

1 **..Title**

2 **Annapolis Neck Road Property Annexation and Public Facilities Agreement Status -** For
3 the purpose of examining the implementation of requirements specified in Resolution R-37-05
4 Revised Amended and the associated Public Facilities Agreement in light of the annexation
5 standards specified in Section 2.52.070 of the Code of the City of Annapolis, the Planning
6 Commission Analysis of December 1, 2005, the City Comprehensive Plan adopted on October 5,
7 2009 by City Council Resolution R-32-09 and development activity within the Forest Drive
8 corridor subsequent to the effectiveness of Resolution R-37-05 Revised on October 25, 2006.

9 **..Body**

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

12 **Resolution 22-16**

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

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

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22
23 **A RESOLUTION** concerning

24
25 **ANNAPOLIS NECK ROAD PROPERTY ANNEXATION**
26 **AND PUBLIC FACILITIES AGREEMENT STATUS**

27
28 **FOR** the purpose of examining the implementation of requirements specified in Resolution R-
29 37-05 Revised Amended and the associated Public Facilities Agreement in light of the
30 annexation standards specified in Section 2.52.070 of the Code of the City of Annapolis, the
31 Planning Commission Analysis of December 1, 2005, the City Comprehensive Plan adopted
32 on October 5, 2009 by City Council Resolution R-32-09 and development activity within
33 the Forest Drive corridor subsequent to the effectiveness of Resolution R-37-05 Revised on
34 October 25, 2006.

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

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40 **WHEREAS** Resolution R-37-05 Revised incorporating the Annapolis Neck Road Property
41 territory into the City of Annapolis required the execution of a Public Facilities
42 Agreement to insure “that public services shall be provided to all developed
43 properties” and “compliance with all the conditions of the resolution of approval
44 of the annexation petition”; and
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1 **WHEREAS** Resolution R-37-05 Revised specified conditional requirements for occupied
2 dwelling structures to connect to the City’s water and waste water systems no
3 later than one year after the effective date of the Resolution; and
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5 **WHEREAS** the ten year anniversary of the Resolution’s effective date will occur on October
6 25, 2016 and no structure existing in the annexed territory on the Resolution
7 effective date has subsequently connected to the City’s water and waste water
8 systems; and
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10 **WHEREAS** the abandonment of the construction of a “relief road” from Aris T Allen
11 Boulevard to Spa Road, the provisions of the City Comprehensive Plan of
12 October 5, 2009 and numerous development activities within the Forest Drive
13 corridor occurred subsequent to the effective date of the annexation Resolution;
14 and
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16 **WHEREAS** the Public Facilities Agreement between the annexed property owner and the City
17 requires clarification and reformation due to the passage of time; and
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19 **WHEREAS** the City Council has a responsibility to determine how to best reform the Public
20 Facilities Agreement in light of subsequent changes to the City comprehensive
21 plan and subsequent development in the Forest Drive Corridor.
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23 **NOW, THEREFORE, BE IT RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that
24 the Public Facilities Agreement between the City and the owners of the annexed territory
25 requires reformation to fulfill the requirements of the annexation Resolution and the City
26 Council shall endeavor to reform the Agreement on terms mutually agreeable to the owners of
27 the annexed properties and the City.
28

29 **AND IT BE FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that the
30 City Planning Commission shall make a review of the annexation Resolution conditions,
31 subsequent changes to the City comprehensive plan and subsequent development in the Forest
32 Drive Corridor and thereafter report their recommendations concerning the reformation of the
33 Public Facilities Agreement to the City Council. Time is of the essence.
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35 **AND IT BE FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that the
36 City Council, upon receipt and review of the Planning Commission report, shall charge the City
37 Law Office with assisting the Council with negotiating revision to the existing Public Facility
38 Agreement.
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40 **AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that this
41 resolution shall take effect from the date of its passage.
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44 **EXPLANATION**

45 CAPITAL LETTERS indicate matter added to existing law.

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

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Underlining indicates amendments.