

**ORDINANCE**  
**OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK TO**  
**AUTHORIZE THE PURCHASE OF A PARCEL OF LAND FOR A PUBLIC PURPOSE**  
**AND THE RELATED SALE OF A PARCEL OF LAND AS IT IS NO LONGER NEEDED**  
**FOR A CITY PUBLIC PURPOSE**

**WHEREAS**, pursuant to §5-202 of the Local Government Article, Annotated Code of Maryland, the City of College Park (hereinafter, the “City”) has the power to pass such ordinances as it deems necessary to assure the good government of the City; protect and preserve the City's rights, property, and privileges; preserve peace and good order; secure persons and property from danger and destruction; and protect the health, comfort, and convenience of the residents of the City; and

**WHEREAS**, pursuant to §5-203 of the Local Government Article, Annotated Code of Maryland, the City pursuant to State law is authorized to sell and convey, with twenty (20) days prior public notice, real property that is no longer required for the City’s public purpose; and

**WHEREAS**, §C1-3 of the Charter of the City of College Park implements and authorizes the Mayor and City Council to exercise the authority granted under State law; and

**WHEREAS**, in 1996, the City negotiated an agreement to transfer to Willie Lee and Mary Emma Sellers (“Sellers”) 1,800 square feet (0.0606 of an acre of land) of property which it owns (“City Property”) adjacent to the Sellers property at 5004 Navahoe Street, College Park, Maryland 20740 in exchange for the transfer of 233 square feet (0.0054 of an acre of land) of property owned by the Sellers, as husband and wife, (“Sellers Property”) to the City, referenced herein as part of Lot 10; and

CAPS  
 [Brackets]  
 Asterisks \* \* \*

: Indicate matter added to existing law.  
 : Indicate matter deleted from law.  
 : Indicate matter remaining unchanged in existing law but not set forth in Ordinance

**WHEREAS**, the City seeks to acquire the part of Lot 10 owned by the Sellers for the public purpose of enlarging James Adams Park; and

**WHEREAS**, the Mayor and City Council have determined that ownership of the 1800 square feet proposed to be transferred to the Sellers as part of this exchange no longer serves a City public purpose; and

**WHEREAS**, the Mayor and City Council desire to use the authority granted to the City under State Law and the City Charter to exchange the 1,800 square feet of property which it owns adjacent to the Sellers property at 5004 Navahoe Street, College Park, Maryland, 20740, in exchange for the transfer of 233 square feet of property owned by the Sellers, as husband and wife, to the City, referenced herein as part of Lot 10, and all rights appertaining thereto; and

**WHEREAS**, Willie E. Sellars is now deceased, and Mary Emma Sellers is the sole owner of the Property.

**Section 1.** **NOW THEREFORE BE IT ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that the conveyance and sale, and acquisition of, by quit claim deed, the properties described as follows, as a like kind exchange, and for other valuable consideration, and a contract of sale and deeds to effect these transactions, be and it is hereby authorized for the public purpose of enlarging the boundaries of James Adams Park. The 1800 square feet of City Property adjacent to 5004 Navahoe Street no longer serves a public purpose for the City. The properties are further described as:

(i) For conveyance by the City, the 1800 square feet of City Property to be exchanged is more particularly described in attached Exhibit A, which is incorporated herein by reference, and is that same property conveyed to Willie E. Sellers and Mary Emma

Sellers by deed recorded at Liber 4921, folio 210, and recorded among the Land Records of Prince George's County, Maryland.

(ii) For acquisition by the City, the 233 square feet of Sellers Property to be exchanged is more particularly described in attached Exhibit B, which is incorporated herein by reference.

**Section 2.** **BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that authorization to transfer by quit claim deed the 1800 square feet of City property to the Sellers is contingent upon the transfer of the 233 square feet of the Sellars Property by quit claim deed to the City within thirty days of request by the City.

**Section 3.** **BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that, upon formal introduction of this proposed Ordinance, which shall be by way of a motion duly seconded and without any further vote, the City Clerk shall distribute a copy to each Council member and shall maintain a reasonable number of copies in the office of the City Clerk and shall post at City Hall, to the official City website, to the City-maintained e-mail LISTSERV, and on the City cable channel, and if time permits, in any City newsletter, the proposed ordinance or a fair summary thereof together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council.

The public hearing, hereby set for 7:30 P.M. on the April 14, 2020, shall follow the publication by at least twenty (20) days, may be held separately or in connection with a regular or special Council meeting and may be adjourned from time to time. All persons interested shall have an opportunity to be heard.

After the hearing, the Council may adopt the proposed ordinance with or without amendments or reject it. This Ordinance shall become effective on \_\_\_\_\_, 2020

provided that, as soon as practicable after adoption, the City Clerk shall post a fair summary of the Ordinance and notice of its adoption at City Hall, to the official City website, to the City-maintained e-mail LISTSERV, on the City cable channel, and in any City newsletter.

If any section, subsection, provision, sentence, clause, phrase or word of this Ordinance is for any reason held to be illegal or otherwise invalid by any court of competent jurisdiction, such invalidity shall be severable, and shall not affect or impair any remaining section, subsection, provision, sentence, clause, phrase or word included within this Ordinance, it being the intent of the City that the remainder of the Ordinance shall be and shall remain in full force and effect, valid and enforceable.

**INTRODUCED** by the Mayor and Council of the City of College Park, Maryland at a Regular Meeting on the 10<sup>th</sup> day of March, 2020.

**ADOPTED** by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the \_\_\_\_\_ day of \_\_\_\_\_ 2020.

**EFFECTIVE** the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

**ATTEST:**

**CITY OF COLLEGE PARK**

By: \_\_\_\_\_  
Janeen S. Miller, CMC, City Clerk

By: \_\_\_\_\_  
Patrick L. Wojahn, Mayor

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

\_\_\_\_\_  
Suellen M. Ferguson, City Attorney