

COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND
Resolution No. 2013- 11

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 an existing shared septic system 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 shared septic system:

WHEREAS, the County Commissioners of Charles County, Maryland have been petitioned by a majority of the property owners whose property is served by the Patuxent Woods shared septic system, to acquire, improve and maintain the shared septic system in the Ninth 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 July 19, 2013;

WHEREAS, the County Commissioners of Charles County, Maryland held a public hearing on July 30, 2013 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 30th day of July, 2013, by the County Commissioners of Charles County, Maryland, as follows:

1. The petition of Patuxent Woods Homeowners’ Association for the acquisition, improvement, and maintenance of the Patuxent Woods shared septic systems set forth in Exhibit A (“Patuxent Woods Shared Septic System Users”) is hereby granted.

2. The County Commissioners of Charles County, Maryland shall acquire, improve and maintain the Patuxent Woods Shared Septic System in compliance with

this Resolution, existing rules, regulations and standards of Charles County and in accordance with plans and specifications to be approved by the Charles County Department of Planning and Growth Management.

3. That upon completion of the improvement and repairs to the Patuxent Woods Shared Septic System, the County Commissioners of Charles County, Maryland, shall accept the shared septic system into the County system for maintenance.

4. That the total cost of the improvements and repairs to the Patuxent Woods Shared Septic System 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 shared septic system 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 Patuxent Woods Shared Septic System 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 Patuxent Woods Shared Septic System users to determine the "total cost to each property". The "total cost of the improvements and repairs to the Patuxent Woods Shared Septic System users" shall include, but not be limited to, emergency repairs, electricity, maintenance bills; 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 Patuxent Woods Shared Septic System for the next succeeding fifteen (15) years.

C. Upon completion of improvements and repairs to the Patuxent Woods Shared Septic System, a quarterly fee shall be assessed and paid by each user to cover County maintenance of the septic system.

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

7. That the Chief of the Treasury for 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.

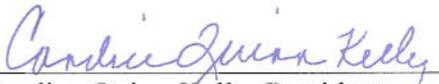
10. That at the time of a sale, conveyance, or other transfer of any property, or portion thereof, which is subject to the annual benefit assessment, the entire balance of the "total cost to each property" shall become immediately due and payable as to the property being sold, conveyed, or transferred.

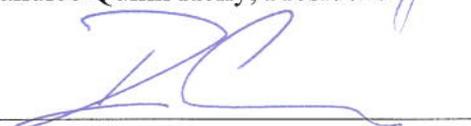
11. That no deed or other conveyance of any real property which is subject to the aforesaid annual benefit assessment shall be transferred by the Department of Assessments and Taxation of Charles County, Maryland until proof of payment of the entire benefit assessment has been exhibited.

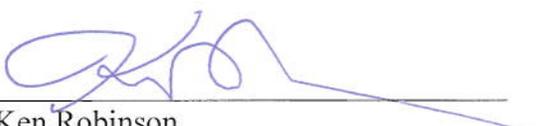
12. That at any time prior to the actual commencement of construction on the Patuxent Woods Shared Septic System, the County Commissioners of Charles County, Maryland, reserve the right to repeal this Resolution without the necessity to hold a further hearing concerning the matter. If the County for 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 Patuxent Woods Shared Septic System, in the same manner as specified above relative to assessments.

13. That this Resolution shall be effective on the 30th day of July, 2013.

County Commissioners of
Charles County, Maryland


Candice Quinn Kelly, President

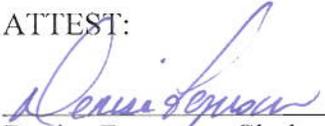

Reuben B. Collins, II, Esq., Vice President


Ken Robinson


Debra M. Davis, Esq.


Bobby Rucci

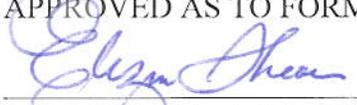
ATTEST:


Denise Ferguson, Clerk

RECOMMENDED FOR ADOPTION:


Peter Aluotto Director
Planning & Growth Management

APPROVED AS TO FORM AND CONTENT:


Elizabeth D. Theobalds, Deputy County Attorney

PATUXENT WOODS
SHARED SEPTIC SYSTEM USERS

EXHIBIT A

Liber/Folio

2463/00013	Tax Map 37, Parcel 47, Patuxent Woods Subdivision, Lot 19, Owned by <u>Lorraine C. Reeves</u> , 16500 Tubman Place, Hughesville, Maryland 20637 Tax Account #09-003436
8201/00051	Tax Map 37, Parcel 47, Patuxent Woods Subdivision, Lot 20, Owned by <u>Secretary of Veterans Affairs</u> , 16504 Tubman Place, Hughesville, Maryland 20637 Tax Account #09-003444
7127/00085	Tax Map 37, Parcel 47, Patuxent Woods Subdivision, Lot 21, Owned by <u>Mabel Hailes</u> , 16508 Tubman Place, Hughesville, Maryland 20637 Tax Account #09-009337
2613/00376	Tax Map 37, Parcel 47, Patuxent Woods Subdivision, Lot 25, Owned by <u>Paul Thomas</u> , 6542 McNair Place, Hughesville, Maryland 20637 Tax Account #09-003495