

The Town of Upper Marlboro

RESOLUTION: 2021-05
SESSION: Regular Town Meeting
DATED: February 9, 2021

A RESOLUTION OF THE TOWN BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO (THE "TOWN") TO APPROVE AN ANNEXATION AGREEMENT BETWEEN THE TOWN AND THE LOCAL MOOSE LODGE

WHEREAS, pursuant to § 4-401 *et seq.* of the Local Government Article ("LG") of the Md. Ann. Code, the legislative body of the Town is empowered to enlarge its corporate boundaries by annexing land that is contiguous and adjoining to the exiting corporate area which does not create any unincorporated area that is bounded on all sides by real property presently or proposed to be within the corporate limits of the municipality; and

WHEREAS, pursuant to § 4-405 of the LG Art. of the Md. Ann. Code, an annexation resolution may provide that the persons residing in the area to be annexed, and their property, shall be added to the corporate boundaries, generally subject to or not subject, as the case may be, to the provisions of the Charter, except for stated periods and under specific conditions provisions may be made for special treatment of the residents and property in the area to be annexed, as to rates of municipal taxation and as to municipal services and facilities; and

WHEREAS, the LG Art., §4-403 of the Maryland Code states that "[b]efore an annexation resolution is introduced, the legislative body shall obtain consent from: (1) at least 25% of the registered voters who are residents in the area to be annexed; and (2) the owners of at least of 25% of the assessed valuation of real property in the area to be annexed..."; and

WHEREAS, the Town Board of Commissioners finds that Town has expanded its corporate boundaries only one other time since its incorporation by the General Assembly of Maryland in 1870 and it would be to its benefit and best interests to further expand its size, population base, property tax assessable base, and its political influence as an incorporated municipality, and to ensure local input into and control over future development in Town and around the periphery of the municipal corporate boundaries, and to provide residents and property owners of areas adjacent the Town a direct role in local community affairs through access to municipal election voting rights and the opportunity to serve in municipal elected and appointed offices; and

WHEREAS, the Town Board of Commissioners finds that Town staff is in the process of collecting the necessary consents from property owners for the annexation of lands near the Town and that approval of the subject Annexation Agreement will facilitate the proposed annexation and mitigate the creation of illegal enclaves of unincorporated areas surrounded by municipal territory.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners for The Town of Upper Marlboro, sitting in regular session this 9th day of February 2021, that the Town Board of Commissioners hereby authorizes the President of the Board to enter into an ANNEXATION AGREEMENT between the Town and the Marlboro Lodge No. 1856, Loyal Order of Moose, Inc. regarding the real property located at 15103 Marlboro Pike, Upper Marlboro, Maryland 20772, and subject to the terms and conditions stated therein, attached hereto and incorporated by reference herein as Exhibit A, and to execute all necessary instruments or documents to carry out and effectuate the intent of this Resolution.

AND BE IT FURTHER RESOLVED, by the Board of Commissioners for The Town of Upper Marlboro, that the approval of and entry into said Annexation Agreement shall be contingent upon the performance of all of the material obligations of the parties thereto and the approval of an annexation resolution including the subject property enacted pursuant to State Law.

AND BE IT FURTHER RESOLVED, by the Board of Commissioners for The Town of Upper Marlboro, that the Town Administrator is hereby authorized to record said Annexation Agreement in the Land Records of Prince George's County, Maryland.

INTRODUCED AND PASSED by the Board of Commissioners of the Town of Upper Marlboro, Maryland at a Public Meeting held on February 9th, 2021.

ATTEST:

THE TOWN OF UPPER MARLBORO


Clerk


Linda Pennoyer, President


Sarah Franklin, Commissioner


Janice Duckett, Commissioner



CERTIFICATION

I, the undersigned, hereby certify that I am the Town Clerk of the Town of Upper Marlboro and that the Board of Town Commissioners of the Town of Upper Marlboro at a public meeting at which a quorum was present adopted this Resolution, and that said Resolution is in full force and effect and has not been amended or repealed. In witness whereof, I have hereunto set my hand and seal of the municipal corporation, this 9th day of February 2021.


M. David Williams, Town Clerk