

**AMENDED ORDINANCE**  
**OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK**  
**AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY LOCATED AT**  
**7403 BALTIMORE AVENUE, COLLEGE PARK, MD 20740;**  
**7413 BALTIMORE AVENUE, COLLEGE PARK, MD 20740; AND**  
**LEHIGH ROAD (NO STREET NUMBER), COLLEGE PARK, MD 20740, FOR A**  
**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 acquire real property by purchase; 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 and the University of Maryland, College Park (“University”), own or control those parcels of land in College Park bounded by Baltimore Avenue, Lehigh Road, Yale Avenue and Knox Road and consisting of (1) 4500 Knox Road (owned by the City), (2) Lot 7, Yale Avenue (Tax I.D. No. 21-2308849) owned by the City, (3) 7411 (and 7409) Baltimore Avenue (owned by the City), and (4) 7403 (and 7405) and 7413 Baltimore Avenue, together with a lot known as Lehigh Road (No Street Number) (owned by UMCPF

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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
CAPS	: Indicate matter added in amendment
[Brackets]	: Indicate matter deleted in amendment

Property IV-A, LLC (“UMCPF”), a Maryland limited liability company), which parcels contain in the aggregate a total of approximately 1.37 acres (collectively, the “Property”); and

**WHEREAS**, the City and the University 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 (the “Improvements”); and

**WHEREAS**, as part of the development of the Project, the City and University intend to cause (i) the legal lots currently comprising the Property to be consolidated into unitary ownership (the “Lot Consolidation”) and (ii) the Property to be subjected 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 currently owned by UMCPF is required in order for the City to consolidate ownership of the Property and subject it to the 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 obtain consolidation of the lots, subject the Property to a condominium regime and obtain ownership of the Ground Unit and City Unit; and

**WHEREAS**, the Mayor and City Council have been engaged in negotiations for the acquisition of said property and have been able to reach agreement on the transfer of the aforesaid UMCPF property; and

**WHEREAS**, the Mayor and City Council desire to use the authority granted to the City under State Law and the City Charter to acquire the property.

**Section 1.** **NOW THEREFORE BE IT ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that the acquisition 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 subjecting the Property to a condominium regime under which the City will own the Ground Unit and the City Unit, the property being described as:

That property owned by UMCPF Property IV-A, LLC, a Maryland limited liability company, by virtue of a Deed of Special Warranty and Quit Claim dated January 16, 2015 from Ronald Willoner, Trustee of the Charitable Remainder Unitrust under the Last Will and Testament of Hollis W. Renfrew dated January 14, 2009, recorded among the Land Records of Prince George's County, Maryland in Liber SJH No. 36639, folio 100, otherwise known as 7403 Baltimore Avenue, 7413 Baltimore Avenue, and Lehigh Road (no street number), with Tax Account Numbers 21-22988610, 2298586 and 2298594, respectively, together with the buildings and improvements thereupon, erected, made, or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages, in the same belonging or in anywise appertaining. See Exhibit A, Property Description, attached hereto and 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 purchase the parcels pursuant to this Ordinance in order to create a condominium regime is contingent upon the City and University

signing the Joint Development Agreement, AND THE CONDOMINIUM DOCUMENTS, AS DEFINED IN THE JOINT DEVELOPMENT AGREEMENT, prior thereto.

**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 24<sup>th</sup> day of March, 2020, shall follow the publication by at least seven (7) 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 14, 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 3<sup>rd</sup> day of March, 2020.

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

**EFFECTIVE** the 14<sup>th</sup> 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:  
Suellen M. Ferguson  
Suellen M. Ferguson, City Attorney