



RESOLUTION

(R-01-2024 - Amended)

A RESOLUTION OF THE MAYOR AND COUNCIL OF LANDOVER HILLS TO ENLARGE THE CORPORATE BOUNDARIES OF THE TOWN OF LANDOVER HILLS BY ANNEXING INTO THE TOWN CERTAIN PROPERTY CONTIGUOUS AND ADJOINING TO THE TOWN'S EXISTING CORPORATE BOUNDARIES, CONSISTING OF THOSE PROPERTIES LOCATED SOUTHEAST OF ANNAPOLIS ROAD COMMONLY REFERRED TO AS THE CVS PHARMACY (TAX ACCOUNT NO.: 20-2190536), THE COMMUNITY SHOPPING CENTER (TAX ACCOUNT NO.: 20-2190544 AND TAX ACCOUNT NO.: 20-2190510), EBENEZER CHURCH OF GOD (TAX ACCOUNT NO.: 20-2190528), ASCENSION LUTHERAN CHURCH (TAX ACCOUNT NO.: 20-3308756), THE POST OFFICE (TAX ACCOUNT NO.: 20-2180230), TACO BELL (TAX ACCOUNT NO.: 20-2171072), MEDICAL CENTER (TAX ACCOUNT NO.: 20-2221125), BANK OF AMERICA (TAX ACCOUNT NO.: 20-22131106 AND 20-2213098), PARCEL C (SHA PROPERTY;;TAX ACCOUNT NO.: 20-2170629) AND PORTIONS OF ARDWICK-ARDMORE ROAD (50,683 S.F.), BUCHANAN STREET (41,305 S.F.) AND CHESAPEAKE ROAD (36,744 S.F.), ALL OF WHICH COMPRISES ± 17.2025 12.8274 ACRES AS FURTHER DESCRIBED AND DEPICTED IN THE EXHIBITS HERETO

WHEREAS, pursuant to Local Government Article, Title 4, Subtitle 4 of the Annotated Code of Maryland ("Local Gov't Art."), the Mayor and Council of Landover Hills ("the Town") is vested with the authority and discretion to enlarge the corporate boundaries of the Town; and

WHEREAS, pursuant to § 4-403 of the Local Gov't Art., an annexation resolution may be initiated by the legislative body of a municipality in accordance with the requirements and practices applicable to its legislative enactments and the requirements of § 4-303(a) of the Local Gov't Art.; and

WHEREAS, the Town desires to annex certain real property into the corporate limits of the Town of Landover Hills consisting of ~~17.2025~~ 12.8274 +/- acres and to initiate the annexation of the properties by this Resolution; and

WHEREAS, the Town of Landover Hills entered into an Annexation Agreement with Community Shopping Center, Limited Partnership, the owner of three properties commonly referred to as the CVS property and the Community Shopping Center located on Annapolis Road, Hyattsville, Maryland, 20784, the Tax Account Numbers for which are: 20-3190536, 20-2190544 and 20-2190510, and the assessed values of which total \$7,011,500 (*see* Attached Exhibit A) (the "Annexation Agreement"); and

WHEREAS, the Annexation Agreement contains Community Shopping Center, Limited Partnership's consent to the annexation of its three properties referenced hereinabove into the corporate limits of the Town of Landover Hills; and

WHEREAS, given the consent of Community Shopping Center, L.P. to the annexation of its three properties into the Town of Landover Hills, the Town has obtained the consent to annexation from the owners of at least 25% of the assessed valuation of the real property in the area to be annexed; and

WHEREAS, there are no persons residing within the area to be annexed from whom consent to annexation is required by Md. Code Ann., Local Gov't Art., § 4-403; and

WHEREAS, the zoning of the property within the annexation area shall remain the same; and

WHEREAS, after this Resolution to approve the annexation of the Property into the Town was introduced at a public meeting of the Mayor and Town Council of The Town of Landover Hills on the 5TH day of February, 2024, the Resolution was scheduled for a public hearing, and all notifications and publications required by State law were made; and

WHEREAS, a public hearing regarding this Resolution was conducted by the Mayor and Council at Town Hall on the 18th day of March, 2024 to receive public comment. **THE PUBLIC HEARING WAS ULTIMATELY CONTINUED TO APRIL 15, 2024 AT A REGULAR MEETING OF THE COUNCIL, WHICH CONTINUATION WAS ADVERTISED IN A NEWSPAPER OF GENERAL CIRCULATION IN THE TOWN ON THE 5th DAY OF APRIL, 2024.** ~~and upon~~ **UPON** completion of the public hearing, the public record was closed to further public comment; and

WHEREAS, AS A RESULT OF COMMENTS RECEIVED FROM ASCENSION LUTHERAN CHURCH AT THE PUBLIC HEARING, THE COUNCIL DECIDED TO REMOVE THE ASCENSION LUTHERAN CHURCH PROPERTY FROM THE ANNEXATION AREA; AND

WHEREAS, the Town deems it to be in the best interest of its citizens and for the good government of the Town, to annex the Property as herein set forth; and

WHEREAS, the Mayor and Town Council of the Town of Landover Hills, upon consideration of the Annexation Agreement, the Boundary Survey, the Legal Description of the Annexation Area, all public comments and written testimony, have determined the following:

- A) All procedures for initiation of the Annexation by the Town conform to the applicable requirements of the Local Government Article, Sections 4-401, et seq. of the Maryland Annotated Code, and all other applicable laws; and
- B) The Property is contiguous and adjoining to the existing corporate boundaries of the Town and is a logical extension of the corporate boundaries and is consistent with the systematic expansion of the Town limits; and

- C) Annexation of the Property will not create any unincorporated area which is bounded on all sides by real property presently within the corporate limits of the Town, real property proposed to be within the Town, or any combination thereof (i.e., enclave); and
- D) The owners of at least 25% of the assessed value of the properties within the area to be annexed have consented to the annexation; and
- E) There are no residents within the area to be annexed whose consent is required; and
- E) Annexation of the Property is considered to be in the public interest, convenience and welfare of the citizens of the Town.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of Landover Hills, that the land herein designated as the Property, ie. area to be annexed, as shown on the Boundary Survey, **AMENDED** Exhibit B hereto, and described in a metes and bounds description set forth in **AMENDED** Exhibit C hereto, be added to the corporate boundaries of the Town of Landover Hills, generally subject to the provisions of the Town Charter, Town Code, Ordinances and other rules and regulations of the Town of Landover Hills, and the Mayor and Council agree to no conditions of annexation, except as may be stated in the Annexation Agreement attached hereto as Exhibit A as they pertain solely to the Community Shopping Center, L.P..

BE IT FURTHER RESOLVED, by the Mayor and Town Council of the Town of Landover Hills, that this Resolution shall become effective forty-five (45) days following its adoption, unless a prompt petition for referendum thereon shall be filed as permitted by law, and provided further that the notice required by law shall be published not fewer than two (2) times, at not less than weekly intervals in a newspaper of general circulation in the Town of Landover Hills.

BE IT FURTHER RESOLVED, by the Mayor and Town Council of the Town of Landover Hills, that a portion of this annexation shall be subject to the terms and conditions of an annexation agreement by and between the Community Shopping Center, L.P. and the Town of Landover Hills and any amendment which may be hereafter enacted thereto.

BE IT FURTHER RESOLVED, by the Mayor and Town Council of the Town of Landover Hills, that promptly after this Resolution shall become effective, the Town Manager shall send copies of said Resolution and all exhibits thereto to the following:

- Department of Legislative Reference;
- Clerk of the Circuit Court for Prince George’s County;
- Supervisor of Assessments for Prince George’s County; and
- Maryland-National Capital Park and Planning Commission.

INTRODUCED by the Council of the Town of Landover Hills, Maryland, at a regular meeting on January 22, 2024.

ADOPTED by the Mayor and Council of the Town of Landover Hills this 15th day of April, 2024, after a public hearing.

WITNESS:

TOWN OF LANDOVER HILLS

Rommel Pazmino, Town Manager

Jeffrey Schomisch, Mayor

Joe Williams, Councilman

Mike Walker, Councilman

Todd Over, Councilman

Jeannette Ripley, Vice Mayor

Kathleen Walker, Councilwoman

Glenda Johnson, Councilwoman

THIS IS TO CERTIFY that the foregoing Resolution was introduced by the Council of the Town of Landover Hills on the 22nd day of January 2024, and Adopted by the Town Council, in a public meeting, on the 15th day of January, 2024.

This annexation will become effective on the _____ day of _____, 2024.

Rommel Pazmino, Town Manager