

1 **..Title**

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

7 **..Body**

8 **CITY COUNCIL OF THE**
9 **City of Annapolis**

10
11 **Resolution 38-24**

12
13 **Introduced by: Mayor Buckley**

14 **Co-sponsored by: Alds. Savidge, Gay, and Huntley**

15
16 **Referred to:**

17 Housing and Human Welfare Committee

18
19 **A RESOLUTION** concerning

20
21 **Condemnation and Possession of Real Property at 245 West Street**

22
23 **FOR** the purpose of authorizing the condemnation and possession of real property at 245
24 West Street in the City of Annapolis; removing a severe public health and safety
25 hazard related to a blighted and vacant lot; and working toward construction of
26 affordable housing on the same blighted and vacant lot.

27
28 **WHEREAS,** SG Maryland LLC is the owner of a vacant parcel of land at 245 West Street,
29 Annapolis, Maryland 21401, with a mailing address of 245 West Street, as
30 evidenced by a deed recorded among the Land Records of Anne Arundel
31 County, Maryland in Book 25808, Page 342 (Tax ID No. 06-000-
32 00779087) which is the site of a former gas station; and

33
34 **WHEREAS,** The 245 West Street property Owner has resisted selling or renovating the
35 old gas station and has resisted all requests by the City to improve the
36 property, allowing it instead to deteriorate to a point where it is blighted,
37 vacant, and poses a severe hazard to the health and safety of the public; and

38
39 **WHEREAS,** The City desires to acquire the 245 West Street property and undertake the
40 necessary steps of an eminent domain proceeding to force the sale of the
41 property to maximize the use of the parcel for City residents and revenue
42 with the greatest public good and the least private injury; and
43

Explanation:

~~Strikethrough~~ -- matter stricken from the resolution
Underlining & blue -- amendment to the resolution

1 **WHEREAS,** Under Article III, Section 4 of the Charter of the City of Annapolis, the City
2 may exercise the power of eminent domain in accordance with the
3 Constitution and laws of the State of Maryland, subject to any supplemental
4 procedures or requirements which may be established by the City Council
5 by ordinance; and
6

7 **WHEREAS,** Under Article III, Section 7(a) of the Charter of the City of Annapolis, the
8 City may acquire by gift, grant, purchase, or condemnation any land, with
9 any improvements thereon, either within or without the limits of the city,
10 for parks, playgrounds or any other municipal purpose or use; and
11

12 **WHEREAS,** The Annapolis City Council wishes to approve the condemnation of this
13 property and authorize the appropriate City staff to negotiate a fair price for
14 the property and to pursue every legally available process otherwise to
15 acquire the property to remove a severe public health and safety hazard and
16 develop the property into an economically viable mix of uses including an
17 affordable housing component
18

19 **NOW, THEREFORE, BE IT RESOLVED BY THE ANNAPOLIS CITY COUNCIL**
20 **that:**
21

- 22 1. Acquiring the 245 West Street property is necessary to remove a severe public
23 health and safety hazard and construct affordable housing;
24
- 25 2. If no satisfactory agreement can be reached with the owners of the property as to
26 the purchase price, the City Attorney is authorized and directed to commence and
27 prosecute to final determination such condemnation proceedings as may be
28 necessary to acquire the property; Such action shall be by all applicable laws, rules,
29 and regulations governing such acquisition;
30
- 31 3. Upon final determination of any such proceeding, the deposit of funds and payment
32 of judgment conveying the property to the City is authorized;
33
- 34 4. The City Attorney is authorized and directed to take such action in accordance with
35 the law to obtain possession of the property as soon as possible; and
36
- 37 5. There is authorized the creation of a fund for just compensation for the property,
38 which shall, upon obtaining possession of the property, be deposited with the Clerk
39 of the Court wherein the action was commenced for the use of the defendants in the
40 action, and the City Finance Director is authorized to draw upon the funding source
41 for deposit.
42

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