

ORDINANCE
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK TO SUBJECT
THE CONSOLIDATED CITY HALL LOT TO A CONDOMINIUM REGIME AND TO
AUTHORIZE THE SALE OF CONDOMINIUM UNITS AS THEY ARE 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, the City owns parcels of land in College Park bounded by Baltimore Avenue, Lehigh road, Yale Avenue and Knox Road and consisting of (1) 4500 Knox Road, (2) Lot 7, Yale Avenue (Tax I.D. No. 21-2308849), and (3) 7411 (and 7409) Baltimore Avenue, and has been authorized to acquire 7403 (and 7405) Baltimore Avenue and 7413 Baltimore Avenue, together with a lot known as Lehigh Road (No Street Number), all conveyed or to be conveyed to the City by UMCPF Property IV-A, LLC (“UMCPF”), pursuant to Ordinance 20-

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

O-05, which parcels contain in the aggregate a total of approximately 1.37 acres (collectively, the “Property”) for the purpose of lot consolidation (the “Lot Consolidation”); and

WHEREAS, the City and the University of Maryland, College Park have agreed to coordinate the development and construction of a mixed-use building (the “Building”) on the Property, which will consist of one building with four floors, with a mechanical and stair area enclosed on the roof, comprising in the aggregate approximately 96,266 gross square feet of floor area, an indoor lobby area and an outdoor plaza (collectively the “Project”); and

WHEREAS, any and all buildings, structures, plaza, common elements, or other improvements now or hereafter located or constructed on the Property constitute the “Improvements”; and

WHEREAS, as part of the development of the Project, the City and University agreed to the Lot Consolidation, for the purpose of subjecting the Property to a condominium regime by recording in the Land Records of Prince George’s County, Maryland, the documents required to create four primary units within the Property, together with the General Common Elements and the Limited Common Elements; and

WHEREAS, the four condominium units proposed are:

(i) The Ground Unit will be the Lot Consolidation of the land comprised of the Property underlying the Improvements to be constructed thereon. The Ground Unit will consist of the surface of the Lot Consolidation underlying all Improvements and all areas under the surface of the Lot Consolidation, except for any footings and utility conduits. The Ground Unit will exclude any surface improvements such as paving, exterior stairs, landscaping or walkways.

(ii) The City Unit will be those portions of the Improvements to be occupied by the City for its City Hall, City Council Chambers and City offices, to be owned by the City.

(iii) The University Unit will be those portions of the Improvements to be occupied by the University for offices, to be owned by the University.

(iv) The Retail Unit will be those two separate areas of the Improvements to be owned by the University or its designee, to lease to retail users.

In this way, the City will own the City Unit and the Ground Unit, the University will own the University Unit, and the University or its designee will own the Retail Unit; and

WHEREAS, each of the units shall be owned “in fee simple” by the Unit Owner, together with the non-exclusive rights under the Condominium Declaration to use the General Common Elements, and, to the extent stated therein, exclusive rights to the use of any Limited Common Elements; and

WHEREAS, the acquisition of the real property owned by UMCPF was authorized by Ordinance 20-O-05 and was adopted to allow the City to consolidate the ownership of the Property and subject the Property to a condominium regime, for the City to create and own the Ground Unit and to create, build and own the City Unit, and for the City and the University to collectively build the Project; and

WHEREAS, the Mayor and City Council have determined that it is in the public interest to subject the Property to a condominium regime and to retain ownership of the Ground Unit and build and own the City Unit; and

WHEREAS, the Mayor and City Council have determined that ownership of the University Unit and the Retail Unit 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 convey the University Unit to the University and to convey the Retail Unit to the University or its' designee, together with the undivided interest in the General Common Elements and the Limited Common Elements appertaining thereto .

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 of the property described as follows, for the sum of \$10.00, and other valuable consideration, be and it is hereby authorized for the public purpose of developing and constructing the Project on the Property, and of subjecting the Property to a condominium regime under which the City will retain ownership of the Ground Unit and the City Unit, together with the undivided interest in the General Common Elements and the Limited Common Elements appertaining thereto, and will transfer the University Unit to the University and the Retail Unit to the University or its' designee, together with the undivided interest in the General Common Elements and the Limited Common Elements appertaining thereto. The University Unit and the Retail Unit no longer serve a public purpose for the City. The conveyance of the University Unit to the University and the Retail Unit to the University or its' designee will occur within thirty (30) days of a request by the University or its designee, on or after recordation of the Condominium Documents, including without limitation the Declaration and the Plat, and satisfaction of contingencies stated herein. The property being described as:

(i) The University Unit will be those portions of the Improvements to be occupied initially by the University for offices. The Condominium Documents will provide that the University Unit shall be used exclusively for office and administrative uses,

including but not limited to faculty or staff office space and general academic uses, unless the City consents in writing otherwise.

(ii) The Retail Unit will be those two separate areas of the Improvements to initially be owned by the University or its designee, which may be a third party who will lease the Retail Unit to retail users. The Condominium Documents will provide that the Retail Unit shall be subject to the use restrictions more particularly described in the Joint Development Agreement between the City and University.

(iii) The property description for the four condominium units is more particularly set out in the attached Exhibit A, which is incorporated herein by reference as if fully set forth.

(v) None of the Units will include any structural portions of the Improvements or the roof of any portion of the Improvements. Units will be comprised of the air space within the Improvements. The plaza areas, exterior stairs and walkways, parking spaces, loading docks, interior stairs, elevators, elevator shafts and common utilities, including chases, ducts, mechanical equipment, etc., will be General Common Elements, unless expressly identified as a Limited Common Element in the Condominium Documents for the exclusive use by one or more Units.

Section 2. **BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that authorization to subject the Property to a condominium regime as referenced herein and the conveyance and sale of the University and Retail condominium units pursuant to this Ordinance are contingent upon the City and University signing the Joint Development Agreement and the Condominium Documents required to create the condominium

regime and four condominium units within the Property, together with the General Common Elements and the Limited Common Elements.

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 **24th** day of **March, 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 **April 14th**, 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 special session on the 3rd day of March, 2020.

ADOPTED by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the 24th day of March, 2020.

EFFECTIVE the 14th day of April, 2020.

ATTEST:

CITY OF COLLEGE PARK

DocuSigned by:
By: Janeen S. Miller
Janeen S. Miller, CMC, City Clerk

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

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

DocuSigned by:
Stellen M. Ferguson
Stellen M. Ferguson, City Attorney