

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2004 Legislative Session

Bill No. CB-117-2004

Chapter No. _____

Proposed and Presented by Council Member Bland

Introduced by Council Members Bland, Dean and Exum

Co-Sponsors _____

Date of Introduction November 1, 2004

BILL

1 AN ACT concerning

2 Disposition of Surplus Real Property

3 For the purpose of authorizing the County Executive to dispose of certain surplus real property
 4 that is no longer needed for stormwater management purposes and establishing that the price to
 5 be paid is the same price paid by the County at the time of acquisition.

6 WHEREAS, Section 2-111.01 of the Prince George's County Code authorizes the County
 7 Executive to sell, lease, or otherwise dispose of any County-owned real property, when such
 8 property is no longer needed for County use or when the proposed disposition is in furtherance of
 9 a public purpose; and

10 WHEREAS, Subsection 2-111.01(c) provides that each property shall be adequately
 11 described and shall contain a statement of its acquisition cost, date of acquisition, present
 12 assessment value, and, where proposed for private sale, the proposed sale price, the name of the
 13 proposed purchaser, and a list of the type and value of any waiver, abatement, adjustment, or
 14 deferral of County fees, charges, or taxes pertaining to the property; and

15 WHEREAS, Subsection 2-111.01(h) provides that except for property proposed for
 16 disposition pursuant to Subsections (d) and (e), the owner from whom property was acquired by
 17 the County, or the heirs and assigns of the owner, shall have the first right over any other person
 18 to reacquire the property (or such portion of it which is declared surplus) pursuant to certain
 19 conditions; and

1 WHEREAS, Subsection 2-111.01(h) provides that the repurchase price shall be the price
2 approved by legislative act of the Council or, where no price is fixed, the fair market value at the
3 time the property is sold; and

4 WHEREAS, a final plat of subdivision was recorded on March 9, 1993 at Plat Book VJ164,
5 Plat 100, which in part, required the conveyance of a parcel of land, referred to as Parcel A, for
6 the purposes of providing for the management of stormwater associated with the subdivision of
7 property for residential uses; and

8 WHEREAS, on May 5, 1995, Parcel A was conveyed by Livingston, Ltd. to the County by
9 Fee Simple Deed recorded among the Land Records of the County at Libre 10132 at Folio 116
10 (Tax Account Number 05-2748101) for no consideration; and

11 WHEREAS, all of the land included with the final plat of subdivision, including Parcel A,
12 was sold by Livingston, Ltd. to Alfred R. Morton, II and Pauline E. Morton, husband and wife,
13 by deed dated April 12, 2001 and recorded among the Land Records of the County at Libre
14 14792, Folio 167; and

15 WHEREAS, Alfred R. Morton, II and Pauline E. Morton filed a Petition for Vacation of
16 Subdivision V-01003 on September 11, 2001, and after referral to each of the public agencies
17 identified in Section 24-112, the Petition was approved by the adoption of Planning Board
18 Resolution Number 01-194 on October 11, 2001; and

19 WHEREAS, upon the approval of the Petition for Vacation of Subdivision, the public
20 streets were vacated and the lots reconverted to undivided tract, parcels of land or acreage; and

21 WHEREAS, the County has no public use for former Parcel A and that it is appropriate for
22 return to the former owner, Livingston, Ltd or its assigns, Alfred R. Morton, II and Pauline E.
23 Morton for the consideration paid, to wit, no consideration.

24 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
25 Maryland, that the parcel of property described in Attachment A, attached hereto and made a part
26 hereof, is surplus to the County's needs.

27 SECTION 2. BE IT FURTHER ENACTED that the County Executive is authorized to
28 take all necessary steps in accordance with this Act to convey the property described in
29 Attachment A to the former owner, or the former owner's heirs or assigns.

1 SECTION 3. BE IT FURTHER ENACTED that the County Executive shall cause notice
2 of the proposed disposition to be advertised in accordance with the provisions of Article 25A,
3 Section 5(b), of the Annotated Code of Maryland.

4 SECTION 4. BE IT FURTHER ENACTED that the provisions of this Act shall remain in
5 effect unless repealed or amended by legislative act.

6 SECTION 5. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
7 calendar days after it becomes law.

Adopted this _____ day of _____, 2004.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Tony Knotts
Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Jack B. Johnson
County Executive

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.

ATTACHMENT A

Legal Description:	Parcel A, Schuyler Hills
Tax Account Number:	05-2748101
Date of Acquisition:	May 5, 1995
Acquisition Price:	no consideration
Proposed Sale Price:	no consideration
2004 Assessment Value:	\$3,160
Current Zoning:	unknown
Areas, as assessed:	3.16 acres, unimproved
Disposition:	to the former owner, Livingston, Ltd. or its assigns, Alfred R. Morton, II and Pauline E. Morton, for no consideration