

IN THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

THE MARYLAND-NATIONAL CAPITAL \*  
PARK AND PLANNING COMMISSION,  
*et al.*, \*  
Plaintiffs, \*

v.

Case No. CAL 16-29110

THE TOWN OF FOREST HEIGHTS,  
Defendant,

\* \* \* \* \*

**OPINION AND ORDER**

UPON remand from the Maryland Court of Appeals in the case of *The Town of Forest Heights v. The Maryland-National Capital Park and Planning Commission, et al.*, No. 21 September Term 2018, and consistent with that Court's Opinion, dated April 5, 2019, it is this 10<sup>th</sup> day of JUNE, 2019, hereby **ORDERED** that:

1. The General Assembly intended to exclude the consent of tax-exempt property owners from the 25% requirement of Local Government Article § 4-403(b)(2) of the Maryland Annotated Code, and therefore that provision is not applicable to such owners;

2. The Town of Forest Heights was not required to obtain the consent of the owners of tax-exempt properties in the areas to be annexed by Annexation Resolutions 01-2016 and 02-2016 prior to commencing annexation; and

3. The Sixth and Seventh Annexations by the Town of Forest Heights enacted by the Town Council as Annexation Resolutions 01-2016 and 02-2016 are valid and of full force and effect; and

4. The Town of Forest Heights' Annexation Plans for the lands annexed by Annexation Resolutions 01-2016 and 02-2016 did not seek to divest, usurp, or duplicate law enforcement jurisdiction over the Plaintiff Maryland-National Capital Park and Planning Commission's ("MNCPPC") land.

5. The Town of Forest Heights has no default authority to exercise law enforcement jurisdiction over MNCPPC-owned lands within the proposed annexation area, unless and until the parties enter into a mutual aid agreement authorizing such action, and notwithstanding limited exceptions contained in CP §2-102(b).

6. Final judgment is entered in favor of Defendant, and against Plaintiffs, to the extent of this Order; and

7. Court costs are to be paid by Plaintiff MNCPPC.

  
\_\_\_\_\_  
JUDGE

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THE TOWN OF FOREST HEIGHTS, MARYLAND

**Annexation Resolution No. 01-2016**

RESOLUTION PROPOSING THE ANNEXATION OF CERTAIN PUBLIC LANDS  
(TAX MAP 95, PARCELS B, 12, 13, 14, 24, & PART OF 31 [EAST OF ANACOSTIA  
FREEWAY, I-295] & TAX MAP 104, PARCEL 2) INTO THE TOWN OF FOREST  
HEIGHTS (THE SIXTH EXTENSION)

A RESOLUTION TO APPROVE THE ANNEXATION OF APPROXIMATELY SEVEN (7) PARCELS OF LAND BEING 446.88 ACRES OF LAND, MORE OR LESS, LOCATED IN THE 12<sup>TH</sup> ELECTION DISTRICT OF PRINCE GEORGE'S COUNTY, AND LOCATED WEST AND SOUTH OF THE PRESENT CORPORATE LIMITS OF THE TOWN OF FOREST HEIGHTS BETWEEN THE DISTRICT OF COLUMBIA-STATE OF MARYLAND BOUNDARY, ANACOSTIA FREEWAY (I-295) AND THE WASHINGTON CIRCUMFERENTIAL HIGHWAY (I-95 & I-495) (TAX MAP 95, PARCELS B, 12, 13, 14, 24, & PART OF 31 [EAST OF ANACOSTIA FREEWAY, I-295] & TAX MAP 104, PARCEL 2) INTO THE CORPORATE TERRITORY OF THE TOWN OF FOREST HEIGHTS; PROVIDING FOR THE TERMS AND CONDITIONS OF THE ANNEXATION TO THE TOWN OF FOREST HEIGHTS; AMENDING THE CHARTER OF THE TOWN OF FOREST HEIGHTS FOR THE PURPOSES OF INCLUDING THE ANNEXED PROPERTY WITHIN THE LEGAL DESCRIPTIONS AND PLATS DEPICTING THE CORPORATE LIMITS OF THE TOWN; AND GENERALLY ALL MATTERS RELATED TO SAID ANNEXATION.

WHEREAS, The Town of Forest Heights (the "Town") is authorized by the Town Charter and provisions of Title 4, Subtitle 4 of the Local Government Article, of the Annotated Code of Maryland (the "Maryland Code") to expand its municipal boundaries by annexing lands which are adjoining and contiguous; and

WHEREAS, this Resolution is initiated by the Town Council pursuant to §4-403 of the LG Art., of Md. Ann. Code, and seeks to ratify, re-enact and cure certain alleged defects in notice originally provided in Dec. 2014 through Jan. 2015 pursuant to Annexation Resolution 01-2014 et al. as described in the Opinion and Order of the Circuit Court for Prince George's County dated January 29, 2016 in Case No. CAL15-04255;

WHEREAS, the property to be annexed will consist of approximately seven (7) parcels of land (Tax Map 95, Parcels B, 12, 13, 14, 24, & part of 31 [East of Anacostia Freeway, I-295] & Tax Map 104, Parcel 2) totaling 446.88 acres of land, more or less, contiguous and adjoining to the existing western corporate boundaries of the Town, and more particularly described herein below (the "Annexation Property") owned by the Government of the United States of America, known as National Capital Parks-East under the jurisdiction of the National Park Service, Department of the Interior and commonly known as the Oxon Cove Park and Oxon Hill Farm, and the Maryland-National Capital Park and Planning Commission (the "M-NCPPC"); and

WHEREAS, the Annexation Property is currently zoned Open Space or O-S (Parcel B), and R-O-S or Reserved Open Space (for all other parcels) with a Chesapeake Bay Critical Area

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(CBCA) Resource Conservation (R-C-O Overlay) District on portions of the subject parcels pursuant to the County Zoning Ordinance; and

WHEREAS, the Local Government Article, §4-403 of the Maryland Code states that “[b]efore an annexation resolution is introduced, the legislative body shall obtain consent from: (1) at least 25% of the registered voters who are residents in the area to be annexed; and (2) the owners of at least of 25% of the assessed valuation of real property in the area to be annexed...”; and

WHEREAS, the Annexation Property currently has no residential dwellings, and no residential occupants upon the premises or parcels owned and maintained by governmental owners solely including the U.S. Government (National Park Service) and the M-NCPPC (Prince George’s County Department of Parks and Recreation); therefore, the Mayor and Council find that there are no qualified voters residing in the Annexation Property; and

WHEREAS, the Attorney General of Maryland has opined that there is no express prohibition, against the annexation of property owned by a governmental entity, *See* 75 Op. Atty Gen. Md. 348 (1990), and the Court of Special Appeals of Maryland has held that a municipality may not include the consent of a governmental owner of tax-exempt property in determining whether it has obtained the requisite number of consents to an annexation resolution and although § 7-106 of the Tax-Property Article [Md. Ann. Code] requires that tax-exempt property be assessed on the same basis as taxable property, said court concluded that only the owners of taxable property are qualified to give consent to annexation because the General Assembly intended “that only those who were to bear the financial burdens of a city government by the payment of real property taxes were to be allowed a voice in the annexation of real property to the municipal corporation...”, *See City of Salisbury v. Banker's Life Co.*, 21 Md. App. 396 (1974); therefore, the Mayor and Council find that there are no owners of taxable property therein qualified to give consent to or petition to referendum an annexation regarding the Annexation Property; and

WHEREAS, the Annexation Property is described in the metes and bounds legal description of a parcel or parcels of land referenced herein below as the Sixth Extension, and the Annexation Property is more further described or depicted on a map exhibit entitled “Map of the Sixth Extension of the Town of Forest Heights, Prince George’s County, Maryland, 1” = 300’, November 2014” prepared by Charles P. Johnson and Associates, which is attached hereto as Exhibit A, and the Annexation Property is further shown on Prince George’s County TAX MAP 95, PARCELS B, 12, 13, 14, 24, & part of 31 (East of Anacostia Freeway, I-295) & TAX MAP 104, PARCEL 2, (ID No.’s 1286434, 1362656, 1362623, 1362649, 1362805, 1362607, & 1362813); and

WHEREAS, a proposed Annexation Plan consistent with the requirements of Section 4-415 of the Local Government Article, of the Annotated Code of Maryland has been prepared and submitted to the Town and made available for public review and discussion; a copy of the Annexation Plan has been provided to the Prince George’s County Council and the County Executive, the Maryland-National Capital Park and Planning Commission, and the Maryland Department of State Planning at least thirty (30) days prior to the date of the public hearing to be conducted on this Resolution by the Mayor and Council of Forest Heights; and

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WHEREAS, all requirements of the Laws of the State of Maryland, Prince George's County and the Charter and laws of The Town of Forest Heights regarding initiation of this annexation by the Town's legislative body have been satisfied, and the Town Council has determined that it is desirable to initiate by resolution the annexation process for the benefit of the Town.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF FOREST HEIGHTS** the following:

Section 1. Modification of Town Boundaries. The municipal boundaries of The Town of Forest Heights, Maryland shall be and are hereby amended to incorporate into The Town of Forest Heights the Annexation Property, as described in the metes and bounds legal description of parcels of land referenced herein below as the Sixth Extension, and the Annexation Property is more further described or depicted on a map exhibit entitled "Map of the Sixth Extension of the Town of Forest Heights, Prince George's County, Maryland, 1" = 300', November 2014" prepared by Charles P. Johnson and Associates, and certified by Steven William Jones, Professional Land Surveyor, which is attached hereto as Exhibit A, and the Annexation Property is further shown on Prince George's County Tax Map 95, Parcels B, 12, 13, 14, 24, & part of 31 (East of Anacostia Freeway, I-295) & Tax Map 104, Parcel 2, (ID No.'s 1286434, 1362656, 1362623, 1362649, 1362805, 1362607, & 1362813). The annexation plat or map shall be subject to technical review and correction by the Town, or its designee, prior to the public hearing to be held on this Resolution.

Section 2. Amendment of Town Charter. Pursuant to the authority of Article XI-E of the Constitution of Maryland and the Local Government Article of the Maryland Code, the Charter of the Town of Forest Heights (as published in Forest Heights, Chapter 53, Volume 3, Compilation of Municipal Charters) be and the same is hereby amended in Section 33-2 of said Charter by adding the following subsection containing the metes and bounds description of the Annexation Property:

...

(h) *Sixth Extension.* The boundaries of Forest Heights are hereby extended to include the following parcel of land:

- (1) Beginning for the same at a point on the Northerly or South 71°05'30" West, 722.16 feet plat line of Section 10 as shown on a Plat of Subdivision entitled "Forest Heights" and recorded among the Land Records of Prince George's County, Maryland in Plat Book WWW 19 at Plat Number 15, said point being at the Northerly end of the Common line between Oxon Run Drive and a parcel to be conveyed to MNCP&PC of the aforesaid Section 10, Forest Heights, said point also being on the Southerly or South 66°36'40" West, 722.16 feet plat line of a Resubdivision Plat entitled "Bell Acres" and recorded among the aforesaid Land Records in Plat Book WWW 23 at Plat Number 79, said point being at the Southerly end of the Common line between the aforesaid Oxon Run Drive and Parcel B of the aforesaid Bell Acres, thence leaving the aforesaid Common line between Oxon Run Drive and a parcel to be conveyed to MNCP&PC of Section 10,

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Forest Heights, and also leaving the aforesaid Common line between Oxon Run Drive and Parcel B of Bell Acres, and running with and binding on the aforesaid Northerly plat line of Section 10, Forest Heights, and also running with and binding on the aforesaid Southerly plat line of Bell Acres, which line is also the present northerly boundary line of the Town of Forest Heights, the following course and distance:

- (i) South 66°32'57" West, 87.58 feet to a point at the beginning of the Fourth or South 17°52'47" West, 99.00 feet line of Tract 3 as described in a Judgement (sic) by & between the United States of America, plaintiff, and Fred N. Maloof, et al, defendants, dated August 28, 1962 and recorded among the aforesaid Land Records in Liber 2723 at Folio 235, thence leaving the aforesaid Southerly plat line of Bell Acres, and running reversely with and binding on the outline of the aforesaid Section 10, Forest Heights, and also running with and binding on the aforesaid Fourth line of Tract 3 and the Fifth line of the aforesaid Tract 3 as described in the Deed recorded in Liber 2723 at Folio 235 (Parcel 13), which line is also the present western boundary line of Forest Heights, the following two courses and distances,
- (ii) South 17°47'17" West, 99.00 feet to a point, thence,
- (iii) South 08°18'17" West, 375.16 feet to a point on the Northerly or South 74°42' West, 2,241.60 feet plat line of Section 2 as shown on a Plat of Subdivision entitled "Forest Heights" and recorded among the aforesaid Land Records in Plat Book BB 8 at Plat Number 43, distant 37.57 feet easterly from the Westerly end thereof, thence leaving the outline of the aforesaid Section 10, Forest Heights, and running with and binding on the outline of the aforesaid Section 2, Forest Heights, and also running with and binding on the Sixth through Eighth lines of Tract 3 as described in the aforesaid Deed recorded in Liber 2723 at Folio 235, and also running with and binding on the outline of Section 3 as shown on a Plat of Subdivision entitled "Forest Heights" and recorded among the aforesaid Land Records in Plat Book BB 9 at Plat Number 77, the following three courses and distances,
- (iv) South 70°09'27" West, 37.57 feet to a point, thence,
- (v) South 09°27'27" West, 660.00 feet to a point, thence,
- (vi) South 36°57'27" West, 165.00 feet to a point at the beginning of the Fifth or South 48°18'43" East, 234.52 feet line as described in a Deed from O. Ellsworth Rue & Katherine W. Rue to the United States of America, dated January 31, 1962 and recorded among the aforesaid Land Records in Liber 2665 at Folio 420 (Parcel 14), thence running with and binding on the aforesaid Fifth line as described in the Deed recorded in Liber 2665 at Folio 420 (Parcel 14), and also continuing with the outline of Section 3, Forest Heights, the following course and distance,

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- (vii) South 48°24'13" East, 234.52 feet to a point at the Easterly end of the Northerly or South 46°08'20" West, 410.24 feet plat line of Section 17 as shown on a Plat of Subdivision entitled "Forest Heights" and recorded among the aforesaid Land Records in Plat Book WWW 24 at Plat Number 25, thence leaving the outline of the aforesaid Section 3, Forest Heights, and running with and binding on the outline of the aforesaid Section 17, Forest Heights, and also running with and binding on the Sixth line as described in the aforesaid Deed recorded in Liber 2665 at Folio 420 (Parcel 14), and an extension thereof, the following course and distance,
- (viii) South 41°35'47" West, 436.58 feet to a point in Bald Eagle Drive, said point also being on the Ninth or North 26° West, 25.68 perches line as described in a Deed from Samuel Bieber & Johanna Bieber to the United States of America, dated November 21, 1891 and recorded among the aforesaid Land Records in Liber JWB 20 at Folio 150 (Parcel 24), thence running with and binding on the aforesaid Bald Eagle Drive, and also running reversely with and binding on the aforesaid Ninth line and the Eighth through Third lines as described in the aforesaid Deed recorded in Liber JWB 20 at Folio 150 (Parcel 24), the following eight courses and distances,
- (ix) South 30°01'13" East, 359.36 feet to a point, thence,
- (x) South 01°10'17" West, 253.90 feet to a point, thence,
- (xi) South 53°46'13" East, 296.16 feet to a point of curvature, thence,
- (xii) 115.44 feet along the arc of a tangent curve, deflecting to the right, having a radius of 695.00 feet and a chord bearing and distance of South 49°00'43" East, 115.30 feet to a point of tangency, thence,
- (xiii) South 44°15'13" East, 174.05 feet to a point, thence,
- (xiv) South 27°46'13" East, 495.18 feet to a point, thence,
- (xv) South 03°01'13" East, 242.27 feet to a point, thence,
- (xvi) South 06°33'47" West, 78.02 feet to a point on the westerly extension of the Southerly or North 87°46'30" West, 766.10 feet plat line of Section 16 as shown on an Amended Plat of Subdivision entitled "Forest Heights" and recorded among the aforesaid Land Records in Plat Book WWW 28 at Plat Number 5, which line is also the present south boundary line of Forest Heights, thence leaving the aforesaid Bald Eagle Drive, and also leaving the aforesaid Third line as described in the Deed recorded in Liber JWB 20 at Folio 150, and running with and binding on the aforesaid westerly extension of the Southerly plat line of Section 16, Forest Heights the following course and distance,

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- (xvii) North 87°40'57" East, 15.18 feet to a point on the Easterly Right-of-Way line of Bald Eagle Road, thence leaving the aforesaid extension of the Southerly plat line of Section 16, Forest Heights, and running with and binding on the aforesaid Easterly Right-of-Way line of Bald Eagle Road, also further running for a new boundary line of Forest Heights, the following two courses and distances,
- (xviii) South 06°33'47" West, 327.05 feet to a point, thence,
- (xix) South 16°59'10" East, 1,102.02 feet to a point on the Northerly Right-of-Way line of the Washington Circumferential Highway as shown on State Roads Commission Plat Number 17273, said point also being on the extension of the Fifth or North 72°39'04" East, 25.94 feet line of Tract 5 as described in a Deed from the United States of America to the Maryland State Roads Commission, dated July 8, 1959 and recorded among the aforesaid Land Records in Liber 2372 at Folio 613 (Parcel 24), thence leaving the aforesaid Easterly Right-of-Way line of Bald Eagle Road, and running reversely with and binding on the aforesaid extension of the Fifth line of Tract 5 and the Fourth through Second lines of Tract 5 as described in the Deed recorded in Liber 2372 at Folio 613 (Parcel 24), and also running with and binding on the aforesaid Northerly Right-of-Way line of the Washington Circumferential Highway, the following four courses and distances,
- (xx) South 72°38'57" West, 40.86 feet to a point, thence,
- (xxi) South 10°05'02" East, 270.65 feet to a point, thence,
- (xxii) South 56°26'02" West, 152.68 feet to a point, thence,
- (xxiii) South 62°03'22" West, 95.64 feet to a point on the Twenty-Fifth or North 84°15' East, 30.00 perches line as described in the aforesaid Deed recorded in Liber JWB 20 at Folio 150, said point also being at the beginning of the Second or South 61°47'57" West, 713.35 feet line of Tract 3-A as described in a Judgment by & between the United States of America, petitioner, and Smoot Sand and Gravel Corporation, et al, defendants, dated May 5, 1958 and recorded among the aforesaid Land Records in Liber 2207 at Folio 483 (Parcel 2), thence leaving the aforesaid Twenty-Fifth line as described in the Deed recorded in Liber JWB 20 at Folio 150, and also leaving the aforesaid Second line as described in the Deed recorded in Liber 2372 at Folio 613, and running with and binding on the aforesaid Second line of Tract 3-A and the Third & Fourth lines of the aforesaid Tract 3-A as described in the Deed recorded in Liber 2207 at Folio 483 (Parcel 2), and also continuing with the aforesaid Northerly Right-of-Way line of the Washington Circumferential Highway as shown on the aforesaid State Roads Commission Plat Number 17273 and as shown on State Roads Commission Plat Number 16214, the following three courses and distances,
- (xxiv) South 61°45'10" West, 707.87 feet to a point, thence,

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- (vii) South 48°24'13" East, 234.52 feet to a point at the Easterly end of the Northerly or South 46°08'20" West, 410.24 feet plat line of Section 17 as shown on a Plat of Subdivision entitled "Forest Heights" and recorded among the aforesaid Land Records in Plat Book WWW 24 at Plat Number 25, thence leaving the outline of the aforesaid Section 3, Forest Heights, and running with and binding on the outline of the aforesaid Section 17, Forest Heights, and also running with and binding on the Sixth line as described in the aforesaid Deed recorded in Liber 2665 at Folio 420 (Parcel 14), and an extension thereof, the following course and distance,
- (viii) South 41°35'47" West, 436.58 feet to a point in Bald Eagle Drive, said point also being on the Ninth or North 26° West, 25.68 perches line as described in a Deed from Samuel Bieber & Johanna Bieber to the United States of America, dated November 21, 1891 and recorded among the aforesaid Land Records in Liber JWB 20 at Folio 150 (Parcel 24), thence running with and binding on the aforesaid Bald Eagle Drive, and also running reversely with and binding on the aforesaid Ninth line and the Eighth through Third lines as described in the aforesaid Deed recorded in Liber JWB 20 at Folio 150 (Parcel 24), the following eight courses and distances,
- (ix) South 30°01'13" East, 359.36 feet to a point, thence,
- (x) South 01°10'17" West, 253.90 feet to a point, thence,
- (xi) South 53°46'13" East, 296.16 feet to a point of curvature, thence,
- (xii) 115.44 feet along the arc of a tangent curve, deflecting to the right, having a radius of 695.00 feet and a chord bearing and distance of South 49°00'43" East, 115.30 feet to a point of tangency, thence,
- (xiii) South 44°15'13" East, 174.05 feet to a point, thence,
- (xiv) South 27°46'13" East, 495.18 feet to a point, thence,
- (xv) South 03°01'13" East, 242.27 feet to a point, thence,
- (xvi) South 06°33'47" West, 78.02 feet to a point on the westerly extension of the Southerly or North 87°46'30" West, 766.10 feet plat line of Section 16 as shown on an Amended Plat of Subdivision entitled "Forest Heights" and recorded among the aforesaid Land Records in Plat Book WWW 28 at Plat Number 5, which line is also the present south boundary line of Forest Heights, thence leaving the aforesaid Bald Eagle Drive, and also leaving the aforesaid Third line as described in the Deed recorded in Liber JWB 20 at Folio 150, and running with and binding on the aforesaid westerly extension of the Southerly plat line of Section 16, Forest Heights the following course and distance,

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- (xxv) South 56°26'02" West, 300.00 feet to a point, thence,
- (xxvi) South 50°22'43" West, 487.46 feet to a point at the end of the Fifth or North 74°06'38" East, 209.24 feet line of Tract 2-A as described in the aforesaid Deed recorded in Liber 2207 at Folio 483, thence leaving the aforesaid Fourth line of Tract 3-A as described in the Deed recorded in Liber 2207 at Folio 483, and running reversely with and binding on the aforesaid Fifth line of Tract 2-A and the Fourth through First lines of Tract 2-A as described in the aforesaid Deed recorded in Liber 2207 at Folio 483, and also continuing with the aforesaid Northerly Right-of-Way line of the Washington Circumferential Highway, the following five courses and distances,
- (xxvii) South 74°06'03" West, 209.24 feet to a point, thence,
- (xxviii) South 52°43'54" West, 286.20 feet to a point, thence,
- (xxix) South 62°39'46" West, 254.74 feet to a point, thence,
- (xxx) South 35°06'26" West, 154.89 feet to a point, thence,
- (xxxix) South 88°29'10" West, 1,491.64 feet to a point at the Easterly Right-of-Way line of the Anacostia Freeway, said point also being at the end of the Fifth or South 55°09'23" East, 457.82 feet line of Tract 3 as described in the aforesaid Deed recorded in Liber 2207 at Folio 483, thence leaving the aforesaid First line of Tract 3 as described in the aforesaid Deed recorded in Liber 2207 at Folio 483, and also leaving the aforesaid Northerly Right-of-Way line of the Washington Circumferential Highway, and running reversely with and binding on the aforesaid Fifth line of Tract 3 and the Fourth line of Tract 3 as described in the aforesaid Deed recorded in Liber 2207 at Folio 483, and also...running with and binding on the aforesaid Easterly Right-of-Way line of the Anacostia Freeway, the following two courses and distances,
- (xxxixii) North 55°09'23" West, 458.23 feet to a point, thence,
- (xxxixiii) North 37°46'07" West, 575.39 feet to a point on the First or South 01°26'03" East, 559.52 feet line of Tract 1B as described in the aforesaid Deed recorded in Liber 2207 at Folio 483, distant 370.00 feet from the beginning thereof, thence leaving the aforesaid Fourth line of Tract 3 as described in the aforesaid Deed recorded in Liber 2207 at Folio 483, and running reversely with and binding on the aforesaid First line of Tract 1B as described in the aforesaid Deed recorded in Liber 2207 at Folio 483, and also continuing with the Easterly Right-of-Way line of the Anacostia Freeway, the following course and distance,
- (xxxixiv) North 01°26'03" West, 370.00 feet to a point on the Fourteenth or South 87°59' East, 220-1/12<sup>th</sup> perches line of Parcel Number One as described in a Deed from John C. Heald & Emma B. Heald to the United States of America, dated July 31,

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1891 and recorded among the aforesaid Land Records in Liber JWB 21 at Folio 55 (part of Parcel 31 [East of Anacostia Freeway, I-295]), thence leaving the aforesaid First line of Tract 1B as described in the aforesaid Deed recorded in Liber 2207 at Folio 483, and running reversely with and binding on the aforesaid Fourteenth line of Parcel Number One as described in the aforesaid Deed recorded in Liber JWB 21 at Folio 55 (part of Parcel 31 [East of Anacostia Freeway, I-295]), and also running reversely with and binding on the Sixth line of Tract 1B as described in the aforesaid Deed recorded in Liber 2207 at Folio 483, and further continuing with the aforesaid Easterly Right-of-Way line of the Anacostia Freeway, the following course and distance,

(xxxv) South  $88^{\circ}31'52''$  West, 383.06 feet to a point of curvature at the end of the Second or 1,697.27 feet arc line of Tract 5 as described in the aforesaid Deed recorded in Liber 2372 at Folio 613, thence leaving the aforesaid Fourteenth line of Parcel Number One as described in the aforesaid Deed recorded in Liber JWB 21 at Folio 55, and also leaving the aforesaid Sixth line of Tract 1B as described in the Deed recorded in Liber 2207 at Folio 483, and running reversely with and binding on the aforesaid Second line of Tract 5 as described in the aforesaid Deed recorded in Liber 2372 at Folio 613, and also continuing with the aforesaid Easterly Right-of-Way line of the Anacostia Freeway, the following course and distance,

(xxxvi) 1,719.70 feet along the arc of a non-tangent curve, deflecting to the right, having a radius of 4,433.66 feet and a chord bearing and distance of North  $16^{\circ}31'35''$  West, 1,708.94 feet to a point on the Common line between the District of Columbia and Prince George's County, Maryland, said point also being on the Twelfth or South  $49-1/4^{\text{th}}$  ° West,  $84-1/6^{\text{th}}$  perches line of the aforesaid Parcel Number One as described in the aforesaid Deed recorded in Liber JWB 21 at Folio 55, thence leaving the aforesaid Second line of Tract 5 as described in the aforesaid Deed recorded in Liber 2372 at Folio 613, and also leaving the aforesaid Easterly Right-of-Way line of the Anacostia Freeway, and running with and binding on the aforesaid Common line between the District of Columbia and Prince George's County, Maryland, and also running reversely with and binding on the aforesaid Twelfth line of Parcel Number One as described in the aforesaid Deed recorded in Liber JWB 21 at Folio 55, and further running reversely with and binding on the Sixteenth or South  $49^{\circ}15'$  West,  $13-1/12^{\text{th}}$  perches line of an Unnamed Parcel as described in the aforesaid Deed recorded in Liber JWB 21 at Folio 55 (part of Parcel 31 [East of Anacostia Freeway, I-295]), the following course and distance,

(xxxvii) North  $44^{\circ}58'52''$  East, 473.44 feet to a point in Oxon Run, thence leaving the aforesaid Common line between the District of Columbia and Prince George's County, Maryland, and running with and binding on the First through Fourth lines of the aforesaid Unnamed Parcel as described in the aforesaid Deed recorded in Liber JWB 21 at Folio 55, and also with Oxon Run, the following four courses and distances,

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- (xxxviii) South 07°29'08" East, 190.64 feet to a point, thence,
- (xxxix) South 68°44'08" East, 283.80 feet to a point, thence,
- (xl) South 39°44'08" East, 165.00 feet to a point, thence,
- (xli) South 51°14'08" East, 440.00 feet to a point at the end of the Sixteenth line as described in the aforesaid Deed recorded in Liber JWB 20 at Folio 150 (Parcel 24), thence leaving the aforesaid Fourth line of the aforesaid Unnamed Parcel as described in the aforesaid Deed recorded in Liber JWB 21 at Folio 55, and running reversely with and binding on the aforesaid Sixteenth line as described in the aforesaid Deed recorded in Liber JWB 20 at Folio 150 (Parcel 24), and also continuing with Oxon Run, the following two courses and distances,
- (xlii) North 47°50'23" East, 1,688.88 feet to a point, thence,
- (xliii) North 04°29'55" East, 602.46 feet to a point at the beginning of the Ninth or North 81°57' West, 511.50 feet line as described in Deed from the Smoot Sand and Gravel corporation, a Delaware corporation, to the United States of America, dated July 23, 1962 and recorded among the aforesaid Land Records in Liber 2707 at Folio 19 (Parcel 12), thence leaving the aforesaid Sixteenth line as described in the aforesaid Deed recorded in Liber JWB 20 at Folio 150, and also leaving Oxon Run, and running with and binding on the aforesaid Ninth line and the Tenth line as described in the aforesaid Deed recorded in Liber 2707 at Folio 19 (Parcel 12), the following two courses and distances,
- (xliv) North 82°01'05" West, 511.50 feet to a point, thence,
- (xlv) North 20°49'05" West, 325.96 feet to a point on the aforesaid Common line between the District of Columbia and Prince George's County, Maryland, thence running with and binding on the aforesaid Common line between the District of Columbia and Prince George's County, Maryland, and also running with and binding on the Eleventh line as described in the Deed recorded in Liber 2707 at Folio 19, and also running with and binding on the First line of Tract 3 as described in the aforesaid Deed recorded in Liber 2723 at Folio 235, and further running with and binding on the Northerly or North 45°02'38" East, 786.80 feet line of the aforesaid Parcel B of Bell Acres, the following course and distance,
- (xlvi) North 44°58'52" East, 4,572.83 feet to a point of curvature at the Northerly end of the aforesaid Common line between Oxon Run Drive and Parcel B of Bell Acres, thence leaving the aforesaid Common line between the District of Columbia and Prince George's County, Maryland, and running with and binding on the Common lines between the aforesaid Oxon Run Drive and Parcel B of Bell Acres the following four courses and distances,

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- (xlvii) 342.51 feet along the arc of a non-tangent curve, deflecting to the left, having a radius of 560.00 feet and a chord bearing and distance of South 27°27'36" West, 337.20 feet to a point of tangency, thence,
- (xlviii) South 09°56'17" West, 381.76 feet to a point of curvature, thence,
- (xlix) 378.94 feet along the arc of a tangent curve, deflecting to the right, having a radius of 4,839.80 feet and a chord bearing and distance of South 12°10'52" West, 378.85 feet to a point of compound curvature, thence,
- (l) 69.72 feet along the arc of a tangent curve, deflecting to the right, having a radius of 949.85 feet and a chord bearing and distance of South 16°31'36" West, 69.70 feet to the point of beginning, containing 446.88 acres of land.

Section 3. Application of Town Charter and Ordinances. Upon the effective date of this Resolution, the provisions of the Charter, ordinances and Ordinance Code of The Town of Forest Heights, and any local public laws enacted or to be enacted affecting The Town of Forest Heights, shall be effective within the Annexation Property except to the extent that federal law, this Resolution, an Annexation Agreement or the Annexation Plan provides otherwise.

Section 4. Zoning Classification. The Annexation Property is under the land use jurisdiction of the Maryland-National Capital Park and Planning Commission ("M-NCPPC"). The Annexation Property is currently zoned O-S (Parcel B) and R-O-S (all other parcels) with a CBCA R-C-O Overlay District on portions of the subject parcels pursuant to the County Zoning Ordinance.

Section 5. Annexation Plan. The Town has prepared an Annexation Plan with regard to the Annexation Property. The Annexation Plan is attached hereto as Exhibit B, but is not part hereof and the Town reserves the right to amend the Annexation Plan prior to final adoption of this Resolution in a manner consistent with Local Government ("LG") Article, Section 4-415 of the Maryland Code. The Annexation Plan may not be construed in any way as an amendment to this Resolution. A copy of the Annexation Plan has been provided to the Prince George's County Council and the County Executive, M-NCPPC, and also to the Maryland Department of State Planning ("MDP") at least thirty (30) days prior to the date of the public hearing conducted by the Mayor and Council on this Resolution.

Section 6. Public Hearing and Public Notice. A public hearing, as required by the provisions of LG Article, Sections 4-406 of the Maryland Code, shall be held by the Town at a time to be determined by the Mayor and Council, and duly advertised according to the provisions of that statute. Public notice of the proposed public hearing shall be given at least four (4) times, at no less than weekly intervals, in a newspaper of general circulation in Forest Heights, Maryland, the last day of which public notice shall precede the public hearing by at least fifteen (15) days, all in accordance with the provisions of Section 4-406, LG Article of the Maryland Code. Upon the first publication of the public notice a copy thereof, including exhibits, shall be provided to:

- (a) the Prince George's County Council, and the County Executive,

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- (b) the Maryland-National Capital Park and Planning Commission (c/o the Prince George's County Planning Department), and
- (c) The Prince George's County Planning Board

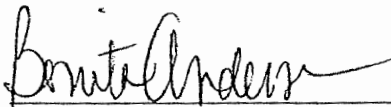
Section 7. Registration of Boundaries. Within ten (10) days of the effective date of this Resolution, in accordance with the provisions of the Local Government Article, Sections 4-414 and 4-308 of the Maryland Code, the Mayor, or her designee, shall promptly forward a copy of this Resolution with the new municipal boundaries to the Town Clerk, the Clerk of the Circuit Court for Prince George's County, Maryland, the M-NCPPC, and to the Maryland Department of Legislative Services. Each such official or agency shall hold this Resolution with the new municipal boundaries on record and available for public inspection.

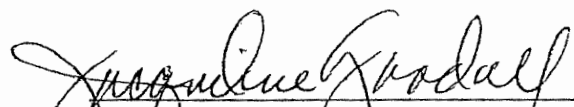
Section 8. Effective Date. This Resolution shall be deemed "finally enacted" on the date on which the Mayor and Council President indicate their approval of the Resolution by affixing their signatures hereto. This Resolution shall become effective forty-five (45) days after final enactment, unless it is subject to a petition for referendum by at least 20% of the qualified voters of the municipality, whereas should said petition come to pass and be verified to be in compliance with law, the Mayor shall suspend this Resolution by proclamation pending the results of the referendum.

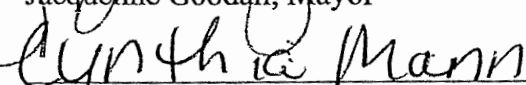
**ADOPTED** by the Mayor and Council of The Town of Forest Heights, Maryland at a regular or special meeting on the 6<sup>th</sup> day of June, 2016.

ATTEST:

THE TOWN OF FOREST HEIGHTS,  
MARYLAND

  
\_\_\_\_\_  
Bonita Anderson, Town Clerk

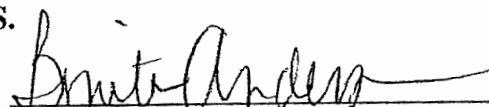
  
\_\_\_\_\_  
Jacqueline Goodall, Mayor

  
\_\_\_\_\_  
Cynthia Mann, Council President

CERTIFICATION

I, HEREBY CERTIFY THAT THE FOREGOING RESOLUTION OF THE TOWN OF FOREST HEIGHTS DESIGNATED ANNEXATION RESOLUTION NO. 01 - 2016, WAS DULY INTRODUCED AND READ, AND THEREAFTER ADVERTISED FOR FOUR SUCCESSIVE WEEKS, AND CONSIDERED AT A PUBLIC HEARING ON JUNE 6<sup>th</sup> 2016 AND WAS ADOPTED BY THE TOWN COUNCIL AT A DULY ANNOUNCED PUBLIC MEETING, IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF THE ANNOTATED CODE OF MARYLAND AND CHARTER OF THE TOWN OF FOREST HEIGHTS.

ATTEST:

  
\_\_\_\_\_  
Bonita Anderson, Town Clerk

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ANNEXATION RESOLUTION SCHEDULE

RESOLUTION INTRODUCTION DATE: April 20, 2016

ANNEXATION PLAN TO COUNTY, MDP, M-NCPPC & PGCPB (AT LEAST 30 DAYS BEFORE HEARING): Before May 6, 2016

HEARING NOTICE PUBLICATION DATES: 1. April 28, 2016  
(4 NOTICES FOR 4 WEEKS PRIOR TO HEARING) 2. May 5, 2016  
3. May 12, 2016  
4. May 19, 2016

MAIL PUBLIC NOTICE TO CO. COUNCIL, MDP & M-NCPPC: April 25, 2016

PUBLIC HEARING DATE (NOT LESS THAN 15 DAYS AFTER THE FINAL PUBLICATION OF THE NOTICES): June 6, 2016

ENACTMENT DATE (ON OR AFTER HEARING DATE): June 6, 2016

EFFECTIVE DATE (45 DAYS AFTER ENACTMENT): July 21, 2016

FILE ENACTED RESOLUTION (WITH CLERK OF CIR. COURT, MD. DEPT. LEGISLATIVE SERVICES, & M-NCPPC W/ 10 Days): July 25, 2016

*Note: All items to be delivered or mailed to the County or the County Council shall include a separate delivery or publication to the County Executive.*

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