

ORDINANCE NO.	<u>2014-03</u>
INTRODUCED	<u>05/19/2014</u>
PUBLIC HEARING	<u>06/09/2014</u>
ENACTED	_____
EFFECTIVE	_____

ORDINANCE TO AUTHORIZE ISSUANCE OF PERMANENT EASEMENTS FOR MAIN BUILDINGS INITIALLY CONSTRUCTED IN PART ON LAND OWNED BY THE TOWN OF WASHINGTON GROVE

WHEREAS, the Charter for the Town of Washington Grove empowers the Town Council to:

- control, protect, and maintain public buildings, grounds, and property of the Town;
- sell, lease, or otherwise dispose of any property belonging to the Town; and
- enact and enforce a building code for the construction of buildings in the Town.

WHEREAS, certain main buildings in the Town were initially constructed in part on land that is owned by the Town.

WHEREAS, based on completed block boundary surveys for Blocks 2, 3, 9, 10, 11, 12, 14, 16, and 17, a limited number of situations have been identified where small portions of main buildings have a long-standing presence on land owned by the Town.

WHEREAS, a number of main buildings so constructed are part of the historic fabric of the Town.

WHEREAS, the Mayor and Council have determined that it is in the public interest under certain conditions to grant a permanent easement to accommodate that portion of main buildings initially constructed on land owned by the Town.

**Section 1. NOW THEREFORE, BE IT ORDAINED AND ENACTED,** by the Mayor and Council of the Town of Washington Grove, Maryland that Article IV, Building Permit Regulations, Section 10, “Grant of Permanent Easement for Use of Town Land” be and is hereby enacted to read as follows:

**SECTION 10. GRANT OF PERMANENT EASEMENT FOR USE OF TOWN LAND.**

THE MAYOR AND COUNCIL MAY BY RESOLUTION GRANT A PERMANENT EASEMENT FOR USE OF CERTAIN TOWN-OWNED LAND TO AUTHORIZE THE USE

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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

AND LOCATION, AND THE REPLACEMENT OR RECONSTRUCTION, OF A PORTION OF ANY MAIN BUILDING OTHERWISE LEGALLY EXISTING IN THE TOWN ON JANUARY 1, 2014, UNDER THE FOLLOWING CIRCUMSTANCES:

1. AN APPLICATION FOR A PERMANENT EASEMENT, AND IN THE CASE OF REPLACEMENT OR RECONSTRUCTION, A BUILDING PERMIT AND PLANS, HAS BEEN SUBMITTED BY THE OWNER OF THE PROPERTY. THE APPLICATION(S) MUST BE ACCOMPANIED BY FOUR COPIES OF AN IDENTIFICATION PLAT PREPARED BY A CIVIL ENGINEER, SURVEYOR OR OTHER COMPETENT PERSON, INDICATING BY METES AND BOUNDS, BEARINGS AND DISTANCES, OR BY LOT, BLOCK AND SUBDIVISION, THE LAND AND ITS AREA FOR WHICH THE PERMANENT EASEMENT/BUILDING PERMIT IS SOUGHT AND THE PORTION OF SAID LAND WHICH IS OWNED BY THE TOWN, AND SHOWING THE ADJOINING PROPERTIES AND STREETS AND RIGHTS OF WAY, NORTH POINT AND SCALE, AND ANY OTHER PERTINENT INFORMATION. THE LAND FOR WHICH A PERMANENT EASEMENT IS SOUGHT MUST BE OUTLINED IN RED.

2. THE PLANS REFLECT RECONSTRUCTION OR REPLACEMENT TO THE ORIGINAL DIMENSIONS WITHOUT ANY ENLARGEMENT OF ANY NON-COMPLIANCE AND THE APPLICATION(S) AND PLANS REFLECT THE PROPERTY OWNER'S INTENT TO MAINTAIN THE PORTION OF THE MAIN BUILDING ON LAND OWNED BY THE TOWN IN A MANNER THAT IS RESPECTFUL OF THE HISTORICAL INTEGRITY OF THE TOWN AND COMPATIBLE WITH THE NEIGHBORHOOD AND IMPROVEMENTS THEREIN.

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3. THE APPLICATION FOR PERMANENT EASEMENT AND FOR ANY BUILDING PERMIT AND PLANS HAVE BEEN REVIEWED UNDER THE PROVISIONS OF THIS ARTICLE BY THE PLANNING COMMISSION AND THE HISTORIC PRESERVATION COMMISSION AND THE BUILDING PERMIT IS OTHERWISE APPROVED, SUBJECT TO THE COUNCIL GRANTING A PERMANENT EASEMENT.

4. A RECOMMENDATION HAS BEEN ISSUED BY THE PLANNING COMMISSION TO THE COUNCIL SUPPORTING THE ISSUANCE OF A PERMANENT EASEMENT FOR USE OF TOWN-OWNED LAND.

5. THE OWNER OF THE PROPERTY ENTERS INTO, ON BEHALF OF THE OWNER AND ANY SUCCESSORS AND ASSIGNS, AN AGREEMENT ACCEPTABLE TO THE TOWN THAT GRANTS A PERMANENT EASEMENT FOR USE OF TOWN-OWNED LAND. THE EASEMENT SHALL SPECIFICALLY IDENTIFY AND THEN RESTRICT THE USE OF THE EASEMENT TO ACCOMMODATE THE PORTION OF THE MAIN BUILDING ON TOWN-OWNED LAND. THE EASEMENT SHALL PROVIDE FOR ELIGIBILITY FOR RECONSTRUCTION OR REPLACEMENT OF THAT PORTION OF THE MAIN BUILDING ON TOWN-OWNED LAND AS AUTHORIZED BY THE TOWN IN A BUILDING PERMIT. SUCH RECONSTRUCTION OR REPLACEMENT SHALL ADHERE TO THE SAME DIMENSIONS, WITHOUT ENLARGEMENT OF ANY NON-COMPLIANCE, AND IN ANY EVENT SHALL BE RESPECTFUL OF THE HISTORICAL INTEGRITY OF THE TOWN AND COMPATIBLE WITH THE NEIGHBORHOOD AND IMPROVEMENTS THEREIN. THE EASEMENT SHALL INCLUDE A PROVISION THAT PROVIDES FOR TERMINATION OF THE EASEMENT IF THE TERMS ARE NOT STRICTLY ADHERED TO, OR IF THE

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EASEMENT IS NO LONGER NECESSARY TO ACCOMMODATE THE IDENTIFIED PORTION OF THE MAIN BUILDING ON TOWN-OWNED LAND.

6. THIS SECTION APPLIES TO THE FOLLOWING PROPERTIES:

1 CIRCLE

2 CIRCLE

13 CIRCLE

15 CIRCLE

17 CIRCLE

203 SECOND AVENUE

409 FIFTH AVENUE

315 GROVE AVENUE

**Section 2.** EFFECTIVE DATE: This Ordinance shall become effective thirty (30) days from the date of enactment hereof in the absence of a petition by qualified voters as set forth in Section 15 of the Charter of the Town.

ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

TOWN OF WASHINGTON GROVE

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Town Clerk

\_\_\_\_\_  
Date

\_\_\_\_\_  
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