

TOWN OF NORTH BRENTWOOD

RESOLUTION NO. 2014 - 01

Introduced by: Councilmember A. Baynes

Seconded by: Councilmember M. Cuffie

Date of Introduction: January 6, 2014

A Resolution to authorize the Mayor to enter into a Joint Use Agreement with the Maryland-National Capital Park and Planning Commission (“M-NCPPC”) for a playground, and the Department of Natural Resources (the “Department”), acting for and on behalf of the State of Maryland, and authorizing certain agreements pertaining to a Town playground.

WHEREAS, the Council has authority pursuant to Section 602(31) of the Town Charter to establish and maintain public parks, gardens, playgrounds, and other recreational facilities and programs to promote the health, welfare, and enjoyment of the inhabitants of the Town; and

WHEREAS, the North Brentwood Neighborhood Playground is located in the Town of North Brentwood (the “Town”) on land owned by M-NCPPC, and the Town wishes to further upgrade or improve said playground to minimize direct exposure to the sun’s potentially damaging radiation by installing certain shade structures, and improving landscaping and accessibility; and

WHEREAS, in August of 2012, the Mayor requested the assistance of the Hyattsville Community Development Corporation (the “CDC”) to complete and submit a Community Parks and Playgrounds Grant application, incorporating the CDC as proposed grant and project manager to provide the Town with certain project management services to implement a \$91,000 Maryland Department of Natural Resources (the “DNR”) Community Parks and Playgrounds Grant award; and to expend approximately \$95,126 of FY 2014 budgeted funds to make improvements to optimize the use of these available funds for the North Brentwood Neighborhood Playground, (hereinafter, the Project); and

WHEREAS, pursuant to a former DNR Notice of Funding, the Town and M-NCPPC understood that they would need to complete a Use Agreement (i.e., a license) for the Project, to be located at the 4000 block of Allison Street at Banner & 40th Street, before the FY14 State-budgeted Project can be submitted for the State’s Clearinghouse Review, and then on to the Maryland Board of Public Works for final approval; and

WHEREAS, the Director of Parks and Recreation of M-NCPPC has provided a Letter of Support to the Town for said Project dated August 13, 2012, and his staff has prepared a Joint Use Agreement to be entered into by the parties; and

WHEREAS, the Town has authority pursuant to Section 1201 of the Town Charter 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 desires limited access and a right of entry to certain park property for the purpose of constructing improvements and assisting M-NCPPC with the annual removal and installation of the shade structure fabric before and after the winter season and in preparation of severe weather as needed; and

WHEREAS, the Town Council hereby finds that it is reasonable and beneficial to the Town and its residents to enter into a Joint Use Agreement and to otherwise obligate the Town to maintain said playground for a period of 20 years, to keep the project reasonably safe for public use, to protect, indemnify and save harmless the Department according to the terms and conditions of said agreement.

NOW THEREFORE, the Council of the Town of North Brentwood does hereby resolve, authorize, approve and ratify the following:

Section 1

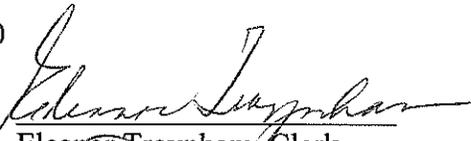
The Council approves and adopts a Joint-Use Agreement for said playground between M-NCPPC, and the Department, which is attached hereto as Exhibit A and incorporated by reference herein, and the Mayor is further authorized to sign said agreement on behalf of the Town.

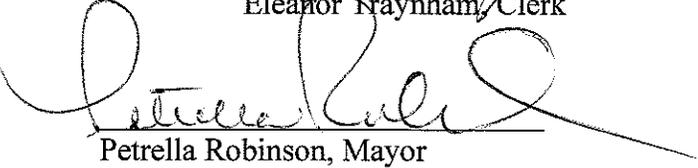
Section 2

The Council further approves and adopts a Limited Access, Right of Entry, Construction, Funding & Maintenance Agreement for said playground between M-NCPPC, and the Town, which is found as Attachment B of the Joint-Use Agreement (Exhibit A), and the Mayor is further authorized to sign said agreement on behalf of the Town.

AND BE IT FURTHER RESOLVED THAT THIS RESOLUTION IS HEREBY ADOPTED BY THE COUNCIL OF THE TOWN OF NORTH BRENTWOOD THIS 6th DAY OF JANUARY, 2014 AND SHALL BE EFFECTIVE IMMEDIATELY UPON PASSAGE.

Aye: 3
Nay: 0
Absent: 0
Abstain: 0

ATTEST: 
Eleanor Traynham, Clerk


Petrella Robinson, Mayor

Date: 1/6/2014

Exhibit A