



ANNE ARUNDEL COUNTY OFFICE OF LAW

Legislative Summary

To: Members, Anne Arundel County Council

From: Christine Neiderer, Senior Assistant County Attorney /s/

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

Date: November 20, 2023

Subject: Resolution No. 53-23 – Relating to the condemnation proceedings to acquire real properties located in Gambrills, Maryland, for the purpose of the Towsers Branch Stream Restoration Project

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 Resolution No. 53-23.

Background

The County owns property comprised of approximately 8.55 acres, shown as Parcel 61 on Tax Map 36, and designated as floodplains, in Gambrills, Maryland 21054 (“County Property”). The County Property is further described in a deed recorded in the Land Records of Anne Arundel County in Book 29742, page 307. Towsers Branch stream runs through the County Property as shown on the aerial photograph attached hereto as Exhibit 1.

WSC Evergreen Business Trust (“Evergreen”) owns adjacent property known as 2515 Evergreen Road in Gambrills, Maryland, and identified as Parcel 351 on Tax Map 36. In response to Evergreen’s proposed development activities in the surrounding area, the County Office of Planning and Zoning required Evergreen to design and obtain permits for a stream restoration project, which the County will build under Capital Project No. B556700, once all permits are obtained (“Restoration Project”).

The Restoration Project will impact a number of floodplain and riparian parcels. In order to obtain permits for the Restoration Project, Evergreen is required to obtain authorization and approval from all impacted property owners. Evergreen determined, however, they could not obtain the necessary authorization and approval to obtain the permits. Evergreen subsequently requested that the County proceed with condemnation proceedings for the properties comprised of 0.159 acres +/- (“Lavender Parcel”) and 0.364 acres +/- (“Chaney Parcel”), described in Exhibits A and B, and shown on Exhibit C, each attached to the Resolution (collectively, the “Property”).

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

The Property appears to have been created and “leftover” as the result of various “out” conveyances over the years.

The Department of Public Works (“DPW”) has been unable to purchase the Property from the record owners, who are deceased. DPW has pursued acquiring the property from the personal representative and heirs of the Ida M. Lavender as to the Lavender Parcel, and the personal representatives and heirs of Evelyn Janice Africa, Lawrence Wesley Chaney, Dorothy May Proutt, Merel Stockett Chaney a/k/a Merel S. Chaney, Sr., Lester L. Chaney, and Olive W. Larrimore, as to the Chaney Parcel. Many of these heirs and personal representatives are also deceased.

DPW is currently working on obtaining appraisals for the Lavender Parcel and Chaney Parcel. The County intends to proceed with the condemnation of the properties in accordance with the Real Property Article, Title 12, of the State Code, and the Maryland Rules of Procedure, and pay the proceeds to the Orphan’s Court for distribution to the heirs.

Section 8-3-101(c)(2) of the County Code provides that property may be acquired by condemnation after identification by the County Council, together with a determination and declaration that the acquisition is necessary for a public purpose, which purpose DPW has determined is for right-of-way acquisition and construction of the Restoration Project in a highly eroded stream channel originating under Maryland Route 3, near Evergreen Road, in the Little Patuxent River Watershed.

Purpose

The purpose of the Resolution is to identify the property to be condemned and determine and declare that it is necessary for a public purpose, which purpose is for right-of-way acquisition and construction of stream restoration in a highly eroded stream channel originating from the culvert under Maryland Route 3, near Evergreen Road, in the Little Patuxent River Watershed, that the County acquire the Property in fee simple.

The Office of Law is available to answer any additional questions regarding this Resolution. Thank you.

cc: Honorable Steuart Pittman, County Executive
Christine Anderson, Chief Administrative Officer
Jeff Amoros, Chief of Staff
Peter Baron, Chief Strategy Officer
Ethan Hunt, Government Relations Officer
Karen Henry, Director of Public Works

Towers Branch



Legend

Foundation

Parcels



Property to be condemned:



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Notes

THIS MAP IS NOT TO BE USED FOR NAVIGATION

