



TOWN OF BERWYN HEIGHTS

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Berwyn Heights, Maryland 20740
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MAYOR
Cheryl A. Jewitt

COUNCIL MEMBERS
Jodie A. Kulpa-Eddy (Mayor Pro Tem)
Patricia D. Dennison
Christopher J. Rasmussen
Gerald J. Shields

CHARTER RESOLUTION 1-2017

A Resolution to Amend the Charter of the Town of Berwyn Heights to strike Section 202 “Corporate Boundaries”

WHEREAS, Section 202 of the Town Charter contains the corporate boundaries of the Town through a description based on geographic coordinates, land records, and historical street names; and

WHEREAS, Section 202 of the Town Charter is based on data that has not been updated in many decades; and

WHEREAS, Section 202 of the Town Charter no longer reflects the Town’s current boundaries since the Town of Berwyn Heights annexed property into the Town’s corporate boundaries pursuant to Annexation Resolution 08-2005 and Annexation Resolution 09-2005; and

WHEREAS, the Town’s annexations of property pursuant to Annexation Resolution 08-2005 and Annexation Resolution 09-2005 have been duly recorded with Prince George’s County and the State of Maryland; and

WHEREAS, the Town’s corporate boundaries in Section 202 of the Town’s Charter were not updated after the aforementioned annexations were adopted; and

WHEREAS, there exists an area of approximately 2.92 acres of overlap between the Town’s corporate boundaries and those of the City of Greenbelt as depicted in Exhibit 1; and

WHEREAS, the official Prince George’s County and State of Maryland maps depicting local government boundaries show the area of overlap on Exhibit 1 as within the corporate boundaries of the City of Greenbelt dating to at least 1992; and

WHEREAS, the Town does not desire to challenge the City of Greenbelt’s corporate boundaries due to the cost associated with such a legal challenge and in order to maintain a collegial relationship with one of the Town’s neighboring communities; and

WHEREAS, the Town’s Engineer is concurrently preparing a revised corporate boundary for the area depicted in Exhibit 1 that will be on file pursuant to Section 201 of the Town Charter; and

WHEREAS, the State of Maryland does not require municipal corporations to detail corporate boundaries in a Charter to avoid the necessity of amending a Charter after each annexation or similar changes to a municipal corporation’s boundary; and

WHEREAS, it is in the Town's best interest to amend the Town Charter to remove therefrom a recitation of the Town's corporate boundaries; and

WHEREAS, the Town Council desires to address the two aforementioned issues with the Town's corporate boundaries by creating a revised corporate boundary map and striking Section 202 "Corporate Boundaries" from the Town Charter.

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Berwyn Heights that the Town Charter is hereby amended to strike in its entirety Section 202 "Corporate Boundaries" and that Chapter II "Corporate Limits" of the Town Charter shall read as follows:

CHAPTER II. CORPORATE LIMITS

Section 201. Corporate Limits - Record Requirements

The courses and distances showing the exact corporate limits of the Town shall be filed at all times with the Secretary of State, Hall of Records, State Library, Clerk of the Circuit Court for Prince George's County, the Commissioner of the Land Office, the Department of Legislative Reference and the Town Administrator. The file or record of all such descriptions shall be in a suitable place, properly indexed and reasonably available for public inspection.

Section 202. ~~Corporate Boundaries~~

~~The boundaries of the Town of Berwyn Heights are as follows: Beginning at concrete monument number 1, Washington Suburban Sanitary Commission coordinate N 37, 024.38 E 24, 453.84 at the southwest corner of Lot 100, Block 12 Berwyn Heights, thence in a northerly direction following the eastern right of way line of the Baltimore and Ohio railroad to the intersection of the northern right of way line of the old Branchville Glendale Road, thence easterly along the northern right of way line of the old Branchville Glendale Road to the intersection of the northern right of way line of the Greenbelt Road, thence easterly along the median northern right of way of Greenbelt Road to the intersection of the eastern right of way line of Edmonston Road, thence southerly along the eastern right of way line of Edmonston Road to the intersection of the southern boundary of Block 12 Berwyn Heights extended, thence westerly along the southern boundary of Block 12 Berwyn Heights to the point of beginning, all of which is described and defined on a plat compiled and authenticated on 12 February 1957 by the Commissioners of Berwyn Heights, and on file with the Administrator of the Town of Berwyn Heights.~~

Section 202.1. Public Use

The public rights-of-way, recreation and community property under the jurisdiction of the Town Council are dedicated to public use.

BE IT FURTHER RESOLVED, that if any provision of this Charter Amendment Resolution or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of

this Charter Amendment Resolution that can be given effect without the invalid provision or application, and for the purpose the provision of this Charter Amendment Resolution are declared severable.

AND BE IT FURTHER RESOLVED that this Charter Amendment Resolution is adopted this 12th day of April, 2017. And that the amendments to the Charter of the Town of Berwyn Heights, hereby proposed by this enactment, shall be and become effective fifty (50) days after its passage by the Town Council, unless a petition for referendum in accordance with the Local Government Article of the Annotated Code of Maryland is received by the Town on or before the fortieth day after initial passage of the charter amendment resolution. A fair summary of this Resolution shall be posted in the Town Hall for forty (40) days following its adoption and shall be published in a newspaper having general circulation in the Town no fewer than four (4) times at weekly intervals within the forty (40) days following its passage by the Town.

AND BE IT FURTHER RESOLVED that upon this Resolution becoming effective, either as herein provided or following referendum the Town Administrator shall send to the Department of Legislative Services, the following information concerning the Charter Amendment Resolution: (i) the complete text of this Resolution; (ii) the date of referendum election, if any, held with respect thereto; (iii) the number of votes cast for and against this Resolution by the Council of the Town of Berwyn Heights or in a referendum; and (iv) the effective date of the Charter Amendment. The Town Administrator shall also send a copy of the Charter Amendment Resolution to the Clerk of the Circuit Court for Prince George's County.

INTRODUCED by the Mayor and Town Council of the Town of Berwyn Heights at a Town Meeting on February 8, 2017, at which meeting copies were available to the public for inspection.

PASSED by the Mayor and Town Council of the Town of Berwyn Heights at a Town Meeting on April 12, 2017, at which meeting copies were available to the public for inspection.



ATTEST:

Kerstin Harper
Kerstin Harper, Town Clerk

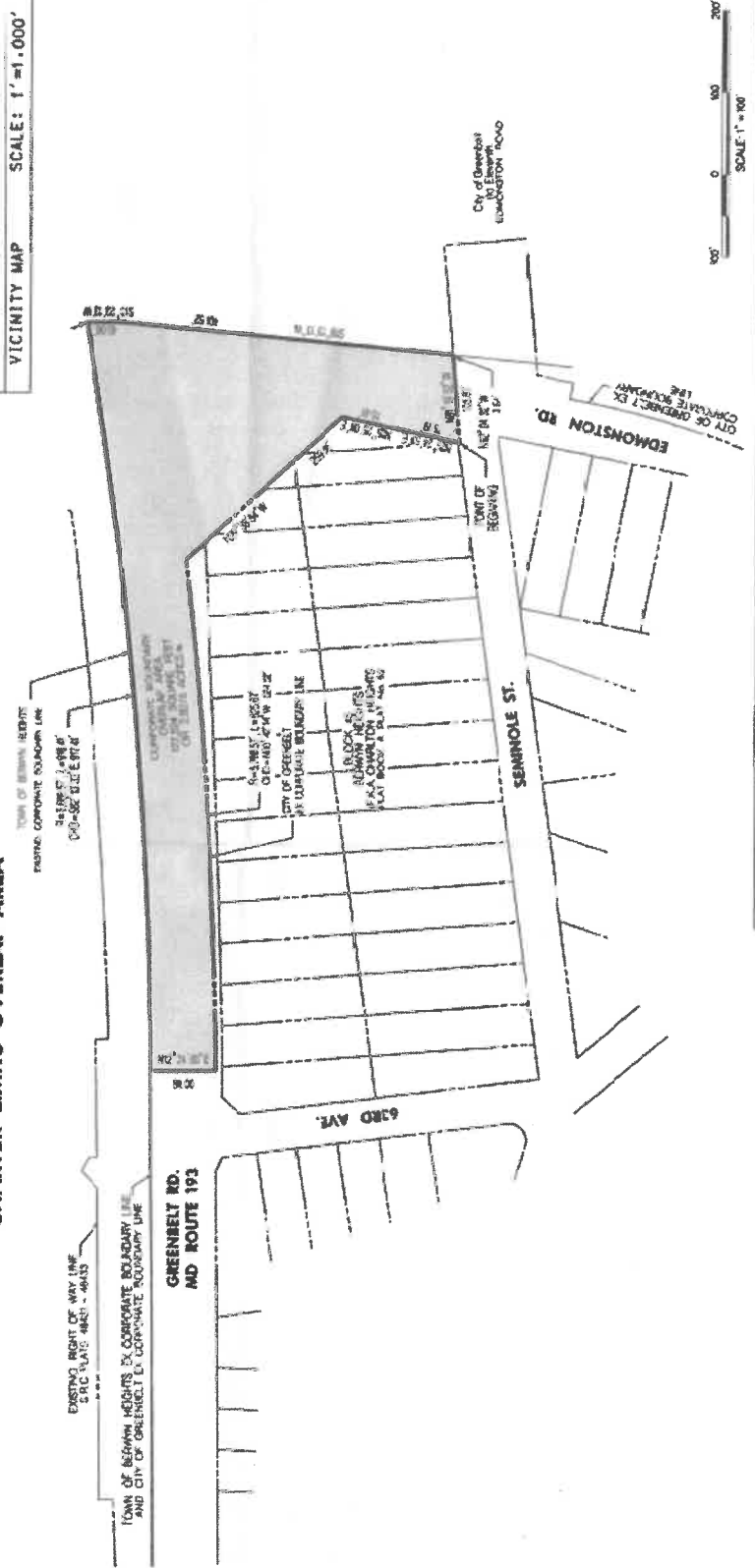
By the Order of the Mayor and Town Council

Cheryl Jewitt
Cheryl Jewitt, Mayor of Berwyn Heights

VICINITY MAP

SCALE: 1" = 1,000'

VICINITY MAP SCALE: 1"=1,000'



10-200-2017

ENGINEER

A13

AB CONSULTANTS, INC.
14250 ANNEVILLE ROAD
CHAMBERS, MARYLAND 20705
PHONE (301) 206-1099
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PROJECT

PLAT OF DEDICATION
TOWN OF BERYN HEIGHTS
CITY OF GREENBELT
CORPORATE BOUNDARY OVERLAP

PRINCE GEORGE'S COUNTY MARYLAND

PROJECT NO. 2016294

SCALE 1" = 100'

DATE 10/09/2017

CREATED BY AND
CHECKED BY CUR

SHEET 1 OF 1

PROJECT	PLAT OF DEDICATION	SHEET NO.	201624
	TOWN OF BERYN HEIGHTS	SCALE	1" = 100'
	CITY OF GREENBELT	DATE	09/09/2017
	CORPORATE BOUNDARY OVERLAP	CREATED BY	AND
		CHECKED BY	CHK
PROJECT	PRINCE GEORGE'S COUNTY	1 OF 1	
	MARYLAND		