

TOWN OF NORTH BRENTWOOD

EMERGENCY ORDINANCE NO. 2014-02

Introduced by: Councilmember Aaron Baynes

Seconded by: Councilmember Martha Cuffie

Date of Introduction: March 24, 2014

An Emergency Ordinance authorizing and approving the purchase of real property located at 4516 41st Avenue in the Town of North Brentwood; and authorizing the engagement of special legal counsel; and generally relating to the acquisition of real property for a public purpose.

WHEREAS, the Town Charter, § 1201 authorizes the Town of North Brentwood to acquire real, personal, or mixed property for any public purpose by purchase, gift, bequest, devise, lease, or otherwise and may sell, lease, or otherwise dispose of any property belonging to the Town; and

WHEREAS, the Town Charter, § 820(a) requires that all purchases and contracts for the Town government shall be made by the Mayor, with the approval of the Council; and

WHEREAS, the Town Charter, § 820(f) further authorizes the Mayor and Council to enter into contracts involving professional services such as accounting, architecture, auditing, engineering, law, planning, and surveying, which shall not be on a bid basis, but shall be negotiated by the Council; and

WHEREAS, the Town Charter, § 411(f) authorizes in cases of emergency, that the provision that an ordinance may not be passed at the meeting at which it is introduced may be suspended by the affirmative votes of all the Councilmembers present, and that an emergency ordinance may be enacted when it is necessary for the immediate preservation of the public peace, health, safety, or welfare, and that no action shall be taken unless at least two Councilmembers are present, and that an emergency ordinance may become effective immediately or on a later date as specified therein upon adoption and approval by the Mayor or passage by the Council over the Mayor's veto; and

WHEREAS, the Council finds that the subject property is owned by an absentee out-of-state owner and former resident which has not been properly maintained and that as stated herein the acquisition of said property is urgent and necessary for the immediate preservation of the public peace, health, safety, or welfare; and

WHEREAS, the Council further finds that it is prudent, expedient and necessary for the efficient future operations of the Town government and to ensure the removal of unsafe structures and harborages for vermin, and otherwise to improve the general appearance of the Town, to purchase certain developed real property having an area of 5,000 sq. ft. located at 4516 41st Avenue and further described as the Lot on SW Corner of 41st Ave. and Wallace Rd. (Tax Account #1975804) and that said real property, has been generally neglected and been subjected to tax liens

levied by the Town and/or the County pursuant to the abatement of public nuisances for blighted property; and

WHEREAS, the Town has allocated funds in the FY 2014 Budget which may be utilized to purchase the property, which is listed on the Maryland Inventory of Historic Properties as PG: 68-061-21, for a public works/community building purpose without issuing bonds or otherwise creating debt for the Town, and the Town in cooperation with the Hyattsville CDC is seeking funding through a State Bond Bill and other grants to finance the necessary redevelopment of the property; and

WHEREAS, the Mayor has reached a tentative agreement on the purchase price, but that said purchase should proceed forthwith to avoid further conveyances of the property to third parties.

NOW THEREFORE, BE IT ORDAINED AND ENACTED BY THE COUNCIL OF THE TOWN OF NORTH BRENTWOOD, THAT:

SECTION 1.

The Town Council of the Town of North Brentwood hereby finds that the purchase of said property will serve a public purpose and will further provide for the health, welfare and safety of the citizens of North Brentwood.

SECTION 2.

The Town Council of the Town of North Brentwood hereby declares its intent to purchase the property interests in 4516 41st Avenue for public purposes in fee simple. Said property is further described as the Lot on SW Corner of 41st Ave. and Wallace Rd. (Tax Account #1975804) as shown on Plat A-0735 that is recorded in the land records of Prince George's County along with the current deed referenced at liber 4978, folio 300, owned by Ms. Deloris R. Spriggs.

SECTION 3.

The Town Council of the Town of North Brentwood hereby authorizes and approves the purchase of said property for a purchase price not to exceed \$72,000.00, with the Seller and the Town sharing all closing costs, the cost of the appraisal, and the cost of asbestos and hazardous debris removal of \$5,000.00. The Town shall pay all outstanding real property taxes due and owing at closing. Said purchase sum shall include any title insurance that may be obtained relating to said sale of real property.

SECTION 4.

The Town Council of the Town of North Brentwood hereby authorizes the Mayor to enter into a Purchase Agreement, or Land Sales Agreement with the seller of said property and to execute any documents necessary to complete the sale and transfer of fee simple title in said property to the Town.

SECTION 5.

The Town Council of the Town of North Brentwood hereby authorizes the Town Attorney in cooperation with Byron Huffman, Esq., an experienced real estate transactions attorney, to prepare any documents necessary to make the transfer of real estate possible and further to perform any other legal work necessary to effectuate the purchase of said real property. The Mayor is further authorized to execute on behalf of the Town the retainer agreement tendered by said real estate transactions attorney, (if any), and the Mayor is further authorized to execute and enter into on behalf of the Town any necessary agreements or other documents required to carry forth the intent of the Council in passing this Emergency Ordinance regarding said real property and protecting the Town's interests in said property.

SECTION 6.

The Town Treasurer is hereby authorized and directed to pay the amounts set forth in the applicable agreements regarding said real estate transaction upon receipt of appropriate documentation. The Town Treasurer under the supervision of the Mayor is further authorized to amend the current FY 14 Budget to enumerate, authorize and appropriate said real estate purchase, which is to be approved by the requisite 2/3rds vote of the legislative body pursuant Article 23A, Section 2(b) of the Annotated Code of Maryland.

SECTION 7.

If any section or part of a section of this Emergency Ordinance shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Emergency Ordinance nor the context in which such section or part of section so held invalid shall appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply.

SECTION 8.

This Emergency Ordinance shall take effect immediately upon its enactment, having been passed by the affirmative votes of all the Councilmembers present, and approval by the Mayor or passage by the Council over the Mayor's veto.

SECTION 9.

Upon adoption, pursuant to the Town Charter, § 411(f), a fair summary of this Emergency Ordinance shall be immediately published in the Town newsletter or other newspaper of general circulation in the Town and posted on an official bulletin board to be maintained by the Council in a public place, and that this emergency ordinances shall have a date of termination not to exceed one (1) year after enactment.

AND BE IT FURTHER ORDAINED that this Ordinance shall become effective immediately upon execution by the Mayor.

THIS ORDINANCE IS ADOPTED BY THE COUNCIL OF THE TOWN OF NORTH BRENTWOOD THIS 24th DAY OF March, 2014.

Aye: 3


Nay: 0

Absent: 0

Abstain: 0

Approved: 03/24/2014

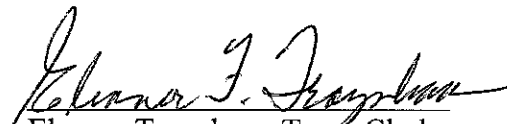
TOWN OF NORTH BRENTWOOD

By: 
Petrella Robinson, Mayor

Date: 3/24/2014

I HEREBY CERTIFY that a fair summary of this Emergency Ordinance has been published in the Town newsletter or other newspaper of general circulation in the Town and posted on an official bulletin board to be maintained by the Council in a public place pursuant to the Town Charter.

Date: March 24, 2014


Eleanor Traynham, Town Clerk