

1 **..Title**

2 **Katherine Properties Annexation and Public Facilities Agreement Status** - For the purpose  
3 of examining the implementation of requirements specified in Resolution R-12-05 Revised and  
4 the associated Public Facilities Agreement in light of the annexation standards specified in  
5 Section 2.52.070 of the Code of the City of Annapolis, the Planning Commission Analysis of  
6 October 20, 2005, the City Comprehensive Plan adopted on October 5, 2009 by City Council  
7 Resolution R-32-09 and development activity within the Forest Drive corridor subsequent to the  
8 effectiveness of Resolution R-12-05 Revised on March 14, 2006.

9 **..Body**

10 **CITY COUNCIL OF THE**  
11 **City of Annapolis**

12 **Resolution 21-16**

13  
14  
15 **Introduced by: Mayor Pantelides, Alderman Littmann,**  
16 **and Alderwoman PindellCharles**

17  
18 **Referred to**  
19 **Rules and City Government**  
20 **Transportation Committee**

21  
22 **A RESOLUTION** concerning

23  
24 **KATHERINE PROPERTIES ANNEXATION**  
25 **AND PUBLIC FACILITIES AGREEMENT STATUS**

26  
27 **FOR** the purpose of examining the implementation of requirements specified in Resolution R-  
28 12-05 Revised and the associated Public Facilities Agreement in light of the annexation  
29 standards specified in Section 2.52.070 of the Code of the City of Annapolis, the Planning  
30 Commission Analysis of October 20, 2005, the City Comprehensive Plan adopted on  
31 October 5, 2009 by City Council Resolution R-32-09 and development activity within the  
32 Forest Drive corridor subsequent to the effectiveness of Resolution R-12-05 Revised on  
33 March 14, 2006.

34  
35 **WHEREAS** Article III(3)(b) of the Charter of the City of Annapolis requires the application of  
36 all laws and ordinances of the City of Annapolis to annexed territory no later than  
37 ten years after the effective date of any annexation resolution; and

38  
39 **WHEREAS** Resolution R-12-05 Revised incorporating the Katherine Properties territory into  
40 the City of Annapolis required the execution of a Public Facilities Agreement to  
41 insure “that public services shall be provided to all developed properties” and  
42 “compliance with all the conditions of the resolution of approval of the  
43 annexation petition”; and  
44

1 **WHEREAS** Resolution R-12-05 Revised specified conditional requirements for occupied  
2 dwelling structures to connect to the City’s water and waste water systems no  
3 later than ten years after the effective date of the Resolution; and  
4

5 **WHEREAS** the ten year anniversary of the Resolution’s effective date occurred on March 14,  
6 2016 and no structure existing in the annexed territory on the Resolution effective  
7 date has subsequently connected to the City’s water and waste water systems; and  
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9 **WHEREAS** the abandonment of the construction of a “relief road” from Aris T Allen  
10 Boulevard to Spa Road, the provisions of the City Comprehensive Plan of  
11 October 5, 2009 and numerous development activities within the Forest Drive  
12 corridor occurred subsequent to the effective date of the annexation Resolution;  
13 and  
14

15 **WHEREAS** the Public Facilities Agreement between the annexed property owner and the City  
16 requires clarification and reformation due to the passage of time; and  
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18 **WHEREAS** the City Council has a responsibility to determine how to best reform the Public  
19 Facilities Agreement in light of subsequent changes to the City comprehensive  
20 plan and subsequent development in the Forest Drive Corridor.  
21

22 **NOW ,THEREFORE, BE IT RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that  
23 the Public Facilities Agreement between the City and the owners of the annexed territory  
24 requires reformation to fulfill the requirements of the annexation Resolution and the City  
25 Council shall endeavor to reform the Agreement on terms mutually agreeable to the owners of  
26 the annexed properties and the City.  
27

28 **AND IT BE FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that the  
29 City Planning Commission shall make a review of the annexation Resolution conditions,  
30 subsequent changes to the City comprehensive plan and subsequent development in the Forest  
31 Drive Corridor and thereafter report their recommendations concerning the reformation of the  
32 Public Facilities Agreement to the City Council. Time is of the essence.  
33

34 **AND IT BE FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that the  
35 City Council, upon receipt and review of the Planning Commission report, shall charge the City  
36 Law Office with assisting the Council with negotiating revision to the existing Public Facility  
37 Agreement.  
38

39 **AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that this  
40 resolution shall take effect from the date of its passage.  
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#### 43 **EXPLANATION**

44 CAPITAL LETTERS indicate matter added to existing law.

45 ~~Strikethrough~~ indicates matter stricken from existing law.

46 Underlining indicates amendments.