STAFF REPORT ON PROPOSED LEGISLATION

To: Mayor Gavin Buckley

From: Michael Mallinoff, City Manager

Date: June 28, 2024

Subject: R-38-24: Condemnation and Possession of Real Property at 233 West Street

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Purpose of legislation

The purpose of this legislation is to authorize the condemnation and possession of real property at 233 West Street necessary for the purpose of removing a public health and safety hazard related to a blighted and vacant lot and authorize the construction of affordable housing on the blighted and vacant lot in the City of Annapolis.

Impact of legislation on operations

The Office of Law will need to pursue acquiring the property as outlined in the resolution. While this would require staff time, it would not have operational impacts per se.

The longer term impact of this legislation on operations will depend on Council's intent regarding the acquired property. The resolution currently implies that the intent is to sell the property soon after acquiring it. If so, the City will have to adhere to Article III, Section 7(b) of the Charter of the City of Annapolis, which lays out the process for the sale of real property (emphasis added):

> (b)The city may sell any such land, or any parcel of land, including the improvements thereon, whether or not held in a governmental capacity, no longer needed by the city for any public use. The sale of property no longer needed for public use shall not be made until the sale is first approved by an ordinance. **Every sale shall be made at public auction unless a private sale is expressly authorized in the ordinance.** The conveyance of the property shall be evidenced by a deed executed on behalf of the city by the mayor and a majority of the aldermen/alderwomen, and the deed shall make

> express reference to the ordinance approving the sale by number and date of passage. The power conferred by this subsection applies to all property acquired by the city by gift, grant, purchase or condemnation, as well as all property acquired by and vested in the City of tax sales or otherwise. A finding in the ordinance approving a sale that the property so sold is no longer needed for public use is conclusive.

The Council may want to keep its options open regarding the property, however. The City is aware that several potential uses of the property have been suggested, from workforce housing to creating a park or other greenspace. Operational impacts will depend on final decisions regarding the use of the property. If the City chooses to sell the property at a future date, it would have to pass a separate ordinance and either name an entity to sell to or go through the public auction process.

Prepared by Victoria Buckland, Assistant City Manager