

RESOLUTION NO. RS-2017-24

A RESOLUTION FOR THE PURPOSE OF AMENDING AND SUPPLEMENTING RESOLUTION NO. RS-2016-16, WHICH ESTABLISHED THE CONOCOCHIEGUE DEVELOPMENT DISTRICT AND PROVIDED FOR RELATED MATTERS PURSUANT TO THE TAX INCREMENT FINANCING ACT IDENTIFIED THEREIN, IN ORDER TO EXTEND THE SUNSET DATE PROVIDED FOR IN RESOLUTION NO. RS-2016-16 FROM DECEMBER 31, 2017 TO DECEMBER 31, 2018.

RECITALS

1. Pursuant to the authority of Sections 12-201 through 12-213, inclusive, of the Economic Development Article of the Annotated Code of Maryland (the "Tax Increment Financing Act"), the Board of County Commissioners of Washington County (the "Board") on September 13, 2016 adopted Resolution No. RS-2016-16 (the "Original Designation Resolution") in order to (i) designate a contiguous area in County Commissioners of Washington County, a Maryland political subdivision (the "County"), as the Conococheague Development District, a "development district" for purposes of the Tax Increment Financing Act (the "District"), (ii) create and provide for the funding of a "special fund" (within the meaning of the Tax Increment Financing Act) designated as the Conococheague Development District Tax Increment Fund, and (iii) provide for use of moneys in such special fund.

2. The County created the District and took related actions pursuant to the Original Designation Resolution at the request of Dot Foods, Inc. (the "Company"), which maintains a food distribution business at 16301 Elliott Parkway, Williamsport, Maryland in an unincorporated area of the County and had communicated to the County its intention (i) to construct a new truck maintenance facility and a parking area/truck staging area and (ii) to renovate an existing warehouse and construct a warehouse expansion in order to expand its business in Washington County. The Company had requested that the County provide financing or reimbursement of a portion of the costs of certain infrastructure improvements in connection with such expansion by issuing one or more series of revenue bonds as authorized by the Tax Increment Financing Act. As recited in the Original Designation Resolution, establishment of the District and the related matters provided for in the Original Designation Resolution was only a first step in the potential financing process. To date, no such Bonds (as defined in the Original Designation Resolution) have been authorized or issued.

3. Section 9 of the Original Designation Resolution provides that in the event no Bonds are issued pursuant to the Tax Increment Financing Act for the purposes contemplated by the Original Designation Resolution on or before December 31, 2017, the Original Designation Resolution shall be automatically revoked without further action by the Board and shall be considered terminated, null and void.

4. The Company has experienced delays in finalizing its planned expansion. Representatives of the Company have communicated their intention to finalize plans by the end of 2017. Because no Bonds have been authorized and no Bonds will be issued by December 31, 2017, the County is willing to extend the sunset date provided for in the Original Designation Resolution by 12 months.

5. By adopting this Resolution, the County is not authorizing the issuance of any Bonds within the meaning of the Original Designation Resolution. Any such authorization will require separate legislative action of the Board.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY, THAT:

Section 1. From and after the effective date of this Resolution, the provisions of Section 9 of the Original Designation Resolution shall be deleted in their entirety and inserted in place thereof shall be the following:

“Section 9. SUNSET DATE. In the event no Bonds are issued pursuant to the Tax Increment Financing Act for the purposes contemplated by this Resolution on or before December 31, 2018, this Resolution shall be automatically revoked without further action by the Board and shall be considered terminated, null and void; provided that, in such event the Board and appropriate officials, officers and employees of the County may take such actions as may be necessary in accordance with the provisions of the Tax Increment Financing Act to provide for the expenditure or transfer of any moneys then on deposit in the Tax Increment Fund subsequent to such date.”

Section 2. From and after the effective date of this Resolution, the Original Designation Resolution shall be deemed amended and supplemented as provided herein and all other terms and provisions of the Original Designation Resolution shall remain in full force and effect.

Section 3. This Resolution shall take effect from the date of its adoption.

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Adopted this 28th day of November, 2017.

(SEAL)

ATTEST:

COUNTY COMMISSIONERS OF
WASHINGTON COUNTY

Vicki C. Lumm
Vicki C. Lumm
County Clerk

By: Terry L. Baker
Terry L. Baker, President
Board of County Commissioners
of Washington County

Approved as to form and legal sufficiency:

Kirk C. Downey
Kirk C. Downey
Deputy County Attorney

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