

COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND
Resolution No. 2012-84

WHEREAS, the County Commissioners of Charles County, Maryland, in accordance with Chapter 97, Sections 97-2 et. seq. of the Code of Charles County, Maryland, are empowered to acquire, improve, or maintain existing Meadowland Subdivision Stormwater Management Ponds after the approval by the Commissioners of a petition filed by a majority of the property owners whose property is served or to be served by the Meadowland Subdivision Stormwater Management Ponds:

WHEREAS, the County Commissioners of Charles County, Maryland have been petitioned by a majority of the property owners whose property is served by the Meadowland Subdivision Stormwater Management Ponds, to improve and maintain the Meadowland Subdivision Stormwater Management Ponds in the Sixth Election District of Charles County, Maryland (“the Petition”);

WHEREAS, in accordance with Article 25§3(r) of the Annotated Code of Maryland and Section 97-5 of the Code of Charles County, Maryland, a public hearing on the Petition was advertised in the Maryland Independent, a newspaper of general circulation and regularly published within Charles County, on October 3, 2012 and October 5, 2012;

WHEREAS, the County Commissioners of Charles County, Maryland held a public hearing on October 16, 2012 to consider the Petition; and

WHEREAS, the County Commissioners of Charles County, Maryland in consideration of the entire record including all testimony, documents and exhibits offered therein by way of oral, written or referenced material and in light of matters of public record of which official notice has been taken, have determined that is in the public interest to approve the Petition.

NOW THEREFORE, BE IT RESOLVED this 16th day of October, 2012, by the County Commissioners of Charles County, Maryland, as follows:

1. The petition of Meadowland Subdivision for the, improvement, and maintenance of the Meadowland Subdivision Stormwater Management Ponds set forth in Exhibit A (“Meadowland Subdivision Stormwater Management Ponds users”) is hereby granted.

2. The County Commissioners of Charles County, Maryland shall improve and maintain the Meadowland Subdivision Stormwater Management Ponds in compliance with this Resolution, existing rules, regulations and standards of Charles County and in accordance with plans and specifications approved by the Charles County Department of Planning and Growth Management; project PGM VR 91-0026, Meadowland Subdivision.

3. That upon completion of the improvement and repairs to the Meadowland Subdivision Stormwater Management Ponds, the County Commissioners of Charles County, Maryland, shall accept the stormwater system into the County system for maintenance.

4. That the total cost of the improvements and repairs to the Meadowland Subdivision Stormwater Management Ponds shall be paid by the users over a 15-year period by an annual benefit assessment levied against the owners of record of parcels of property which are served or to be served by the Meadowland Subdivision Stormwater Management Ponds users as listed on the attached Exhibit A.

5. That said annual benefit assessment is hereby levied and shall be computed as follows:

A. The total cost of said improvements and repairs to the Meadowland Subdivision Stormwater Management Ponds users, as determined by the Department of Planning and Growth Management, shall be divided by the total number of parcels of property served or to be served by the Meadowland Subdivision Stormwater Management Ponds to determine the "total cost to each property". The "total cost of the improvement and repairs to the Meadowland Subdivision Stormwater Management Pond users" shall include, but not be limited to, all costs of surveying and engineering, land acquisition costs, all legal fees, advertisement costs, inspection fees, permit fees and construction costs, plus interest to be set at the time of the assessment of prime plus one (1) percent per annum.

B. The "total cost to each property" shall be amortized over a fifteen (15) year period to determine the annual benefit assessment to be levied against each of the properties served or to be served by the Meadowland Subdivision Stormwater Management Ponds for the next succeeding fifteen (15) years.

C. Upon completion of improvements and repairs to the Meadowland Stormwater Management Ponds, a fee of \$2,000 annually must be paid by the users to cover maintenance (major repairs) for the life of the two Ponds. The annual fee shall be divided by the total number of parcels of property served or to be served by the Meadowland Subdivision Stormwater Management Ponds and added to the annual tax bill of each property to be served. The balance will be accumulated for future major repairs as needed. The maintenance of the Meadowland Subdivision Stormwater Management Ponds will not include landscaping and aesthetic features such as grass mowing, etc.

6. That the County Commissioners of Charles County shall certify the amount of each assessment to the Chief of the Treasury of Charles County, Maryland on or before May 1, following completion of said improvements.

7. That the Chief of the Treasury of Charles County, Maryland, shall place said annual benefit assessment on the State and County real estate tax bill for said

properties for fifteen (15) succeeding fiscal years from the initial assessment and that said annual benefit assessment shall be subject to discount and interest allowances and charges as provided by law.

8. That said annual benefit assessment shall constitute a lien on the said properties against which they are assessed, until paid, subject only to prior other State and County taxes.

9. That said annual benefit assessments may be collected in the manner provided in Section 97-2 through 97-6, et. seq. of the Charles County Code or in any other manner provided by law.

10. That at the time of a sale, conveyance, or other transfer of any property, or portion thereof, which is subject to the annual benefit assessment, the entire balance of the "total cost to each property" shall become immediately due and payable as to the property being sold, conveyed, or transferred; however the fee of \$2,000 annually noted in paragraph 5 C of this Resolution will continue to be assessed to each property owner in Meadowland Subdivision for the life of the two (2) ponds.

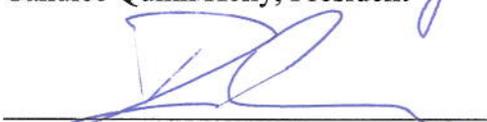
11. That no deed or other conveyance of any real property which is subject to the aforesaid annual benefit assessment shall be transferred by the Department of Assessments and Taxation of Charles County, Maryland until proof of payment of the entire benefit assessment has been exhibited.

12. That at any time prior to the actual commencement of construction on the Meadowland Subdivision Stormwater Management Ponds, the County Commissioners of Charles County, Maryland, reserve the right to repeal this Resolution without the necessity to hold a further hearing concerning the matter. If the County for any reason repeals this Resolution, the total cost of construction and improvement to the date of repeal shall be reimbursed to the County by the owners of record of parcels of property served or to be served by the Meadowland Subdivision Stormwater Management Ponds , in the same manner as specified above relative to assessments.

13. That this Resolution shall be effective on the 16th day of October, 2012

County Commissioners of
Charles County, Maryland


Candice Quinn Kelly, President


Reuben B. Collins, II, Esq., Vice President



Ken Robinson

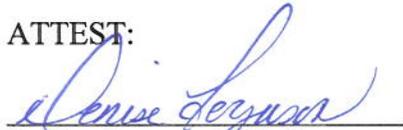


Debra M. Davis, Esq.



Bobby Rucci

ATTEST:



Denise Ferguson, Clerk

RECOMMENDED FOR ADOPTION:



Peter Aluotto, Director
Planning & Growth Management

APPROVED AS TO FORM AND CONTENT:



Barbara L. Holtz, County Attorney