

THE TOWN OF FOREST HEIGHTS, MARYLAND

Annexation Resolution No. 01-2019

RESOLUTION PROPOSING THE ANNEXATION OF A PORTION OF CERTAIN PUBLIC HIGHWAYS AND PRIVATELY-OWNED (TAX EXEMPT) LANDS (TAX MAP 96, PARCELS 4, 5, & 6) INCLUDING PORTIONS OF INDIAN HEAD HIGHWAY (MD 210), ADJOINING SERVICE ACCESS ROADS, AND A PORTION OF LIVINGSTON ROAD INTO THE TOWN OF FOREST HEIGHTS (THE EIGHTH EXTENSION)

A MUNICIPAL ANNEXATION RESOLUTION TO APPROVE THE ANNEXATION OF THREE (3) PARCELS OF LAND AND CERTAIN PUBLIC RIGHTS-OF-WAY BEING 11.98 ACRES OF LAND, MORE OR LESS, LOCATED IN THE 12TH ELECTION DISTRICT (8TH COUNCILMANIC) OF PRINCE GEORGE'S COUNTY, AND LOCATED NORTH AND EAST OF THE PRESENT CORPORATE LIMITS OF THE TOWN OF FOREST HEIGHTS BETWEEN THE DISTRICT OF COLUMBIA-STATE OF MARYLAND BOUNDARY, AND THE CURRENT CORPORATE BOUNDARIES LOCATED NEAR THE LIVINGSTON ROAD INTERSECTION WITH MD 210 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

WHEREAS, the property to be annexed will consist of approximately three (3) parcels of tax-exempt land (Tax Map 96, Parcels 4, 5, & 6) and portions of certain public rights-of-way totaling 11.98 acres of land, more or less, contiguous and adjoining to the existing northern corporate boundaries of the Town, and more particularly described herein below (the "Annexation Property") owned by and/or under the jurisdiction of Le Detroit Baptist Church, the Md. State Highway Administration and Prince George's County; and

WHEREAS, the privately-owned lands within the Annexation Property are listed per taxation and use purposes as "Exempt Commercial" by SDAT and are currently zoned "Commercial Miscellaneous" (C-M) for the subject parcels pursuant to the Prince George's County Zoning Ordinance; and

WHEREAS, the public rights-of-way in the Annexation Property include a portion of State Highway MD 210 (Indian Head Highway) between the current Town boundaries and the D.C. Line, and a portion of the following service and/or intersecting county/local roads: Service Rd. (CO664), Indian Head Hwy. Service Dr. (CO2284), Service Rd. (CO 4325), State Access Rd. (CO 4324), Audrey Ln. (CO660), Salisbury Rd. (CO1417), Talbert Dr. (OP81), and Livingston Road (CO1203) as indicated on the Forest Heights Route Number Index Map published by the Md. Dept. of Transportation (SHA 2017); 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 known residential occupants upon the premises, parcels or ways owned and maintained by Le Detroit Baptist Church and any other governmental owners; therefore, the Mayor and Council find that there are no qualified voters residing in the Annexation Property; and

WHEREAS, the Mayor and Council further finds that all of the parcels, ways or lands of the Annexation Property are owned by tax exempt entities including said church, the State of Maryland, and Prince George County; and

WHEREAS, on April 4, 2019, the Court of Appeals of Maryland held in *Town of Forest Heights v. Md.-Nat'l Capital Park & Planning Comm'n* (No. 21, Sept. Term 2018) that the 25% consent requirement of LG § 4-403(b)(2) is not applicable to the owners of tax-exempt properties, and the Attorney General of Maryland has opined in 66 Op. Atty Gen. Md. 267 (1981) that regarding land owned by a county government within a proposed municipal annexation area, a county government may not veto or withhold consent to a municipal annexation of its real property as follows from the *City of Salisbury v. Banker's Life*, 21 Md. App. 396, 404 (1974) case, which stood for the proposition that the consent of tax-exempt property owners within a proposed annexation area is not required to effectuate a municipal annexation; 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 “Eighth Extension,” and the Annexation Property is more further described or depicted on a map exhibit entitled “Map of the Eighth Extension of the Town of Forest Heights, Prince George’s County, Maryland, 1” = 300’, July 2019” prepared by Charles P. Johnson and Associates, Inc., which is attached hereto as Exhibit A, and the Annexation Property is further depicted on the Prince George’s County TAX MAP (Tax Map 96, Parcel 4 (Dist. 12, Account No. 1334986), & Tax Map 96, Parcel 5 (Dist. 12, Account No. 1221373); & Tax Map 96, Parcel 6 (Dist. 12, Account No. 1204940), and said parcels are further described respectively by premises addresses as 5216, 5300, & 5306 Indian Head Highway; 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 the Town of Forest Heights; and

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 Eighth Extension, and the Annexation Property is more further described or depicted on a map exhibit entitled "Map of the Eighth Extension of the Town of Forest Heights, Prince George's County, Maryland, 1" = 300', July 2019" 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 (Tax Map 96, Parcel 4 (Dist. 12, Account No. 1334986), & Tax Map 96, Parcel 5 (Dist. 12, Account No. 1221373); & Tax Map 96, Parcel 6 (Dist. 12, Account No. 1204940). 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 by the Md. Department of Legislative Services in Forest Heights, Chapter 53, Volume 3, *the Public Local Laws of Maryland - 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:

...

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

- (1) Beginning for the same at a point in the Livingston Road Right-of-Way (a variable width public right-of-way) as shown on Prince George's County Right-of-Way Plat Number 426, said point also being on the Ninth or South $76\frac{3}{4}^{\circ}$ East, 21 perches line as described in a Deed from R.C. Blackford and O.L. Evans, trustees, to Washington Heights Realty Corporation, dated October 01, 1918 and recorded among the Land Records of Prince

George's County, Maryland in Liber 134 at Folio 405, distant 170.18 feet from the beginning thereof, thence running reversely with and binding on the aforesaid Ninth line as described in Liber 134 at Folio 405, and also running in, through, over and across the aforesaid Livingston Road Right-of-Way, which line is also the present northern boundary line of the Town of Forest Heights, the following course and distance

- (i) North $82^{\circ}27'10''$ West, 170.18 feet to a point near the intersection of the aforesaid Livingston Road Right-of-Way and Indian Head Highway Right-of-Way (MD Rte. 210, a variable width public right-of-way) as shown on State Roads Commission Plat Number 50434, thence leaving the aforesaid Livingston Road Right-of-Way, and running in, through, over and across the aforesaid Indian Head Highway Right-of-Way, and also running reversely with and binding on the Eighth through Sixth lines as described in the aforesaid Deed recorded in liber 134 at Folio 405, and continuing with the northern boundary line of the Town of Forest Heights, the following three courses and distances
- (ii) North $55^{\circ}13'21''$ West, 181.50 feet to a point, thence
- (iii) North $10^{\circ}20'33''$ West, 297.00 feet to a point, thence
- (iv) South $70^{\circ}09'27''$ West, 68.75 feet to a point of curvature in the centerline of a traffic island situated between the westerly side of the southbound lanes of the aforesaid Indian Head Highway and the easterly side of the northbound lanes of an unnamed service road, thence leaving the aforesaid Sixth line as described in Liber 134 at Folio 405, and also leaving the present north boundary line of Forest Heights, and running with and binding on the aforesaid centerline of the traffic island, and also running in, through, over and across the aforesaid Indian Head Highway Right-of-Way, and further running for a new boundary line of the Town of Forest Heights, the following two courses and distances
- (v) 222.38 feet along the arc of a non-tangent curve, deflecting to the left, having a radius of 4,603.86 feet and a chord bearing and distance of North $11^{\circ}48'12''$ West, 222.36 feet to a point of compound curvature, thence
- (vi) 117.12 feet along the arc of a non-tangent curve, deflecting to the left, having a radius of 6,162.00 feet and a chord bearing and distance of North $15^{\circ}03'48''$ West, 117.11 feet to a point, thence leaving the aforesaid centerline of the traffic island, and running in, through, over and across the aforesaid Indian Head Highway Right-of-Way the following course and distance
- (vii) South $74^{\circ}23'32''$ West, 62.00 feet to a point of curvature on the Westerly Right-of-Way line of the aforesaid Indian Head Highway, said point also being at the Southerly end of the Easterly or 102.31 feet arc Plat line as shown on a Plat of Subdivision entitled "Part of Talbert Tract, Forest Heights" and recorded among the aforesaid Land Records in Plat Book 24 on Page 64, thence running reversely with and binding on the aforesaid Easterly Plat line, and also running with and binding on the aforesaid Westerly Right-of-Way line of Indian Head Highway as shown on the aforesaid Plat of Subdivision and on a Resubdivision Plat entitled "Bell Acres" and recorded among the aforesaid Land Records in Plat Book 23 on Page 79, and an extension thereof, the following course and distance

- (viii) 1,496.94 feet along the arc of a non-tangent curve, deflecting to the left, having a radius of 6,100.00 feet and a chord bearing and distance of North 22°38'17" West, 1,493.18 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 Southerly Right-of-Way line Southern Avenue, S.E. (90' wide public right-of-way), thence leaving the aforesaid Westerly Right-of-Way line of Indian Head Highway, and 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 aforesaid Southerly Right-of-Way line of Southern Avenue, S.E., the following course and distance
- (ix) North 44°58'52" East, 217.28 feet to a point of curvature at the intersection of the aforesaid Southerly Right-of-Way line of Southern Avenue, S.E. and an extension of the Easterly or 336.25 feet arc Right-of-Way line of a Service Road as shown on a Record Plat entitled "Parcels A-1, A-2, A-3, A-4, B, C, D, E & F, Glassmanor" and recorded among the aforesaid Land Records in Plat Book 15 on Page 27, thence leaving the aforesaid Common line between the District of Columbia and Prince George's County, Maryland, and also leaving the aforesaid Southerly Right-of-Way line of Southern Avenue, S.E., and running with and binding on the aforesaid Easterly Right-of-Way line of the Service Road as shown on the aforesaid Record Plat, and as shown on the following two Plats of Dedication, both entitled "Service Drive – Indian Head Highway" and recorded among the aforesaid Land Records in Plat Book 20 on Page 78 and Plat Book 22 on Page 18, the following two courses and distances
- (x) 1,098.29 feet along the arc of a non-tangent curve, deflecting to the right, having a radius of 5,810.58 feet and a chord bearing and distance of South 26°16'48" East, 1,096.66 feet to a point of compound curvature, thence
- (xi) 181.02 feet along the arc of a tangent curve, deflecting to the right, having a radius of 4,924.34 feet and a chord bearing and distance of South 19°48'43" East, 181.01 feet to a point on the Fourth or North 70°10'45" East, 350.50 feet line as described in a Deed from John Critzos, II and Arlene Patricia Parrella-Critzos to John Critzos, II and Arlene P. Parrella-Critzos, et ux, dated May 12, 1992 and recorded among the aforesaid Land Records in Liber 8313 at Folio 217, thence running reversely with and binding on the aforesaid Fourth line as described in Liber 8313 at Folio 217, and also continuing with the aforesaid Easterly Right-of-Way line of the Service Drive, the following course and distance
- (xii) South 70°20'49" West, 9.93 feet to a point on the First or South 13°40'13" East, 63.19 feet line of Parcel 2 as shown on the aforesaid State Roads Commission Plat Number 50434, thence running with and binding on the aforesaid First line of Parcel 2, and also running reversely with and binding on the Third line as described in the aforesaid Deed recorded in Liber 8313 at Folio 217, the following course and distance
- (xiii) South 13°37'56" East, 65.34 feet to a point on the Northerly or North 70°10'45" East, 40.14 feet Dedication line as shown on a Record Plat entitled

- “Parcel ‘101’, Adjacent to Glassmanor” and recorded among the aforesaid Land Records in Plat Book 28 on Page 59, thence running with and binding on the aforesaid Dedication line, and also running reversely with and binding on the Second line as described in the aforesaid Deed recorded in Liber 8313 at Folio 217, the following course and distance
- (xiv) North 70°20’49” East, 15.34 feet to a point of curvature, thence leaving the aforesaid Second line as described in Liber 8313 at Folio 217, and continuing to run and bind on the outline of the Area Dedicated by Plat as shown on the aforesaid Plat recorded in Plat Book 28 on Page 59 the following course and distance
 - (xv) 40.00 feet along the arc of a non-tangent curve, deflecting to the right, having a radius of 4,924.34 feet and a chord bearing and distance of South 17°46’12” East, 40.00 feet to a point on the Third or North 74°30’ West, 434.37 feet line as described in a Deed from David Sachs, et al to Le Detroit Baptist Church, a religious corporation of the State of Maryland, dated July 13, 1995 and recorded among the aforesaid Land Records in Liber 10266 at Folio 630, thence leaving the aforesaid outline of the Area Dedicated by Plat as shown on the Plat recorded in Plat Book 28 on Page 59, and running reversely with and binding on the aforesaid Third line, and the Second and First lines, as described in the aforesaid Deed recorded in Liber 10266 at Folio 630, the following three courses and distances
 - (xvi) North 70°20’49” East, 393.54 feet to a point, thence
 - (xvii) South 18°39’06” East, 101.00 feet to a point, thence
 - (xviii) South 69°58’09” West, 215.05 feet to a point at the beginning of the First or South 14°15’ East, 120.00 feet line of Tract No. 2 as described in a Deed from Mary Elizabeth Cox to LeDetroit Baptist Church, a Maryland Corporation, dated April 22, 1998 and recorded among the aforesaid Land Records in Liber 12157 at Folio 273, thence leaving the aforesaid First line as described in Liber 10266 at Folio 630, and running with and binding on the aforesaid First line, and the Second line, of Tract No. 2 as described in Liber 12157 at Folio 273 the following two courses and distances
 - (xix) South 20°21’31” East, 120.27 feet to a point, thence
 - (xx) South 70°11’49” West, 209.39 feet to a point on the Third or South 15°32’55” East, 332.77 feet line of the aforesaid Parcel 2 as shown on State Roads Commission Plat Number 50434, thence leaving the aforesaid Second line of Tract No. 2 as described in liber 12157 at Folio 273, and running with and binding on the aforesaid Third line of Parcel 2 the following course and distance
 - (xxi) South 15°31’40” East, 110.99 feet to a point on the Northerly Right-of-Way line of Salisbury Lane (40’ wide public right-of-way) as shown on a Plat of Subdivision entitled “McDaniel’s Subdivision” and recorded among the aforesaid Land Records in Plat Book 24 on Page 67, thence leaving the aforesaid Northerly Right-of-Way line of Salisbury Lane, and continuing to run and bind on the outline of the aforesaid Parcel 2 as shown on State Roads Commission Plat Number 50434 the following course and distance

- (xxii) South $43^{\circ}45'39''$ East, 45.30 feet to a point on the Southerly Right-of-Way line of the aforesaid Salisbury Lane, said point also being at the Northerly end of the Westerly or North $11^{\circ}50'30''$ West, 205.78 feet line of Lot 10 as shown on a Record Plat entitled "Lot 10, McDaniel's Subdivision" and recorded among the aforesaid Land Records in Plat Book 234 on Page 90, said point also being on the Easterly or South $11^{\circ}41'20''$ East, 316.62 feet Plat line as shown on a Plat of Dedication entitled "Service Drive – Indian Head Highway" and recorded among the aforesaid Land Records in Plat Book 21 on Page 5, thence leaving the aforesaid Southerly Right-of-Way line of Salisbury Lane, and running reversely with and binding on the aforesaid Westerly line of Lot 10, and also running with and binding on the aforesaid Easterly Plat line of the Plat of Dedication, and also further running reversely with and binding on the outline of a Record Plat entitled "Parcel 11, McDaniel's Subdivision" and recorded among the aforesaid Land Records in Plat Book 62 on Page 27, the following course and distance
- (xxiii) South $11^{\circ}53'41''$ East, 296.43 feet to a point at the Northerly end of the Westerly or North $30^{\circ}10'50''$ West, 79.78 feet line of Parcel 10 as shown on a Record Plat entitled "Parcel 10, McDaniel's Subdivision" and recorded among the aforesaid Land Records in Plat Book 51 on Page 10, thence leaving the aforesaid outline of Parcel 11, and running reversely with and binding on the outline of the aforesaid Parcel 10, and also continuing to run with and bind on the outline of the aforesaid Plat of Dedication, the following two courses and distances
- (xxiv) South $30^{\circ}14'51''$ East, 79.78 feet to a point, thence
- (xxv) South $78^{\circ}45'59''$ West, 25.12 feet to a point on the Common line between the aforesaid Parcel 10 and Indian Head Highway as shown on the Record Plat recorded in Plat Book 51 on Page 10, thence leaving the aforesaid outline of the Plat of Dedication, and running reversely with and binding on the aforesaid Common line between Parcel 10 and Indian Head Highway the following two courses and distances
- (xxvi) South $17^{\circ}46'31''$ East, 48.43 feet to a point of curvature, thence
- (xxvii) 74.50 feet along the arc of a tangent curve, deflecting to the right, having a radius of 231.05 feet and a chord bearing and distance of South $08^{\circ}32'16''$ East, 74.18 feet to a point of curvature at the Common line between the aforesaid Parcel 10 and Livingston Road as shown on the Record Plat recorded in Plat Book 51 on Page 10, thence leaving the aforesaid Common line between Parcel 10 and Indian Head Highway, and running reversely with and binding on the aforesaid Common line between Parcel 10 and Livingston Road the following two courses and distances
- (xxviii) 54.22 feet along the arc of a tangent curve, deflecting to the left, having a radius of 40.00 feet and a chord bearing and distance of South $38^{\circ}08'01''$ East, 50.16 feet to a point, thence with a tangent line
- (xxix) South $76^{\circ}58'01''$ East, 185.79 feet to a point, thence leaving the aforesaid Common line between Parcel 10 and Livingston Road, and running in, through, over and across the aforesaid Livingston Road Right-of-Way the following course and distance

(xxx) South 07°32'50" West, 62.72 feet to the point of beginning, containing 11.98 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 "Commercial Miscellaneous" (C-M) 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, Section 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 two (2) 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,
- (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

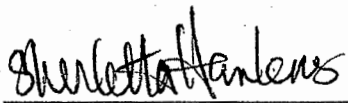
Section 7. Registration of Boundaries. Within ten (10) days of the effective date of this Resolution, in accordance with the provisions of the Local Government Article, Sections 4-414 and 4-308 of the Maryland Code, the Mayor, or her designee, shall promptly forward a copy of this Resolution with the 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.

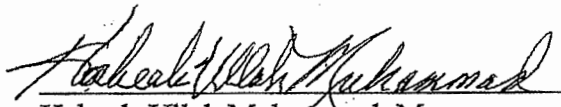
ADOPTED by the Mayor and Council of The Town of Forest Heights, Maryland at a regular or special meeting on the 7 day of October, 2019.

ATTEST:


THE TOWN OF FOREST HEIGHTS,
MARYLAND



Sherletta Hawkins, Town Clerk



Habeeb-Ullah Muhammad, Mayor



Calvin Washington, Council President

CERTIFICATION

I, HEREBY CERTIFY THAT THE FOREGOING RESOLUTION OF THE TOWN OF FOREST HEIGHTS DESIGNATED ANNEXATION RESOLUTION NO. 01 - 2019, WAS DULY INTRODUCED AND READ, AND THEREAFTER ADVERTISED FOR TWO (2) SUCCESSIVE WEEKS, AND CONSIDERED AT A PUBLIC HEARING ON OCT. ____, 2019 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: 

Sherletta Hawkins, Town Clerk

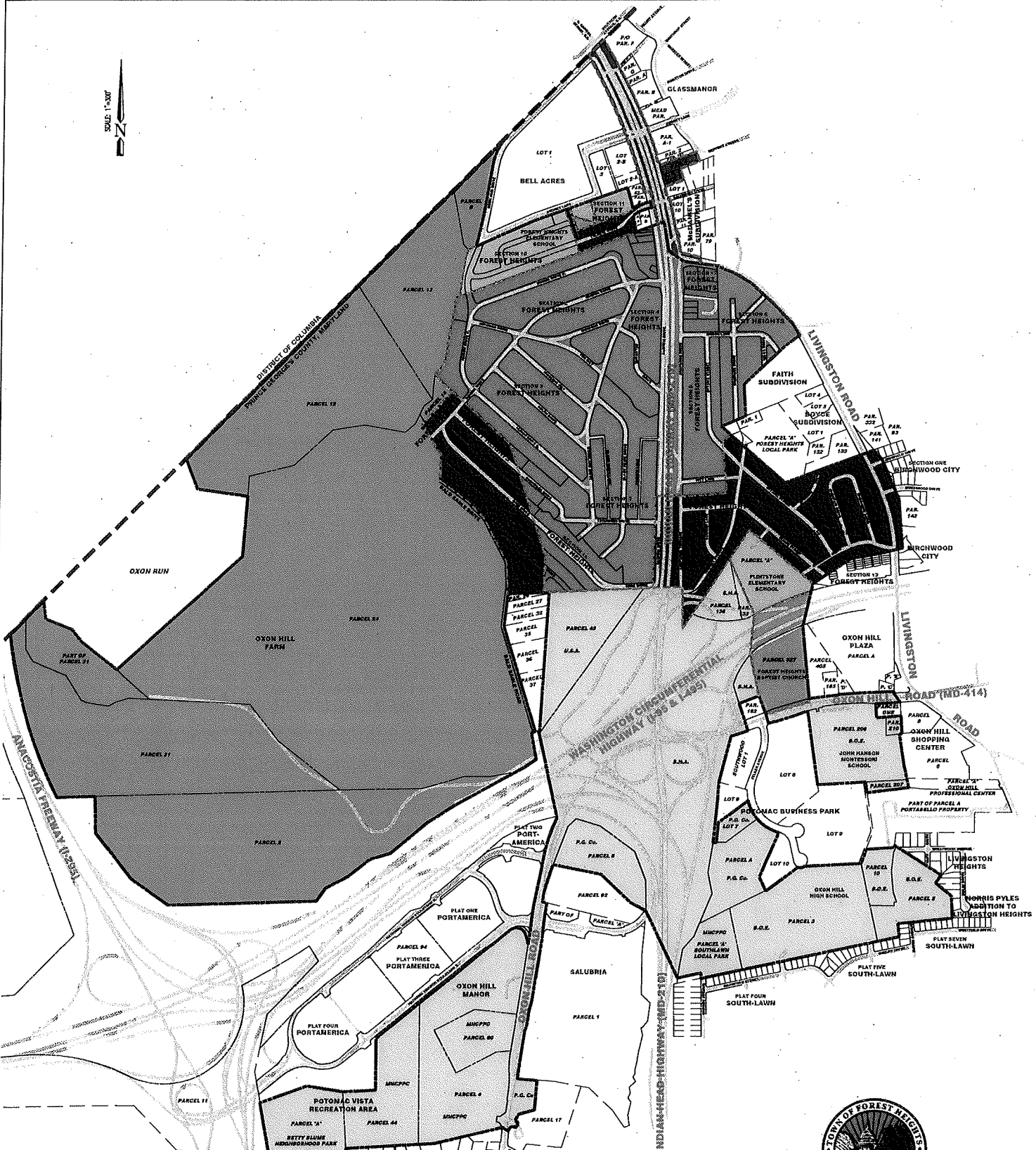
ANNEXATION RESOLUTION SCHEDULE

RESOLUTION INTRODUCTION DATE: August 21, 2019
ANNEXATION PLAN TO COUNTY, MDP, M-NCPPC & PGCPB (AT LEAST 30 DAYS
BEFORE HEARING): Before September 6, 2019
HEARING NOTICE PUBLICATION DATES: 1. August 29, 2019
(2 NOTICES FOR 2 WEEKS PRIOR TO HEARING*) 2. September 5, 2019










MAIL PUBLIC NOTICE TO CO. COUNCIL, MDP & M-NCPPC: August 22, 2019
PUBLIC HEARING DATE (NOT LESS THAN 15 DAYS AFTER THE FINAL
PUBLICATION OF THE NOTICES): October 7, 2019
ENACTMENT DATE (ON OR AFTER HEARING DATE): October 7, 2019
EFFECTIVE DATE (45 DAYS AFTER ENACTMENT): November 21, 2019
FILE ENACTED RESOLUTION (WITH CLERK OF CIR. COURT, MD. DEPT.
LEGISLATIVE SERVICES, COUNTY TAX ASSESSOR & M-NCPPC W/ 10 DAYS):
December 1, 2019

*Notes: 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. *Less than 25 acres to be annexed requires only two (2) newspaper notices to be published.*

SCALE 1"=300'



LEGEND

-  ORIGINAL BOUNDARIES - TOWN OF FOREST HEIGHTS (1948)
-  FIRST EXTENSION TO THE TOWN OF FOREST HEIGHTS (1962)
-  SECOND EXTENSION TO THE TOWN OF FOREST HEIGHTS
-  THIRD EXTENSION TO THE TOWN OF FOREST HEIGHTS
-  FOURTH EXTENSION TO THE TOWN OF FOREST HEIGHTS
-  FIFTH EXTENSION TO THE TOWN OF FOREST HEIGHTS (2010)
-  SIXTH EXTENSION TO THE TOWN OF FOREST HEIGHTS (2014)
-  SEVENTH EXTENSION TO THE TOWN OF FOREST HEIGHTS (2018)
-  PROPOSED EIGHTH EXTENSION TO THE TOWN OF FOREST HEIGHTS (2019)
- CURRENT TOWN BOUNDARY
- PROPOSED ANNEXATION BOUNDARY



MAP OF THE EIGHTH EXTENSION OF THE TOWN OF FOREST HEIGHTS PRINCE GEORGE'S COUNTY, MARYLAND
 1"=300' JULY 2019

STREET CENTRLINES FROM AEC MAP MAPPING AND GIS DATA PORTAL
 NOLANORCMET DDBEA & PLATNEY PLAT BOUNDARY LINES
 STREET NAMES FROM AEC MAP BOOK



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 Phone: 301-271-1100 • Fax: 301-271-1101 • Website: www.cfpj.com

THE TOWN OF FOREST HEIGHTS, MARYLAND

ANNEXATION PLAN

FOR THE ANNEXATION OF CERTAIN TAX EXEMPT AND PUBLICALLY-OWNED PROPERTIES LOCATED GENERALLY NORTH OF THE PRESENT CORPORATE LIMITS OF THE TOWN OF FOREST HEIGHTS EXTENDING ALONG, ABUTTING TO, AND INCLUDING INDIAN HEAD HIGHWAY (MD-210) AND CERTAIN TAX EXEMPT PARCELS (TAX MAP 96, PARCELS 4, 5, & 6) INCLUDING PORTIONS OF INDIAN HEAD HIGHWAY (MD 210), ADJOINING SERVICE ACCESS ROADS, AND A SEGMENT OF LIVINGSTON ROAD INTO THE CORPORATE TERRITORY OF THE TOWN OF FOREST HEIGHTS

WHEREAS, the Town Council of the Town of Forest Heights (the "Town") has initiated a resolution (Annexation Resolution 01-2019) proposing to annex certain property contiguous and adjoining to the boundary of the Town, comprised of approximately three (3) parcels of tax-exempt land (Tax Map 96, Parcels 4, 5, & 6) and portions of certain public rights-of-way totaling an area of 11.98 acres of land, more or less, contiguous and adjoining to the existing northern corporate boundaries of the Town, as further depicted on the Prince George's County Tax Map (Tax Map 96, Parcel 4 (Dist. 12, Account No. 1334986), & Tax Map 96, Parcel 5 (Dist. 12, Account No. 1221373); & Tax Map 96, Parcel 6 (Dist. 12, Account No. 1204940), and said parcels are further described respectively by premises addresses as 5216, 5300, & 5306 Indian Head Highway (the "Annexation Property"); and

WHEREAS, said Resolution was initiated by the Town Council pursuant to §4-403 of the LG Art., of Md. Ann. Code; and

WHEREAS, the Annexation Property consists of lands owned by Le Detroit Baptist Church, the State of Maryland, and Prince George's County; and

WHEREAS, on the 21st day of August 2019, the Mayor and Council of The Town of Forest Heights introduced a resolution proposing the aforementioned municipal annexation initiated by the Town.

NOW THEREFORE BE IT RESOLVED, that the Town Council of the Town of Forest Heights hereby adopts, and approves the following:

A. **Introduction.** This Annexation Plan has been prepared by the Town pursuant to Section 4-415 of the Local Government Article, of the Annotated Code of Maryland. Pursuant to State law, said plan is not intended to be formally part of, but is approved contemporaneously thereto to compliment and be read together with Annexation Resolution 01-2019, along with any exhibits referenced therein, which is hereby incorporated by reference herein as if written herein word for word.

B. **Land Use and Zoning Pattern for the Annexation Property.**

(1) The Annexation Property is located approximately along the northern boundary of the Town's corporate limits up to the Washington, D.C. Line and includes lands situated along Indian Head Highway (MD 210) occupied by the Le Detroit Baptist Church, and other tax exempt or publically-

owned lands. The Annexation Property is specifically shown on the Prince George's County Tax Records as Tax Map (Tax Map 96, Parcel 4 (Dist. 12, Account No. 1334986), & Tax Map 96, Parcel 5 (Dist. 12, Account No. 1221373); & Tax Map 96, Parcel 6 (Dist. 12, Account No. 1204940). The Annexation Property is further located in Assessment District 12 and Subregion VII (Planning Area 76A – "Henson Creek"). The Annexation Property is more particularly described or depicted on a map exhibit entitled "Map of the Eighth Extension of the Town of Forest Heights, Prince George's County, Maryland, 1" = 300', July 2019" prepared by Charles P. Johnson and Associates, and certified by Steven William Jones, Professional Land Surveyor, which is attached hereto as Exhibit A.

(2) Except for those areas that are exempt from traditional zoning regulations, such as the public rights-of-way, 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 "Commercial Miscellaneous" (C-M) pursuant to the County Zoning Ordinance. Upon annexation into the Town, the Annexation Property will likely remain as currently classified under the County Zoning Ordinance.

C. Availability of Land for Public Facilities. There are no existing or pending agreements between the Town and the land owners (i.e., Prince George's County (the "County"), Le Detroit Baptist Church, and the State of Maryland (including the State Highway Administration ("SHA") concerning dedication of portions of the Annexation Property for public facilities. Land use, zoning, subdivision, building construction and storm water regulations are generally administered by the County, the Washington Suburban Sanitary Commission (the "WSSC"), or the Maryland-National Capital Park and Planning Commission. All necessary infrastructure and improvements, including road access, sidewalks, storm water management systems, water and sewer systems and/or extensions and utility delivery systems, and all other facilities necessary to service the Annexation Property shall be installed in accordance with sound engineering principles, and shall be subject to location, design and construction approvals and/or Mandatory Referrals reviewed by Prince George's County, WSSC, the Prince George's Soil Conservation District or the County Planning Board.

D. Public Water and Sewer. Public water and sewer service is or will be supplied by the Washington Suburban Sanitary Commission for the Annexation Property. The sewer basin is basin ID: 18, basin name: Oxon Run. The current water and sewer categories are as follows: sewer category, sewer code: S-3, sewer description code: Community System and the Sewer Envelope Availability: Planned or Existing Community System. The water category is water code: W-3, water description code: Community System. According to the County's 2008 Water and Sewer Plan, Category 3 - Community System means the property is or will be served by public water and sewer.

E. Other Municipal or Related Services.

(1) **Police Service.** As permitted by law, the Annexation Property is to be concurrently served by the Prince George's County Police Department, and the Forest Heights Police Department for purposes of police protection. Certain police services may be provided by either the Prince George's County Police Department or the Forest Heights Police Department, or both, pursuant to a Memorandum of Understanding regarding jurisdictional police services or mutual aid agreement as permitted by law and previously entered into between the Town and the County governments. Such services will commence after annexation, using existing personnel and equipment, at the same or similar level of service now

being provided to the Town in areas where police protective services are provided on a concurrent basis with other police agencies.

(2) Emergency Service. The Oxon Hill Volunteer Fire Department presently provides fire protection and emergency medical services to the Annexation Property. Such services will continue after annexation, using existing personnel and equipment, at the same or similar level of service now being provided.

(3) Street Maintenance. The Annexation Property contains no streets or highways under the jurisdiction of the Town of Forest Heights. Any existing public streets or roadways will continue to be maintained for public use by the County or the State governments into the foreseeable future.

(4) Refuse Collection. The Town presently offers only residential trash collection. There is no residential development within the Annexation Area and presently there are no municipal trash collection services proposed for the Annexation Area.

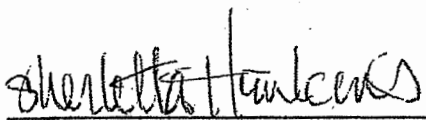
F. Financing Services. Financing for any municipal services extended to the Annexation Property will be provided through the general fund as currently provided to the Town. The largest source of tax revenues collected by the Town is attributable to the municipal property tax which is levied only against taxable property of which no portion of the Annexation Property appears to contain such taxable property; however, the Town may fund certain extended services by way of intergovernmental grants and/or memoranda of understanding.

APPROVED: By the Town Council of The Town of Forest Heights, Maryland.

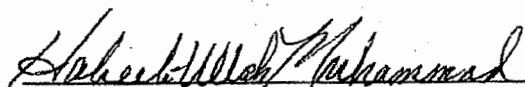
I HEREBY CERTIFY that the above Annexation Plan was passed by the required ye and nay vote of the Mayor and Council of Forest Heights on the 21 day of August 2019.

ATTEST:

MAYOR AND COUNCIL OF THE TOWN OF
FOREST HEIGHTS, MARYLAND



Sherletta Hawkins, Town Clerk



Habeeb-Ullah Muhammad, Mayor



Calvin Washington, Council President