

COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND
Resolution No. 2009-82

Project: National Pollutant Discharge Elimination System (“NPDES”)
Bryans Road Town Center – Stormwater Retrofits

Property of: Crescent Commercial Venture, LLC, a Maryland limited liability
Company,
Tax Map 5, Grid 23, Parcel 261 – Parcel 4

WHEREAS, in 1972 Congress mandated amendments to the Federal Clean Water Act requiring the implementation of controls designed to prevent harmful pollutants from being washed by storm water runoff into local water bodies;

WHEREAS, polluted and excessive stormwater runoff from suburban and urban land is a leading cause of poor water quality. Stormwater runoff containing pollutants such as landscaping fertilizer, heavy metals and oils from vehicles, and sediment from eroding land, and that is warmer due to loss of tree shade creates unlivable conditions for fish and other aquatic life in streams, rivers and the Bay;

WHEREAS, untreated stormwater can cause loss of aesthetics, harm to wildlife, groundwater contamination and human health problems;

WHEREAS, Charles County, Maryland received its second National Pollutant Discharge Elimination System permit on July 31, 2002 for its Municipal Separate Storm Sewer Discharge (Permit No. 02-DP-3322), which covers stormwater discharges from the municipal separate storm sewer system within the Development District;

WHEREAS, in June 2007, the County hired a consultant to develop a preliminary design study report and general design for the Bryans Road Town Common which incorporates stormwater management and retrofits;

WHEREAS, on June 11, 2008 the County Commissioners approved proceeding with the first phase of the project known as the National Pollutant Discharge Elimination System (“NPDES”) – Bryans Road Town Center – Stormwater Retrofits, PGM # VCI 09-0078, which proposes to treat approximately 9 acres of untreated impervious surface;

WHEREAS, the location and general design of the herein mentioned project, to be built in Charles County, has been approved, and in connection therewith, it is necessary that the herein described property, as known as Tax Map 5, Grid 23, Parcel 261-4, and further identified as Parcel 4 on a Plat entitled “Parcels 4,5, 6, Bryan’s Road Center, 7th Election District, Charles County, Maryland” which plat is recorded among the Land Records of Charles County, Maryland at Liber 41, folio 89

belonging to Crescent Commercial Venture, LLC, a Maryland limited liability company, together with any buildings and improvements thereupon erected, made and being, and every and all rights, alleys, ways, waters, privileges, appurtenances, and advantages to the same belonging or otherwise appertaining shown on the Plat entitled "Parcels 4,5, 6, Bryan's Road Center, 7th Election District, Charles County, Maryland" which plat is recorded among the Land Records of Charles County, Maryland at Liber 41, folio 89, together with certain other rights, easements, controls, and appurtenances in and over and pertaining to the immediately abutting property of said owner, located in Charles County, Maryland, be acquired for public use in order to comply with the County's National Pollutant Discharge Elimination System permit and to perform the necessary stormwater management and retrofits; and

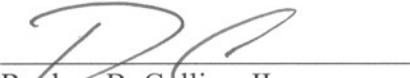
WHEREAS, representatives of Charles County are unable to agree with Crescent Commercial Venture, LLC for the acquisition of the herein described property Tax Map 5, Grid 23, Parcel 261-4 and further identified as Parcel 4 as shown on the Plat entitled "Parcels 4,5, 6, Bryan's Road Center, 7th Election District, Charles County, Maryland" which plat is recorded among the Land Records of Charles County, Maryland at Liber 41, folio 89, and other rights;

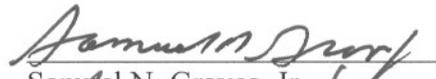
NOW THEREFORE, BE IT RESOLVED, this 7th day of October, 2009, by the County Commissioners of Charles County, Maryland, that the Department of Planning and Growth Management and/or the County Attorney's Office be and they are hereby authorized and directed to take such steps, including the preparation and the filing of pleadings and plats required, under Title 12 of the Real Property Article of the Annotated Code of Maryland, as amended, and the Maryland Rules of Civil Procedure, as necessary, to institute condemnation proceedings against the herein described property, Tax Map 5, Grid 23, Parcel 261-4 belonging to Crescent Commercial Venture, LLC, a Maryland limited liability company, (and any and all others having an interest in said property), known as Parcel 4 as is shown and/or indicated in any manner on the Plat entitled "Parcels 4,5, 6, Bryan's Road Center, 7th Election District, Charles County, Maryland" which plat is recorded among the Land Records of Charles County, Maryland at Liber 41, folio 89 or on the County's Project No. VCI 09-0078 known as the National Pollutant Discharge Elimination System ("NPDES") – Bryans Road Town Center – Stormwater Retrofits in order that construction of the presently proposed project may be begun, and in order that a full, free, and clear fee simple title be obtained by Charles County, Maryland, to the aforesaid required property, together with such other rights, easements, and appurtenances in and over the property of the Property Owner as are necessary to complete and protect the project, in accordance with the aforesaid general design.

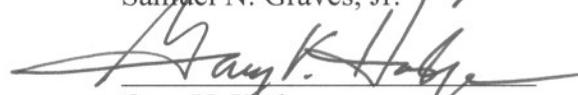
County Commissioners of
Charles County, Maryland


Wayne Cooper, President

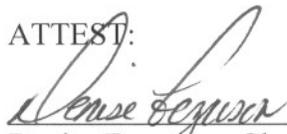

Edith J. Patterson, Vice President


Reuben B. Collins, II


Samuel N. Graves, Jr.


Gary V. Hodge

ATTEST:


Denise Ferguson, Clerk

CERTIFICATE

I HEREBY CERTIFY that I am the duly appointed Acting Clerk to the County Commissioners of Charles County, Maryland, and that the foregoing Resolution No. 2009- 82 was duly adopted by the County Commissioners of Charles County, Maryland on this 7th day of October, 2009, in public session on a regular meeting day at which meeting a quorum was present.


Denise Ferguson, Clerk