



**Council of the Town of Leonardtown
Ordinance No. 174**

Subject: Purchase of Real Property to be Used as a New Town Hall

Date Introduced on First Reading: April 11, 2016

Date Adopted on Second Reading: April 18, 2016

Date Effective: May 9, 2016

AN ORDINANCE for the purpose of approving the Town of Leonardtown's purchase of certain real property more fully described herein, located at 22670 Washington Street, Leonardtown, Maryland, to be used as a new Town Hall and authorizing the Mayor and the Town Administrator to do any and all things and execute any and all documents necessary and incidental to the Town's purchase thereof; providing that the title of this Ordinance shall be deemed a fair summary; and generally relating to the purchase of real property in the Town of Leonardtown to be used as a new Town Hall.

RECITALS

WHEREAS, pursuant to § 5-204(c) of the Local Government Article of the Annotated Code of Maryland and §§ 501(49) and 1201 of the Charter of the Town of Leonardtown (the "Charter"), the Mayor and Commissioners of the Town of Leonardtown (the "Mayor and Commissioners"), as the chief legislative authority for The Commissioners of Leonardtown, a Maryland municipal corporation (the "Town"), are authorized and empowered to acquire by conveyance, purchase, or condemnation any real or leasehold property needed for a public purpose; and

WHEREAS, on December 14, 2015, a majority of the Mayor and Commissioners constituting a quorum met in closed session pursuant to Md. Code Ann., Gen. Prov. § 3-305(b)(3) to discuss the acquisition of certain real property more fully described herein, located at 22670 Washington Street, Leonardtown, Maryland (the "Property") and unanimously voted to authorize the Mayor and the Town Administrator to negotiate with the owner of the Property, Rainbow Construction Corporation of Waldorf ("Rainbow"), for the purchase of the Property, to be used as a new Town Hall, with the total purchase price, inclusive of costs and expenses, not to exceed \$600,000.00 and subject to final approval of the Mayor and Commissioners; and

WHEREAS, subsequent to the Mayor and Commissioners' December 14, 2015 meeting, the Mayor and the Town Administrator, on behalf of the Town, entered into negotiations with Rainbow for the purchase of the Property; and

WHEREAS, on March 14, 2016, a majority of the Mayor and Commissioners constituting a quorum met in closed session pursuant to Md. Code Ann., Gen. Prov. § 3-305(b)(3) to discuss the status of the negotiations with Rainbow, during which time the Mayor and the Town Administrator advised that they had reached an agreement in principle with Rainbow on a purchase price for the Property; and

WHEREAS, at the conclusion of the Mayor and Commissioners' March 14, 2016 closed session, the Mayor and Commissioners in attendance unanimously voted to authorize the Mayor to move forward with negotiating a contract for the Town's purchase of the Property in an amount not to exceed \$659,427.00, inclusive of demolition costs and interior renovation costs, but exclusive of closing costs and related expenses; and

WHEREAS, during the Mayor and Commissioners' April 11, 2016 regular meeting, the Mayor presented a contract for the purchase of the Property in the form attached hereto and incorporated herein by reference as Exhibit 1, entitled "Contract for Sale and Purchase of Real Property" (the "Contract"), which Contract has been approved by Rainbow; and

WHEREAS, the Mayor and Commissioners find that approving the Contract in substantially the same form as that attached hereto as Exhibit 1 and authorizing the Mayor and the Town Administrator to do any and all things and execute any and all documents necessary and incidental to the Town's purchase of the Property, to be used as the new Town Hall, would be in best interest of the health, safety, and welfare of the citizens of the Town.

SECTION I. BE IT ORDAINED BY THE MAYOR AND COMMISSIONERS OF THE TOWN OF LEONARDTOWN, that the Mayor and Commissioners hereby authorize the Town's purchase of all that certain real property located at 22670 Washington Street, Leonardtown, Maryland 20650, in the Third Election District of St. Mary's County, Maryland, being known and designated as Parcel 420 on St. Mary's County Tax Map 133, and containing 7,846 square feet of land, more or less, which property is more fully described in a Deed from PNC Bank, National Association, to Rainbow dated January 28, 2016 and recorded among the Land Records of St. Mary's County, Maryland in Liber J.W.W. No. 4329, folio 287, together with all rights, ways, privileges, and easements appurtenant thereto, the appurtenances and all the estate and rights of Rainbow in and to the land and improvements, and all right, title, and interest of Rainbow, if any, in and to the fixtures, equipment, and other personal property attached or appurtenant to the land or improvements.

SECTION II. AND BE IT FURTHER ORDAINED that the Mayor and Commissioners hereby authorize the Mayor to execute a contract for the purchase of the foregoing Property in substantially the same form as the Contract attached hereto as Exhibit 1; provided, however, that the purchase price, inclusive of demolition costs and interior renovation costs, but exclusive of closing costs and related expenses, shall not exceed \$659,427.00.

SECTION III. AND BE IT FURTHER ORDAINED that the Mayor and Commissioners hereby authorize the Mayor and the Town Administrator to do any and all things and execute any and all documents necessary and incidental to the Town's purchase of the foregoing Property.

SECTION IV. AND BE IT FURTHER ORDAINED that the recitals to this Ordinance are incorporated herein and deemed a substantive part of this Ordinance.

SECTION V. AND BE IT FURTHER ORDAINED that this Ordinance is not intended to become part of the Town Code.

SECTION VI. AND BE IT FURTHER ORDAINED that, if any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance, it being the intent of the Mayor and Commissioners that this Ordinance shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.

SECTION VII. AND BE IT FURTHER ORDAINED that all ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION VIII. AND BE IT FURTHER ORDAINED that the title of this Ordinance, or a condensed version thereof, shall be deemed to be, and is, a fair summary of this Ordinance for publication and all other purposes.

SECTION IX. AND BE IT FURTHER ORDAINED that this Ordinance shall become effective twenty (20) days following approval by the Mayor or passage by the affirmative vote of four-fifths of the whole Commissioners after veto by the Mayor.

[SIGNATURES FOLLOW ON THE NEXT PAGE]

Attest:

Commissioners of Leonardtown:

Laschelle E. McKay
Town Administrator

Leslie E. Roberts
Vice President

Seal:

Thomas M. Combs
Council Member

Hayden T. Hammett
Council Member

J. Maguire Mattingly, IV
Council Member

Roger L. Mattingly
Council Member

This Ordinance was presented to the Mayor for his approval or disapproval pursuant to Section 210 of the Charter of the Town of Leonardtown this ___ day of _____, 2016.

Laschelle E. McKay, Town Administrator

In accordance with Section 210 of the Charter of the Town of Leonardtown, I hereby (Approve) or (Disapprove) _____ this Ordinance ___ day of _____, 2016.

Daniel W. Burris, Mayor