



Ordinance 17-03

Authorizing the Acquisition of the Suburban Aquatic Club Property
(6000 Harland Street, Lanham, Maryland) for a Public Purpose and Budget Amendment
Reconciliation No. One: To Amend Ordinance 17-01 Current Expense Budget for FY 2017

EFFECTIVE: SEPTEMBER 21, 2016

**EMERGENCY ORDINANCE OF THE CITY COUNCIL OF NEW CARROLLTON,
AUTHORIZING THE ACQUISITION OF THE SUBURBAN AQUATIC CLUB
PROPERTY (6000 HARLAND STREET, LANHAM, MARYLAND) FOR A PUBLIC
PURPOSE, AND AMENDING THE BUDGET FOR THE CITY OF NEW
CARROLLTON FOR THE FISCAL YEAR BEGINNING JULY 1, 2016 AND ENDING
JUNE 30, 2017 TO APPROPRIATE THE NECESSARY FUNDS THEREFOR**

WHEREAS, the City Council of New Carrollton (“the City”), pursuant to Md. Code Ann., Local Government Article, §5-204 is authorized to acquire by conveyance or purchase real property needed for any public purpose; and

WHEREAS, City Code, §11 “Enumeration of powers of the City” provides that the City Council has all of the powers specified for exercise by municipalities and necessarily implied therefrom as granted under the laws of the State of Maryland, which includes the aforementioned power to acquire real property for a public purpose; and

WHEREAS, Md. Local Government Code Ann., §5-203 provides that the legislative body of a municipality may exercise the express powers provided for in Md. Local Government Code Ann. by adopting ordinances; and

WHEREAS, pursuant to the authority conferred by Md. Code Ann., Local Government Article, §5-205(b), the City Council may authorize the expenditure of municipal funds for any public purpose affecting the safety, health and general welfare of the City and its occupants, provided that funds not appropriated at the time of the annual levy shall not be expended nor

shall any funds appropriated be expended for any purpose other than that for which appropriated, except by a two-thirds (2/3) vote of all members elected to said legislative body; and

WHEREAS, pursuant to this authority and City Charter, §14 the City of New Carrollton adopted a budget for the Fiscal Year beginning July 1, 2016 and ending June 30, 2017 (hereinafter referred to as the “FY ’17 Budget”) by way of Ordinance No. 17-01, which Ordinance has been amended since its adoption; and

WHEREAS, pursuant to §C-14.B of the City Charter, the City may not expend funds that have not been appropriated; and

WHEREAS, pursuant to §C-10 of the City Charter, the City Council has the authority, in cases of emergency, by a four-fifths vote of the members of the Council, to adopt an emergency ordinance at the same meeting at which it was introduced, and an emergency ordinance shall become effective on the date specified in the Ordinance; and

WHEREAS, the City Council deems it to be in the best interest of the City of New Carrollton to acquire certain real property located immediately adjacent to the City, known as the Suburban Aquatic Club property located at 6000 Harland Street, Lanham, Maryland (the “Property”), that is presently operated as a community pool, in order to annex the property into the corporate limits of the City of New Carrollton and to consider the location for a City park or building, which is a public purpose; and

WHEREAS, it came to the attention of the City in July, 2016 that the Property was for sale; and

WHEREAS, after several discussions with the Owner’s realtor and inquiries by the City regarding the Property, the City was advised that it had a little more than 24 hours to submit an offer; and

WHEREAS, on or about August 17, 2016, the City's offer, which was contingent upon Council approval, was accepted by the owner of the Property with some modifications; and

WHEREAS, the document containing the modifications, and providing for a 45 day due diligence period, was delivered to the City on Wednesday, August 17; and

WHEREAS, upon receipt of the contract, the City Council added the contract to its agenda for its meeting that evening; and

WHEREAS, on Wednesday, August 17, 2016 the Council approved the following motion by a vote of 4-0-0: I move that the City Council approve the contract for the sale and purchase of the property known as the Suburban Aquatic Club located at 6000 Harland Street, Lanham, Maryland 20706 in the amount of \$410,000.00, and to authorize Andrew C. Hanco, Mayor to sign the contract for the sale and purchase of the property; and

WHEREAS, in addition to the cost of the Property, the City must pay for a title search and report, appraisal, environmental study (Phase I), feasibility study, and other costs associated with settlement, which costs the City estimates will be approximately \$15,500; and

WHEREAS, the City Council further finds that time is of the essence in adopting this Ordinance for the acquisition of the Property and the allocation of funds for the purchase thereof.

Section 1. **NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the City Council of New Carrollton that the above Recitals are hereby incorporated as operative provisions of this Ordinance.

Section 2: **BE IT FURTHER ORDAINED AND ENACTED** by the City Council of New Carrollton that acquisition of the property known as the Suburban Aquatic Club located at 6000 Harland Street, Lanham, Maryland 20706 for the purpose of annexing the Property and the construction of a future City park or building is deemed a public purpose and is hereby approved,

and the City Council hereby ratifies its action made by motion on August 17, 2016 approving the Contract of Sale and Purchase for the Property, which is attached hereto as Exhibit A, and authorizing the Mayor to sign and execute the Contract in the amount of \$410,000.00 and any and all additional documents necessary to effectuate the acquisition of the Property.

Section 3. **BE IT FURTHER ORDAINED AND ENACTED** by the City Council of New Carrollton that the acquisition of the Property is deemed an emergency warranting the suspension of the waiting period between introduction and adoption of an ordinance and the waiting period between adoption of an ordinance and its effective date, as set forth in §10 of the City Charter.

Section 4: **BE IT FURTHER ORDAINED AND ENACTED** by the City Council of New Carrollton that the Annual Budget for the Fiscal Year ending June 30, 2017, adopted by Ordinance Number 17-01, be and is hereby amended to as follows:

<u>ACCOUNT NUMBER</u>	<u>FUND</u>	<u>AMOUNT</u>
<u>Revenues:</u>		
01-1000-36780	Designated for NARD Incentive Fund	\$425,500.00
	Total Revenues	<u>\$425,500.00</u>
<u>Appropriations:</u>		
01-1110-57030	Reserve for Land Acquisition (6000 Harland Street)	\$425,500.00
	Total Appropriations	<u>\$425,500.00</u>

Section 5. BE IT FURTHER ORDAINED that, by a four-fifths vote of the City Council, pursuant to §10.B of the Charter, this Ordinance has been adopted at the same meeting at which it was introduced and shall become effective immediately upon approval by the Mayor.

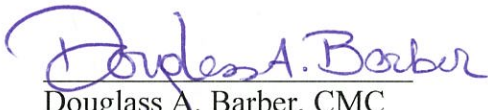
INTRODUCED by the City Council of New Carrollton at a regular meeting on the 21st day of September, 2016.

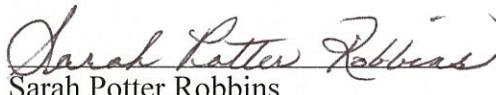
PASSED by the City Council of New Carrollton at a regular meeting on the 21st day of September, 2016.

EFFECTIVE DATE: September 21, 2016

Attest:

City of New Carrollton

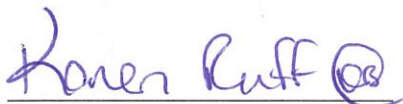

Douglass A. Barber, CMC
City Clerk



Sarah Potter Robbins
Chairman, City Council

Date: September 21, 2016

Approved for legal sufficiency:

Approved:


Karen Ruff, Esq.
of Brennan, McKenna,
Manzi, Shay, Chtd.


Andrew C. Hanko
Mayor

Date: September 21, 2016