorded among the said Land Records in Plat Book REP 215 as Plat No. 89 and all of Outparcel 'B' as shown on a Plat of Subdivision entitled "Plat Two, Outparcel 'B', Karington" recorded among the said Land Records in Plat Book REP 215 as Plat No. 90.

Containing an area of 381.5297 acres of land, more or less.

This description was prepared by me or under my responsible charge in compliance with requirements set forth in COMAR 09.13.06.12 and I am a duly licensed Professional Land Surveyor under the laws of the State of Maryland.

Ben Dyer Associates, Inc.

Date

8/29/16

Mark E. Powell
Professional Land Surveyor
MD No. 21153
License Renews 01/28/17



7.Docs Karington Parcels-A-B-MEP.DOCX/enl

EXHIBIT B*

MAPS DEPICTING KARINGTON SPECIAL TAXING DISTRICT

[See Attached]

*Note: The attached Exhibit B is the same as Exhibit B to the STD Designation Resolution. The Karington Special Taxing District includes all adjoining roads, highways, alleys, rights of way, parks and other similar property necessary to form a contiguous area with the property depicted in this Exhibit.



구분	구분명	단위	단위명	구분명	단위명	구분명	단위명
1	1000000	원	1,000,000	1000000	원	1,000,000	원
2	100000	원	100,000	100000	원	100,000	원
3	10000	원	10,000	10000	원	10,000	원
4	1000	원	1,000	1000	원	1,000	원
5	100	원	100	100	원	100	원
6	10	원	10	10	원	10	원
7	1	원	1	1	원	1	원
8	0.1	원	0.1	0.1	원	0.1	원
9	0.01	원	0.01	0.01	원	0.01	원
10	0.001	원	0.001	0.001	원	0.001	원
11	0.0001	원	0.0001	0.0001	원	0.0001	원
12	0.00001	원	0.00001	0.00001	원	0.00001	원
13	0.000001	원	0.000001	0.000001	원	0.000001	원
14	0.0000001	원	0.0000001	0.0000001	원	0.0000001	원
15	0.00000001	원	0.00000001	0.00000001	원	0.00000001	원
16	0.000000001	원	0.000000001	0.000000001	원	0.000000001	원
17	0.0000000001	원	0.0000000001	0.0000000001	원	0.0000000001	원
18	0.00000000001	원	0.00000000001	0.00000000001	원	0.00000000001	원
19	0.000000000001	원	0.000000000001	0.000000000001	원	0.000000000001	원
20	0.0000000000001	원	0.0000000000001	0.0000000000001	원	0.0000000000001	원

[illegible][illegible]

Year	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100
1990	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100

ELITE CERTIFIED

THE UNIVERSITY OF CHICAGO PRESS

OWNERS DEDICATION

Corruption LLC, a Maryland limited liability company, by Kenneth H. Jackson, President, Owner of the property, which has been and described in the Somerset Court House

several other two plot of secondary education, the streets are sidewalks for students, or about for the purposes specified such as sports the public square, high secondary and college bus (9) local public utility of commerce, as shown, subject to "Nationalism of Terms and Conditions of Public Utility Elements," recorded among the Land Records of Prince George's County since of 1906-1940, and further entries.

Track property the members will be placed in accordance with Section 34-120
of the (S) of the Subchapter Regulations, Please See the County Code.

That there are no other actions or facts known, seen, mentioned, or heard

Plate - EASTMAN/KODAK L.C. (Kodak)

DATE: 10/10/1964

Am. Mer. 2.

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NOTES

NOTE: Fire suppression systems shall be provided in oil proposed by design standards with National Fire Protection Association (NFPA) Class III

the various Georgia County laws, which make Georgia County laws are different, but an effective method of the system is applied.

it off the plot in based upon reasonable expectation that public water

For more information, please contact the National Association of State Legislatures, 1111 North Dearborn Street, Suite 100, Chicago, IL 60610, (312) 462-1000, or visit our website at www.nasl.org.

the fact that the company has been able to maintain its market share in the face of intense competition from other manufacturers of similar products.

These findings have been reported. The plot is done in accordance with the instructions of the National Bureau of Standards, and the results will be published in the Journal of the National Bureau of Standards.

70-5-1 use model Periods 1 &

and, therefore, business and strategic issues facing a company are far broader than the "50 ways to success" that are typically the focus of most small-business seminars. And, finally, the seminar is not a one-time event, but a continuing process that is integrated into the company's overall business strategy.

submitted with, and completed recognition plans shall be submitted to the State Department.

values of categories A and B shall be in accordance

World Bank and International Fund for Agricultural Development

PI AT TWO

RECEIVED

OUTFARCEL B,
K A BING TON,

MAKING IT

GREEN ANNE ELECTION DISTRICT NO. 7
BRUCE GEORGE CAMP NAME

PRINCE GEORGE'S COUNTY, MARYLAND
AUGUST - 2000
SCALE: 1" = 400'

1. **Introduction**

BEN DYER ASSOCIATES, INC.
DYEING • SERVING • FINISHING

6701 MONROVIE ROAD
OAKVILLE, ONT
L6M 3K2

CHECK-OUT NOW!
FREE CATALOGS! FREE INFO!

1. A 100% owned subsidiary of a U.S. corporation is a U.S. corporation for U.S. tax purposes.

170466 1250 55A 1250 170466



City of Bowie

15901 Excalibur Road
Bowie, Maryland 20716

MEMORANDUM

TO: City Council

FROM: Alfred D. Lott, ICMA-CM, CPM
City Manager

SUBJECT: Ordinance O-8-18 Authorizing the Pledge of Incremental Property Tax Revenues from the Karington (South Lake) Development District

DATE: November 29, 2018

PURPOSE: This memorandum transmits Ordinance O-8-18 to Council for introduction at their December 3, 2018 meeting.

BACKGROUND: This Ordinance will, upon the effective date of an annexation resolution annexing the Karington (South Lake) property (and certain other property) into the City (Resolution R-71-18), provide for the pledge of the City's incremental property tax revenues derived from real property in the Karington Development District to the repayment of principal and interest of certain bonds to be issued by Prince George's County to fund public infrastructure improvements serving the South Lake development.

Enactment of this Ordinance will provide for the pledge of City real property taxes levied against the increase in the assessable base as of January 1, 2015 of property located in the Karington Development District (called the "tax increment") to support payment of debt service on certain special obligation bonds to be issued by Prince George's County, replenish any debt service reserve fund, if established, and pay other expenses authorized by the Acts identified therein (to the extent applicable). This Ordinance provides that the Council by resolution may approve the final or substantially final form of a Contribution Agreement with Prince George's County providing for such pledge and the payment of such incremental tax revenues to a Tax Increment Fund established by the County. Such pledge shall not be effective unless the City and the County execute and deliver the Contribution Agreement. City real property taxes levied against the "original base" of real property in the Karington Development District will continue to be paid to the City's General Fund.

This Ordinance also provides that the Council by resolution (unless other action is required by applicable law) may approve the final or substantially final form of any agreement with the County, the Owner (as identified therein), the Developers (as identified therein) and/or any other applicable

MAYOR G. Frederick Robinson **MAYOR PRO TEM** Henri Gardner

COUNCIL Michael P. Estève ♦ Courtney D. Glass ♦ James L. Marcos ♦ Isaac C. Trough ♦ Dufour Woolfley **CITY MANAGER** Alfred D. Lott
City Hall (301) 262-6200 FAX (301) 809-2302 1 TDD (301) 262-5013 WEB www.cityofbowie.org

parties relating to financing of costs of such public infrastructure improvements, the ownership or dedication of such improvements and/or the responsibility for maintenance of such improvements.

At Council's October 15, 2018 meeting you acted to express your intent to participate in the County's proposed financing by adopting Resolution R-64-18.

An application for tax increment financing (TIF) has been received and processed by the City Staff. Council held public hearings on October 1 and October 15, 2018.

RECOMMENDATION: Staff recommends that the City Council act to introduce this Ordinance at your meeting on December 3, 2018.

ATTACHMENT: Ordinance O-8-18

ORDINANCE
OF THE COUNCIL OF THE CITY OF BOWIE, MARYLAND
FOR THE PURPOSE OF AUTHORIZING THE PLEDGE BY THE CITY OF THE
INCREMENTAL TAX REVENUES ATTRIBUTABLE TO THE DEVELOPMENT OF
PROPERTY IN THE DEVELOPMENT DISTRICT CREATED BY PRINCE
GEORGE’S COUNTY, MARYLAND (THE “COUNTY”) AND DESIGNATED THE
“KARINGTON DEVELOPMENT DISTRICT” (THE “DISTRICT”) AS DESCRIBED
HEREIN TO SECURE CERTAIN SPECIAL OBLIGATION BONDS THAT MAY BE
ISSUED BY THE COUNTY AS DESCRIBED HEREIN (THE “BONDS”),
REPLENISH A DEBT SERVICE RESERVE FUND, IF APPLICABLE, AND PAY
OTHER PERMITTED EXPENSES; ACKNOWLEDGING THE BOUNDARIES OF
THE DEVELOPMENT DISTRICT AS THE SAME MAY BE MODIFIED AS
AUTHORIZED HEREIN; AUTHORIZING THE CITY COUNCIL TO PROVIDE BY
RESOLUTION FOR THE APPROVAL AND MANNER OF EXECUTION AND
DELIVERY OF A CONTRIBUTION AGREEMENT WITH THE COUNTY IN
CONNECTION WITH SUCH PLEDGE; PROVIDING FOR THE DEPOSIT BY THE
CITY OF ITS PROPERTY TAXES LEVIED ON THE TAX INCREMENT
PERTAINING TO THE DISTRICT INTO A TAX INCREMENT FUND CREATED
BY THE COUNTY, SUCH INCREMENTAL TAX REVENUES TO BE APPLIED
FOR THE PURPOSES DESCRIBED HEREIN; AUTHORIZING THE CITY
COUNCIL TO PROVIDE BY RESOLUTION (UNLESS APPLICABLE LAW
REQUIRES OTHERWISE) FOR THE APPROVAL AND MANNER OF EXECUTION
AND DELIVERY OF ANY RELATED AGREEMENTS AS DESCRIBED HEREIN;
AUTHORIZING OFFICIALS AND EMPLOYEES OF THE CITY TO TAKE
CERTAIN ACTIONS IN CONNECTION WITH THE TRANSACTIONS
CONTEMPLATED BY THIS ORDINANCE; PROVIDING THAT THE PLEDGE OF
THE CITY PROPERTY TAXES LEVIED ON THE TAX INCREMENT AS
PROVIDED FOR IN THE CONTRIBUTION AGREEMENT MAY SECURE
REFUNDING BONDS ISSUED BY THE COUNTY WITHIN THE LIMITATIONS
SET FORTH HEREIN; PROVIDING FOR THE AMENDMENT OR
MODIFICATION OF OR SUPPLEMENTS TO THE CONTRIBUTION
AGREEMENT AND ANY RELATED AGREEMENTS; AND GENERALLY
PROVIDING FOR AND DETERMINING VARIOUS MATTERS IN CONNECTION
WITH THE FOREGOING.

WHEREAS, pursuant to Sections 12-201 through 12-213, inclusive, of the Economic Development Article of the Annotated Code of Maryland (the “TIF Act”), and CR-73-2016, adopted by the County Council (the “County Council”) of Prince George’s County, Maryland (the “County”) on November 15, 2016, approved by the County Executive of the County (the “County Executive”) on November 23, 2016 and effective on November 23, 2016 (as amended or supplemented from time to time, the “County TIF Designation Resolution”), the County established the Karington Development District (the “Development District”), a “development district” (within the meaning of the TIF Act), and the Karington Development District Tax

Underlining
Strike-through

: Indicates material added to this Ordinance following introduction
: Indicates material deleted from this Ordinance following introduction

Increment Fund (the “Tax Increment Fund”), a “special fund” (within the meaning of the TIF Act); and

WHEREAS, pursuant to the County TIF Designation Resolution and in accordance with the TIF Act, the County pledged that if any bonds issued under the TIF Act with respect to the Development District are outstanding, the portion of County real property taxes levied on properties within the Development District that represent the levy on the Tax Increment (as defined herein) shall be deposited into the Tax Increment Fund; and

WHEREAS, the TIF Act (i) authorizes the County to issue bonds from time to time for the purpose of borrowing funds to be used to fulfill one or more purposes of the TIF Act and (ii) provides that payment of debt service on such bonds shall be secured by a pledge of the taxes representing the levy by the County on the Tax Increment and any other funds made available to the County for such purpose; and

WHEREAS, pursuant to Sections 21-501 through 21-523, inclusive, of the Local Government Article of the Annotated Code of Maryland and Section 10-269 of the Prince George’s County Code (collectively, the “STD Acts”), and CR-57-2018, adopted by the County Council on October 9, 2018, approved by the County Executive on November 1, 2018 and effective on November 1, 2018 (as amended or supplemented from time to time, the “County STD Designation Resolution”), the County established the Karington Special Taxing District (the “Special Taxing District”), a “special taxing district” (within the meaning of the STD Acts), and the Karington Special Taxing District Fund (the “Special Taxing District Fund”), a “special fund” (within the meaning of the STD Acts); and

WHEREAS, pursuant to the County STD Designation Resolution and in accordance with the STD Acts, the County (i) provided for “special taxes” (within the meaning of the STD Acts) to be levied and imposed on real property located within the Special Taxing District as provided in the Rate and Method of Apportionment of Special Taxes attached to the County STD Designation Resolution as Exhibit C thereto (the “Special Tax”) and in the County STD Designation Resolution, and (ii) provided for the deposit of any such Special Tax to the Special Taxing District Fund; and

WHEREAS, the STD Acts (i) authorize the County to issue bonds from time to time for the purpose of borrowing funds to be used to fulfill one or more purposes of the STD Acts and (ii) provide that payment of debt service on such bonds shall be secured by a pledge of the Special Tax and any other funds made available to the County for such purpose; and

WHEREAS, the boundaries of the Development District and the Special Taxing District are the same (collectively, the “Districts”); and

WHEREAS, Karington, LLC (the “Owner”) is the owner of Outparcels A and B and Karington Center Boulevard (which boulevard is dedicated to public use by record plat) within

the Districts and has consented to the City's annexation of the real property owned by the Owner within the Districts in accordance with the terms of a certain Annexation Agreement dated June 7, 2016 between the Owner and the City; and

WHEREAS, pursuant to Resolution R-71-18, adopted by the Council (the "Council") of The City of Bowie (the "City") prior to the introduction of this Ordinance, the City provided for the enlargement of the boundaries of the City by annexing 421.0920 acres of land (including the real property owned by the Owner), consisting of Outparcels A and B and Karington Center Boulevard in the Karington subdivision, together with part of Parcel 8 and all of Parcels 126 and 127 on Prince George's County Tax Map 70; and

WHEREAS, the Owner plans to develop property within the Districts into a mixed-use development including retail, commercial, office and residential facilities and hotels and related facilities and infrastructure improvements; and

WHEREAS, the proposed development is now known as "South Lake"; and

WHEREAS, Section 12-210(a) of the TIF Act provides that the City may pledge, by written agreement, that property taxes levied by the City on the Tax Increment pertaining to the Development District shall be paid into the Tax Increment Fund; and

WHEREAS, the Owner has requested that the County and the City participate in the financing of certain infrastructure improvements that will support and benefit the mixed-use development to be undertaken by the Owner and by The Michael Companies, Inc. and Chesapeake Realty Partners, or any one of their subsidiaries or affiliates (collectively, the "Developers"), which Developers will manage such development on behalf of the Owner; and

WHEREAS, the infrastructure improvements that the Owner has requested the County and the City to participate in the financing of include, but are not limited to, road improvements to, from and in the Districts, including improvements to Route 214, Old Central Avenue, Route 301, arterial boulevard entrance roads, circulatory loop roads and entrance improvements along Route 214 and Route 301; public utilities; park facilities, including a public lake; stormwater management facilities; and related infrastructure improvements within or outside of but related to the Districts (collectively, the "Improvements"); and

WHEREAS, the Improvements to be financed will be owned or dedicated to governmental entities including, but not limited to, the County, the City or the State of Maryland (the "State"); and

WHEREAS, the Owner has requested that, pursuant to the combined authority of the TIF Act and the STD Acts (collectively, the "Acts"), the County issue special obligation bonds for the purpose of financing costs of the Improvements and other costs permitted by the Acts and establishing a debt service reserve fund, if applicable; and

WHEREAS, the City has not been asked to, and does not intend to, levy any special taxes to support or secure any such special obligation bonds issued by the County; and

WHEREAS, pursuant to the Acts and CB-74-2018, enacted by the County Council on October 9, 2018, approved by the County Executive on November 1, 2018 and effective 45 days from the date it becomes law (as amended or supplemented from time to time, the “County Bond Bill”), the County (i) authorized the issuance of special obligation bonds in one or more series from time to time in an aggregate principal amount not to exceed Thirty-Three Million Dollars (collectively, the “Bonds”), and authorized proceeds of the Bonds to be used to finance all or part of the costs of the Improvements, a debt service reserve fund, if one is established, capitalized interest with respect to the Bonds, administrative expenses and costs of issuance, and (ii) provided that the Bonds will be payable (A) first, from the amounts levied and deposited in the Tax Increment Fund pursuant to the County TIF Designation Resolution, including revenues paid to the County under a contribution agreement entered into with the City, and (B) second, to the extent the Tax Increment Fund does not contain moneys in an amount sufficient to pay debt service on the Bonds, replenish deficiencies in the debt service reserve fund, if one is established to secure the Bonds, and pay administrative expenses related to the Districts, from the Special Tax to be levied and imposed and deposited in the Special Taxing District Fund; and the County further provided in the County Bond Bill that (i) the Bonds may be secured through the establishment of additional sinking funds or the pledge of other assets or revenues toward payment of debt service on the Bonds, if applicable, and (ii) provisions may be made for municipal bond insurance or any other type of financial guaranty of the Bonds, if applicable; and

WHEREAS, the public meetings and official public hearing session required by Section IV.C. of the City of Bowie Tax Increment Financing (TIF) Policy have been held prior to passage of this Ordinance; and

WHEREAS, pursuant to Section 12-210(a) of the TIF Act, the City has determined to (i) authorize the pledge of the property taxes levied by the City on the Tax Increment, (ii) agree to provide for the deposit of such incremental tax revenues to the Tax Increment Fund, and (iii) authorize the City to enter into a written agreement with the City (by whatever name known, the “Contribution Agreement”) evidencing such pledge and agreement and determining various matters in connection therewith.

Section 1. **NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Council of the City of Bowie, Maryland that:

(a) The recitals contained in this Ordinance are deemed a substantive part of this Ordinance and are incorporated by reference herein, and capitalized terms defined in the recitals contained in this Ordinance and not otherwise defined herein will have the meanings given to

Underlining : Indicates material added to this Ordinance following introduction
~~Strike-through~~ : Indicates material deleted from this Ordinance following introduction

such terms in such recitals and, in addition, the following terms shall have the meanings set forth below:

(1) “Adjusted Assessable Base” means the fair market value of real property that qualifies for a farm or agricultural use under Section 8-209 of the Tax-Property Article, without regard to the agricultural use assessment for the property as of January 1 of the year preceding the effective date of the County TIF Designation Resolution.

(2) “Assessable Base” means the total assessable base, as determined by the Supervisor of Assessments (within the meaning of the TIF Act), of all real property subject to taxation in the Development District.

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

(4) “Bonds” has the meaning provided in the recitals contained in this Ordinance and includes the revenue bonds or bond, note or notes, or other similar instruments or instrument issued by the County pursuant to and in accordance with the Acts and the County Bond Bill.

(5) “Chief Executive” means the City Manager as the Chief Executive Officer of the City by virtue of Section 39(1) of the Charter (as defined in subsection (b) below).

(6) “Original Base” means the Assessable Base as of January 1 of the year preceding the effective date of the County TIF Designation Resolution (which calculated date is, accordingly, January 1, 2015).

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

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

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

(b) in all other cases, the lesser of:

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

(ii) the Original Base.

(9) “Tax Increment” means for any Tax Year the amount by which the Assessable Base as of January 1 of the preceding Tax Year exceeds the Original Taxable Value

of the Original Base divided by the Assessment Ratio used to determine the Original Taxable Value.

(10) “Tax-Property Article” means the Tax-Property Article of the Annotated Code of Maryland, as replaced, supplemented or amended from time to time.

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

(b) References in this Ordinance to any official by title shall be deemed to refer (i) to any official authorized under the Charter of the City of Bowie (the “Charter”), the code of ordinances of the City (the “City Code”) or other applicable law or authority to act in such titled official’s stead during the absence or disability of such titled official, (ii) to any person who has been elected, appointed or designated to fill such position in an acting or interim capacity under the Charter, the City Code or other applicable law or authority, (iii) to any person who serves in a “deputy”, “associate” or “assistant” capacity as such an official, provided that the applicable responsibilities, rights or duties referred to herein have been delegated to such deputy, associate or assistant in accordance with the Charter, the City Code or other applicable law or authority, and/or (iv) to the extent an identified official commonly uses another title not provided for in the Charter or the City Code, the official, however known, who is charged under the Charter, the City Code or other applicable law or authority with the applicable responsibilities, rights or duties referred to herein.

(c) References in this Ordinance to the terms “finance,” “financing” or similar terms shall be construed to mean and include “reimburse,” “reimbursing,” “refinance,” and “refinancing” and similar terms, as applicable.

(d) To the extent of any inconsistencies between the provisions of this Ordinance and the provisions of the TIF Act, the provisions of the TIF Act shall be deemed to control.

Section 2. AND BE IT FURTHER ORDAINED by the Council of the City of Bowie that it is hereby found and determined that the pledge by the City of the City property taxes levied against the Tax Increment to support payment of debt service on the Bonds, replenish any debt service reserve fund, if established, and pay other expenses authorized by the Acts (to the extent applicable), all for the purpose of providing funds to finance costs of the Improvements, accomplishes the public purposes of the TIF Act and generally promotes the health, welfare and safety of the residents of the City, the County and the State.

Section 3. AND BE IT FURTHER ORDAINED by the Council of the City of Bowie that:

(a) The City acknowledges that the Development District consists of the property described in Exhibit A attached hereto and made a part hereof and as shown on the maps attached hereto as Exhibit B and made a part hereof and all adjoining roads, highways, alleys, rights of way

Underlining : Indicates material added to this Ordinance following introduction
~~Strike-through~~ : Indicates material deleted from this Ordinance following introduction

and other similar property necessary to form a contiguous area, which is collectively the same as the property described in Exhibit A, Exhibits B and B1 to the County TIF Designation Resolution and all adjoining roads, highways, alleys, rights of way and other similar property necessary to form a contiguous area.

(b) The County TIF Designation Resolution provides that the boundaries of the Development District may be reduced or enlarged within the limitations set forth therein. Provided that any such reduction or enlargement of the boundaries of the Development District includes real property within the City and is approved by the Council by resolution in accordance with Section 12-203(c) of the TIF Act, references in this Ordinance to the Development District shall be construed to refer to the Development District identified on Exhibit A and Exhibit B hereto and all adjoining roads, highways, alleys, rights of way and other similar property necessary to form a contiguous area, as the boundaries thereof are so reduced or enlarged.

Section 4. **AND BE IT FURTHER ORDAINED** by the Council of the City of Bowie that:

(a) The City, by execution and delivery of the Contribution Agreement, shall pledge that if any Bonds issued pursuant to the County Bond Bill are outstanding (except to the extent otherwise provided in the Contribution Agreement), the real property taxes on property in the Development District shall be divided so that:

(i) the portion of the taxes that would be produced at the current tax rate on the Original Taxable Value shall be paid to the respective taxing authorities in the same manner as taxes on other property are paid; and

(ii) the portion of the taxes on the Tax Increment that normally would be paid into the general fund of the City shall be paid into the Tax Increment Fund to be applied in accordance with the provisions of Section 12-209 of the TIF Act. Pursuant to Section 12-208(c) of the TIF Act, other than tax revenues collected from residential properties in Prince George's County, the taxes collected under this subsection (a)(ii) are not considered a tax of the City for the purposes of any constant yield tax limitation or State or local restriction. Pursuant to Section 12-208 of the TIF Act, no State real property taxes may be paid into the Tax Increment Fund.

(b) Neither the rate at which taxes are levied on real property within the Development District nor the manner of assessment of real property within the Development District is to vary from the rate or manner of assessment that otherwise would have applied if the Development District were not designated and the Tax Increment Fund not created, except to the extent that a specific valuation adjustment is mandated by the TIF Act for real property that qualifies for a farm or agricultural use.

(c) Pursuant to Section 12-210(a)(2)(iii) of the TIF Act, the Contribution Agreement shall run to the benefit of and be enforceable on behalf of any holder of the Bonds.

(d) The Contribution Agreement shall provide for return to the City and the County of any excess amounts on deposit in the Tax Increment Fund with respect to each Tax Year within the limitations of the TIF Act. Any such excess amounts returned to the City may be applied by the City in accordance with the provisions of Section 12-209(a) of the TIF Act.

(e) The Director of Finance of the City or other appropriate fiscal officials are each hereby directed and authorized to cause to be deposited in the Tax Increment Fund all taxes received (whether directly or indirectly) by the City for any Tax Year in which the Contribution Agreement is executed and delivered by the City or commencing after the execution and delivery of the Contribution Agreement by the City that represent the levy on the Tax Increment referred to in subsection (a)(ii) above.

Section 5. AND BE IT FURTHER ORDAINED by the Council of the City of Bowie that, subject to the provisions of this Ordinance and in accordance with the provisions of the TIF Act, by resolution the Council shall approve the final or the substantially final form of, and the manner of execution and delivery on behalf of the City, of the Contribution Agreement, including, without limitation, by authorizing the Chief Executive by executive order to approve the final form of the Contribution Agreement and/or the manner of execution and delivery on behalf of the City of the Contribution Agreement.

Section 6. AND BE IT FURTHER ORDAINED by the Council of the City of Bowie that, unless required or permitted otherwise by applicable law, by resolution the Council (i) may approve the final or substantially final form of any agreements with the County, the Owner, the Developers and/or any other applicable parties relating to the financing of costs of the Improvements from proceeds of the Bonds, the ownership or dedication of the Improvements, and/or the responsibility for maintenance of the Improvements (collectively, the "Related Agreements") and/or the manner of the execution and delivery on behalf of the City of the Related Agreements, including, without limitation, by authorizing the Chief Executive by executive order to approve the final forms of the Related Agreements and/or the manner of execution and delivery on behalf of the City of the Related Agreements, or (ii) may authorize the Chief Executive by executive order to approve the final or substantially final form of any Related Agreements and/or the manner of execution and delivery on behalf of the City of the Related Agreements.

Section 7. AND BE IT FURTHER ORDAINED by the Council of the City of Bowie that the Mayor, the City Manager, the Director of Finance, the City Clerk and all other appropriate officials and employees of the City are hereby authorized, empowered and directed (to the extent not otherwise provided for in this Ordinance or a resolution adopted in furtherance of this Ordinance, and to the extent any such officials or employees are acting within the spheres

of their responsibilities): (i) to take any and all action necessary in connection with the City's participation in the sale, issuance and delivery by the County of any series of the Bonds, (ii) to negotiate, approve, execute and deliver all documents, certificates and instruments executed by the City that are necessary or appropriate in connection with the City's entry into the Contribution Agreement and any Related Agreements and the issuance by the County of any series of the Bonds, and (iii) carry out the transactions contemplated by this Ordinance, any resolution adopted in furtherance of this Ordinance, the Contribution Agreement, any Related Agreements and any such other documents, certificates or instruments executed and delivered in connection with the City's entry into the Contribution Agreement, any Related Agreements and the issuance by the County of any series of the Bonds. The City Clerk or other appropriate City official is hereby authorized and empowered to impress or imprint the City seal upon any such agreements, documents, certificates or instruments.

Section 8. **AND BE IT FURTHER ORDAINED** by the Council of the City of Bowie that the City shall not create or incur any obligation to any person or entity with regard to the matters contemplated by or described in this Ordinance unless and until the Contribution Agreement has been executed and delivered on behalf of the City and the County, and then only to the extent provided in the Contribution Agreement.

Section 9. **AND BE IT FURTHER ORDAINED** by the Council of the City of Bowie that the Bonds shall not constitute obligations, special or otherwise, of the City and shall not be secured by a pledge of the full faith and credit and unlimited taxing power of the City. The City shall not have any pecuniary or other obligation with respect to the Bonds, except to satisfy any obligation it may undertake in the Contribution Agreement.

Section 10. **AND BE IT FURTHER ORDAINED** by the Council of the City of Bowie that, notwithstanding any other provision of this Ordinance, in the event the trust indenture, indenture of trust or similar agreement executed and delivered by the County in connection with any initial (or only) series of the Bonds issued by the County pursuant to the County Bond Bill provide for refunding bonds to be issued by the County in one or more series from time to time to refund any of the Bonds pursuant to the authority of the TIF Act and any other applicable law (collectively, the "Refunding Bonds"), the Contribution Agreement may provide that the pledge made by the City of the property taxes levied on the Tax Increment shall be deposited to the Tax Increment Fund (or any successor or additional special fund established by the County with respect to the Development District pursuant to the TIF Act) to support the payment of debt service on the Refunding Bonds, the replenishment of any debt service reserve fund, and to pay other expenses permitted by the Acts, upon the terms and conditions set forth in the Contribution Agreement, provided that the issuance of any such Refunding Bonds does not result in an increase in any Tax Year of the debt service payable on such Refunding Bonds and any Bonds that remain outstanding over the debt service payable in any Tax Year prior to

the issuance of such Refunding Bonds. In addition, by resolution, the City may approve or provide for the approval of, and the execution and delivery on behalf of the City of, any amendments, modifications or supplements to the Contribution Agreement or any new Contribution Agreement in connection with such Refunding Bonds. In any such event, references in this Ordinance to the Bonds shall be construed to include any Refunding Bonds issued by the County within the limitations set forth in the Contribution Agreement.

Section 11. **AND BE IT FURTHER ORDAINED** by the Council of the City of Bowie that, unless advised otherwise by counsel to the City, by resolution the City may approve or provide for the approval of, and the execution and delivery on behalf of the City of, any amendments, modifications or supplements to the Contribution Agreement or any Related Agreements following the original execution and delivery thereof by the City in order to address any matters deemed necessary or desirable by the City.

Section 12. **AND BE IT FURTHER ORDAINED** by the Council of the City of Bowie that the provisions of this Ordinance shall be liberally construed in order to effectuate the transactions contemplated by this Ordinance.

Section 13. **AND BE IT FURTHER ORDAINED** by the Council of the City of Bowie that the provisions of this Ordinance are severable, and if any provision, sentence, clause, section or part hereof is held or determined to be illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality or inapplicability shall not affect or impair the remaining provisions, sentences, clauses, sections or parts of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been passed if such illegal, invalid, unconstitutional or inapplicable provision, sentence, clause, section or part had not been included herein, and as if the person or circumstance to which this Ordinance or any part hereof are inapplicable had been specifically exempted herefrom.

Section 14. **AND BE IT FURTHER ORDAINED** by the Council of the City of Bowie that this Ordinance shall become effective thirty (30) days after its enactment by the Council of the City of Bowie, Maryland provided that a fair summary of this Ordinance is published at least once prior to the passage and at least once within ten (10) days after the date of passage in a newspaper having general circulation in the City.

INTRODUCED by the Council of the City of Bowie, Maryland at a Regular Meeting on _____, 2018.

PASSED by the Council of the City of Bowie, Maryland at a Regular Meeting on _____, 2019.

ATTEST:

THE CITY OF BOWIE, MARYLAND

Awilda Hernandez
City Clerk

G. Frederick Robinson
Mayor

**APPROVED AS TO FORM AND
SUFFICIENCY:**

Elissa D. Levan, City Attorney

#208234;52000.311

EXHIBIT A*

PROPERTY INCLUDED IN KARINGTON DEVELOPMENT DISTRICT

[See Attached]

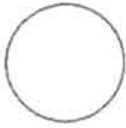
*Note: The attached Exhibit A is the same as Exhibit A to the County TIF Designation Resolution. The Karington Development District includes all adjoining roads, highways, alleys, rights of way and other similar property necessary to form a contiguous area with the property described in this Exhibit.

11721 WOODMORE ROAD, SUITE 200
MITCHELLVILLE, MD 20721

TELEPHONE: 301-430-2000

FAX: 301-430-2001

E-MAIL: bendyer@bendyer.com



BEN DYER ASSOCIATES, INC.
Engineers / Surveyors / Planners

EXHIBIT A
OUTPARCEL 'A', OUTPARCEL 'B' AND
KARINGTON CENTER BOULEVARD
KARINGTON
QUEEN ANNE DISTRICT NO. 7
PRINCE GEORGE'S COUNTY, MARYLAND

Being a portion of those lands conveyed by a deed dated December 28, 2000 from Collington Corporate Center I Limited Partnership to Karington. LLC recorded among the Land Records of Prince George's County, Maryland in Liber 14286 at Folio 171, more particularly described as follows:

Being all of Outparcel 'A' and all of Karington Center Boulevard, variable width right-of-way, as shown on a Plat of Subdivision entitled "Plat One, Outparcel 'A' and Karington Center Boulevard, Karington" recorded among the said Land Records in Plat Book REP 215 as Plat No. 89 and all of Outparcel 'B' as shown on a Plat of Subdivision entitled "Plat Two, Outparcel 'B', Karington" recorded among the said Land Records in Plat Book REP 215 as Plat No. 90.

Containing an area of 381.5297 acres of land, more or less.

This description was prepared by me or under my responsible charge in compliance with requirements set forth in COMAR 09.13.06.12 and I am a duly licensed Professional Land Surveyor under the laws of the State of Maryland.

Ben Dyer Associates, Inc.

Date

8 Sep 16

Mark E. Powell
Professional Land Surveyor
MD No. 21153
License Renews 01/28/17



7.Desc.Karington-Parcels-A-B.MEP.0908/col

EXHIBIT B

MAPS DEPICTING KARINGTON DEVELOPMENT DISTRICT

[See Attached]

*Note: The attached Exhibit B is the same as Exhibits B and B1 to the County TIF Designation Resolution. The Karington Development District includes all adjoining roads, highways, alleys, rights of way and other similar property necessary to form a contiguous area with the property depicted in this Exhibit.

REPLS RA



VICINITY MAP SCALE 1" = 400'

LOCAL ROAD	STATE ROAD	FEDERAL ROAD
101	202	4
102	203	5
103	204	6
104	205	7
105	206	8
106	207	9
107	208	10
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