



*Gregory J. Swain, County Attorney*

## MEMORANDUM

**To:** Members, Anne Arundel County Council

**From:** Christine B. Neiderer, Senior Assistant County Attorney

**Via:** Gregory J. Swain, County Attorney

**Date:** September 19, 2022

**Subject:** Bill No. 86-22 – Purchasing – Acquisition of real property by gift

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### Legislative Summary

This summary was prepared by the Anne Arundel County Office Law for use by members of the Anne Arundel County Council during consideration of Bill No. 86-22, which approves the County’s acquisition of real property by gift.

**Background.** Cynthia P. Alexander and Katherine P. Schaeffgen (collectively, the “Grantors”) own real property consisting of 12.101 acres of land, more or less, fronting on Laurel Ft. Meade Road, in Laurel, Maryland 20724 (“Property”). The Property is further described in a deed dated July 11, 2015, and recorded among the land records of Anne Arundel County (“Land Records”) in Book 28751, Page 51. The Property is heavily wooded and impacted by flooding from the Little Patuxent River, and is part of the natural drainage system.

The Grantors desire to donate, and the County Department of Public Works Bureau of Watershed Protection and Restoration Program (“BWPR”) desires to acquire, the Property to use for a stream restoration project. Specifically, BWPR intends to use the Property as part of a restoration project being implemented to provide ecological enhancement and support the requirements of the National Pollutant Discharge Elimination System (“NPDES”) Municipal Separate Storm Sewer System (“MS4”) permit issued to the County by the Maryland Department of the Environment and to assist the County in meeting pollutant load reductions associated with the Chesapeake Bay Total Maximum Daily Load (“TMDL”).

Section 8-3-101(b) of the County Code requires that gifts of real property to the County must be approved by the County Council by ordinance. Before seeking the Council’s approval,

**Note: This Legislative Summary provides a synopsis of the bill as introduced. It does not address subsequent amendments to the bill.**

the County Executive is required to identify a public purpose for the property, to ensure that the Director of the Department of Public Works conducts an environmental assessment and identifies potential hazards and remediation expenses, and to ensure that the Budget Officer provides an assessment of any fiscal impact of the gift.

The County Executive has identified a public purpose for the Property as it borders on the Little Patuxent River and will be used for a stream restoration project.

The Director of Public Works contracted with Arc Environmental to conduct a Phase I Environmental Site Assessment for the Property. The EA revealed no evidence of significant environmental hazards on the Property. The EA, however, identified two minor environmental conditions that DPW intends to mitigate.

In addition, the Budget Officer provided a written assessment of the fiscal impact of the proposed gift, concluding that the proposed gift will have a minimal fiscal impact with respect to a reduction in the County's property tax receipts, and that certain one-time recordation costs and ongoing modest maintenance costs should be de minimis.

**Purpose and Summary.** The purpose of the ordinance is to approve the County's acquisition by gift of real property totaling 12.101 acres of land more or less, from Cynthia P. Alexander and Katherine P. Schaeffgen, as required by § 8-3-101 of the County Code.

The Office of Law is available to answer any additional questions regarding the attached ordinance. Thank you.

cc: Honorable Steuart Pittman, County Executive  
Matthew Power, Chief Administrative Officer  
Dr. Kai Boggess-de Bruin, Chief of Staff  
Peter Baron, Director of Government Relations  
Chris Trumbauer, Senior Policy Advisor to the County Executive and Budget Officer  
Christine Anderson, Central Services Officer  
Christopher Phipps, Director of Public Works