

COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

Resolution No. 2024-_____

WHEREAS, the County Commissioners of Charles County, Maryland, in accordance with Chapter 97, Sections 97-2 *et seq.* of the Code of Charles County, Maryland are empowered to improve, construct, acquire or maintain an existing stormwater management system after the approval by the Commissioners of a petition filed by a majority of the property owners whose property is benefitted by the storm drainage system:

WHEREAS, the County Commissioners of Charles County, Maryland have been petitioned by a majority of the property owners in the Swan Point Subdivision to improve, construct, and maintain the stormwater management system in the Fifth Election District of Charles County, Maryland ("the Petition");

WHEREAS, in accordance with Section 97-5 (C) of the Charles County Code, a public hearing on the Petition was advertised in the Southern Maryland News, Maryland Independent, a newspaper of general circulation and regularly published within Charles County, on _____, 202__ and _____, 202__;

WHEREAS, the County Commissioners of Charles County, Maryland held a public hearing on _____, 202__, to consider the Petition; and

WHEREAS, the County Commissioners of Charles County, Maryland in consideration of the entire record including all testimony, documents and exhibits offered there by way of oral, written or referenced material and in light of matters of public record of which official notice has been taken, have determined that it is in the public interest to approve the Petition.

NOW, THEREFORE, BE IT RESOLVED this _____ day of _____, 2024, by the County Commissioners of Charles County, Maryland, as follows:

1. The petition of the residents of the Swan Point Subdivision for the improvement, construction and maintenance of the Swan Point Subdivision stormwater management system set forth in the attached Exhibit A, is hereby granted.
2. The County Commissioners of Charles County, Maryland shall improve, construct, and maintain the Swan Point Subdivision stormwater management system in compliance with the Resolution, existing laws, rules, regulations, and standards of Charles County and in accordance with plans and specifications to be approved by the Charles County Department of Planning and Growth Management.
3. That upon completion of the improvement and construction of the Swan Point Subdivision stormwater management system and execution of all deeds and easement documents , the County Commissioners of Charles County, Maryland shall accept the stormwater management system for County maintenance.

4. That the total cost of the improvements and repairs of the Swan Point Subdivision stormwater management system shall be paid by the users over a (15) fifteen-year period by an annual benefit assessment levied against the owners of record of parcels of property which benefit by the stormwater management system as listed on the attached Exhibit A.
5. That said annual benefit assessment is hereby levied and shall be computed as follows:
 - A. The total cost of said improvements and repairs to the Swan Point Subdivision stormwater management system, as determined by the Department of Planning and Growth Management, shall be divided by the total number of parcels of property benefitting from the stormwater management system to determine the “total cost to each property”. The total cost of the improvements and repairs to the Swan Point Subdivision stormwater management system shall include, but not be limited to costs of surveying and engineering, land acquisitions costs; all legal fees, advertisement costs; inspection fees, permit fees and construction costs, plus interest to be set at the time of the assessment of prime plus one (1) percent per annum.
 - B. The “total cost to each property” shall be amortized over a (15) fifteen-year period to determine the annual benefit assessment to be levied against each of the properties served by the Swan Point Subdivision stormwater management system.
 - C. Upon completion of improvements and repairs to the Swan Point Subdivision stormwater management system, a quarterly fee shall be assessed and paid by each user to cover County maintenance of the stormwater management system.
6. That the County Commissioners of Charles County shall certify the amount of each assessment to the Chief of the Treasury for Charles County, Maryland on or before May 1, following completion of said improvements.
7. That the Chief of the Treasury for Charles County, Maryland, shall place said annual benefit assessment on the State and County real estate tax bill for said properties for fifteen (15) years commencing the fiscal year following completion of said improvements and construction continuing until the total benefit assessment is paid in full and shall be subject to discount and interest allowances and charges as provided by law.
8. That said annual benefit assessment shall constitute a lien on the said properties against which they are assessed, until paid, subject only to prior other State and County taxes.
9. That said annual benefit assessments may be collected in the manner provided in

Section 97-2 through 97-6, *et seq.* of the Charles County Code or in any other manner provided by law.

10. That at the time of a sale, conveyance, or other transfer of any property, or portion thereof, which is subject to the annual benefit assessment, the entire balance of the “total cost to each property” shall be transferable and become the obligation of the heirs, successors, and assigns, as provided by the Charles County Code and as amended from time to time.
11. That no deed or other conveyance of any real property which is subject to the aforesaid annual benefit assessment shall be transferred by the Department of Assessments and Taxation of Charles County, Maryland until proof of payment of the benefit assessment owed by the property owner through the date of transfer has been produced.
12. That the Resolution approved herein along with Exhibit A shall be recorded among the Land Records for Charles County.
13. That at any time prior to the actual commencement of construction of the Swan Point Subdivision Stormwater Management System Project, the County Commissioners of Charles County, Maryland, reserve the right to repeal this Resolution without the necessity to hold a further hearing concerning the matter. If for any reason this Resolution is repealed, the total cost of construction and improvement to the date of repeal shall be reimbursed to the County by the owners of record of parcels of property served or to be served by the Swan Point Subdivision stormwater management system, in the same manner as specified above relative to assessments.
14. That this Resolution shall become effective on this _____ day of _____, 202___.

COUNTY COMMISSIONERS OF
CHARLES COUNTY, MARYLAND

Reuben B. Collins, II, Esq., President

Ralph Patterson, II, M.A., Vice President

Gilbert O. Bowling, III

Thomasina O. Coates, M.S.

Amanda M. Stewart, M.Ed.

ATTEST:

Clerk to the County Commissioners

CERTIFICATE

I HEREBY CERTIFY that I am the duly appointed Clerk to the County Commissioners of Charles County, Maryland, and that the foregoing Resolution No. _____ was duly adopted by the County Commissioners of Charles County, Maryland on this _____ day of _____, 202____, in public session on a regular meeting day at which meeting a quorum was present.

Clerk to the County Commissioners

Approved as to Form and Legal Sufficiency:

County Attorney