

Prince George's County Council

Agenda Item Summary

Meeting Date: 10/19/2004
Reference No.: CB-075-2004
Draft No.: 3
Proposer(s): Park & Planning
Sponsor(s): Knotts, Harrington, Dernoga, Exum, Peters, Bland
Item Title: An Act approving a long term residential curatorship for the restoration, rehabilitation, renovation and maintenance of Historic Hazelwood

Drafter: Karen T. Zavakos, Assistant Legislative Office
Resource Personnel: Marye Wells-Harley, M-NCPPC

LEGISLATIVE HISTORY:

Date Presented:	7/27/2004	Executive Action:	10/25/2004 S
Committee Referral:	7/27/2004 - PZED	Effective Date:	10/25/2004

Committee Action: 9/8/2004 - FAV(A)

Date Introduced: 9/21/2004
Public Hearing: 10/19/2004 - 1:30 AM

Council Action (1) 10/19/2004 - ENACTED
Council Votes: MB:A, SHD:A, TD:A, CE:A, DCH:A, TH:A, TK:A, DP:A
Pass/Fail: P
Remarks:

AFFECTED CODE SECTIONS:

COMMITTEE REPORTS:

PLANNING, ZONING & ECONOMIC DEVELOPMENT

Date 9/8/2004

Committee Vote: Favorable with amendments, 5-0 (In favor: Council Members Dernoga, Bland, Dean, Exum and Harrington)

Staff explained that this bill was transmitted by the Planning Board for the purpose of approving the lease by The Maryland-National Capital Park and Planning Commission (M-NCPPC) of the Hazelwood historic property. Section 5-110 of Article 28 of the Annotated Code of Maryland requires approval of the lease by both the County Council and the County Executive.

The Director of the M-NCPPC Department of Parks and Recreation submitted a letter to the committee staff listing several technical amendments to the legislation for the committee's consideration. Copies of the letter were provided to the committee members and the suggested amendments were found acceptable. The amendments are as follows:

The title references a "lease agreement." The legal instrument the Commission approved is entitled, "Resident

Curatorship Agreement.”

Page 1 Line 9 - Delete reference to “lease” so that the language will match the title of the Commission’s approved agreement, “Resident Curatorship Agreement”

Line 10 – After “Pamela K. Cooper” and before “(“the Curator”))” add the name of curators’ child, so that it would read “, and Philip A. Cooper and Pamela K. Cooper as Guardians of Ethan G. Cooper, a Minor”

Page 2 Line 2 – Insert the following substitute language to reflect the correct name of the location and to revise the term to match the language in Commission’s approved agreement:

“the Patuxent River Watershed Park. The Agreement shall terminate on the fortieth (40th) anniversary thereof, or such longer term as may hereafter be permitted by applicable law or pursuant to the mutual agreement of the parties, unless sooner terminated pursuant to the terms of the Agreement.”

Line 6 – Revise line to add “conditions” so that it would read: “in accordance with the terms, conditions, and schedule set forth...”

Line 8 – Revise line to add “and conditions.” after “...certain terms.”

Lines 9 through 12 – Insert the following substitute language to reflect the correct name of the Agreement, to include Ethan Cooper as a curator, and to indicate that the document must still be executed by the Commission:

“...that the provisions of the Resident Curatorship Agreement, approved by the Prince George’s County Planning Board on May 20, 2004, by and between The Maryland-National Capital Park and Planning Commission and Philip A. Cooper, Pamela K. Cooper, and Philip A. Cooper and Pamela K. Cooper as Guardians of Ethan G. Cooper, a Minor, as more fully set out in Attachment A, be and the same are hereby approved and returned to The Maryland-National Capital Park and Planning Commission to be fully executed.”

The Principal Counsel, Assistant Legislative Officer and the Office of Law reviewed the bill and found it to be in proper legislative form. The Office of Audits and Investigations determined there should be no negative fiscal impact on the County as a result of enacting CB-75-2004.

The committee voted favorably with the amendments recommended by M-NCPPC.

BACKGROUND INFORMATION/FISCAL IMPACT:

(Includes reason for proposal, as well as any unique statutory requirements)

Section 5-110 of Article 28 of the Annotated Code of Maryland requires that, prior to entering into a lease term in excess of 20 years duration, the Maryland-National Capital Park and Planning Commission must obtain prior approval of the county in which the lease property is located in whole or in part. This bill will grant such authority to the Commission for a long-term lease agreement for a residential curatorship for the restoration, rehabilitation, renovation and maintenance of Historic Hazelwood.

CODE INDEX TOPICS:

INCLUSION FILES:
