

Rodgers Property Annexation and Public Facilities Agreement Status

Office of Law Status Report and Recommendation

The Public Facilities Agreement (PFA) governing the Rodgers subdivision, located adjacent to Chesapeake Harbor Condominium, requires that any occupied dwellings existing on the annexed land at the time the resolution of annexation was adopted, which dwellings were served by well water and/or septic system, be connected to City water and sewer within one year after the date of the effective date of the annexation resolution. The PFA allows for extensions to be granted by the City to the developer of up to ten years. The extensions must be approved by the City. There is no documentation reflecting the grant of any extensions. There was one occupied dwelling on the annexed land at the time the annexation resolution was adopted. The dwelling is on land owned by Parlett L. Moore, Jr. and Sarah Ceaser. There have been no improvements to the annexed land since the annexation resolution was adopted. There is an active application for a planned development on the annexed land. If approved by the Planning Commission, the planned development will have City utility service on site through a connection under Bembe Beach Road, and Mr. Moore and Ms Ceaser will be able to connect to the dwelling. At this time, however, there is no way for them to connect to public utilities because they have no known right to access any surrounding properties to connect to City water and sewer.

The law office recommends that the PFA be amended to allow for a three year extension, effective July 10, 2017, which would take into account a reasonable time for the Planning Commission to consider and decide the planned development application, to take into account any appeals and, if the planned development application is approved after final adjudication of appeals, if any, for the commencement of construction of infrastructure whereby Ms. Moore and Ms. Ceaser can then connect to City water and sewer. The law office also recommends further one year written extensions on the three year extension, for good cause shown to the Planning and Zoning Director.

The law office is not recommending any other amendment of the PFA at this time.

The Developer is willing to execute an amendment to the PFA based on the above. Therefore, the law office recommends that no Council action be taken at this time.