

CHARTER RESOLUTION
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK,
MARYLAND, AMENDING ARTICLE VII “POWERS AND DUTIES OF MAYOR AND
COUNCIL,” §C7-6, “CONDEMNATION,” TO ELIMINATE A REFERENCE TO A
STATE CODE PROVISION THAT NO LONGER APPLIES.

A Charter Resolution of the Mayor and Council of the City of College Park, Maryland, adopted pursuant to the authority of Article XI-E of the Constitution of Maryland and Article 23A of the Annotated Code of Maryland (1957 edition, as amended).

WHEREAS, Article 23A, § 2(b)(24) of the Annotated Code of Maryland (1957 edition, as amended), authorizes the City to acquire property by condemnation; and

WHEREAS, §C7-6 of the City Charter authorizes the City to condemn property of any kind within the City limits; and

WHEREAS, §C7-6 refers to Article 21 of the Annotated Code of Maryland (1957 edition, as amended) with respect to the manner of procedure in a condemnation proceeding; and

WHEREAS, Article 21 of the Annotated Code, entitled “Procurement” has been repealed and re-codified in the State Finance and Procurement Article in Division II; and

WHEREAS, this provision no longer applies by its terms to condemnation actions and so should be eliminated from the charter section.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of College Park, Maryland, that:

Section 1. Article VII, “Powers and Duties of the Mayor and Council,” §C7-6 “Condemnation,” be repealed, re-enacted and amended as follows:

§C7-6. Condemnation.

CAPS : Indicate matter added to existing law.

[Brackets] : Indicate matter deleted from law.

Asterisks * * * : Indicate matter remaining unchanged in existing law but not set forth in Ordinance.

The City may condemn property of any kind, or interest therein or franchise connected therewith, in fee or as an easement, within the corporate limits of the City of College Park for any public purpose. Any activity, project or improvement authorized by the provisions of this Charter or any other state law applicable to the City of College Park is a public purpose. [~~The manner of procedure in case of any condemnation proceeding shall be that established by Article 21 of the Annotated Code of the Public General Laws of Maryland (1957 Edition, 1973 Replacement Volume) and acts amendatory thereof or supplementary thereto.~~]

Section 2. BE IT FURTHER RESOLVED that this Charter Resolution is adopted this 23rd day of February, 2010, and that the amendment to the Charter of the City of College Park, hereby proposed by this enactment, shall be and become effective upon the fiftieth (50th) day after its passage by the City unless petitioned to referendum in accordance with Article 23A §13 of the Annotated Code of Maryland within forty (40) days following its passage. A complete and exact copy of this Charter Resolution shall be posted in the City offices located at 4500 Knox Road, College Park, Maryland for forty (40) days following its passage by the Mayor and Council and a fair summary of the Charter Resolution shall be published in a newspaper having general circulation in the City not less than four (4) times, at weekly intervals, also within the forty (40) day period following its adoption by the City.

Section 4. BE IT FURTHER RESOLVED that, within ten (10) days after the Charter Resolution hereby enacted becomes effective, either as herein provided or following referendum, the City Manager for the City of College Park shall send separately, by certified mail, return receipt requested, to the Department of Legislative Services, the following information concerning the Charter Resolution: (i) the complete text of this Resolution; (ii) the date of referendum election, if any, held with respect thereto; (iii) the number of votes cast for

and against this Resolution by the Council of the City of College Park or in the referendum; and (iv) the effective date of the Charter Resolution.

Section 5. BE IT FURTHER RESOLVED that the City Manager of the City of College Park, Maryland, be, and hereby is specifically enjoined and instructed to carry out the provisions of Sections 3 and 4 as evidence of compliance herewith; and said City Manager shall cause to be affixed to the minutes of this meeting (i) an appropriate Certificate of Publication of the newspaper in which the fair summary of the Charter Resolution shall have been published; and (ii) return receipts of the mailing referred to in Section 3 and shall further cause to be completed and executed the Municipal Charter or Annexation Resolution Registration Form.

INTRODUCED by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the 26th day of January 2010.

ADOPTED by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the 23rd day of February 2010.

EFFECTIVE the 14th day of April, 2010.

ATTEST:

**THE CITY OF COLLEGE PARK,
MARYLAND**

Janeen S. Miller, CMC - City Clerk

By _____
Andrew M. Fellows, Mayor

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**

Suellen M. Ferguson, City Attorney