

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2019, Legislative Day No. 7

Bill No. 23-19

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

By the County Council, April 1, 2019

Introduced and first read on April 1, 2019
Public Hearing set for and held on May 6, 2019
Public Hearing on AMENDED bill set for and held on May 20, 2019
Bill Expires July 5, 2019

By Order: JoAnne Gray, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Public Works – Heritage Harbour Condominium Phases 1
2 through 10 Water and Wastewater Petition – Front Foot Benefit Assessment

3
4 FOR the purpose of approving a special “per-unit” front foot benefit assessment rate for
5 the County’s takeover of the Heritage Harbour Condominium, Phases 1 through 10
6 Water and Wastewater Systems.

7
8 WHEREAS, in accordance with § 13-5-303(a)(2) of the Anne Arundel County
9 Code (2005, as amended), a majority of the owners of certain real property
10 petitioned the Department of Public Works to bring the private water and
11 wastewater facilities up to County standards such that the private facilities can
12 become owned by the County; and

13
14 WHEREAS, such real property consists of a total of 106 residential dwelling units
15 which are further identified as “Phase 1 Heritage Harbour Condominium”, as set
16 forth in Plat number E-776 through E-779 , recorded in the Plat Records at Plat
17 Book E-16, pages 26 through 49; “Phase 2 Heritage Harbour Condominium”, as
18 set forth in Plat number E-1067 through E-1072, recorded in the Plat Records at
19 Plat Book E-22, pages 17 through 22; “Phases 3, 7 and 8 Heritage Harbour
20 Condominium”, as set forth in Plat number E-1185 through E-1196, recorded in the
21 Plat Records at Plat Book E-24, pages 35 through 46; “Phases 4 and 6 Heritage
22 Harbour Condominium”, as set forth in Plat number E-1114 through E-1120,
23 recorded in the Plat Records at Plat Book E-23, pages 14 through 20; “Phases 5 and
24 10 Heritage Harbour Condominium”, as set forth in Plat number E-1103 through
25 E-1107, recorded in the Plat Records at Plat Book E-23, pages 3 through 7; and

EXPLANATION: Underlining indicates amendments to bill.
~~Strikeover~~ indicates matter stricken from bill by amendment.

1 “Phase 9 Heritage Harbour Condominium”, as set forth in Plat number E-1275
2 through E-1279, recorded in the Plat Records at Plat Book E-26, pages 25 through
3 29 (collectively referred to as “Heritage Harbour Condominium, Phases 1 through
4 10”);

5
6 WHEREAS, the “Heritage Harbour Water Takeover”, Capital Project Number
7 W805700 and the “Heritage Harbour Sewer Takeover”, Capital Project Number
8 S807500, are petition projects under Article 13, Title 5, Subtitle 3 of the Anne
9 Arundel County Code (collectively, the “Project”); and

10
11 WHEREAS, § 13-5-601, et seq. of the Anne Arundel County Code (2005, as
12 amended) provides for a front foot benefit assessment to recover the cost to the
13 County of constructing water and wastewater facilities and bringing private water
14 and wastewater facilities up to County standards so that the facilities can become
15 owned by the County, which is assessed against property owners on the basis of
16 boundary feet, or front footage, of a property;

17
18 WHEREAS, Heritage Harbour Condominium, Phases 1 through 10 are subject to a
19 condominium Declaration, as amended, under which each unit owner pays an equal
20 proportionate share “per-unit” for the common expenses and for the maintenance
21 of the condominium common areas;

22
23 WHEREAS, a majority of the property owners within Heritage Harbour
24 Condominium, Phases 1 through 10 voted to approve the assessment of the front
25 benefit assessment for the Project on a “per-unit” basis rather than on a front foot
26 basis;

27
28 WHEREAS, the Director of the Department of Public Works has requested that the
29 County Council approve a special front foot benefit assessment for the Heritage
30 Harbour Six Coves Takeover Project on a “per-unit” basis; now, therefore

31
32 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
33 That a special front foot benefit assessment for properties to be served by the Project within
34 Heritage Harbour Condominium, Phases 1 through 10, is hereby approved by the County
35 Council to be assessed on a “per-unit” basis, with the identification of a “unit” for purposes
36 of the front foot benefit assessment to be each dwelling unit as shown on the plats of
37 Heritage Harbour Condominium, Phases 1 through 10 that has a separate tax identification
38 number according to the Property Account Identification Numbers assigned by the
39 Maryland Department of Assessments and Taxation.

40
41 SECTION 2. *And be it further enacted,* That there shall be imposed on each dwelling
42 unit to be served by the Project as shown on the plats of Heritage Harbour Condominium,
43 Phases 1 through 10, a front foot benefit assessment in an amount not to exceed ~~\$1,585.28~~
44 \$1,584.28 per unit, per year for the water portion of the Project and \$786.09 per unit, per
45 year for the wastewater portion of the Project, each for a period of 30 years to recover the
46 cost to the County of constructing water and wastewater facilities and bringing private
47 water and wastewater facilities up to county standards so that the facilities can become
48 owned by the County.

1 SECTION 3. *And be it further enacted*, That this Ordinance shall take effect 45 days
2 from the date it becomes law.

AMENDMENT ADOPTED: May 6, 2019

READ AND PASSED this 20th day of May, 2019

By Order:



JoAnne Gray
Administrative Officer

PRESENTED to the County Executive for his approval this 21st day of May, 2019



JoAnne Gray
Administrative Officer

APPROVED AND ENACTED this 23rd day of May, 2019



Steuart Pittman
County Executive

EFFECTIVE DATE: **JUL 7 2019**

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF BILL NO.
23-19 THE ORIGINAL OF WHICH IS RETAINED IN THE FILES
OF THE COUNTY COUNCIL.



JoAnne Gray
Administrative Officer