



Gregory J. Swain, County Attorney

MEMORANDUM

To: Members, Anne Arundel County Council

From: Kinley R. Bray, Senior Assistant County Attorney /s/

Via: Gregory J. Swain, County Attorney /s/

Date: February 18, 2020

Subject: Bill No. 8-20: Loch Haven Special Community Benefit District

Legislative Summary

This summary was prepared by the Anne Arundel County Office of Law for use by members of the Anne Arundel County Council during consideration of a bill that establishes the Loch Haven Special Community Benefit District.

Purpose. The purpose of this bill is to establish a new Loch Haven Special Community Benefit District in Councilmanic District 7.

Background. A special community benefit district (“SCBD”) is a geographic designation for an area of the County that has requested to be assessed a special tax to accomplish one or more purposes common to and benefiting the owners of the property in that area. Article 4, Title 7, of the County Code sets forth the procedures for forming, administering, and modifying an SCBD. The owners of a majority of the properties included in the district must sign the petition in the affirmative, thus assenting to the modification of the district. If a majority of “yes” votes is received, legislation to modify the purposes of the district is presented to the County Council.¹

This Bill seeks to establish the Loch Haven SCBD as defined by the areas noted in Section 2 of the Bill. The purpose of the SCBD is, as proposed by the property owners in the proposed district:

¹ The Office of Law notes that although Bill No. 28-19 increased the threshold for creating a *new* special community benefit district from a simple majority to two-thirds. The proposed petition to create the Loch Haven Special Community Benefit District had been submitted to the County for review prior to the enactment of Bill No. 28-19, therefore, we review this proposal under the previous threshold of a simple majority of property owners in the District.

To maintain, construct, improve, develop, acquire, replace, repair and protect community-owned real property and improvements, including dredging, erosion control, lighting, security systems, security patrols, and utilities improvements; to provide for construction, dredging, and maintenance of the community pier, boat slips, boat launch ramp and other community-owned property; and to provide for the administrative implementation and operating expenses incidental and necessary to carrying out these purposes, such as insurance, legal fees and taxes, including the ability to borrow funds and pledge assets in order to accomplish any of the purposes of the district and the repayment of any loan, including the interest thereon.

The method of taxation shall be a uniform assessment per tax account. Finally, the Loch Haven Civic Association, Inc., a civic or community association that meets the criteria set forth in Anne Arundel County Code § 4-7-101(d), will be responsible for administering the SCBD assessments in furtherance of the purposes of the District.

The Budget Office and the Office of Law approved the proposed petition and it was circulated for signatures of property owners, with a majority voting “yes.” A copy of the petition is attached hereto.

Summary. This bill establishes the Loch Haven Special Community Benefit District, sets the method of taxation as a uniform assessment per tax account, and designates the Loch Haven Civic Association, Inc. as the entity responsible for administering the SCBD.

Please let me know if there are any questions about this bill.

cc: Honorable Steuart Pittman, County Executive
Jennifer Purcell, Chief of Staff
Benjamin J. Birge, Chief Administrative Officer
Peter Baron, Legislative Liaison
Jim Beauchamp, Budget Officer
Janae Moulden, Budget Analyst

LOCH HAVEN BEACH aka CAPE LOCH HAVEN

I(We), the designated property owner(s) of Loch Haven Beach also known as Cape Loch Haven petition the County Council of Anne Arundel County to establish the Loch Haven Special Community Benefit District, in accordance with Anne Arundel County Code Section 4-7-202. The limits of the proposed Loch Haven Special Community Benefit District are: those lands, lots and parcels shown on the following plats recorded among the Land Records of Anne Arundel County: Loch Haven Beach, recorded in Plat Book 19, folio 19; Loch Haven Beach, Section 2, recorded in Plat Book 19, folio 47; Cape Loch Haven, recorded in Plat Book 22, folio 15; Loch Haven Beach, Section 2, Revision, recorded in Plat Book 22, folio 31; Loch Haven Beach, Section 2, Revision, recorded in Plat Book 23, folio 11.

The purposes of the district are:

1. To maintain, construct, improve, develop, acquire, replace, repair and protect community-owned real property and improvements, including dredging erosion control, lighting, security systems, security patrols, and utilities improvements.
2. To provide for construction, dredging and maintenance of the community pier, boat slips, boat launch ramp and other community-owned property.
3. To provide for the administrative implementation and operating expenses incidental and necessary to carrying out these purposes, such as insurance, legal fees and taxes, including the ability to borrow funds and pledge assets in order to accomplish any of the purposes of the district and the repayment of any loan, including the interest thereon.

It is requested that the method of taxation be a uniform assessment per tax account.

The Loch Haven Civic Association, Inc., a civic or community association that meets the criteria set forth in the Anne Arundel County Code, Section 2-102, shall be responsible for administering the special community benefit district assessments in furtherance of the purposes of the Loch Haven Special Community Benefit District.

I (We), the undersigned, affirm under the penalties of perjury that I am (we are) the owner(s) of the property whose address is [redacted] Edgewater MD 21037 within the proposed Loch Haven Special Community Benefit District.

**PLEASE SIGN YOUR FULL NAME AS IT APPEARS ON YOUR DEED.
IF YOU ARE UNSURE, SPELL OUT YOUR FIRST, MIDDLE AND LAST NAMES. ALL OWNERS
OF RECORD MUST SIGN.**

[redacted signature area]

I vote YES

Signature and Printed Name

11-28-19 Date

I vote NO

[redacted signature area]

I vote YES

Signature and Printed Name

11-28-19 Date

I vote NO