

**ANNAPOLIS NECK ROAD PROPERTY ANNEXATION
AND PUBLIC FACILITIES AGREEMENT STATUS**

The purpose of this legislation is to examine the implementation of requirements specified in Resolution R-37-05 Revised Amended and the associated Public Facilities Agreement in light of the annexation standards specified in Section 2.52.070 of the Code of the City of Annapolis, the Planning Commission Analysis of December 1, 2005, the City Comprehensive Plan adopted on October 5, 2009 by City Council Resolution R-32-09 and development activity within the Forest Drive corridor subsequent to the effectiveness of Resolution R-37-05 Revised on October 25, 2006.

Article III(3)(b) of the Charter of the City of Annapolis requires the application of all laws and ordinances of the City of Annapolis to annexed territory no later than ten years after the effective date of any annexation resolution.

Resolution R-37-05 Revised incorporating the Annapolis Neck Road Property territory into the City of Annapolis required the execution of a Public Facilities Agreement to insure “that public services shall be provided to all developed properties” and “compliance with all the conditions of the resolution of approval of the annexation petition.”

Resolution R-37-05 Revised specified conditional requirements for occupied dwelling structures to connect to the City’s water and waste water systems no later than one year after the effective date of the Resolution. The ten year anniversary of the Resolution’s effective date will occur on October 25, 2016 and no structure existing in the annexed territory on the Resolution effective date has subsequently connected to the City’s water and waste water systems. The Public Facilities Agreement between the annexed property owner and the City requires clarification and reformation due to the passage of time.

The abandonment of the construction of a “relief road” from Aris T Allen Boulevard to Spa Road, the provisions of the City Comprehensive Plan of October 5, 2009 and numerous development activities within the Forest Drive corridor occurred subsequent to the effective date of the annexation Resolution. The City Council has a responsibility to determine how to best reform the Public Facilities Agreement in light of subsequent changes to the City comprehensive plan and subsequent development in the Forest Drive Corridor.

This legislation proposes that the City Council shall endeavor to reform the Agreement on terms mutually agreeable to the owners of the annexed properties and the City. To that end, the Planning Commission shall make a review of the annexation Resolution conditions, subsequent changes to the City comprehensive plan and subsequent development in the Forest Drive Corridor and thereafter report their recommendations concerning the reformation of the Public Facilities Agreement to the City Council. Upon receipt and review of the Planning Commission report, the City Council shall charge the City Law Office with assisting the Council with negotiating revision to the existing Public Facility Agreement.

Prepared by Office of Law.