

THE EFFECTIVE DATE OF THIS RESOLUTION IS May 15, 2018

RESOLUTION NO. 18-05

RE: Orchard Park at Ballenger Run PILOT PROJECT

A RESOLUTION to authorize Frederick County, Maryland (the “County”) to enter into an agreement with Orchard Park Development Corporation., a Maryland corporation, (the “Owner”) whereby the Owner might pay a stipulated amount of money in lieu of regularly assessed property taxes in order to facilitate the development of income restricted workforce rental housing for residents of Frederick County, Maryland.

WHEREAS, it is in the best interests of the County to encourage and facilitate the development of affordable workforce rental housing for low to moderate income residents of Frederick County, Maryland; and

WHEREAS, Owner proposes to acquire certain property located at 5203-5234 Black Locust Drive, Frederick County, Maryland, further identified as tax parcel identification numbers 28-595441 (the “Property”), and to construct thereon an apartment development containing at least 210 apartment units to be rented as workforce housing for low to moderate income residents of Frederick County (the “Project”); and

WHEREAS, in order to maintain affordable levels of rents and still be financially feasible, the Project, which will obtain partial financing from the Community Development Administration (“CDA”) of Maryland’s Department of Housing & Community Development (the “State Loan”), will require additional financial assistance in the form of relief from the full payment of otherwise due Frederick County real property taxes; and

WHEREAS, Section 7-506.1, Tax-Property Article, of the Annotated Code of Maryland allows the County and Owner to enter into an agreement for the payment of a negotiated amount in lieu of Frederick County real property taxes (a “PILOT Agreement”); and

WHEREAS, it has been Frederick County’s practice to recognize by Resolution the County’s willingness to accept a mutually agreeable sum of money in lieu of otherwise due Frederick County real property taxes pursuant to a PILOT Agreement for a specific property and project, in addition to the execution of the PILOT Agreement itself; and

WHEREAS, the U.S. Department of Housing and Urban Development (“HUD”) and the CDA may require certain revisions to the PILOT Agreement as part of the loan approval process by these agencies.

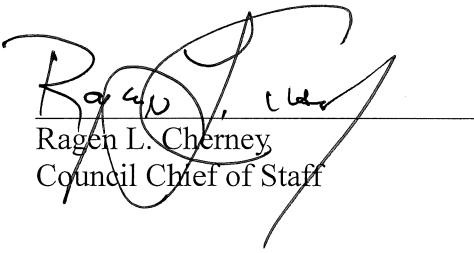
NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF FREDERICK COUNTY, MARYLAND, that pursuant to the authority granted the County by the Annotated Code of Maryland, Tax-Property Article, Section 7-506.1, it is determined that the Property and Project to be developed thereon shall not be subject to the otherwise due full amount of Frederick County real property taxes if Owner enters into and thereafter complies with all provisions of the PILOT Agreement, a copy of which is attached as Exhibit A, incorporated herein by reference.

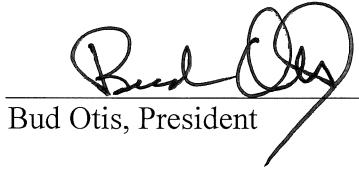
AND BE IT FURTHER RESOLVED, that the County Executive of Frederick County, Maryland, is authorized and empowered to execute the PILOT Agreement attached as Exhibit A hereto (including any changes to the PILOT Agreement that may be required by HUD and CDA), and any and all documents required in connection therewith.

The undersigned certifies that this Resolution was approved and adopted on the 15th day of May, 2018.

ATTEST:

COUNTY COUNCIL OF
FREDERICK COUNTY, MARYLAND


Ragen L. Cherney
Council Chief of Staff

By: 
Bud Otis, President


KCM
5/16/18