

RESOLUTION 32-2022

THE TOWN OF FOREST HEIGHTS, MARYLAND

A RESOLUTION TO APPROVE A CONCEPTUAL PLAN FOR THE ACQUISITION OF 5529 LIVINGSTON ROAD FOR THE NEW PUBLIC SAFETY CENTER BUILDING HOUSING THE POLICE DEPARTMENT; TO RENAME THE MODOC LANE COMMITTEE; AND TO APPROVE A RETAINER AGREEMENT WITH THE LAW OFFICES OF BYRON L. HUFFMAN, ESQ. TO REPRESENT THE TOWN IN THE REAL ESTATE TRANSACTION; AND TO DELEGATE CERTAIN CHANGE ORDER AUTHORITY TO TRANSFER THE PROJECT AT THE NEW SITE TO THE MAYOR FOR THE CONSTRUCTION OF A PUBLIC SAFETY CENTER BUILDING

Introduced By: Mayor Calvin Washington

WHEREAS, the Town Council has authority to approve contracts and procurements pursuant to the Town Charter, Section 33.63, and Town Code 20.4; and

WHEREAS, the Town Charter, § 33-20(b) further authorizes the Mayor and Council, the power to pass ordinances not contrary to the laws and Constitution of this State, for the following specific purposes: (41) To acquire by conveyance, purchase, or gift, real or leasable property for any public purposes; to erect buildings and structures thereon for the benefit of the Town and its inhabitants; and to convey any real or lease hold property when no longer needed for the public use, after having given at least twenty days' public notice of the proposed conveyance; to control, protect and maintain public buildings, grounds and property of the Town; and

WHEREAS, the Town Charter, § 33-63(e) further authorizes the Mayor and Council, regarding the typical competitive procurement process equipment, an exception for all contracts involving professional services such as accounting, architecture, auditing, engineering, law, planning, and surveying, shall not be on a bid basis, but shall be negotiated by the Council.

WHEREAS, the Town, in March of 2021, approved the concept plan for real property developed with a house, and attached garage located at 606 Modoc Lane adjacent to and abutting the municipal building parcel (Parcel E) to be developed as a Town Public Safety Building; and

WHEREAS, the Mayor and Town Council find that the feasibility report of the Modoc Lane Committee for the site located at 606 Modoc Lane makes the fruition for the project improbable and a hardship making the project cost ineffective due to the number of encumbrances and conditions imposed by the Maryland National Capital Park and Planning Commission (MNCPPC) and the Prince George's County Department of Permitting, Inspections, and Enforcement (DPIE) under Mandatory Referral and site plan review; and

WHEREAS, the Mayor and Town Council find that the previously approved project committee formed known as the Modoc Lane Project Committee to coordinate the completion of said building (the "Project") with Police A/Capt. Marcus Jones serving as committee project manager, shall be known henceforth as the Public Safety Center Committee with A/Capt. Marcus Jones serving as the committee project manager; and

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WHEREAS, the Mayor and Town Council find that the Committee and the Town Attorney advises that the Town obtain special counsel for the transaction involving a commercial land sales agreement for 5529 Livingston Road proposed Public Safety Center site; and

NOW THEREFORE BE IT RESOLVED, by Mayor and Town Council that subject to the terms and conditions of the contract/retainer agreement to be entered into between the parties as authorized by this Resolution, The Law Offices of Byron L. Huffman, Esq. located at PO Box 369, Columbia, Maryland 21045 shall be awarded the legal services contract in accordance with Town procurement law for the commercial land sales agreement process for the real property located at 5529 Livingston Road, Forest Heights, MD.

AND, BE IT FURTHER RESOLVED, by Mayor and Town Council that said contract for legal services may be appropriated and paid for from Line Item 8038 – Modoc Building of the FY 2022 Budget; and

AND, BE IT FURTHER RESOLVED, that the Mayor and Town Council of the Town of Forest Heights, Maryland hereby authorize, and approve the retainer agreement to be executed by the Mayor on behalf of the Town (the “Contract #1”), and attached hereto and incorporated by reference herein as Exhibit A, for the above-described legal services retainer to be provided by The Law Offices of Byron L. Huffman, Esq. thereby purchasing professional services at a total cost not to exceed \$18,000.

AND, BE IT FURTHER RESOLVED, that the Mayor and Town Council of the Town of Forest Heights, Maryland hereby authorize, and approve the Mayor on behalf of the Town to execute and approve the above-described contract and any other related instrument or document necessary to carry out the intent of this Resolution except that any change order or cumulation of change orders for this Project exceeding the above-referenced allocation of \$18,000 shall be approved by the Town Council.

AND, BE IT FURTHER RESOLVED, that the Mayor and Town Council of the Town of Forest Heights, Maryland hereby authorize, and approve the Mayor to direct Town staff and the project manager with the advice of legal counsel to begin the process of transitioning the site development plans from Modoc Lane to the new site on Livingston Road which may include but is not limited to withdrawing or amending certain permits and plans with the local zoning authority, and amending, or modification of existing contracts, and procuring an architect and appropriate contractors for the new site.

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

PASSED this __9th day of May 2022.

APPROVED: By resolution of the Town Council of the Town of Forest Heights, Maryland.

ROLL CALL VOTE

YEA/NAY/ABSTAIN/ABSENT

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LILLY	<u>Yea</u>
KENNEDY II	<u>Yea</u>
ATKINSON	<u>Absent</u>
BARNES	<u>Yea</u>
HINES	<u>Yea</u>
WASHINGTON	<u>Yea</u>
NOBLE	<u>Yea</u>

ATTEST:

THE TOWN OF FOREST HEIGHTS,
MARYLAND

Sherletta Hawkins, Town Clerk

By: SIGNATURE ON FILE
Calvin Washington, Mayor

By: SIGNATURE ON FILE
Troy Lilly, Council President

CERTIFICATION

I, hereby certify, as the duly appointed Town Clerk of the Town of Forest Heights, Maryland, that on the 9th of May 2022 with 6 Aye votes and 0 Nay vote the aforesaid Resolution 32-22 passed.

SIGNATURE ON FILE
Sherletta Hawkins, Town Clerk

[Exhibits A – Law Offices of Byron L. Huffman, Esq. Retainer Agreement]