

**The Town of Forest Heights  
Resolution 28-13**

**A RESOLUTION TO APPROVE A MUNICIPAL PARTICIPATION AGREEMENT  
BETWEEN PRINCE GEORGE'S COUNTY AND THE TOWN OF FOREST HEIGHTS  
(THE "TOWN"), AND TO ACCEPT CAPITAL IMPROVEMENTS FUNDING FOR  
STORM DRAINAGE**

Introduced by: Mayor Jacqueline Goodall

**WHEREAS**, the Town Charter, Section 33-90 authorizes the Mayor and Council to pass certain legislation of a non-permanent or administrative nature by formal resolution in lieu of ordinance; and

**WHEREAS**, Prince George's County initially adopted a Stormwater Management Ordinance designated as CB 52-1984 pursuant to Subtitle 8-11A of the Natural Resources Article of the Annotated Code of Maryland on July 3, 1984; and

**WHEREAS**, the Mayor and Council of the Town of Forest Heights by Resolution dated July 3, 1984 adopted the Prince George's County Stormwater Management Ordinance whereby Prince George's County was authorized to administer and enforce the provisions of said County Ordinance within the corporate limits of the Town; and

**WHEREAS**, pursuant to Article 23A, Section 2B of the Annotated Code of Maryland and Section 32-170 *et seq.* of the County Code, the County has a legal obligation to administer its Stormwater Management Ordinance within all of the County's municipalities except for the City of Bowie; and

**WHEREAS**, the municipalities and County agencies within Prince George's County (with the exception of the City of Bowie) are eligible to request storm drainage construction funds up to 100 percent of the storm drainage system from the Environmental Services Division ("ESD") of the County Department of Environmental Resources ("DER"); and

**WHEREAS**, the Prince George's County Council approved CB-38-2012 in a Council session held on or about May 24, 2012 thereby authorizing funding in the amount of \$300,000.00 within its 2013-2018 Capital Improvements Program ("CIP") for the Town; and

**WHEREAS**, the CIP ID# and name for the Project is "DV 540425 – Flood Protection and Drainage Improvement" and includes the Municipal Participation Storm Drainage Improvement Project with "...\$300K to correct residential yard flooding and road flooding in the Forest Heights area" (hereinafter called the "Project"); and

**WHEREAS**, the Project will further consist of components including but not limited a zero runoff/green street project on Rolph Drive (i.e., installation of pavers and structures for

underground French drain located below the street gutter pan) and upgrade of storm drain systems to County standards (i.e., install storm drain covers) at various and to be determined locations within the Town; and

**WHEREAS**, these incoming funds have or will be appropriated in the Town's FY '13 budget resolution and detailed supporting documentation under Line Item # \_\_\_\_\_ showing as income received and as an expense Line Item # \_\_\_\_\_ ; and

**WHEREAS**, in order to receive said funding the Town must enter into a Municipal Participation Agreement with the County in accordance with the qualifying guidelines listed in the October 1996, "Prince George's County Municipal Storm Drainage Participation Program Guidelines," which were revised in January 2007, and which are both attached hereto and made a part hereof as Exhibit 1 and Exhibit 2, respectively.

**BE IT RESOLVED** that the Mayor and Town Council of The Town of Forest Heights, Maryland hereby agrees to accept said funding and to abide by the terms and conditions of said Municipal Participation Agreement, and further authorizes the Mayor to execute said Agreement and any other related documents to carry out the intent of this Resolution;

**AND BE IT FURTHER RESOLVED** that the recitals and exhibits referenced above are hereby restated herein and incorporated by reference into this Resolution;

**AND BE IT FURTHER RESOLVED** that the FY'13 budget resolution with supporting documentation (i.e., the detailed line item budget) are hereby acknowledged, ratified and approved by Council to allocate \$300,000.00 to the Project; and

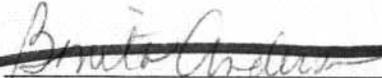
**AND BE IT FURTHER RESOLVED** that this Resolution shall take effect upon its passage.

PASSED this 17<sup>th</sup> day of April, 2013.

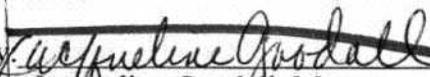
**APPROVED:** By Resolution of the Town Council of The Town of Forest Heights, Maryland.

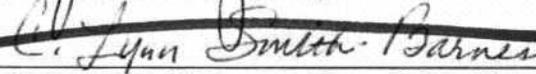
<u>ROLL CALL VOTE</u>	<u>YEA/NAY/ABSTAIN/ABSENT</u>
GOODALL	<u>YEA</u>
KENNEDY II	<u>ABSENT</u>
STONER	<u>YEA</u>
BARNES	<u>ABSENT</u>
MUHAMMAD	<u>YEA</u>
SMITH-BARNES	<u>ABSENT</u>
MANN	<u>YEA</u>

ATTEST:

  
Bonita C. Anderson, Town Clerk

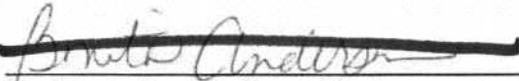
THE MAYOR AND COUNCIL OF THE  
TOWN OF FOREST HEIGHTS, MARYLAND

By:   
Jacqueline Goodall, Mayor

By:   
C. Lynn Smith-Barnes, Council President

CERTIFICATION

I, hereby certify, as the duly appointed Town Clerk of the Town of Forest Heights, Maryland, that on the 17<sup>th</sup> day of April 2013 with 4 Aye votes and 0 Nay votes the aforesaid Resolution 28-13 passed.

  
Bonita Anderson, Town Clerk