

1 **..Title**

2 **Water Service to the Chesapeake Harbour Subdivision-** For purpose of authorizing and  
3 approving an agreement regarding the provision of water service to the Chesapeake Harbour  
4 Subdivision.

5  
6 **..Body**

7  
8 **CITY COUNCIL OF THE**  
9 **City of Annapolis**

10  
11 **Ordinance 2-14 Amended**

12  
13 **Introduced by: Mayor Pantelides**

14 **Referred to**  
15 **Finance Committee**  
16 **Environmental Matters Committee**

17  
18 **A ORDINANCE** concerning

19 **Water Service to the Chesapeake Harbour Subdivision**

20 **FOR** the purpose of authorizing and approving an agreement regarding the provision of water  
21 service to the Chesapeake Harbour Subdivision.

22  
23 **WHEREAS,** the Association is the community association for the Chesapeake Harbour  
24 subdivision ("Chesapeake Harbour") as shown on Plats Nos. 4775 to 4779 as  
25 recorded in the Land Records of Anne Arundel County and amended, which  
26 subdivision contains four hundred fifty-two (452) residential units, a marina, a  
27 restaurant, and recreational facilities all located in Anne Arundel County  
28 Maryland, but outside the City's boundaries; and

29  
30 **WHEREAS,** all of the applicable owners of such units, businesses, and facilities of  
31 Chesapeake Harbour are members of the Association (collectively, the  
32 "Owners"); and

33  
34 **WHEREAS,** the City provides water to Chesapeake Harbour pursuant to the Water  
35 Agreement dated August 6, 1984 by and between the City and the developer of  
36 Chesapeake Harbour (the "Water Agreement"), which Water Agreement was  
37 approved by City Council in City Ordinance 55-84 adopted on August 6, 1984;  
38 and

39  
40 **WHEREAS,** the Water Agreement states that the Owners in Chesapeake Harbour are to pay  
41 the City A MULTIPLIER OF two (2) times the rate charged to similar City users of  
42 City water; and

43  
44 **WHEREAS,** in 2006, the City Council amended Section 16.08.050.B of the City Code, to  
45 require water customers outside of the City to pay an amount that is A  
46 MULTIPLIER OF three (3) times the rate charged to similar City users of City  
47 water; and

1  
2 **WHEREAS,** in late 2006, the City inadvertently began charging Owners in Chesapeake  
3 Harbour A MULTIPLIER OF three (3) times the rate charged to similar City users  
4 of City water contrary to the Water Agreement; and

5  
6 **WHEREAS,** the City and the Owners wish to reach an amicable and final resolution of their  
7 dispute without litigating.  
8

9  
10 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY**  
11 **COUNCIL** that it hereby approves the form and substance of the Settlement Agreement, a copy  
12 of which ~~it~~ IS attached hereto and incorporated herein by reference, by and between the City of  
13 Annapolis and the Association; and the Mayor is hereby authorized to execute the Settlement  
14 Agreement on behalf of the City.  
15

16  
17 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**  
18 **ANNAPOLIS CITY COUNCIL** that the City's reimbursement to the Association pursuant to the  
19 Settlement Agreement is subject to City Council appropriation.  
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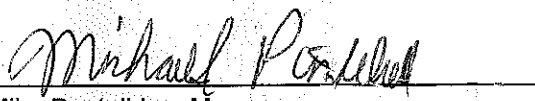
21  
22 **SECTION III: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**  
23 **ANNAPOLIS CITY COUNCIL** that this Ordinance shall take effect from the date of its passage.  
24

25 **ADOPTED** this 28<sup>th</sup> day of July, 2014.  
26  
27

ATTEST:

THE ANNAPOLIS CITY COUNCIL

  
Regina C. Watkins-Eldridge, MMC, City Clerk

BY   
Mike Pantelides, Mayor

28  
29 **EXPLANATION**

30 CAPITAL LETTERS indicate matter added to existing law.  
31 Strikethrough indicates matter stricken from existing law.  
32 Underlining indicates amendments.