

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2010, Legislative Day No. 29-10

Bill No. 74-10

Introduced by Mr. Middlebrooks, Chairman  
(by request of the County Executive)

By the County Council, July 19, 2010

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Introduced and first read on July 19, 2010

Public Hearing set for August 16, 2010

Bill Expires October 22, 2010

By Order: Judy C. Holmes, Administrative Officer

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A BILL ENTITLED

1 AN ORDINANCE concerning: Developer's and Settlement Agreement among Anne  
2 Arundel County, Two Rivers Development Company, LLC, Koch-Two Rivers, Inc.,  
3 Two Rivers Investors, LLC, and Piney Orchard Utility Company, LLC.  
4

5 FOR the purpose of approving the Developer's and Settlement Agreement among Anne  
6 Arundel County, Two Rivers Development Company, LLC, Koch-Two Rivers, Inc.,  
7 Two Rivers Investors, LLC, (hereinafter collectively referred to occasionally as "Two  
8 Rivers") and Piney Orchard Utility Company, LLC.  
9

10 WHEREAS, pursuant to § 13-5-402 of the Anne Arundel County Code, on January  
11 24, 2007, Two Rivers received a residential allocation from the County for water and  
12 wastewater capacity and, on January 29, 2007, Two Rivers received a commercial  
13 allocation from the County for water and wastewater capacity, said allocations  
14 constituting a total of 2,137 equivalent dwelling units ("EDUs"); and  
15

16 WHEREAS, Two Rivers is subject to all fees and charges set forth in § 13-5-403 of  
17 the Anne Arundel County Code; and  
18

19 WHEREAS, Two Rivers is in arrears to the County for sewer allocation reservation  
20 charges and related late fees for the period ending June 30, 2010, in the total amount  
21 of Six Hundred Seventy-Three Thousand Seven Hundred Eighty-Five Dollars  
22 (\$673,785.00) ("Two Rivers' Sewer Arrearages"); and  
23

24 WHEREAS, Two Rivers has secured 500,000 gallons per day ("GPD") of capacity at  
25 the Piney Orchard Treatment Plant; and

1 WHEREAS, Two Rivers desires to relinquish all but 200 EDUs of its sewer  
2 allocation and receive a phased-in allocation of at least 200 additional EDUs per year  
3 beginning on January 1, 2011 until it is allocated 2,137 EDUs, and the fees for the  
4 relinquishment of all but 200 EDUs of its sewer allocation total One Million Seven  
5 Hundred Sixty-Two Thousand Six Hundred Seventy Dollars (\$1,762,670.00) (“Two  
6 Rivers’ Sewer Relinquishment Charges”); and  
7

8 WHEREAS, Two Rivers desires to settle its arrearages with the County by  
9 effectuating the transfer of 500,000 GPD of equivalent nutrient load capacity from  
10 the Piney Orchard Treatment Plant to the County for value, and the County is willing  
11 to accept 500,000 GPD of equivalent nutrient load capacity from the Piney Orchard  
12 Treatment Plant as payment to settle Two Rivers’ Sewer Arrearages and the Two  
13 Rivers’ Sewer Relinquishment Charges; and  
14

15 WHEREAS, Two Rivers is also in arrears to the County for water allocation  
16 reservation charges and related late fees for the period ending June 30, 2010, in the  
17 total amount of Three Hundred Eighty-Three Thousand Four Hundred Nine Dollars  
18 (\$383,409.00) (“Two Rivers’ Water Arrearages”); and  
19

20 WHEREAS, Two Rivers desires to relinquish all but 200 EDUs of its water  
21 allocation and receive a phased-in allocation of at least 200 additional EDUs per year  
22 beginning on January 1, 2011 until it is allocated 2,137 EDUs, and the fees for the  
23 relinquishment of all but 200 EDUs of its water allocation total One Million One  
24 Hundred Thirty-Three Thousand One Hundred Forty-Five Dollars (\$1,133,145.00)  
25 (“Two Rivers’ Water Relinquishment Charges”); and  
26

27 WHEREAS, the Anne Arundel County Department of Public Works and the Office  
28 of Planning and Zoning have negotiated a Developer’s and Settlement Agreement  
29 with Two Rivers Development Company, LLC, Koch-Two Rivers, Inc., Two Rivers  
30 Investors, LLC, and Piney Orchard Utility Company, LLC, but the Developer’s and  
31 Settlement Agreement is not effective until the date that an ordinance of the Anne  
32 Arundel County Council ratifying the Developer’s and Settlement Agreement  
33 becomes law; and  
34

35 WHEREAS, a copy of the Developer’s and Settlement Agreement among Anne  
36 Arundel County, Two Rivers Development Company, LLC, Koch-Two Rivers, Inc.,  
37 Two Rivers Investors, LLC, and Piney Orchard Utility Company, LLC is attached  
38 hereto and incorporated herein; now, therefore  
39

40 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*  
41 *That the Developer’s and Settlement Agreement among Anne Arundel County, Two Rivers*  
42 *Development Company, LLC, Koch-Two Rivers, Inc., Two Rivers Investors, LLC, and*  
43 *Piney Orchard Utility Company, LLC is approved.*  
44

45 SECTION 2. *And be it further enacted,* That this Ordinance shall take effect 45 days  
46 from the date it becomes law.