



Legislation Text

File #: R-38-24, Version: 1

Condemnation and Possession of Real Property at 245 West Street - For the purpose of authorizing the condemnation and possession of real property at 245 West Street in the City of Annapolis; removing a severe public health and safety hazard related to a blighted and vacant lot; and working toward construction of affordable housing on the same blighted and vacant lot.

**CITY COUNCIL OF THE
City of Annapolis**

Resolution 38-24

Introduced by: Mayor Buckley
Co-sponsored by: Aids. Savidge and Gay

Referred to:

Housing and Human Welfare Committee

A **RESOLUTION** concerning

Condemnation and Possession of Real Property at 245 West Street

FOR the purpose of authorizing the condemnation and possession of real property at 245 West Street in the City of Annapolis; removing a severe public health and safety hazard related to a blighted and vacant lot; and working toward construction of affordable housing on the same blighted and vacant lot.

WHEREAS, SG Maryland LLC is the owner of a vacant parcel of land at 245 West Street, Annapolis, Maryland 214901, with a mailing address of 245 West Street, as evidenced by a deed recorded among the Land Records of Anne Arundel County, Maryland in Book 25808, Page 342 (Tax ID No. 06-000-00779087) which is the site of a former gas station; and

WHEREAS, The 245 West Street property Owner has resisted selling or renovating the old gas station and has resisted all requests by the City to improve the property, allowing it instead to deteriorate to a point where it is blighted, vacant, and poses a severe hazard to the health and safety of the public; and

WHEREAS, The City desires to acquire the 245 West Street property and undertake the necessary steps of an eminent domain proceeding to force the sale of the property to maximize the use of the parcel for City residents and revenue with the greatest public good and the least private injury; and

WHEREAS, Under Article III, Section 4 of the Charter of the City of Annapolis, the City may exercise the power of eminent domain in accordance with the Constitution and laws of the State of Maryland, subject to any supplemental procedures or requirements which may be established by the City

Council by ordinance; and

WHEREAS, Under Article III, Section 7(a) of the Charter of the City of Annapolis, the City may acquire by gift, grant, purchase, or condemnation any land, with any improvements thereon, either within or without the limits of the city, for parks, playgrounds or any other municipal purpose or use; and

WHEREAS, The Annapolis City Council wishes to approve the condemnation of this property and authorize the appropriate City staff to negotiate a fair price for the property and to pursue every legally available process otherwise to acquire the property to remove a severe public health and safety hazard and develop the property into an economically viable mix of uses including an affordable housing component

NOW, THEREFORE, BE IT RESOLVED BY THE ANNAPOLIS CITY COUNCIL that:

1. Acquiring the 245 West Street property is necessary to remove a severe public health and safety hazard and construct affordable housing;
2. If no satisfactory agreement can be reached with the owners of the property as to the purchase price, the City Attorney is authorized and directed to commence and prosecute to final determination such condemnation proceedings as may be necessary to acquire the property; Such action shall be by all applicable laws, rules, and regulations governing such acquisition;
3. Upon final determination of any such proceeding, the deposit of funds and payment of judgment conveying the property to the City is authorized;
4. The City Attorney is authorized and directed to take such action in accordance with the law to obtain possession of the property as soon as possible; and
5. There is authorized the creation of a fund for just compensation for the property, which shall, upon obtaining possession of the property, be deposited with the Clerk of the Court wherein the action was commenced for the use of the defendants in the action, and the City Finance Director is authorized to draw upon the funding source for deposit.

AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL that this resolution shall take effect upon passage.