

1 **..Title**

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

9 **..Body**

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

12
13 **Resolution 23-16**

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
23 **A RESOLUTION** concerning

24
25 **RODGERS PROPERTY ANNEXATION**
26 **AND PUBLIC FACILITIES AGREEMENT STATUS**

27
28 **FOR** the purpose of examining the implementation of requirements specified in Resolution R-8-
29 05 Revised and the associated Public Facilities Agreement in light of the annexation
30 standards specified in Section 2.52.070 of the Code of the City of Annapolis, the Planning
31 Commission Analysis of October 20, 2005, the City Comprehensive Plan adopted on
32 October 5, 2009 by City Council Resolution R-32-09 and development activity within the
33 Forest Drive corridor subsequent to the effectiveness of Resolution R-8-05 Revised.

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-8-05 Revised incorporating the Rodgers Property territory into the
40 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-8-05 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
4

5 **WHEREAS** the ten year anniversary of the Resolution’s effective date occurred on November
6 28, 2015 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
9

10 **WHEREAS** the Public Facilities Agreement between the annexed property owner and the City
11 requires clarification and reformation due to the passage of time; and
12

13 **WHEREAS** the City Council has a responsibility to determine how to best reform the Public
14 Facilities Agreement in light of subsequent changes to the City comprehensive
15 plan.
16

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

23 **AND IT BE FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that the
24 City Planning Commission shall make a review of the annexation Resolution conditions,
25 subsequent changes to the City comprehensive plan and subsequent development in the City and
26 thereafter report their recommendations concerning the reformation of the Public Facilities
27 Agreement to the City Council. Time is of the essence.
28

29 **AND IT BE FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that the
30 City Council, upon receipt and review of the Planning Commission report, shall charge the City
31 Law Office with assisting the Council with negotiating revision to the existing Public Facility
32 Agreement.
33

34 **AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that this
35 resolution shall take effect from the date of its passage.
36
37

38 **EXPLANATION**

39 CAPITAL LETTERS indicate matter added to existing law.

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

41 Underlining indicates amendments.