

**COTTAGE CITY COMMISSION
EMERGENCY ORDINANCE 2019-05**

**AN EMERGENCY ORDINANCE OF THE COTTAGE CITY COMMISSION
AUTHORIZING AND APPROVING THE PURCHASE OF REAL PROPERTY
LOCATED AT 3813 COTTAGE TERRACE IN THE TOWN OF COTTAGE CITY; AND
AUTHORIZING THE ENGAGEMENT OF A REAL ESTATE PROFESSIONAL; AND
GENERALLY RELATING TO THE ACQUISITION OF REAL PROPERTY FOR A
PUBLIC PURPOSE.**

WHEREAS, Section 18(47) (Property) of the Charter of Cottage City authorizes the Town of Cottage City to acquire by conveyance, purchase, or gift, real or leasable property for any public purposes; to erect buildings and structures thereon for the benefit of the town and its inhabitants; and to convey any real or leasehold property when no longer needed for the public use, after having given at least twenty days' public notice of the proposed conveyance; to control, protect, and maintain public buildings, grounds, and property of the town; and

WHEREAS, Section 75 of said Charter further authorizes the Town to acquire real, personal, or mixed property within the corporate limits of the Town for any public purpose by purchase, gift, bequest, devise, lease, condemnation, or otherwise and may sell, lease, or otherwise dispose of any property belonging to the Town; and

WHEREAS, Section 55 (Purchasing and contracts) of said Charter requires that all purchases and contracts for the Town government shall be made by the Commissioners; and

WHEREAS, Section 15 (Purchasing and contracts) of said Charter authorizes the Cottage City Commission to waive the requirements for bidding for good cause shown; and

WHEREAS, Section 55 (Passage of ordinances; effective date; publication) of said Charter authorizes, in cases of emergency, that the provision that an ordinance must be passed not less than six (6) nor more than sixty (60) days after the meeting at which it was introduced may be suspended by the affirmative votes of four members of the commission, and that an emergency ordinance shall become effective on the date specified in the ordinance, and that a fair summary of every ordinance, including emergency ordinances, shall be published at least once within ten days after the date of passage in a newspaper or newspapers having general circulation in the city; and

WHEREAS, the Cottage City Commission finds that a timely attempt to purchase the subject property including the house, directly behind the Town Hall, on Cottage Terrace may provide additional property adjoining the current town property, and could possibly be used for a community center for all the people of Cottage City and would accommodate activities for children and adults, including exercise and sports activities, arts and music programs, and a variety of classes and special events, in such a center; and

WHEREAS, before any real estate purchase is binding, the Town will allocate funds in the FY 2020 Budget which may be utilized to purchase the property for a community purpose without issuing bonds or otherwise creating debt for the Town; and

WHEREAS, the Cottage City Commission hereby finds that it is in the best interest of the Town to acquire the adjoining property further described herein below.

NOW THEREFORE, BE IT ORDAINED BY THE COTTAGE CITY COMMISSION, in regular or special session assembled, the following:

SECTION 1.

The Cottage City Commission hereby finds that the purchase of the subject property described herein will serve a public purpose and will further provide for the health, welfare and safety of the citizens of Cottage City.

SECTION 2.

The Cottage City Commission hereby declares its intent to purchase the property interests in 3813 Cottage Ter., Brentwood [Cottage City], MD 20722 for public purposes in fee simple. Said property is further described as Block, 6, LOTS 7 & 8 (Tax Account # 0126862, 10,500 SF) as shown on Plat E-2804 that is recorded in the land records of Prince George's County along with the current deed referenced at liber 07962, folio 00461, previously owned as a matter of record by Shelbia J. Hicks & Lesha A. Pulliam, but recently assigned to ABS REO Trust VI (the "Seller") by instrument (Assignment of Deed of Trust) recorded in the Land Records of Prince George's County at Liber 42080, Folio 425.

SECTION 3.

The Cottage City Commission hereby authorizes and approves the purchase of said property for a purchase price not to exceed \$275,000.00, with the Seller or its designee and the Town sharing all closing costs (50/50), and the cost of the appraisal, if any. The Town may further pay all outstanding real property taxes due and owing at closing provided the amount does not exceed the equivalent of two years of real property taxes for the subject property. Said purchase sum shall include any title insurance that may be obtained relating to said sale of real property.

SECTION 4.

The Cottage City Commission hereby waives the competitive bidding requirements of the Town Charter and Code, and authorizes the Commissioner-Chairman to enter into a Purchase Agreement, or Land Sales Agreement with the seller of said property, subject to prior review for legal sufficiency by the Town Attorney, 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 Cottage City Commission hereby authorizes an experienced real estate broker or agent, approved by the Town Manager, along with appropriate legal counsel to prepare any documents necessary, including a deed of conveyance, to make the transfer of real estate possible and further to perform any other transactional work necessary to effectuate the purchase of said real property. The Commissioner-Chairman is further authorized to execute on behalf of the Town a listing or other agreement tendered by said real estate broker or agent, (if any), and the Chair 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 Cottage City Commission 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 authorization and documentation. The Town Treasurer under the supervision of the Town Manager is further authorized to amend the current FY 20 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 to LG Art., Section 5-205 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 at least four members of the Cottage City Commission.

SECTION 9.

Upon adoption, pursuant to the Town Charter, § 15, a fair summary of every ordinance, including emergency ordinances, shall be published at least once within ten days after the date of passage in a newspaper or newspapers having general circulation in the city.

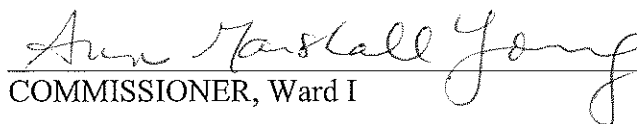
INTRODUCED by the Cottage City Commission at a Town meeting on August 19, 2019, at which meeting copies were available to the public for inspection.

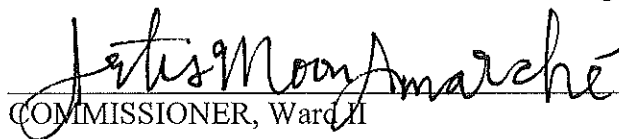
ADOPTED by the Cottage City Commission at a Town meeting held on August 19, 2019.

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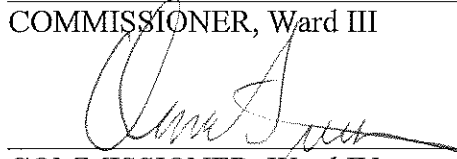
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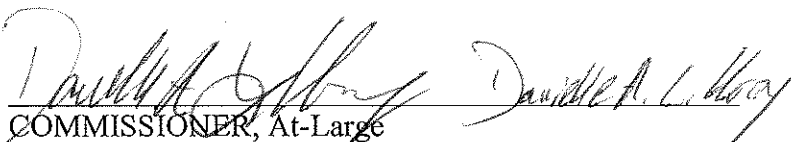

Consuella Barbour, Town Manager

 ANN MARSHALL YOUNG
COMMISSIONER, Ward I


COMMISSIONER, Ward II

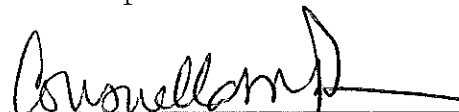
absent
COMMISSIONER, Ward III

 DEMETRIUS GIVENS
COMMISSIONER, Ward IV


COMMISSIONER, At-Large

CERTIFICATION

I, HEREBY CERTIFY, as the duly appointed Town Manager of the Town of Cottage City, Maryland, that on the 19th day of August 2019 with 4 Aye votes and 0 Nay votes, the aforesaid Emergency Ordinance 2019-05 passed, and that a fair summary thereof shall be published at least once within ten days after the date of passage in a newspaper or newspapers having general circulation in the Town and it shall be posted in the Town Hall.


Consuella Barbour, Town Manager