

RESOLUTION NO. 81

RESOLUTION of the Mayor and City Council of Cumberland, Maryland, adopted pursuant to the authority of Article XI-E of the Constitution of the State of Maryland and Sections 13 and 44 of Article 23A of the Annotated Code of Maryland (1973 Replacement Volume), entitled "A RESOLUTION TO AMEND SECTION 236 OF THE CHARTER OF THE CITY OF CUMBERLAND (1966 EDITION, AS AMENDED), BEING ARTICLE 1A OF THE CODE OF PUBLIC LOCAL LAWS OF MARYLAND, TO AUTHORIZE THE LEVY OF TAXES UPON PROPERTIES IN THE SPECIAL TAXING DISTRICT TO PROVIDE FUNDS FOR THE PAYMENT OF THE COSTS OF OPERATION OF A PEDESTRIAN MALL WITHIN THE CENTRAL BUSINESS DISTRICT."

WHEREAS on June 27, 1973 the Mayor and City Council of Cumberland sold \$3,000,000 Cumberland Parking Facilities Bonds of 1973 pursuant to the authority of Ordinance No. 2742 passed June 5, 1973, for the public purpose of financing the development and construction of two municipal parking garages and related facilities in the City's central business district; and

WHEREAS the Cumberland Parking Facilities Bonds of 1973 are, and were sold as, general obligations of the City to the payment of both the principal of and interest on which the full faith and credit and unlimited taxing power of the City are irrevocably pledged; nevertheless, under the terms of Section 7 of Ordinance No. 2742, fees and rentals charged and collected in connection with the use of the parking facilities were intended to be fixed so as to meet the debt service requirements of the Bonds, to the end that the parking facilities might be self-supporting, thus obviating any requirement for the expenditure of general tax revenues to pay any interest on or principal of the Bonds; and

WHEREAS after the completion of one six-level parking garage containing 444 parking spaces, sometimes called the "Municipal Parking Garage", the Cumberland Municipal Parking Authority determined that it would not be feasible to construct a second garage facility; and

WHEREAS by Ordinance No. 2819 passed November 22, 1977, Ordinance No. 2742 was amended to authorize the application of unexpended proceeds of the Cumberland Parking Facilities Bonds of 1973 in an amount up to \$1,000,000 for the public purpose of financing the construction of a pedestrian mall, sometimes referred to as the "Cumberland Mall", to be located in the vicinity of the planned parking facilities and to be a part of the City's overall program for the improvement and continued development of the central business district; and

WHEREAS Section 236 of the Charter of the City (added by Charter Amendment Resolution No. 69, effective April 13, 1977) authorizes the Mayor and City Council to create a Special Taxing District and to levy ad valorem taxes on