

COUNCIL OF THE CITY OF SEAT PLEASANT, MARYLAND

CHARTER AMENDMENT RESOLUTION NO. CA-21-03

Introduced by: City Council
Date Introduced: July 13, 2020
First Reading: July 13, 2020
Second Reading: September 8, 2020
Date Adopted: September 8, 2020
Date Effective: September 8, 2020

A CHARTER AMENDMENT RESOLUTION OF THE CITY COUNCIL OF SEAT PLEASANT ENLARGING THE CORPORATE BOUNDARIES OF THE CITY OF SEAT PLEASANT BY ANNEXING INTO THE CORPORATE LIMITS OF THE CITY OF SEAT PLEASANT LANDS CONTIGUOUS AND ADJOINING TO THE CITY’S EXISTING CORPORATE BOUNDARIES PROPERTY COMMONLY KNOWN AS CENTRAL AVENUE, BETWEEN THE CAPITAL BELTWAY US95 AND THE DISTRICT OF COLUMBIA LINE, CONSISTING OF APPROXIMATELY 41.7 ACRES OF LAND IN TOTAL LOCATED GENERALLY CENTRAL AVENUE BETWEEN THE CAPITAL BELTWAY US95 AND THE DISTRICT OF COLUMBIA LINE.

RECITALS

WHEREAS, the City Council of Seat Pleasant (the “City”), a body politic and corporate in the State of Maryland is authorized by the Annotated Code of Maryland, Local Gov. Art., “Municipalities”, Title 4 “In General”, Subtitle 4 “Annexation” to enlarge its boundaries by way of annexation; and

WHEREAS, pursuant to the authority contained in Md. Local Gov. Code Ann., 4-403 “Proposal for Annexation – Initiation by Legislative Body”, the City Council of Seat Pleasant has decided to enlarge and extend the corporate boundaries of the City of Seat Pleasant by including therein property situated in Prince George’s County that is identified below, which is contiguous and adjoining to the existing corporate boundaries of the City of Seat Pleasant:

See Exhibit A and B attached and incorporated herein by reference.

(hereinafter collectively referred to as the “Annexation Area”); and

WHEREAS the Annexation Area is depicted on the Exhibit of 41.7 Acres of Land to be Annexed into the Corporate Boundary of the City of Seat Pleasant attached hereto as Exhibit A and B, by courses and distances and

WHEREAS, the City has obtained the consent to annexation from the owners of the following properties via annexation agreements: (Notaries); and

WHEREAS, as is required by Md. Local Gov. Code Ann., 4-403, the City Council of Seat Pleasant has obtained the required consent to annexation from at least 25% of the registered voters who are residents in the area to be annexed and the owners of at least 25% of the assessed valuation of the real property in the area to be annexed as indicated in the statute, however, this entire area is owned by one owner; and

WHEREAS, the Mayor has caused to be made a verification of those signatures and the other information contained in the Petition as required by law; and

WHEREAS the Annexation Area is contiguous and adjoining the present corporate boundaries of the City; and

WHEREAS the annexation of the Annexation Area will not create an unincorporated area that is bounded on all sides by properties either located within the City's boundaries or to be located within the City's boundaries; and

WHEREAS the Annexation Area is presently not zoned since this is a roadway and the zoning and use of the Annexation Area will remain unchanged as a public roadway; and

WHEREAS the City Council of Seat Pleasant deems it to be in the best interest of the City and its occupants to annex the Annexation Area; and

WHEREAS, based on the aforementioned consents, the City Council of Seat Pleasant has determined to initiate a Resolution to enlarge and extend the limits of the City to include the area described more fully in Exhibits A and B, and to make applicable to that area the City Charter the City Code and all laws which are now in force and effect or which hereafter may be enacted in the City of Seat Pleasant.

NOW, THEREFORE BE IT RESOLVED, by the City Council of Seat Pleasant in legislative session assembled that:

Section 1. The recitals are incorporated as operative provisions of this Resolution.

Section 2. The boundaries of the City of Seat Pleasant, a municipal corporation of the State of Maryland, shall be and hereby are enlarged and amended by the addition thereto of all of that land contiguous and adjoining to the current boundaries of the City of Seat Pleasant in Prince George's County, Maryland commonly referred to as Central Avenue between the Capital Beltway and District of Columbia line, consisting of 41.7 acres of land all of which is described in Exhibits "A" and "B" hereto, and which attachments are incorporated herein by reference, the same shall be and hereby is annexed into the City, subject to the conditions and provisions set forth in the Annexation Resolution, such annexation to be known as "First 2020 Annexation".

Section 3. The Annexation set forth herein is subject to the following condition:

Each of the properties that comprise the Annexation Area, shall be exempt from a municipal taxation by the City ("Exempt Tax"). The Exempt Tax shall be of Seat Pleasant municipal taxation which is charged on the tax bill along with the State of Maryland and Prince George's County to the Owner against real property within the Annexation Area. It is acknowledged that

the Prince George's County Director of Finance collects both State and Municipal real property taxes for properties located within the City of Seat Pleasant. To affect the tax exemptions herein granted, the City will provide to the Prince George's County Director of Finance that no municipal taxes shall apply to the Subject Property and the property will be tax exempt. If in the future, the Prince Georges County Director of Finance cannot accommodate differing tax rates to properties within the same municipality, then, to give effect to the tax exemption herein granted, the City will refund to the Owner, upon application for such refund, pursuant to the authority contained in the Annotated Code of Maryland, Tax Property Art., 14-905(b) an amount equal to the exempt taxation.

Section 4. That the annexation of the land depicted and described in Exhibits A and B will not create any unincorporated area which is bounded on all sides by real property presently within the corporate limits of the City of Seat Pleasant, real property to be within the corporate limits of the City of Seat Pleasant, or any combination of such properties.

Section 5. That the corporate boundaries of the City being enlarged to include the Annexation Area as of the effective date of this Annexation Resolution, the Annexation Area and the inhabitants thereof shall from and after that effective date of this Resolution be subject to the powers and jurisdiction of the City, and shall be taken and considered as part of the municipal corporation known as "the City of Seat Pleasant"; and that all of the provisions of the laws of the State of Maryland and the Charter and Ordinances of the City, now in force or which may hereafter be enacted, shall be extended and made applicable to the Annexation Area and to any persons now or hereafter residing therein. Nothing herein or elsewhere in the Resolution shall affect the power of the City Council of Seat Pleasant to amend or 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 6. That the City Clerk of the City of Seat Pleasant 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 Seat Pleasant and in the area to be annexed which briefly and accurately described 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 City Council of Seat Pleasant at 7:00 p.m. either by Zoom Video Meeting or at the City Hall, 6301 Addison Rd, Seat Pleasant, Maryland on the 8th day of September 2020.

Section 7. That the City Clerk, immediately upon the first publication of the public notice, shall transmit a copy of the public notice to the Prince George's County Executive, the Prince George's County Council, the Executive Director of the Maryland-National Capital Park and Planning Commission and the Director of the 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 the general public.

Section 8. This Resolution shall become effective forty-five (45) days from the date of enactment by the City Council of Seat Pleasant, unless within forty-five (45) days of the date

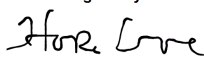
of the enactment the City Council receives a Petition for Referendum filed in accordance with the provisions of Md. Local Gov. Code Ann., 4-408 – 4-410.

AND BE IT FURTHER RESOLVED, that the effective date of the Annexation Resolution is the 8th day of September, 2020, unless on or before the 23rd day of October, 2020, a Petition for Referendum on the Annexation Resolution is filed in writing with the Mayor or with the City Administrative Officer pursuant to the provisions of Md. Local Gov. Code Ann., 4-408 et. Seq.

AND BE IT FURTHER RESOLVED that the Annexation Area, shall not be subject to real and personal property taxes as levied by the City.

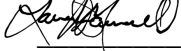
AND BE IT FURTHER RESOLVED, that as soon as the Annexation hereby enacted shall become effective, either as herein provided or following a Referendum, the Mayor shall promptly register both the original boundaries and the new boundaries with the following agencies: The Chief Operating Officer; the City Clerk, the Clerk of the Circuit Court for Prince George’s County, Maryland; the Maryland Department of Legislative Reference; and the Maryland-National Capital Park and Planning Commission. Said registration shall include: a copy of this Annexation Resolution, the date of the Referendum Election, if any; the number of votes cast for and against the Annexation, whether in the legislative body or in the Referendum; and the effective date of the Annexation as said registration shall further be in such form and subject to such registration requirements as are contained in the Md. Local Gov. Cod Ann., as amended, including the requirement that the documents require to be registered shall be sent to each respective agency by certified mail and return receipt requested.

MAYOR AND COUNCIL OF THE CITY OF SEAT PLEASANT

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Charl Jones, Councilmember

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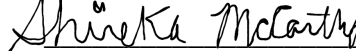


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Lamar Maxwell, Councilmember

Hope Love, Councilmember

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Shireka McCarthy, Councilmember

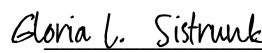
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Kelly Porter, Councilmember

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Gloria L. Sistrunk, Councilmember

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Reveral L. Yeargin, Councilmember

Eugene W. Grant, Mayor

ATTEST:

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Dashaun N. Lanham, CMC

City Clerk

Approved for Legal Sufficiency:

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Todd Pounds, Esq.

City Solicitor

Date: 9/9/2020