

Introduced by: Councilmember Snipper

Introduction and First Reading: June 13, 2011  
Second Reading and Adoption: July 11, 2011

Effective Date: August 30, 2011

## **CITY OF TAKOMA PARK**

### **CHARTER AMENDMENT RESOLUTION NO. 2011-01**

#### **A Resolution to Amend Article II, Section 202, Description of Corporate Boundaries in the *City of Takoma Park Municipal Charter* to Incorporate the Flower Avenue Right-of-Way as Annexed Pursuant to Takoma Park Resolution No. 2010-70**

**WHEREAS**, the *City of Takoma Park Municipal Charter*, Article II, Section 202 sets forth the corporate limits/boundaries for the City of Takoma Park; and

**WHEREAS**, the City Council adopted Annexation Resolution 2010-70 proposing the annexation of the right-of-way of Flower Avenue, adjacent to the City of Takoma Park, between the southern right-of-way boundary of Piney Branch Road and the location at which the Takoma Park boundary line proceeds east at a line south of Division Street; and

**WHEREAS**, Annexation Resolution 2010-70 became effective on May 12, 2011; and

**WHEREAS**, the City Council desires to amend the Charter, Article II, Section 202, Description of Corporate Boundaries in the City of Takoma Park to reflect the addition of the annexed area; and

**WHEREAS**, at the same time, the City Council desires to correct two minor typographical errors in Section 202.

**SECTION 1.** NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, pursuant to Article XI-E of the *Constitution of the State of Maryland*, Article 23A of the *Annotated Code of Maryland*, and Article V, Amendment Procedures of the *City of Takoma Park Municipal Charter*, that the *City of Takoma Park Municipal Charter* is amended as follows:

#### **Section 202 Description of Corporate Boundaries**

Being an area of land delineated and designated for the corporate limits/boundaries for the City of Takoma Park, situated among the 13th (Wheaton) Election District, Montgomery County, State of Maryland. The Corporate City limits being more particularly described as follows:

#### Explanatory Note:

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Beginning at the intersection of the third (3rd) line of the District of Columbia and the west line of the right of way of the Washington Metro Area Transit Authority, thence with said west right of way line, running along with but not adjacent to Takoma Avenue and Fenton Street to the point, thence crossing said Washington Metro Area Transit Authority and Fenton Street to the northern intersection of Fenton Street, Chicago Avenue, said point being on the northwestern right of way line of Chicago Avenue, thence with the northwestern right of way of Chicago Avenue to a point with the extension of the southwesterly right of way line of Boundary Avenue in a northwesterly direction, thence from said point, crossing over Chicago Avenue along the southwesterly right of way line of Boundary Avenue and northeastern property line of block number sixty-seven (67) of the Takoma Park Loan and Trust Company's Subdivision of Takoma Park to the northeast corner of Lot number one hundred and one (101), Block number sixty-seven (67), said point also being on the northwesterly line of Lot number one hundred (100) in the aforesaid block, thence with southeast right of way line of Boundary Avenue to a point at the northern most point of Lot one hundred (100) thence continuing along the northeastern property line of Lot number one hundred (100) to the northeast corner of said lot, thence along the southeastern property line to a point on said line, said point also being the western corner of Lot number ninety-three (93) in the aforesaid block, thence along the southern property line of said lot to a point on the northwestern right of way line with Takoma Avenue; thence across Takoma Avenue to the northwest corner of Lot number fifteen (15) in Block number seventy-one (71) of the aforesaid Takoma Park Loan and Trust Company's Subdivision of Takoma Park, said point also being the western corner of Lot number one (1), Block "D" in the subdivision entitled "Saratoga" thence with the northeasterly boundary line of said Block number seventy-one (71) crossing over Alfred Drive to the southeasterly right of way line of Alfred Avenue, thence along said right of way line to the southwestern right of way line of Ray Drive, thence along said right of way to the northwest right of way line of Piney Branch Road (~~formally~~ formerly known as Blair Road), said point also being the easterly corner of Lot number eleven (11) in the subdivision entitled "Saratoga Estates"; thence continuing on the same line in a southeast direction crossing Piney Branch Road to the southeastern right of way line of said road: thence along said right of way line of Piney Branch Road to the intersection with the easterly side of Mississippi Avenue; thence along the easterly and northerly line of Mississippi Avenue to its intersection with and northwesterly line of Hilltop Road, thence continuing in the same southeasterly direction crossing Hilltop Road to its intersection with the west bank of Sligo Creek; thence along the west bank of Sligo Creek to the southeasterly right of way line of Piney Branch Road; thence along the southeasterly line of Piney Branch Road to its intersection with the easterly ~~right~~ right of way line of Flower Avenue; thence along the easterly ~~right~~ right of way line of Flower Avenue to a point at the ~~southeast~~ southwest corner of Parcel 138 on Tax Map JN ~~563~~52, said point also lies southeast of Division Street, thence leaving said ~~right~~ right of way line and along the southerly line of Parcel 138, crossing Greenwood Avenue continuing along the southerly lines of N-136 and N-110 on the aforementioned Tax Map to the southwesterly right of way line of Garland Avenue, thence continuing in the same northeasterly direction across Garland Avenue and southerly line of Lot number five (5) in the subdivision entitled Flower Avenue Park to the southwestern property line of Lot number fourteen (14) in the subdivision of Pulvers Subdivision, thence along said property line of Lot number fourteen (14), Lot number thirteen (13) and southwesterly line of Parcel 158 of the aforementioned Tax Map to

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the northwesterly line of Carroll Avenue, thence across Carroll Avenue to the southeasterly right of way, thence along the aforesaid right of way in a northeasterly direction to the southern intersection of University Boulevard, East Route #193 (~~formally~~ formerly known as Bladensburg Road) and Carroll Avenue, said southern right of way lines of said intersection also common northern property lines of part of Lot number nineteen (19), Block number nineteen (19) in the subdivision entitled “New Hampshire Gardens”, thence along the southwesterly right of way line of University Boulevard, East Route #193, passing in transit and along with the Prince George’s County and Montgomery County Boundary to the southwest corner of the intersection with New Hampshire Avenue, thence continuing across said New Hampshire Avenue and southwesterly right of way of University Boulevard, East Route #193 to a point on the northeast corner of Parcel “A” in a subdivision entitled “Langley Acres”, thence along the eastern property line of said Parcel “A” and Parcel “A-1” in the subdivision of “Hanley” to the northern right of way line of Holton Lane, thence across said right of way and along the easterly line of Lot number five (5) in the subdivision entitled “Addition to Langley Park” to the southeastern corner of said Lot number five (5), thence along the common property line between the Board of Education and Parcel “B” in the subdivision entitled “Cohen Brothers Property” to the northern point of Lot number eleven (11), Block “T” in the subdivision of “Carole Highlands”, thence along the western line of said subdivision of Blocks “T”, “P” and “O” crossing in transit Hannon Street and Erskine Street to a point on the northern right of way line of Elson Street, said point also being the common property corner between Lot number one (1), Block “O” in the aforementioned subdivision and Lot number ten (10), Block number five (5) in the subdivision entitled “Hillwood Manor”, thence continuing across said Elson Street in a southern direction to the southern right of way line of said right of way, said point also being the common property corner with Lot number thirteen (13), Block “L” in a subdivision entitled “Carole Highlands” and Lot number one (1), Block number eight (8) in a subdivision entitled “Hillwood Manor”, thence along the division line of said subdivisions to the southern most point of Lot “B” in said Hillwood Manor subdivision, said point also being the westerly corner of Lot “A”, thence with westerly side of Lot “A” and crossing the right of way of Sligo Parkway, to a southeastern line of Sligo Creek Park, thence continuing with said southeastern line to the northwestern line of the Maryland-National Capital Park and Planning Commission (M-NCPPC), Sligo Creek Unit No. 5, Sligo Creek Park, thence along the common line between Sligo Creek Park and M-NCPPC to a point on the northeast corner of Lot number one (1), Block number forty-four (44), thence with the southeastern line of said lot to a point on the northeastern right of way line of Linden Avenue, thence across said right of way to the northeast corner of Lot number twelve (12), Block number twenty-eight (28) in the subdivision entitled “B.F.G. Takoma Park” said point also being on the northwestern right of way of Olson Road, thence along said right of way to a common property corner with Outlot “C” and Lot number eleven (11), Block number twenty-eight (28) in the B.F.G. subdivision, thence continuing with the southern line of said subdivision along Block number twenty-seven “C” (27C) and northern line of Parklawn Subdivision, Block “V” crossing in transit Larch Avenue to a point on the northern right of way line of East-West Highway, thence with said right of way line to point of intersection with the southeasterly right of way of New Hampshire Avenue, State Route No. 650, thence continuing with said right of way in a southwesterly direction to the intersection with the northeastern property line of the District of Columbia and the southwesterly line of the State of Maryland,

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said point also being the northeasterly right of way line of Eastern Avenue (District of Columbia side) ninety (90) foot right of way and southwesterly right line of Eastern Avenue (State of Maryland's side) thirty (30) foot right of way, thence along said division line between the District of Columbia and the State of Maryland with said Eastern Avenue in a northwesterly direction to a point at the intersection of Walnut Avenue and Eastern Avenue (Maryland side) said point also being the end of Eastern Avenue (Maryland side) and southeastern corner of Lot number thirty (30), Block "A" in the subdivision entitled "Gilbert & Wood Addition to Takoma Park", thence now continuing with the northeastern right of way line of Eastern Avenue (District of Columbia side) and southwesterly line of said subdivision in a northwesterly direction crossing over in transit Laurel Avenue to a point on the northerly right of way line of Carroll Avenue, said point also being the end of Eastern Avenue (District of Columbia side) and point on line of Lot number seventeen (17) Block number three (3) in the subdivision of "B.F. Gilberts Addition to Takoma Park", thence continuing in the said direction along the southwesterly line of said subdivision to the southeasterly right of way line of Cedar Avenue, said point also being the beginning and continuation of Eastern Avenue (District of Columbia side), thence with said subdivision and said right of way in a northwesterly direction crossing in transit Takoma Avenue and the Washington Metro Area Transit Authority to the point of beginning.

**SECTION 2.** BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, that the date of adoption of this Charter Amendment Resolution is July 11, 2011, and the amendment of the *City of Takoma Park Municipal Charter* enacted by this Resolution shall become effective on August 30, 2011 (50 days after its passage), unless a proper petition for referendum shall be filed as permitted by Section 502 of the *City of Takoma Park Municipal Charter* and *Annotated Code of Maryland*, Article 23A, Section 13. A complete and exact copy of this Charter Amendment Resolution shall be continuously posted on a bulletin board at the Takoma Park Community Center – Sam Abbott Citizens' Center from July 12, 2011, until August 22, 2011 (a period of at least 40 days following its adoption), and a fair summary of the proposed Charter amendment shall be published in a newspaper of general circulation in the City of Takoma Park once a week for four weeks within 40 days after passage of this Charter Amendment Resolution.

**SECTION 3.** AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, that the City Clerk is specifically directed to carry out the provisions of Section 2 of this Resolution and, as evidence of this compliance, the City Clerk shall maintain appropriate certificates of the publication of the newspaper in which the fair summary of the Charter Amendment Resolution shall have been published. If a favorable referendum is held on the proposed amendment, the Council shall proclaim the proposed Charter Amendment hereby enacted to have been approved by the voters and the Charter Amendment shall become effective on the date provided by law.

**SECTION 4.** AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, that as soon as the Charter Amendment enacted by this Resolution shall become effective, either as provided in this Resolution or following a referendum, the City Clerk shall send to the Department of Legislative Services of Maryland the following information

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concerning the Charter Amendment Resolution: (1) the complete text of this Charter Amendment Resolution; (2) the date of the referendum election, if any; (3) the number of votes, whether in the Council or in a referendum, cast for or against the Charter Amendment enacted by this Resolution; and (4) the effective date of the Charter Amendment.

**THE ABOVE CHARTER AMENDMENT** was enacted by the foregoing Charter Amendment Resolution No. 2011-01 which was passed at a meeting of the Council of the City of Takoma Park, Maryland, on the 11th day of July, 2011, seven members of the Council voting in the affirmative, no members of the Council voting in the negative, no members of the Council abstaining, and no members of the Council absent, and the said Charter Amendment Resolution becomes effective in accordance with the law on the 30th day of August, 2011.

**THIS CHARTER AMENDMENT RESOLUTION IS ADOPTED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, THIS 11TH DAY OF JULY, 2011, BY ROLL CALL VOTE AS FOLLOWS:**

**Aye:** Williams, Wright, Clay, Robinson, Seamens, Snipper, Schultz

**Nay:** None

**Abstain:** None

**Absent:** None

**COUNCIL OF THE CITY OF TAKOMA PARK**

\_\_\_\_\_  
Bruce R. Williams, Mayor

\_\_\_\_\_  
Terry Seamens, Councilmember, Ward 4

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Josh Wright, Councilmember, Ward 1

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Reuben Snipper, Councilmember, Ward 5

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Colleen Clay, Councilmember, Ward 2

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Fred Schultz, Councilmember, Ward 6

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Dan Robinson, Councilmember, Ward 3

ATTEST:

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Jessie Carpenter, CMC  
City Clerk  
Date: July 11, 2011

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