

THE TOWN OF FOREST HEIGHTS
RESOLUTION 53-14

A RESOLUTION TO APPROVE A STREET CONSTRUCTION WAIVER AGREEMENT BETWEEN THE TOWN AND CERENZIA DEVELOPMENT, LLC AND TO GRANT A CONDITIONAL WAIVER PURSUANT TO SECTION 19.21.K OF THE TOWN ORDINANCE CODE AS REQUESTED BY SAID COMPANY

Introduced By: Mayor Jacqueline Goodall

WHEREAS, the 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, the Charter, Section 33-73 states that the Town of Forest Heights (the “Town”) shall have control of all public ways in the Town except such as may be under the jurisdiction of the State Roads Commission of Maryland or Prince George's County and that subject to the laws of the State of Maryland and this Charter, the Town may do whatever it deems necessary to establish, operate, and maintain in good condition the public ways of the Town; and

WHEREAS, the Town has adopted by reference with some modifications found in Town Ordinance Code, Section 19.21, the County’s Road Construction Ordinance (Subtitle 23), which includes the County Roadway Development Guidelines; and

WHEREAS, according to said Roadway Development Guidelines, an Urban Secondary Residential Road has a 50' right of way and a 26' travel way, and the applicant is requesting a 22' travel way for a certain segment of roadway having a previously approved or platted right of way (i.e., width) of only 25'; and

WHEREAS, pursuant Section 19.21.K of the Town Ordinance Code (Emergency Ordinance 03-11), as amended, the Town Council may grant waivers from the strict application of said Ordinance; and

WHEREAS, Cerenzia Development, LLC (the “Applicant”) has requested a waiver pertaining to the roadway section adjacent to lots 90 and 91 and lots 1-3 to allow two (2) 11 ft. travel lanes (i.e., 22’ total travel way width) with curb and gutter and no conventional sidewalk or street trees for a distance of 440' prior to seeking a construction permit as required by Article 19 of the Town Ordinance Code in order to further develop Section 16 of the Forest Heights Subdivision and build houses consisting of single family dwellings upon 48 platted lots currently owned by the Nathan and Ruth Habib Foundation of Bethesda, Maryland situated along Bald Eagle Drive, Chippewa Drive, and Crow Way, which are currently undeveloped municipal streets, as depicted on Plat 28-5 entitled “Record Plat of Forest Heights Subdivision – Section 16 – Amended,” dated December 8, 1955 prepared by Charles W. Menard and certain other plats as recorded in the Land Records of Prince George’s County; and

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WHEREAS, the Town Council finds that it is in the best interest of the Town to approve said Waiver Agreement according to the terms and conditions stated herein.

NOW THEREFORE BE IT RESOLVED, that the Town Council hereby approves and authorizes the execution of a Street Construction Waiver Agreement (the “Waiver Agreement”) subject to the terms and conditions stated therein and to become effective on the date of execution or as otherwise stated therein;

AND BE IT FURTHER RESOLVED, that the Town Council hereby approves and grants a conditional waiver pursuant to Section 19.21.K of the Town Ordinance Code as requested by said Applicant-Company and as further described in the above-referenced Waiver Agreement;

AND BE IT FURTHER RESOLVED, that the conditional waiver granted herein shall lapse, become void or terminate according to the Waiver Agreement should the Developer fail to obtain a building permit within five (5) years of the effective date of this Resolution.

AND BE IT FURTHER RESOLVED, that the Mayor shall be authorized to execute said Agreement on behalf of the Town;

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

PASSED this 20th day of August, 2014.

ATTEST:

Signature on file

Bonita C. Anderson, Town Clerk

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

Signature on file

By: _____
Jacqueline Goodall, Mayor

Signature on file

By: _____
Cynthia Mann, Council President

ROLL CALL VOTE

YEA/NAY/ABSTAIN/ABSENT

GOODALL

YEA

KENNEDY II

YEA

STONER

YEA

BARNES

YEA

MUHAMMAD

YEA

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SMITH-BARNES	<u>YEA</u>
MANN	<u>YEA</u>

CERTIFICATION

I, hereby certify, as the duly appointed Town Clerk of the Town of Forest Heights, Maryland, that on the 20th day of August 2014 with 7 Aye votes and 0 Nay, constituting at least a four (4) vote majority, the aforesaid Resolution 53-14 passed.

Signature on file

Bonita Anderson, Town Clerk

EXHIBIT I (Street Construction Waiver Agreement)