

THE TOWN OF FOREST HEIGHTS
RESOLUTION 21-14

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF FOREST HEIGHTS (THE “TOWN”) APPROVING A REQUEST TO ACQUIRE CERTAIN COUNTY-OWNED SURPLUS PROPERTIES NEAR FOREST HEIGHTS ELEMENTARY SCHOOL FOR A PUBLIC PURPOSE

Introduced By: Mayor Jacqueline Goodall

WHEREAS, the Town wishes to acquire and use certain surplus properties held by the County Government by way of tax sale to facilitate community gardens for use by Town residents to grow vegetables and flowers, and the proposed community gardens location would be close to and readily accessed by school children at Forest Heights Elementary School, and would thereby allow the future leaders and citizens of Forest Heights to learn about healthy and wholesome eating and sustainability; and

WHEREAS, the Town Charter, § 33-80 authorizes the Town of Forest Heights to acquire real, personal, or mixed property for any public purpose by purchase, gift, bequest, devise, lease, condemnation, or otherwise and may sell, lease, or otherwise dispose of any property belonging to the Town; and

WHEREAS, Prince George’s County Code, §2-111.01 states that the County Executive shall present an inventory of designated surplus properties to the County Council no later than the first day of May of each year and said section further states, “the County Executive shall give first priority for the purchase of any [surplus] property to be offered for sale to any municipality in which the property lies, in whole or in part...”; and

WHEREAS, the Town would like to consider acquiring the following described properties near Audrey Lane and Talbert Drive located within Tax Map Grid 095F2 for a public and municipal purpose as stated herein: Parcel 51, Parcel 49, and Lots 1 through 6 of Block 203; and

WHEREAS, once it is verified that the surplus property may be conveyed by the County Executive, the property must also undergo County Council review and a legislative request is submitted to approve the conveyance; and

WHEREAS, pursuant to County Code, §2-111.01(d), any surplus property conveyed to a municipality must be purchased and used for a public use only and, unless conveyed for a lesser agreed upon amount, for an amount equal to the County’s acquisition costs plus expenses incident to transfer, and a letter of intent to purchase must be given to the County Executive who will hold the property for 60 days during which holding period, the governmental body intending to purchase shall submit a plan for the use of the property and any improvements and proof of financial ability to operate and maintain any existing structures; and

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WHEREAS, to meet the requirement of public use, not more than 10% of the usable space of any structure may be rented by the governmental agency acquiring the property and the County Executive has discretion to dispose of property as he deems it will best serve the County; and

NOW THEREFORE BE IT RESOLVED, and enacted that the Town Council hereby approves and orders the Mayor to make a prompt and timely request by letter to the County Office of Central Services (Attention: Ms. Laura Pitt, Realty Specialist) to acquire County-owned surplus properties as described herein above; and

BE IT FURTHER RESOLVED, that the Mayor and Town staff shall be authorized to coordinate and provide any necessary letters of intent and information including the above-referenced plan in order to carry out the purposes of this Resolution to culminate in a contract of sale and/or deed(s) to be approved by the Town Council by ordinance prior to closing; and

BE IT FURTHER RESOLVED, that the Mayor and/or staff shall specifically request that it is in the public interest pursuant to County Code, §2-111.01(d) for the Town to acquire title for less than the acquisition cost based on reasonable justification prior to the sale; and

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

PASSED this 16th day of April 2014.

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

ATTEST:

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

SIGNATURE ON FILE

Bonita C. Anderson, Town Clerk

SIGNATURE ON FILE

By: _____
Jacqueline Goodall, Mayor

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SIGNATURE ON FILE

By: _____
Cynthia Mann, Council President

CERTIFICATION

I, hereby certify, as the duly appointed Town Clerk of the Town of Forest Heights, Maryland, that on the 16th day of April 2014 with 5 Aye votes and 0 Nay votes the aforesaid Resolution 21-14 passed.

SIGNATURE ON FILE

Bonita Anderson, Town Clerk