

MORNINGSIDE

(See note (1))

Section 52-1. General corporate powers.

The citizens of the Town of Morningside, in Prince George's [George's] County, are a body corporate by the name of the Town of Morningside and by that name shall have perpetual succession, sue and be sued, have and use a common seal, and may purchase and hold or dispose of real and personal property for the benefit of said town. (Res., Oct. 4, 1957, sec. 1.)

Section 52-2. Corporate limits.

The corporate limits of said town shall include all of the area embraced within the outlines of the following plats:

(1) Second Addition to Morningside, Resubdivision and Replat of Morningside and Addition to Morningside, prepared June 8, 1940 and recorded June 17, 1940 among the Plat Records of Prince George's County in Liber BB-7, folio 95.

(2) Upper Morningside, prepared and recorded June 5, 1942, among said plat records in Liber BB-9, folio 44.

(3) First Addition to upper Morningside, prepared January 2, 1948, and recorded January 7, 1948, among said plat records in Liber BB-14, folio 83. (Res., Oct. 4, 1957, sec. 2.)

Section 52-2A. 1973 Annexation.

BEING the land of the Veterans of Foreign War, Scott-Johnson-Collins Post 9619, Inc., as described in a deed dated April 1, 1965, conveyed by Idle Club Elite, Inc., and recorded among the Land Records of Prince George's County, Maryland (6th Election District) in Liber 3136 at Folio 572; and being more particularly described as follows:

BEGINNING at the point of beginning of the aforesaid conveyance, said point also being the point of beginning of the land of Alsar, Inc. (Liber 3666, Folio 226); thence running with the outlines of said land of the VFW along said land of Alsar, Inc., 1) South 35° 55' 00" West, 523.16 feet; thence running with the land of Oursler & Freeman, Inc. (Liber 1002, Folio 104) of which the parcel herein described was originally a part, 2) North 53° 26' 00" West, 236.73 feet; thence, 3) North 38° 56' 00" West, 88.05 feet; thence running with the outline of said land of the VFW, 4) North 35° 26' 00" East, 676.99 feet; thence running with the former Southwesterly line of Mayhew (now Suitland) Road, 5) South 25° 21' 00" East, 273.39 feet to the place of beginning. Containing 197.072 square feet or 4.52414 acres of land.

Saving and Excepting such portion thereof (0.32 acres, more or less, in Liber 1688, Folio 399) which lies within the right of way line of Suitland (Mayhew) Road. (Res. No. 73-2, 7-29-73.)

Section 52-2B. 1974 Annexation First.

BEING the land of the Maryland-National Capital Park and Planning Commission as described in a deed recorded among the Land Records of Prince George's County, Maryland (6th Election District) in Liber 2779 at Folio 215; and being more particularly described as follows:

BEGINNING at a point in the Southerly line of Parcel `A', "Morningside Junior High School" (Plat Book WWW66, Plat 31), said point lying at a corner common to said land of the Maryland-National Capital Park and Planning Commission and the Northeasterly corner of Outlot A, Block C, "First Addition to Upper Morningside" (Plat Book, BB14, Plat 83); thence running with said Parcel `A',

1. S 79° 30' 30" E, 551.51 feet to a point; thence running with the land of Morrison M. Clark and Blanche G. Clark (Liber 768, Folio 73),

2. S 79° 30' 30" E, 908.71 feet to a point; thence running with Parcel A, "Park Andrews" (Plat Book WWW52, Plat 54),

3. S 33° 12' 59" E, 158.83 feet to a point; thence running with the Northwesterly line of Capital Beltway,

4. S 56° 47' 01" W, 371.28 feet to a point; thence,

5. 1503.31 feet along the arc of a curve to the right having a radius of 5579.58 feet and a chord bearing S 64° 30' 08" W, 1498.77 feet; thence running with the following three plats of subdivision, "Second Addition to Upper Morningside" (Plat Book WWW19, Plat 55), "Burgess' Addition to Upper Morningside" (Plat Book WWW50, Plat 64), and "First Addition to Upper Morningside" (Plat Book BB14, Plat 83),

6. N 06° 25' 50" E, 1255.24 feet to the place of beginning, containing 1,149,524 square feet of 26.38944 acres of land. (Res. No. 74-2, 4-30-74)

Section 52-2C. 1974 Annexation Second.

BEING the land of the Board of Education of Prince George's County, Maryland, as described in a deed recorded among the Land Records of Prince George's County, Maryland (6th Election District) in Liber 3485 at Folio 535; and being more particularly described as follows:

BEGINNING at a point at the Northeasterly limit of dedication of Ames Street (60 feet wide) as shown on a plat of subdivision entitled "Parcel `A', Morningside Junior High School," (Plat Book WWW66, Plat 31), said point also being a corner of the land of Morrison M. Clark and Blanche G. Clark (Liber 768, Folio 73); thence running with said Northerly Line of Ames Street,

1. N 83° 39' 30" W, 396.98 feet to a point; thence running with a second tract of land of the Board of Education (Liber 1446, Folio 143),

2. N 10° 20' 41" E, 70.43 feet to a point; thence,

3. S 79° 39' 19" E, 715.82 feet to a point; thence running with the aforesaid land of Clark,
4. 216.96 feet along the arc of a curve to the right having a radius of 1156.65 feet and a chord bearing N 89° 01' 55" W, 216.64 feet to a point; thence,
5. N 83° 39' W, 106.32 feet to the place of beginning,

Containing 31,048 square feet or 0.71276 of an acre of land.

Subject to encumbrances, if any, of record.

BEING Parcel `A', as shown on a plat of subdivision entitled "Parcel `A', Morningside Junior High School" and recorded among the Land Records of Prince George's County, Maryland (6th Election District) in Plat Book WWW66 at Plat 31; and being more particularly described as follows:

BEGINNING at a point in the Southerly line of said Parcel `A', said point also lying at a corner common to the land of the Maryland-National Capital Park and Planning Commission (Liber 2779, Folio 215) and the Northeasterly corner of Outlot A, Block C, "First Addition to Upper Morningside" (Plat Book BB14, Plat 83); thence running with the last aforesaid plat,

1. N 77° 35' 50" W, 578.36 feet to a point; thence,
2. N 68° 13' 00" W, 56.44 feet to a point; thence running with Block H, "Upper Morningside" (Plat Book BB9, Plat 44),
3. N 27° 07' 10"E, 429.52 feet to a point; thence running with the land of the Town of Morningside (Liber 2848, folio 248; Liber 3485, Folio 540),
4. S 68° 44' 00" E, 311.34 feet to a point; thence,
5. N 21° 16' 00" E, 398.23 feet to a point; thence running with the Southerly line of Ames Street (60 feet wide) as shown on the first aforesaid plat,
6. 191.89 feet along the arc of a curve to the right having a radius of 2124.86 feet and a chord bearing S 86° 14' 43" E, 191.82 feet to a point; thence,
7. S 83° 39' 30" E, 401.33 feet to a point; thence running with the land of Morrison M. Clark and Blanche G. Clark (Liber 768, Folio 73),
8. S 04° 12' 50" W, 831.44 feet to a point; thence running with the aforesaid land of the Maryland-National Capital Park and Planning Commission.
9. N 79° 30' 30" W, 551.51 feet to the place of beginning.
Containing 704,065 square feet or 16.16311 acres of land,

Subject to encumbrances, if any, of record.

BEING the residue of the land of the Board of Education of Prince George's County, Maryland as described in a deed recorded among the Land Records of Prince George's County, Maryland (6th Election District) in Liber 1446 at Folio 143; and being more particularly described as follows:

BEGINNING at a point in the Northerly line of Ames Street (60 feet wide) as shown on a plat of subdivision entitled "Parcel `A', Morningside Junior High School" (Plat Book WWW66, Plat 31) said point lying 2.12 feet from the beginning of the S 83° 39' 30" E, 399.10 feet line as shown on said plat, said point being a common front corner with a second tract of land of said Board of Education (Liber 3485, Folio 535); thence running with said Northerly line of Ames Street,

1. N 83° 39' 30" W, 2.12 feet to a point; thence,
2. 240.35 feet along the arc of a curve to the left having a radius of 2184.86 feet and a chord bearing N 86° 48' 35" W, 240.23 feet to a point; thence running with the land of Morrison M. Clark and Blanche G. Clark (Liber 768, Folio 73),
3. N 79° 39' 19" W, 59.52 feet to a point; thence,
4. N 21° 19' 41" E, 593.52 feet to a point; thence,
5. S 79° 39' 19" E, 689.60 feet to a point; thence,
6. S 13° 30' 10" E, 527.16 feet to a point; thence running with the aforesaid land of the Board of Education (Liber 3485, Folio 535),
7. N 79° 39' 19" W, 715.82 feet to a point; thence,
8. S 10° 20' 41" W, 70.43 feet to the place of beginning,

Containing 431,444 square feet or 9.90459 acres of land.

Subject to encumbrances, if any, of record.

BEING the land of the Town of Morningside as described in deeds recorded among the Land Records of Prince George's County, Maryland (6th Election District) in Liber 2848 at Folio 248 and in Liber 3485 at Folio 540; and being more particularly described in one parcel as follows:

BEGINNING at a point in the Southerly line of Ames Street (60 feet wide), said point lying S 21° 16' 00" W, 5.00 feet from the Northeasterly corner of Lot 26, Block H, "Upper Morningside" (Plat Book BB9, Plat 44); thence running with said Southerly line of Ames Street,

1. 132,47 [132.47] feet along the arc of a curve to the left having a radius of 330.00 feet and a chord bearing S 80° 08' 00" E, 131.58 feet to a point; thence,
2. N 88° 22' 00" E, 80.73 feet to a point; thence,
3. 103.87 feet along the arc of a curve to the right having a radius of 2124.86 feet and a chord bearing N 89° 46' 02" E, 103.86 feet to a point; thence running with Parcel `A', "Morningside Junior High School" (Plat Book WWW66, Plat 31),
4. S 21 ° [21°] 16' 00" W, 398.23 feet to a point; thence,
5. N 68° 44' 00" W, 311.34 feet to a point; thence running with Block H, "Upper Morningside",
6. N 27° 07' 10" E, 111.33 feet to a point; thence,
7. N 21° 16' 00" E, 192.00 feet to the place of beginning,
Containing 103,079 square feet or 2.36637 acres of land. (Res. 75-1, 10-28-74.)

Section 52-2D. 1976 Annexation.

BEING the land of ALSAR, INC., as described in a deed dated October 28, 1968, conveyed by William B. Kembton, Trustee, and recorded among the Land Records of Prince George's County, Maryland (6th Election District) in Liber 3666 at Folio 226; and being more particularly described as follows:

BEGINNING at a point in the Southwesterly line of Suitland Road, said point being the front corner common to said land of ALSAR, INC., and the land of the Veterans of Foreign Wars, Scott Johnson Collins Post 9619 (Liber 3136, Folio 572); thence running with said Suitland Road,

1. S 25° 41' 00" E, 300.00 feet; thence leaving Suitland Road and running with the outline of said land of ALSAR, INC.,
2. S 27° 23' 00" W, 388.40 feet; thence running with the land now or formerly of Oursler and Freeman (Liber 1002, Folio 104),
3. N 53° 26' 00" W, 321.59 feet; thence running with the aforesaid land of the Veterans of Foreign Wars,
4. N 35° 55' 00" E, 523.16 feet to the place of beginning,
Containing three (3) acres, more or less, of land.

SAVING AND EXCEPTING each portion thereof (0.24 acres, more or less, in Liber 1688, Folio 395) which lies within the right-of-way lines of Suitland (Mayhew) Road. (Res. 76-1, 3-28-76.)

Section 52-2E. First 1994 Annexation.

BEING all that piece, parcel or tract of land situate, lying and being in the Spaulding Election District No. 6, Prince George's County, Maryland in Liber 6150, Folio 368 being all of Parcel "A" as delineated on a Plat of Subdivision entitled "Parcel "A", TOOTHACRE" and recorded among the Land Records of the aforesaid county in Plat Book WWW 28 at Plat 88 and being more particularly described as follows:

BEGINNING for the same at the beginning of the South 40° 02' 55" East, 140.00 foot line as delineated of the aforesaid plat said point of beginning also being on the westerly right-of-way of Suitland Road as delineated on the aforesaid plat thence running with said right-of-way

- 1) South 40° 02' 55" East, 140.00 feet to a point; thence
- 2) South 81° 52' 10" West, 124.88 feet to a point; thence
- 3) North 40° 02' 55" West, 140.00 feet to a point; thence
- 4) North 81° 52' 10" East, 124.88 feet to the place of beginning containing a computed area of 14,840 square feet or 0.3407 acres of land.

SUBJECT TO all easements and/or rights of record. (Res. 94-3, 2-28-94)

Section 52-2F. Second 1994 Annexation.

BEING all that piece, parcel or tract of land situate, lying and being in the Spaulding Election District No. 6, Prince George's County, Maryland being all of Lots 1 thru 6 and 8, Block "A", Lots 1, 8 thru 10, Block "B", Lot 12, Block "C" as delineated on a Plat of Subdivision entitled "SECOND ADDITION TO UPPER MORNINGSIDE" and recorded among the Land Records of the aforesaid county in Plat Book 19 at Plat 55 and being all of Lots 2 thru 12 as delineated on a Plat of Subdivision entitled "BURGESS' ADDITION TO UPPER MORNINGSIDE" and recorded among the Land Records of the aforesaid county in Plat Book WWW 50 at Plat 64 and being all of Parcel "A" as delineated on a Plat of Subdivision entitled "PARCEL "A", MCDONALD'S, MORNINGSIDE" and recorded among Land Records of the aforesaid County in Plat Book WWW 55 at Plat 24 and being all of Parcel "B" as delineated on a Plat of Subdivision entitled "PARCEL "B", MCDONALD'S MORNINGSIDE" and recorded among the Land Records of the aforesaid county in Plat Book WWW 58 at Plat 87, and being all of Parcel "C" as delineated on a Plat of Subdivision entitled "PARCEL "C", MCDONALD'S, MORNINGSIDE" and recorded among the Land Records of the aforesaid county in Plat Book WWW 58 at Plat 23, and also of Parcel 124, Parcel 14, and Parcel 84 as delineated on Prince George's County, Maryland Tax Map Number 89, and being more particularly described as follows:

PART 1

Beginning for the same at a point at beginning of the North 76° 31' East, 437.95 foot line of the aforesaid plat recorded in Plat Book 19 at Plat 55, said point of beginning also being on the northeasterly right-of-way of Suitland Road (formerly Mayhew Road) thence running with said plat line.

- 1) North 76° 30' 00" East, 437.95 feet to a point; thence
- 2) North 76° 31' 00" East, 29.22 feet to a point; thence
- 3) North 16° 24' 00" East, 28.57 feet to a point; thence
- 4) North 45° 21' 00" East, 100.00 feet to a point; thence
- 5) North 25° 30' 40" West, 68.80 feet to a point; thence
- 6) North 16° 23' 50" East, 94.73 feet to a point; thence
- 7) North 86° 23' 50" East, 284.70 feet to a point; thence
- 8) South 06° 25' 50" West, 465.47 feet to a point; thence
- 9) North 83° 34' 40" East, 154.94 feet to a point; thence
- 10) South 21° 05' 16" West, 192.75 feet to a point; thence
- 11) South 76° 31' 00" West, 184.44 feet to a point; thence
- 12) North 37° 04' 00" West, 75.03 feet to a point; thence
- 13) South 52° 56' 00" West, 110.00 feet to a point; thence
- 14) North 37° 04' 00" West, 329.48 feet to a point; thence

15) 42.70 feet along the arc of a curve to the right having a radius of 29.68 feet and a chord bearing and distance of North 04° 08' 30" East, 39.11 feet to the place of beginning containing a computed area of 274.003 square feet or 6.2903 acres of land. Being Lots 1 thru 6 and 8, Block "A", Lots 1, 8 thru 10, Block "B", Lot 12, Block "C" as delineated on a Plat of Subdivision entitled "SECOND ADDITION TO UPPER MORNINGSIDE" and recorded among the Land Records of the aforesaid county in Plat Book 19 at Plat 55 and being all of Lots 2 thru 12 as delineated on a Plat of Subdivision entitled "BURGESS ADDITION TO UPPER MORNINGSIDE" and recorded among the Land Records of the aforesaid county in Plat Book WWW 50 at Plat 64 and part of Lou Lane, Pickett Drive, and Pickett Court. SUBJECT TO all easements and/or rights of way of record.

PART 2

Beginning for the same at a point at the end of the North 45° 27' 09" West, 105.00 foot line of the aforesaid plat recorded in plat Book WWW 55 at Plat 24 said point of beginning also being at the intersection of the southerly right-of-way of Interstate Route 95 (Capital Beltway) and the northeasterly right-of-way of Suitland Road thence running with the right-of-way of Interstate Route 95.

- 1) 799.22 feet along the arc of a curve to the left having a radius of 5879.58 feet and a chord bearing and distance of North 62° 09' 34" East, 998.62 feet to a point; thence
- 2) South 38° 04' 29" East, 58.41 feet to a point, thence
- 3) South 51° 55' 31" West, 456.30 feet to a point, thence
- 4) 200.92 feet along the arc of a curve to the right having a radius of 11550.16 feet and a chord bearing and distance of South 51° 25' 28" West, 200.92 feet to a point; thence
- 5) North 45° 27' 09" West, 105.00 feet to the place of beginning containing a computed area of 87,109 square feet or 1.9997 acres of land. Being all of Parcel "A" as delineated on a Plat of Subdivision entitled "PARCEL "A", MCDONALD'S, MORNINGSIDE" and recorded among the Land Records of the aforesaid county in Plat Book WWW 55 at Plat 24 and being all of Parcel "B" as delineated on a Plat of Subdivision entitled "PARCEL "B", MCDONALD'S, MORNINGSIDE" and recorded among the Land Records of the aforesaid county in Plat Book WWW 58 at Plat 87, and being all of Parcel "C" as delineated on a Plat of Subdivision entitled "PARCEL "C", MCDONALD'S, MORNINGSIDE" and recorded among the Land Records of the aforesaid county in Plat Book WWW 58 at Plat 23.

SUBJECT TO all easements and/or rights of way of record.

PART 3

Beginning for the same at a point at beginning of the North 65° 47' 50" West, 264.12 foot line of a plat entitled "1st ADDITION TO MORNINGSIDE" recorded in Plat Book 14 at Plat 83, said point of beginning also being on the northeasterly right-of-way of Suitland Road (formerly Mayhew Road) thence running with said plat line REVERSED.

- 1) South 65° 47' 50" East, 264.12 feet to a point, thence
- 2) South 27° 53' 10" West, 136.07 feet to [a point, thence]
- 3) North 37° 47' 50" West, 289.23 feet to the place of beginning containing a computed area of 17,932 square feet or 0.4117 acres of land. Being Parcel 124, Parcel 14, and Parcel 84 as delineated on Prince George's County, Maryland Tax Map Number 89.

SUBJECT TO all easements and/or right of way of record. (Res. 95-1, 12-18-94)

Section 52-2G. 1997 Annexation.

Being all that piece, parcel or tract of land situate, lying and being in the Spalding Election District No. 6, Prince George's County, Maryland being all of Lots 2 thru 7, Block "B", Lots 4 thru 11, Block "C" as delineated on a Plat of Subdivision entitled "SECOND ADDITION TO UPPER MORNINGSIDE" and recorded among the Land Records of the aforesaid county in Plat Book 19 at Plat 55, and being all of Lots 5 thru 11 and part of Lots 4 and 3, Block "C" as delineated on a Plat of Subdivision entitled "SECOND ADDITION TO UPPER MORNINGSIDE" and recorded among the Land Records of the aforesaid county in Plat Book 19 at Plat 55, and being all of Parcel "A" as delineated on a Plat of Subdivision entitled "A.H. SMITH SUBDIVISION" and recorded among the Land Records of the aforesaid county in Plat Book WWW73 at Plat 54, and all Parcel "A" as delineated on a Plat of Subdivision entitled "Parcel "A", MCDONALD'S MORNINGSIDE" and recorded among the Land Records of the aforesaid county in Plat Book WWW 55 at Plat 20, and all of Parcel "B" as delineated on a Plat of Subdivision entitled "Parcel "B", MCDONALD'S MORNINGSIDE" and recorded among the Land Records of the aforesaid county in Plat Book WWW 58 at Plat 87, and all of Parcel "C" as delineated on a Plat of Subdivision entitled "Parcel "C", MCDONALD'S MORNINGSIDE" and recorded among the Land Records of the aforesaid county in Plat Book WWW 58 at Plat 23, and all of Parcel W-2 as delineated on a Plat of Subdivision entitled "Parcel W-2, ANDREWS MANOR SHOPPING CENTER" and recorded among the aforesaid Land Records in Plat Book WWW 61 at Plat 85, and all of Tax Map Parcel No. 81 as delineated on Prince George's County, Maryland Tax Map No. 89, and all of Tax Map Parcel No. 214 as delineated on Prince George's County, Maryland Tax Map No. 89, and all of Tax Map Parcel No. 123 as delineated on Prince George's County, Maryland Tax Map No. 98, and all of Tax Map Parcel No. 257 as delineated on Prince George's County, Maryland Tax Map No. 98, and all of Suitland Road right-of-way as delineated on State Roads Commission of Maryland Right-of-Way Plat Numbers 26885 & 26886, and part of Suitland Road (formerly Mayhew Road) right-of-way as delineated on a Plat of Subdivision entitled "SECOND ADDITION TO UPPER MORNINGSIDE" and recorded among the Land Records of the aforesaid county in Plat Book 19 at Plat 55, and part of Suitland Road (formerly Mayhew Road) right-of-way as delineated on a Plat of Subdivision entitled "A.H. SMITH SUBDIVISION" and recorded among the Land Records of the aforesaid county in Plat Book WWW 73 at Plat 54, and part of the Capital Beltway (Interstate Route Number 95) right-of-way as delineated on State Roads Commission of Maryland Right-of-Way Plat Numbers 16201 thru 16205, and part of "Ramp B" as delineated on State Roads Commission of Maryland Right-of-Way Plat Number 26884, and part of Allentown Road right-of-way and the State of Maryland Property as delineated State Roads Commission of Maryland Right-of-Way Plat Numbers 27983 & 19352, and all of Suitland Road (formerly Mayhew Road) and all of Tournament Street as delineated on a Plat of Subdivision entitled "Parcel "A", TOURNAMENT SUBDIVISION" and recorded among the Land Records of the aforesaid county in Plat Book 101 at Plat 49, and being more particularly described in the meridian as established by The State Roads Commission of Maryland as follows:

PART 1

Beginning for the same at a point 150.00 feet northerly of and opposite Point of Curvature centerline station 545+19.54 as delineated on State Roads Commission of Maryland Right-of-Way Plat Number 16202 said point of beginning also being on the Northerly right-of-way of the Capital Beltway (Interstate Route Number 95) as delineated on said plat thence running with part

of said right-of-way line.

1) North $49^{\circ}27'41''$ East, 1482.51 feet to a point; thence running with the southerly side of Forestville Road (60' right-of-way) the following two courses and distances crossing said Interstate Route 95.

2) 102.91 feet along the arc of a curve to the left having a radius of 633.11 feet and a chord bearing and distance of South $20^{\circ}52'55''$ East, 102.80 feet to a point; thence

3) South $25^{\circ}32'19''$ East, 424.29 feet to a point on the southerly right-of-way of Allentown Road, said point also being on the northerly boundary of Andrews Air Force Base (property of the United States of America); thence with part of said right-of-way

4) South $51^{\circ}55'17''$ West, 2706.94 feet to a point; thence

5) 468.55 feet along the arc of a curve to the left having a radius of 11429.16 feet and a chord bearing and distance of South $50^{\circ}44'49''$ West, 468.52 feet to a point; thence

6) North $40^{\circ}25'39''$ West, 118.61 feet to a point on the northerly right-of-way Allentown Road at the intersection of westerly right-of-way of Suitland Road as delineated on State Roads Commission of Maryland Right-of-Way Plat Numbers 19352; thence with the right-of-way as delineated on a Plat of Subdivision entitled "Parcel W-6" as delineated on Plat of Subdivision entitled "ANDREWS MANOR SHOPPING CENTER" and recorded among the aforesaid Land Records in Plat Book WWW 85 at Plat 88 the following eight courses and distances

7) North $10^{\circ}23'27''$ East, 85.10 feet to a point; thence

8) North $45^{\circ}27'09''$ West, 184.91 feet to a point; thence

9) South $66^{\circ}14'17''$ West, 83.04 feet to a point; thence

10) South $01^{\circ}46'07''$ West, 199.77 feet to a point; thence

11) South $65^{\circ}33'07''$ West, 497.95 feet to a point; thence

12) 177.60 feet along the arc of a curve to the right having a radius of 590.00 feet and a chord bearing and distance of South $49^{\circ}53'38''$ East, 176.93 feet to a point; thence

13) South $41^{\circ}16'13''$ East, 44.55 feet to a point; thence

14) South $87^{\circ}10'23''$ East, 70.04 feet to a point; thence

15) South $41^{\circ}55'53''$ East, 113.18 feet to a point on the southerly right-of-way of Allentown Road as delineated on State Roads Commission of Maryland Right-of-Way Plat Number 19352; thence with part of said right-of-way

- 16) South $48^{\circ}04'07''$ West, 344.60 feet to a point; thence
- 17) North $41^{\circ}55'53''$ West, 112.42 feet to a point at the south corner of Parcel W-2 as delineated on a Plat of Subdivision entitled "Parcel W-2, ANDREWS MANOR SHOPPING CENTER" and recorded among the aforesaid Land Records in Plat Book WWW 61 at Plat 85; thence with the southwesterly side of Parcel W-2
- 18) North $24^{\circ}26'53''$ West, 338.76 feet to a point; thence crossing over the aforesaid Capitol [Capital] Beltway (Interstate Route 95)
- 19) North $67^{\circ}05'37''$ West, 671.40 feet to a point on the northerly right-of-way of the Capital Beltway (Interstate Route Number 95) as delineated on State Roads Commission of Maryland Right-of-Way Plat Number 16201; thence with the westerly boundary of Parcel Tax Map Parcel No. 214 as delineated on Prince George's County, Maryland Tax Map No. 89
- 20) North $18^{\circ}11'16''$ West, 414.35 feet to a point at the southwest corner of Lot 1, as delineated on a Plat of Subdivision entitled "ARTHUR DICK SUBDIVISION, Section 1"; thence with the southern boundary on said plat
- 21) North $82^{\circ}14'44''$ East, 617.99 feet to a point on the northerly right-of-way of Ramp "A" as delineated on State Roads Commission of Maryland Right-of-Way Plat Number 26887; thence with part of said right-of-way
- 22) North $44^{\circ}32'51''$ East, 117.30 feet to a point on the westerly right-of-way of Tournament Street, "A.H. Smith Subdivision" and recorded among the Land Records of the aforesaid county in Plat Book WWW 73 at Plat 54; thence with said right-of-way
- 23) North $17^{\circ}56'01''$ West, 371.26 feet to a point; thence
- 24) North $82^{\circ}29'12''$ East, 15.53 feet to a point on the aforesaid right-of-way as delineated on a plat of subdivision entitled "Parcel "A", TOURNAMENT SUBDIVISION" and recorded among the aforesaid Land Records in Plat Book 101 at Plat 49; thence with said right-of-way the following two courses and distances
- 25) North $20^{\circ}07'35''$ East, 100.03 feet to a point; thence
- 26) 33.36 feet along the arc of a curve to the left having a radius of 30.00 feet and a chord bearing and distance of North $11^{\circ}44'05''$ West, 31.67 feet to a point on the westerly right-of-way of Suitland Road as delineated on the aforesaid plat; thence with said right-of-way
- 27) 148.37 feet along the arc of a curve to the right having a radius of 3269.58 feet and a chord bearing and distance of North $42^{\circ}17'33''$ West, 148.36 feet to a point on the 3rd or South $70^{\circ}05'30''$ West, 145.15 foot boundary line of the Pyles Properties, Inc. as recorded among the aforesaid Land Records in Liber 3969 at Folio 498; thence part of said deed line and with the 4th and 5th lines of said deed

- 28) South 70°27'12" West, 119.36 feet to a point; thence
- 29) North 39°24'31" West, 150.00 feet to a point; thence
- 30) North 70°27'23" East, 219.93 feet to a point on the easterly right-of-way of Suitland Road; thence with part of said right-of-way
- 31) South 44°43'54" East, 692.22 feet to a point at the common front lot corner of Lots 1 & 2, Block "B" as delineated on a Plat of Subdivision entitled "Second Addition to UPPER MORNINGSIDE"; thence with the common division line of said lots
- 32) North 45°36'56" East, 110.00 feet to a point; thence
- 33) South 44°23'04" East, 75.03 feet to a point; thence
- 34) North 69°11'46" East, 185.01 feet to a point on the easterly right-of-way of Pickett Drive at the common front lot corner of Lot 7 & 8, Block "B" as delineated on said plat; thence
- 35) North 13°46'12" East, 192.75 feet to a point at the common front corner of Lot 11 & 12, Block "C" as delineated on said plat; thence
- 36) North 89°06'16" East, 155.24 feet to a point at the common rear corner of Lot 11 & 12, Block "C" as delineated on said plat; thence with the rear line of Block "C" and with the common line with the Maryland-National Capital Park & Planning Commission as recorded among the aforesaid Land records in Liber 2779 at folio 215
- 37) South 00°53'53" East, 467.75 feet to a point on the northerly right-of-way of the Capital Beltway (Interstate [Interstate] Route Number 95) as delineated on State Roads Commission of Maryland Right-of-Way Plat Number 16202; thence with said right-of-way
- 38) 1503.31 feet along the arc of a curve to the left having a radius of 5579.63 feet and a chord bearing and distance of North 57°10'48" East, 1498.77 feet to the place of beginning containing a computed area of 2,902,701 square feet or 66.6369 acres of land.

Subject to all easements and/or rights of way of record.

PART 2

Being all that piece, parcel or tract of land situate, lying and being in the Spalding Election District No. 6, Prince George's County, Maryland being all of Lots 1 thru 4 as delineated on a Plat of Subdivision entitled "KINSKY'S ADDITION TO UPPER MORNINGSIDE" and recorded among the Land Records of the aforesaid county in Plat Book 20 at Plat 75, and all of Parcel "H", Block "E" as delineated on a Plat of Subdivision entitled "PLAT 6, SKYLINE HILLS" and recorded among the Land Records of the aforesaid county in Plat Book NLP 118 at Plat 38, and Being Parcels "A" & "B" as delineated on a Plat of Subdivision entitled "B.D. THOMAS ADDITION TO UPPER MORNINGSIDE" and recorded among the Land Records of

the aforesaid county in Plat Book 25 at Plat 5, and being more particularly described as follows:

Beginning for the same at the beginning of the South 29°50' East, 33.00 foot line as delineated on a Plat of Subdivision entitled "1st Addition to UPPER MORNINGSIDE" recorded among the aforesaid Land Records in Plat Book 14 at Plat 83, said point of beginning also being on the northeasterly right-of-way of Suitland Road (formerly Mayhew Road) thence running with said plat line

1) South 36°40'04" East, 197.21 feet to a point at the common front lot corner of Lots 1 & 21, Block "D" as delineated on said plat; thence crossing said Suitland Road

2) South 38°50'10" West, 56.91 feet to a point at the beginning of the South 63°44'20" West, 124.85 foot line as delineated on a Plat of Subdivision entitled "KINSKY'S ADDITION TO UPPER MORNINGSIDE" and recorded among the Land Records of the aforesaid county in Plat Book 20 at Plat 75; thence with said line and with the outline of said subdivision the following two courses and distances

3) South 57°07'31" West, 124.85 feet to a point; thence

4) North 72°29'00" West, 310.70 feet to a point at the southwest corner of Parcel "H", Block "E" as delineated on a Plat of Subdivision entitled "PLAT 6, SKYLINE HILLS" and recorded among the Land Records of the aforesaid county in Plat Book NLP 118 at Plat 38; thence with said plat outline the following two courses and distances

5) North 49°17'45" West, 79.34 feet to a point; thence

6) North 20°24'07" East, 414.68 feet to a point on the northeasterly right-of-way of Suitland Road (formerly Mayhew Road); thence with said right-of-way

7) South 37°21'40" East, 379.33 feet to a point; thence

8) North 06°51'54" East, 38.18 feet to the place of beginning containing a computed area of 133,162 square feet or 3.0570 acres of land.

Subject to all easement and/or rights of way of record.

PART 3

Being all that piece, parcel or tract of land situate, lying and being in the Spalding Election District No. 6, Prince George's County, Maryland being all of Lot 63 and that area of land to be dedicated to public use adjacent to Lot 63 as delineated on a Plat of Subdivision entitled "SKYLINE SUBDIVISION" and recorded among the Land Records of the aforesaid county in Plat Book BB 9 at Plat 24; and being more particularly described as follows:

Beginning for the same at the beginning of the North 25°09'45" West, 562.43 foot line as delineated on a Plat of Subdivision entitled "Skyline Subdivision" recorded among the aforesaid

Land Records in Plat Book 14 at Plat 83, said point of beginning also being on the northeasterly right-of-way of Suitland Road (formerly Mayhew Road) at the southern most point of the subdivision thence running with said plat and right-of-way line

1) North 25°09'45" East, 205.81 feet to a point at the front lot corner of Lot 63 at the intersection of Skyline Drive (40' R/W) as delineated on said plat; thence running with said Skyline Drive right-of-way

2) North 21°37'30" East, 32.72 feet to a point at the common front Lot corner of Lots 63 and 62 as delineated on said plat; thence with the common Lot line of said lots

3) South 68°22'30" East, 150.00 feet to a point at the common rear Lot corner of said Lots; thence running with the rear line of Lot 63

4) South 21°37'30" West, 173.64 feet to the place of beginning containing a computed area of 15,447 square feet or 0.3553 acres of land.

Subject to all easements and/or rights of way of record. (Res. 98-2/Ch. Amdt. 98-1, 11-24-97)

Section 52-2H. 1999 Annexation:

Being all that piece, parcel or tract of land situate, lying and being in the Spalding Election District No. 6, Prince George's County, Maryland being all of Parcel "B", Block "A" and that area of land to be dedicated to public use adjacent to Parcel "B", Block "A" as delineated on a Plat of Subdivision entitled "Lots 6 thru 11 and Parcel "A" Block "A" and Lots 17 and 18, Block "C" First Addition to SKYLINE SUBDIVISION" and recorded among the Land Records of the aforesaid county in Plat Book NLP 129 at Plat 93; and being more particularly described as follows:

Beginning for the same at the beginning of the North 25°09'45" West, 562.43 foot line as delineated on a Plat of Subdivision entitled "SKYLINE SUBDIVISION" recorded among the aforesaid Land Records in Plat Book 14 at Plat 83, said point of beginning being on the southwesterly corner of said Parcel "B", Block "A", said point also being the southeasterly corner of Lot 11, Block, as shown on the aforesaid plat thence running with the westerly line of Parcel "B", Block "A" and the easterly line of Lots 11 thru 6, Block, as shown on the aforesaid plat;

1) North 25°09'45" West, 593.66 feet to a point at the front lot corner of Parcel "B", Block "A", said point also being the lying on the southerly right of way for Randolph Road (60' R/W), thence with a portion of the southerly right of way for Randolph Road:

2) North 64°50'15" East, 32.72 feet to a point said point being the point of curvature for the intersection of Randolph Road and Suitland Road (formerly known as Mayhew Road), thence;

3) 36.14 feet along the arc of a curve deflecting to the right having a radius of 30.00 feet and a chord bearing and distance of South 45°52'02" East, 35.36 feet to a point, thence along the northerly right of way for Suitland Road;

4) South 25°09'45" East, 455.36 feet to a point, thence

5) South 35°18'00" East, 229.88 feet to the place of beginning containing a computed area of 108,205 square feet or 2.4841 acres of land.

Subject to all easements and/or rights of way of record.

Being all that piece, parcel or tract of land situate, lying and being in the Spalding Election District No. 6, Prince George's County, Maryland being all of Lot 19, Block "D" and that area of land to be dedicated to public use adjacent to Lot 19, Block "D" as delineated on a Plat of Subdivision entitled "Lot 19, Block "D" ANDREW ESTATES" and recorded among the Land Records of the aforesaid county in Plat Book WWW 61 at Plat 92; and being more particularly described as follows:

Beginning for the same at the beginning of the South 40°02'55" East, 100.00 foot line as delineated on a Plat of Subdivision entitled "Lot 19, Block "D" ANDREW ESTATES" recorded among the aforesaid Land Records in Plan Book WWW 61 at Plat 92, said point of beginning also being on the southwesterly right-of-way of Suitland Road (formerly Mayhew Road) at the northern most point of the subdivision thence running with said plat and right-of-way;

1) South 40°02'55" West, 100.00 feet to a point at the front lot corner of Parcel Lot 19, Block "D", said point also being northerly corner of Out Lot "C", as shown on a plat Entitled "Third Addition to Skyline" recorded among the aforesaid land records in plat book WWW 43, as Plat 67, thence with a portion of the southeasterly line of Lot 19;

2) South 36°46'20" West, 250.60 feet to a point, thence;

3) North 40°02'55" West, 171.52 feet to a point, said point being on the southerly right-of-way line for Elmendorf Drive (60' R/W), thence with a portion of the southerly right-of-way for Elmendorf Drive;

4) North 49°57'05" East, 200.00 feet to a point of curvature for the intersection of Elmendorf Drive and Suitland Road (formerly known as Mayhew Road), thence;

5) 31.42 feet along the arc of a curve deflecting to the right having a radius of 20.00 feet and a chord bearing and distance of South 85°02'55" East, 28.28 feet to the place of beginning containing a computed area of 31, 982 square feet or 0.7342 acres of land.

Subject to all easements and/or rights-of-way of record.

Being all that piece, parcel or tract of land situate, lying and being in the Spalding Election District No. 6, Prince George's County, Maryland being all of Parcel "F" and Parcel "G" and that

area of land to be dedicated to public use adjacent to Parcels "F" and "G" as delineated on a Plat of Subdivision entitled "SKYLINE HILLS" and recorded among the Land Records of the aforesaid county in Plat Book NLP 118 at Plat 42, said property also being Lots 1 and 2, Block "C", Lots 1 thru 43, Block "E"; Parcel "B" and "E" and that area of land to be dedicated to public use adjacent to Parcels "B" and "E" and Lots 1 and 2, Block "C" all as delineated on a Plat of Subdivision entitled "SKYLINE HILLS" and recorded among the Land Records of the aforesaid county in Plat Book NLP 118 at Plat 38 and being more particularly described as follows:

Beginning for the same at the beginning of the South 42°14'25" East, 228.76 foot line as delineated on a Plat of Subdivision entitled "SKYLINE SUBDIVISION" recorded among the aforesaid Land Records in Plan Book NLP 118 at Plat 42, said point of beginning also being on the southwesterly right-of-way of Suitland Road (formerly Mayhew Road) at the northern most point of the subdivision thence running with said plat and right-of-way line;

1) South 42°14'25" East, 228.76 feet to a point on the southerly right-of-way of Suitland Road (formerly Mayhew Road) at the southern most point of the subdivision thence running with the southerly boundary of the subdivision as delineated on said plat; thence running with southerly boundary of the subdivision as shown on the aforesaid plat and as shown on a Plat of Subdivision entitled "SKYLINE SUBDIVISION" recorded among the aforesaid Land Records in Plat Book NLP 118 at Plat 38;

2) South 70°14'33" East, 791.97 feet to a point on the easterly Lot corner Lot 1, Block "B" as delineated on the said plat entitled "SKYLINE HILLS" and recorded among the Land Records of the aforesaid county in Plat Book NLP 118 at Plat 38, thence with the easterly Lot line of said lot and the westerly right-of-way for George Street;

3) North 19°45'27" West, 180.00 feet to a point on the northerly right-of-way for John Street (60' R/W), said point also being the southerly line of Parcel "B", as shown on the plat entitled "SKYLINE HILLS" and recorded among the Land Records of the aforesaid county in Plat Book NLP 118, said point also being 25.00 feet from a point of curvature on the northerly right-of-way for John Street, thence with the aforesaid northerly right of way;

4) South 70°14'33" West, 1145.11 feet to the southerly boundary of Parcel "B", thence leaving the northerly boundary of John Street and following the western and norther boundary of Parcels "B" and "G";

5) North 19°45'27" West, 230.63 feet to a point, thence;

6) North 54°07'04" West, 340.30 feet to a point, thence;

7) North 48°19'12" East, 354.84 feet to a point, thence;

8) South 60°29'35" East, 502.50 feet to a point, thence;

9) South 49°22'37" West, 79.34 feet to a point, thence;

10) South 72°33'44" West, 310.07 feet to a point, thence;

11) North 56°04'45" East, 102.40 feet to a place of beginning containing a computed area of 439,440 square feet or 10.0882 acres of land.

Subject to all easements and/or rights-of-way of record.

Being all that piece, or tract of land situate, lying and being in the Spalding Election District No. 6, Prince George's County, Maryland being all of Lots 1 thru 9, and the area of land dedicated to Public Use adjacent to Lots 1 thru 9, as delineated on a Plat of Subdivision entitled "ARTHUR DICK SUBDIVISION, SECTION 2" and recorded among the Land Records of the aforesaid county in Plat Book BB 15 at Plat 91 and being all of Lots 1 thru 6, and the area of land dedicated to Public Use adjacent to Lots 1 thru 6, as delineated on a Plat of Subdivision entitled "ARTHUR DICK SUBDIVISION, SECTION 1" and recorded among the Land Records of the aforesaid county in Plat Book BB 12 at Plat 71 and being all of PARCEL "172", and the area of land dedicated to Public Use adjacent to Parcel 172, as delineated on Prince George's County, Maryland Tax Map No. 89, Grid C-4 and recorded among the aforesaid Land Records in Liber 7346 at Folio 262 being more particularly described as follows:

Beginning for the same at a point on the southeasterly property corner of Lot 6, as shown on the aforesaid plat as recorded in Plat Book BB 12, as Plat 71, said point also lying on the westerly right-of-way line for Tournament Street (50' R/W), thence;

1) South 82°14'44" West, 723.69 feet to a point, thence;

2) North 18°11'16" West, 244.07 feet to a point, thence;

3) South 77°51'13" West, 564.59 feet to a point, thence;

4) North 13°40'33" West, 200.07 feet to a point, thence;

5) North 77°51'13" East, 578.03 feet to a point, thence;

6) North 82°29'09" East, 696.63 feet to a point, thence;

7) South 17°56'08" East, 444.14 feet to a point to the point of beginning containing a computed area of 429,197 square feet or 9.8530 acres of land.

Subject to all easements and/or rights-of-way of record.

Being all that piece, parcel or tract of land situate, lying and being in the Spalding Election District No. 6, Prince George's County, Maryland being all of Lot 62, and the area of land dedicated to public use adjacent to Lot 62, as delineated on a Plat of Subdivision entitled "SKYLINE SUBDIVISION" and recorded among the Land Records of the aforesaid county in Plat Book BB 9 at Plat 24 and being more particularly described as follows:

Beginning for the same at a point at beginning of the North 25°09'45" West, 562.43 foot line of the aforesaid plat recorded in Plat Book BB 9 at Plat 24, said point of beginning also being on the northeasterly right-of-way of Suitland Road (formerly Mayhew Road) thence running with said plat line and with said right-of-way the following two (2) courses and distances;

1) North 25°09'45" West, 205.81 feet to a point; thence

2) North 21°37'30" East, 32.72 feet to the true point of beginning, said point lying on the easterly right-of-way line for Skyline Drive (40' right-of-way), said point also being the common front property corner of Lots 62 and 63; thence

3) North 21°37'30" East, 100.00 feet to a point; thence

4) South 68°22'30" East, 150.00 feet to a point; thence

5) South 21°37'30" West, 100.00 feet to a point; thence

6) North 68°22'30" West, 150.00 feet to the true point of beginning containing a computed area of 15,000 square feet or 0.3444 acres of land.

Subject to all easements and/or rights-of-way of record.

Being all that piece, parcel or tract of land situate, lying and being in the Spalding Election District No. 6, Prince George's County, Maryland being all of Parcel "A" and the area of land dedicated to Public Use adjacent to Parcel "A", as delineated on a Plat of Subdivision entitled "PARCEL A, TOURNAMENT SUBDIVISION" and recorded among the Land Records of the aforesaid county in Plat Book NLP 101 at Plat 49 and being more particularly described as follows:

Beginning for the same at the end of the North 70°27'39" East, 119.36 foot line as delineated on a Plat of Subdivision entitled "PARCEL A", TOURNAMENT SUBDIVISION" recorded among the aforesaid Land Records in Plat Book NLP 101 at Plat 49, said point of beginning also being on the southerly right-of-way of Suitland Road (formerly Mayhew Road) opposite centerline station 141+60.90, and being 54.00 feet southwesterly of the said center line station, as shown on Prince George's County Plat Number 193, thence with said plat and right-of-way line;

1) 148.37 feet along the arc of a curve deflecting to the left having a radius of 3269.58 feet and a chord bearing and distance of South 42°17'17" East, 148.36 feet to a point, thence leaving the aforesaid southerly right of way for Suitland Road;

2) 33.36 feet along the arc of a curve deflecting to the right having a radius of 30.00 feet and a chord bearing and distance of South 11°43'49" East, 31.67 feet to a point, thence;

3) South 20°07'39" West, 77.21 feet to a point; thence

- 4) South 82°19'09" West, 97.83 feet to a point; thence
- 5) North 43°40'22" West, 381.94 feet to a point; thence
- 6) North 70°09'53" East, 77.66 feet to a point; thence
- 7) South 39°24'14" East, 150.39 feet to a point; thence
- 8) North 70°27'39" East, 119.36 feet to the point of beginning containing a computed area of 47,104 square feet or 1.08136 acres of land.

Subject to all easements and/or rights-of-way of record.

Being all that piece, parcel or tract of land situate, lying and being in the Spalding Election District No. 6, Prince George's County, Maryland being all of the Public Road Right of Way for Allentown Road from its intersection with Auth Road, and extending easterly to the current western limits of the Town of Morningside, and all the Public Road Right of Way for Allentown Road from its current eastern limits for the Town of Morningside and extending east to its intersection with the public road right of way for Suitland Parkway, all as shown on State Road Commission Plat Number 44073, 440074, [44074,] 44075, 44597 and 44598 and all the Public Road Right of Way for the Capital Beltway, (Interstate 95) from its intersection with Auth Road and extending easterly to the current western limits of the Town of Morningside and all of the Public Road Right of Way for the Capital Beltway, (interstate 95) from its intersection with Forestville Road and extending easterly to its intersection with the public right-of-way fro [for] Suitland Parkway, including the right-of-way south bound access ramo [ramp] to Forestville Road from South Bound Capital Beltway.

Subject to all easements and/or rights-of-way of record.

Being all that piece, parcel or tract of land situate, lying and being in the Spaulding Election District No. 6, Prince George's County, Maryland being all of Parcel "W-6" and that area of land to be dedicated to public use adjacent to Parcel "W-6" as delineated on Plat of Subdivision entitled "PARCEL "W-6", ANDREWS MANOR SHOPPING CENTER" and recorded among the Land Records of the aforesaid county in Plat Book WWW 85 at Plat 88, and being more particularly described as follows;

Beginning for the same at the beginning of the South 47° 55' 10" West, 562.14 foot line as delineated on a Plat of Subdivision entitled "PARCEL "W-6", ANDREWS MANOR SHOPPING CENTER" recorded among the aforesaid Land Records in Plat Book WWW 85 at Plat 88, said point of beginning also being on the northerly right-of way of Allentown Road (Maryland Route 337) opposite baseline of right-of-way station 42+54.44, and being 68. 67 feet northwesterly of the said center line station, as shown on SRC Plat Number 19352, thence with said plat and right-of-way line;

- 1) South 47°55' 10" West, 562. 14 feet to a point thence leaving the aforesaid

right of way for Allentown Road and with the northerly right-of-way for the "Ramp North off Capital Beltway";

- 2) North 87° 10' 30" West, 70.04 feet to a point, thence;
- 3) North 41° 46' 20" West, 45.55 feet to a point, thence;
- 4) 177.60 feet along the arc of a curve deflecting to the left having a radius of 590.00 feet and a chord bearing and distance of North 49° 53' 45" West, 176.93 feet to a point, thence leaving the aforesaid northerly right-of-way for the "Ramp North off Capital Beltway" and following the two courses;
- 5) North 65° 33' 00" East, 497.95 feet to a point, thence;
- 6) North 01° 46' 00" East, 199.77 feet to a point, said point being on the southerly right-of-way for the Capital Beltway, Interstate Route 495, (300' right-of-way), thence with a portion of the southerly right-of-way for the Capital Beltway;
- 7) North 66° 14' 10" East, 83.04 feet to a point, said point lying of the westerly right-of-way for Suitland Road, thence;
- 8) South 45° 27' 20" East, 184.92 feet to a point, thence;
- 9) South 10° 23' 20" West, 85.10 feet to the place of beginning containing a computed area of 131,513 square feet or 3.0191 acres of land.

Subject to all easements and/or rights-of-way of record. (Res. 00-2/Ch. Amdt. 00-1, 1-14-00.)

Section 52-3. Type of government.

All legislative powers of the town shall be vested in a Council consisting of four Council Members and a Mayor, all to be elected at large. All Council Members shall be elected to hold office for overlapping terms of two years, except in the election of May 1974. In the election of May [May] 1974, the Council Members receiving the first and second highest number of votes will hold office for terms of two years. The Council Members receiving the third and fourth highest number of votes will hold office for terms of one year. Beginning in May 1975, and every year thereafter, two Council Members will be elected to hold office for terms of two years. Commencing with the election of May 1974 and every three years thereafter, the Mayor shall be elected to hold office for a term of three years. The regular term of Council Members shall expire on the second Monday following the election of their successors. (Char. Amend. No. 74-1, 4-5-75.)

Section 52-4. Qualifications of Council Members.

Any person shall be eligible for the office of Council Member who shall have attained the age of twenty-five years, who shall not have been convicted of a felony or a misdemeanor involving moral turpitude, and who shall be a qualified voter in said town. (Res., Oct. 4, 1957,

sec. 4; Char. Amend. No. 74-1, 4-5-75.)

Section 52-5. Compensation of municipal officers.

No Council Member, Mayor or volunteer officer of the town shall receive any payment for services except as provided in this Charter. The Mayor shall receive the sum of fifty dollars per month and each Council Member shall receive the sum of thirty dollars per month. Such compensation to be paid as a salary or as reimbursement for ordinary expenses incurred in the line of their duties for the town, and such category of reimbursement to be determined in accordance with the written certification of the official concerned as submitted to the Council. Compensation for extra-ordinary expenses or [of] Town officials, or compensation of any kind for volunteer officials of the Town, shall be paid only in the specific amounts approved in advance by the Council and then only for activities or materials involved in furtherance of the legitimate interests of the Town. (Res., Oct. 4, 1957, sec. 5; Char. Amend. No. 74-1, 4-5-75.)

Section 52-6. Meetings of the Council.

The newly elected Council shall meet on the second Monday following its election for the purpose of organization, after which the Council shall meet regularly at such times as may be prescribed by its rules but not less frequently than once each month. Special meetings may be called upon the request of the Mayor or a majority of the members of the Council; provided however, that no special meeting shall be held until 3 days after posting announcement of such meeting at the Town Hall and in at least two other public places. The Announcement of a special meeting shall state the purpose, time and place thereof. All meetings of the Council shall be open to the public subject to the provisions of the State Open Meetings Law Section 10-508, State Government Article, Annotated Code of Maryland. (Res., Oct. 4, 1957, sec. 6; Char. Amend. No. 87-2, 11-12-87.)

Section 52-7. Council to be judge of qualification of its members.

The Council shall be the judge of the election and qualification of its members. (Res., Oct. 4, 1957, sec. 7.)

Section 52-8. Chairman of Council, Designation of Vice-Mayor.

The Mayor shall serve as chairman of the Council. The Mayor may take part in all discussions and shall have a vote only in case of a tie. The Mayor shall designate a member of the Council as Vice-Mayor to act as chairman in his absence and also in his absence to act as head of the Town government in ceremonial affairs. (Res., Oct. 4, 1957, sec. 8; Char. Amend. No. 74-1, 4-5-75.)

(Cont'd on page 98-7)

Section 52-9. Quorum.

A majority of the members of the Council shall constitute a quorum for the transaction of

business, but no ordinance shall be approved nor any other action taken without the favorable votes of at least a majority of the total elected membership of the Council. For the purposes of this section the Mayor shall be considered a member of the Council. (Res., Oct. 4, 1957, sec. 9.)

Section 52-10. Procedure of Council.

The Council shall determine its own rules and order of business. It shall keep a journal of its proceedings and enter therein a roll call vote upon any action if required by any one member. The journal shall be open to public inspection. (Res., Oct. 4, 1957, sec. 10.)

Section 52-11. Vacancies in Council.

In the event that the Mayor or any Council Member shall fail to attend three consecutive monthly meetings, unless such absence shall have been officially excused by the Council, that office shall automatically become vacant and that office shall be officially declared vacant by the Chairman of the Council as the last item of business before adjournment at the third monthly meeting. Upon a vacancy in the office of the Mayor or Council Member, the vacancy shall be advertised in the next Town newsletter following the vacancy. The Town shall accept petitions signed by at least ten registered voters of the Town of Morningside for the vacancy for a period of thirty days after advertisement in the newsletter. After the thirty day period, the Council shall have fifteen days to fill the vacancy in accordance with Sections 52-9 and 52-37 of the Charter. If the Council cannot fill the vacancy, a special election shall be called on the first Monday following 45 days after the failure to fill the vacancy.

The petition filed with the Mayor and Council for the vacancy shall be considered a petition for the special election if the Council cannot fill the vacancy. (Res., Oct. 4, 1957, sec. 11; Char. Amend. No. 74-1, 4-5-75; Char. Amend. No. 87-2, 8-17-87.)

Section 52-12. Ordinances.

No ordinance shall be passed at the meeting at which it is introduced. In cases of emergency the above requirement may be suspended by the affirmative votes of three-fifths of the combined membership of the Mayor and Council. Every ordinance, unless it be passed as an emergency ordinance, shall become effective at the expiration of twenty calendar days following approval by the Council. An emergency ordinance shall become effective on the date specified in the ordinance. All ordinances passed by the Council shall be signed by the Mayor and attested by the Council Secretary, who shall seal the same with the Town Seal. Ordinances shall be filed with proper authorities for proof of validity. Ordinances shall be permanently filed by the Treasurer and shall be kept available for public inspection. (Res., Oct. 4, 1957, sec. 12; Res., Nov. 6, 1959.)

Section 52-13. Referendum.

If, before the expiration of twenty calendar days following approval of any ordinance, a petition is filed with the Treasurer containing the signatures of not less than twenty percent of the qualified voters of the town and requesting that the ordinance, or any part thereof, be

submitted to a vote of the qualified voters of the town for their approval or disapproval, the Council shall have the ordinance, or the part thereof requested for referendum, submitted to a vote of the qualified voters of the town at the next regular town election or, at the Council's discretion, at a special election occurring before the next regular town election. No ordinance, or the part thereof requested for referendum, shall become effective following the receipt of such petition until and unless approved at the election by a majority of the qualified voters voting on the question. An emergency ordinance, or the part thereof requested for referendum, shall continue in effect for sixty days following receipt of such petition. If the question of approval or disapproval of any emergency ordinance, or any part thereof, has not been submitted to the qualified voters within sixty days following receipt of the petition, then the operation of the ordinance, or the part thereof requested for referendum, shall be suspended until approved by a majority of the qualified voters voting on the question at any election. Any ordinance, or part thereof, disapproved by the voters, shall stand repealed. The provisions of this section shall not apply to any ordinance, or part thereof, passed under the authority of Section 52-45, levying property taxes for the payment of indebtedness, but the provisions of this section shall apply to any ordinance, or any part thereof, levying special assessment charges under the provisions of Sections 52-59 and 52-60. The provisions of this section shall be self-executing, but the Council may adopt ordinances in furtherance of these provisions and not in conflict with them. (Res., Oct. 4, 1957, sec. 13.)

The Mayor

Section 52-14. Selection and term.

The Mayor shall be elected as hereinafter provided and shall hold office for a term of three years, or until his successor is elected and qualified. The newly elected Mayor shall take office on the second Monday following his election. (Res., Oct. 4, 1957, sec. 14; Char. Amend. No. 74-1, 4-5-75.)

Section 52-15. Qualifications of Mayor.

Any person shall be eligible for election to the office of Mayor who shall have attained the age of 30 years and resided in the town for at least one year, who shall not have been convicted of a felony or a misdemeanor involving moral turpitude, and who shall be a qualified voter in said town. (Res., Oct. 4, 1957, sec. 15; Char. Amend. No. 74-1, 4-5-75.)

Section 52-16. Powers and duties.

(a) **Appointments.** The Mayor shall be Chairman of the Council and head of the administrative branch of the town government. The Mayor, with the approval of the Council, shall appoint or remove the heads of all offices, departments, committees and agencies of the town government as established by this charter or by ordinance. All subordinate officers, employees and volunteers of the offices, departments and agencies of the town government shall also be appointed and removed by the Mayor with the approval of the Council. The Mayor, not less than once each year, shall report to the Council the condition of municipal affairs and make such recommendations as he deems proper for the public good and the welfare of the town.

(b) Finances. The Mayor shall be responsible for the financial administration of the town government. He shall prepare or have prepared annually a budget and submit it to the Council. He shall supervise the administration of the budget as adopted by the Council. He shall supervise the disbursement of all monies and have control over all expenditures to assure that budget appropriations are not exceeded.

(c) Other. The Mayor shall have such other powers and perform such other duties as may be prescribed by this charter or as may be required of him by the Council, not inconsistent with this charter. (Res., Oct. 4, 1957, sec. 16.)

General Powers of Municipality

Section 52-17. Powers of Council enumerated.

The Council shall have the power to pass resolutions, ordinances or conduct other business, not contrary to the Constitution and laws of the State of Maryland or this charter, as it may deem necessary for the good government of the town; for the protection and preservation of the town's property, rights, and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger, or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of the town and visitors thereto and sojourners therein. (Res., Oct. 4, 1957, sec. 17.)

Section 52-18. Specific powers.

- (1) Listed. The Council shall have, in addition, the following powers:
- (2) Amusements. To provide in the interest of the public welfare for licensing, regulating, or restraining theatrical or other public amusements.
- (3) Appropriations. To appropriate municipal monies for any purpose within the powers of the Council.
- (4) Billboards. To license, tax and regulate, restrain or prohibit the erection or maintenance of billboards within the town, the placing of signs, bills and posters of every kind and description on any building, fence, post, billboard, pole or other place within the town.
- (5) Buildings. To make reasonable regulations in regard to buildings and signs to be erected, constructed, or reconstructed in the town, and to grant building permits for the same; to formulate a building code and a plumbing code and to appoint a building inspector and a plumbing inspector, and to require reasonable charges for permits and inspections; to authorize and require the inspection of all buildings and structures and to authorize the condemnation thereof in whole or in part when dangerous or insecure, and to require that such building and structures be made safe or be taken down.
- (6) Codification. To provide for the codification of all ordinances which have been or may hereafter be passed.

(7) Community services. To establish, maintain and operate public parks, gardens, playgrounds, social services, and other recreational facilities and programs to promote the health, welfare, and enjoyment of the inhabitants of the town.

(8) Contracts. To enter into contracts in the name of the town.

(9) Cooperative activities. To make agreement with other municipalities, counties, districts, bureaus, commissions and governmental authorities for the joint performance of or for cooperation in the performance of any governmental functions.

(10) Curfew. To prohibit the youth of the town from being in the streets, lanes, alleys, or public places at unreasonable hours of the night.

(11) Dangerous conditions. To compel persons about to undertake dangerous improvements, projects or work of any type to execute bonds with sufficient sureties conditioned that the owner or contractor will pay all damages resulting from such work which may be sustained by any persons or property.

(12) Departments. To create, change and abolish offices, departments, committees or agencies, other than the offices, departments, committees and agencies established by this charter; to assign additional functions or duties to offices, departments, committees or agencies established by this charter, but not including the power to discontinue or assign to any other office, department, committee or agency any function or duty assigned by this charter to a particular office, department, committee or agency.

(13) Dogs and other animals. To regulate the keeping of dogs and other animals in the town and to provide, wherever the county does not license or tax dogs, for the licensing and taxing of the same; to provide for the disposition of homeless dogs and dogs on which no license fee or taxes are paid.

(14) Elections. To prescribe by ordinance procedures for the conduct of municipal elections.

(15) Employment of personnel. To employ such officers and employees as it deems necessary to execute the powers and duties provided by this charter or other State law and to operate the town government; and to provide by ordinance rules and regulations governing said employment.

(16) Explosives. To regulate or prevent the manufacturing, transportation, or storage of gun-powder, oil or any other explosive or combustible matter; to regulate or prevent the use of firearms, fireworks, bonfires, explosives or any other similar things which may endanger persons or property.

(17) Finances. To levy, assess and collect ad valorem property taxes and charges for services of a proprietary [proprietary] character; to expend municipal funds for any public

purpose; and to have general management and control of the finances of the town.

(18) Fire. To establish and maintain a fire department, to inspect buildings for the purpose of reducing fire hazards, to issue regulations concerning fire hazards and to take all other measures necessary to control and prevent fires in the town.

(19) Franchises. To grant and regulate franchises to water companies, electric light companies, gas companies, telegraph and telephone companies, transit companies, taxicab companies, and any others which may be deemed advantageous and beneficial to the town, subject, however, to the limitations and provisions of Article 23 of the Annotated Code of Maryland (1957 Edition, as amended). No franchise shall be granted for a longer period than fifty years.

(20) Health. To protect and preserve the health of the town and its inhabitants; to establish quarantine regulations and to require the removal or confinement of persons having contagious or infectious diseases; to prevent and remove all nuisances; to inspect, regulate and abate any buildings, structures or places which cause or may cause unsanitary conditions or conditions detrimental to health; provided, that nothing herein shall be construed to affect in any manner any of the powers and duties of the State Board of Health, the County Board of Health or any public general or local law relating to the subject of health.

(21) House numbers and naming public ways. To regulate the numbering of houses and lots and to compel owners to renumber the same, or in default thereof to authorize and require the same to be done by the town at the owner's expense, such expense to constitute a lien upon the property collectible as tax monies, and to regulate the naming of public ways.

(22) Insurance. To insure personnel and property whenever, in the judgment of the Town Council, the public interest so requires.

(23) Jail. To establish and regulate a station house or lock-up for temporary confinement of violators of the laws and ordinances of the town or to use the county jail for such purpose.

(24) Licenses. Subject to any restrictions imposed by the public general laws of the State, to license and regulate all persons beginning or conducting transient or permanent business in the town for the sale of any goods, wares, merchandise or services; to license and regulate any business, occupation, trade, calling or place of amusement or business (including public hackmen, taxicab men, draymen, drivers, cabmen, elevator operators, porters and expressmen, and all other persons pursuing like occupations); to establish and collect fees and charges for all licenses and permits issued under the authority of this charter.

(25) Liens. To provide that any valid charges, taxes or assessments made against any real property within the town shall be liens upon such property, to be collected as municipal taxes are collected.

(26) Lights. To provide for the lighting of the town.

(27) Minor privileges. To regulate or prevent the use of public ways, sidewalks and public places for signs, awnings, posts, steps, railings, entrances, racks, posting handbills and advertisements, and display of goods, wares and merchandise.

(28) Nuisances. To prevent, abate or require the removal by appropriate ordinance of all nuisances in the town which are so defined at common law, by this charter or by the laws of the State of Maryland, whether the same be herein specifically named or not.

(29) Parking facilities. To license and regulate and to establish, obtain by purchase, by lease or by rent, own, construct, operate and maintain parking lots and other facilities for off-street parking.

(30) Parking meters. To install parking meters on the streets and public places of the town in such places as the Council shall by ordinance determine, and by ordinance to prescribe rates and provisions for the use thereof, except that the installation of parking meters on any street or road maintained by the State Roads Commission of Maryland must first be approved by the Commission.

(31) Police force. To establish, operate and maintain a police force. All town policemen shall, within the municipality, have the powers and authority of constables in this State.

(32) Police powers. To establish and enforce traffic regulations; to prohibit, suppress and punish within the town all vice, gambling and games of chance, prostitution and solicitation therefor and the keeping of bawdy houses and houses of ill fame, all tramps and vagrants, all disorders, disturbances, annoyances, disorderly conduct, obscenity, public profanity and drunkenness.

(33) Property. To acquire by conveyance, purchase or gift, real or leasable property for any public purposes; to erect buildings and structures thereon for the benefit of the town and its inhabitants; and to convey [convey] any real or leasehold property when no longer needed for the public use after having given at least twenty days' public notice of the proposed conveyance; to control, protect and maintain public buildings, grounds and property of the town.

(34) Tax. To levy and collect taxes on all real, personal and business property within the limits of said town which is not otherwise prohibited by law.

(35) Vehicles. To regulate and license wagons, bicycles and other vehicles not subject to the licensing powers of the State of Maryland.

(36) Voting machines. To purchase, lease, borrow, install and maintain voting machines for use in town elections.

(37) Zoning. To exercise the powers as to planning and Zoning, conferred upon municipal corporations generally in Article 66B of the Annotated Code of Maryland, subject,

however, to the limitations and provisions of said article.

(38) Saving clause. The enumeration of powers in this section is not to be construed as limiting the powers of the town to the several subjects mentioned. (Res., Oct. 4, 1957, sec. 18.)

Section 52-19. Exercise of powers.

For the purpose of carrying out the powers granted in this subtitle or elsewhere in this charter, the Council may pass all necessary ordinances or resolutions. All the powers of the town shall be exercised in the manner prescribed by this charter, or if the manner be not prescribed, then in such manner as may be prescribed by ordinance or resolution. (Res., Oct. 4, 1957, sec. 19.)

Section 52-20. Enforcement.

To insure the observance of the ordinances of the town, the Council shall have the power to provide that violation thereof shall be a misdemeanor. Every act or omission which, by ordinance, is made a misdemeanor under the authority of this charter, unless otherwise provided, shall be punishable upon conviction before any trial magistrate or in the Circuit Court for the County within which the offense is committed by a fine not exceeding one hundred dollars (\$100.00) or imprisonment for thirty days in the county jail, or both, in the discretion of the court or trial magistrate. The party aggrieved shall have the right to appeal as is now provided under the general laws of the State. Where the act or omission is of a continuing nature and is persisted in, a conviction for one offense shall not be a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction. All fines, forfeitures, and penalties imposed by any town ordinance may be recovered in the corporate name of the town before a trial magistrate. The proceeds from all fines imposed for violation of town ordinances shall be paid to the town for its use. (Res., Oct. 4, 1957, sec. 20.)

Registration, Nominations and Elections

Section 52-21. Board of Supervisors of Elections.

There shall be a Board of Supervisors of Elections, consisting of three members who shall be appointed by the Mayor with the approval of the Council on or before the first Monday in March each year. The terms of these members shall begin on the first Monday in March each year in which they are appointed and shall run for one year. Vacancies on the Board shall be filled by the Mayor with the approval of the Council for the remainder of the unexpired term. Members of the Board shall be qualified voters of the town and shall not hold or be candidates for any public elective office during their term of office. Before entering upon the duties of his office, each member of said Board shall take oath as prescribed by Section 52-63 of this charter. (Res. Oct. 4, 1957, sec. 21.)

Section 52-22. Removal.

Any member of the Board of Supervisors of Elections may be removed for good cause by the Council. Before removal, the member to be removed shall be given a written copy of the charges against him and shall have a public hearing on them before the Council, if he so requests, within ten days after receiving the written copy of the charges. (Res., Oct. 4, 1957, sec. 22.)

Section 52-23. Notice of registration.

The Board of Supervisors of Elections shall give at least two weeks' notice of every registration day and every election by posting a notice at the Town Hall and in at least two other public places. (Res., Oct. 4, 1957, sec. 23.)

Section 52-24. Voters.

Every person who (1) is a citizen of the United States, (2) is at least eighteen years of age, is a bona fide resident of the town, and (3) is registered in accordance with the provisions of this charter and town ordinances, shall be a qualified voter of the town. Every qualified voter of the town shall be entitled to vote at any or all town elections. (Res., Oct. 4, 1957, sec. 24; Char. Amend. No. 76-2, 4-2-76.)

Section 52-25. Registration.

There shall be a registration on the first Monday in April each year between 1:00 P.M. and 9:00 P.M. of the qualified persons not registered to vote. If necessary for the performance of registration or the convenience of the citizens of the town, the Council may designate additional hours or special registration days. (Res., Oct. 4, 1957, sec. 25; Char. Amend. No. 76-2, 4-2-76.)

Section 52-26. Records of registration.

The record containing the names of those persons who have registered shall constitute and be the list of persons eligible to vote at all town elections, and no person whose name does not appear on such record shall be eligible to vote at any town election. It shall be the duty of the Board of Election Supervisors to keep the registration list up to date by striking from the list the names of those persons known to have died or to have moved out of town. No name of any eligible registered person shall be stricken from such list of eligible voters unless a statement sworn to by at least one registered voter to the effect that the person whose name is to be stricken off is dead or for a period of not less than six months has not been a bona fide resident of said town. Notice of the intention of said Board to strike off such name shall be posted in the polling place on registration and election day. A copy of the notice shall be mailed to the last known address of such voter. Unless such person shall present himself to any member of said Board and take oath that he still is a bona fide resident of said town, his name shall be stricken off, his registration card destroyed and notice of intention to remove his name from registration list shall be kept in the permanent records. Any person who [whose] name has been stricken off the list of eligible voters shall not be permitted to vote unless he shall again register on a subsequent registration day. (Res., Oct. 4, 1957, sec. 26.)

Section 52-27. Appeal.

If any person shall feel aggrieved by the action of the Board of Supervisors of Elections in refusing to register him or in striking off the name of any person, or by any other action, such person may appeal to the Council. Any decision or action of the Council upon such appeal may be further appealed to the Circuit Court for Prince George's County within thirty days of the decision or action of the Council. (Res., Oct. 4, 1957, sec. 27.)

Section 52-28. Nominations.

Candidates for election to the office of Council Member or Mayor shall file with the Board of Election Supervisors a petition signed by at least ten registered voters of the Town of Morningside by the first Monday in MARCH. The petition shall be verified and contain the following information: (1) the name, address and phone number of candidate; (2) a statement of eligibility pursuant to [section] 52 of the Charter; (3) a statement that the signatures on the petition are genuine, and (4) a request to be placed on the ballot. No person shall be eligible for elective town public office who has not fulfilled the requirements of this section. No candidate shall file for election to more than one public office at any one election. The Board of Election Supervisors shall be the final judge of the qualifications of candidates for offices under the requirements of this charter. In the event that there are no candidates for an office, or an insufficient number of candidates to fill the councilmanic positions, the deadline for filing petitions shall be extended FIFTEEN DAYS. (Res., Oct. 4, 1957, sec. 28; Char. Amend. No. 76-2, 4-2-76; Char. Amend. No. 87-1, 8-17-87.)

Section 52-29. Elections, Absentee Ballots, Write-in Votes.

a. No primary elections shall be held. The names of all candidates properly nominated shall be considered as nominees of the general municipal election to be held on the first Monday in May of each year.

b. Any qualified voter registered to vote in the Town of Morningside is entitled to vote in any municipal election by absentee ballot.

c. The Town shall also provide for write-in votes at all elections. (Res., Oct. 4, 1957, sec. 29; Char. Amend. No. 76-2, 4-2-76.)

Section 52-30. Conduct of election.

a. It shall be the duty of the Board of Supervisors of Elections to provide for each special and general election a suitable place or places for voting and suitable ballot boxes and ballots and/or voting machines. The Board shall keep the polls open from 9:00 A.M. to 9:00 P.M. on election days.

b. The Board of Supervisors of Elections shall mail absentee ballots to qualified voters, at the written request of those voters, not less than fifteen days prior to the elections. (Res., Oct. 4, 1957, sec. 30; Char. Amend. No. 76-2, 4-2-76.)

Section 52-31. Special elections.

All special town elections shall be conducted by the Board of Supervisors of Elections in the same manner and with the same personnel, as far as practicable, as regular town elections. (Res., Oct. 4, 1957, sec. 31; Char. Amend. No. 76-2, 4-2-76.)

Section 52-32. Vote count.

The Board of Supervisors of Elections shall begin counting the votes immediately after the polls have closed. All votes shall be counted, to include the regular ballot, absentee ballots and write-in-votes. Once the actual vote count begins, no persons shall enter the room in which the vote counting is being conducted until completion of the vote count. The Board of Supervisors of Elections shall complete the vote count within twenty-four hours after the polls have closed, shall determine the number of votes cast for each candidate and shall certify this result to the secretary of the Town who shall record the result in the minutes of the Council. The candidate for Mayor with the highest number of votes shall be declared elected as Mayor. The candidates for election to the vacancies as Council Members with the highest number of votes shall be declared elected. A tie vote shall be decided by special election between the tied candidates. (Res., Oct. 4, 1957, sec. 32; Char. Amend. No. 76-2, 4-2-76.)

Section 52-33. Declaration of election.

The Board of Supervisors of Elections shall post a certificate of the election results at the regular meeting place of the Town Council and one copy at the polling place. It shall include the names of the candidates and the number of votes cast for each. The certificate shall be signed by each member of said Board of Supervisors of Elections. (Res., Oct. 4, 1957, sec. 33; Char. Amend. No. 76-2, 4-2-76.)

Section 52-34. Preservation of ballots.

After said Board shall have counted the ballots and votes and ascertained the result of the election, said Board shall file with the Town Council all records and books in connection with such election. All ballots used in any town election shall be preserved for at least six months from the date of the election. (Res., Oct. 4, 1957, sec. 34.)

Section 52-35. Regulation and control.

The Council shall have the power to provide by ordinance in every respect not covered by the provisions of this charter for the conduct of registration, nomination and town elections and for the prevention of fraud in connection therewith, and for a recount of ballots in care [case] of doubt or fraud. (Res., Oct. 4, 1957, sec. 35.)

Section 52-36. Penalties.

Any person who (1) fails to perform any duty required of him under the provisions of this

subtitle of [or] any ordinances passed thereunder, (2) in any manner wilfully or corruptly violates any of the provisions of this subtitle or any ordinances passed thereunder, or (3) wilfully or corruptly does anything which will or will tend to affect fraudulently any registration, nomination or town election shall be deemed guilty of a misdemeanor. Any officer or employee of the town government who is convicted of a misdemeanor under the provisions of this section shall immediately upon said conviction cease to hold such office or employment. (Res., Oct. 4, 1957, sec. 36.)

Section 52-37. Vacancies.

In case any person elected to the office of Council Member shall vacate that office by reason of death, resignation or otherwise, the remaining Council Members shall fill such vacancies by appointment. Any person so appointed shall possess the qualifications stated in this Charter, shall be a resident of the Town of Morningside, and shall qualify by taking the oath of office within three days after said appointment. A vacancy in the office of Mayor shall be filled in like manner by the appointment of any person eligible to serve in the office of Mayor under the provisions of this Charter. (Res., Oct. 4, 1957, sec. 37; Char. Amend. No. 74-1, 4-5-75.)

Finance

Section 52-38. Treasurer.

The Mayor with the approval of the Council shall appoint a Treasurer to be known as the Treasurer of Morningside. The salary of said Treasurer of Morningside shall be fixed by resolution of the Council of Morningside. The Treasurer shall be the chief financial officer of the town. The financial powers of the town, except as otherwise provided by this charter, shall be exercised by the Treasurer under the direct supervision of the Mayor. (Res., Oct. 4, 1957, sec. 38.)

Section 52-39. Fiscal year.

The town shall operate on an annual budget. The fiscal year of the town shall begin on the first day of July and shall end on the last day of June in each year. Such fiscal year shall constitute the tax year, the budget year and the accounting year. (Res., Oct. 4, 1957, sec. 39.)

Section 52-40. Budget.

The Mayor, on such date as the Council by ordinance may determine, but at least thirty-two days before the beginning of any fiscal year, shall submit a budget to the Council. The budget shall provide a complete financial plan for the budget year and shall contain estimates of anticipated revenues and proposed expenditures for the coming year. The budget shall be a public record in the office of the Treasurer, open to public inspection by anyone during normal business hours. (Res., Oct. 4, 1957, sec. 40.)

Section 52-41. Budget adoption.

Before adopting the budget the Council shall hold a public hearing thereon. The Council

may insert new items or may increase or decrease the items of the budget. A favorable vote of at least a majority of the total elected membership of the Council shall be necessary for adoption. (Res., Oct. 4, 1957, sec. 41.)

Section 52-42. Appropriations.

No public money may be expended without having been appropriated by the Council. From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes named therein. Any transfer of funds between appropriations for different purposes by the Mayor must be approved by the Council. The expenditure of funds appropriated in the budget shall first be authorized in each instance by further resolution of the Council. No person shall expend or contract to expend any money or incur any liability or enter into any contract which by its terms involves the expenditure of money for any purpose in excess of the amounts authorized. Any contract, oral or written, made in violation of this charter shall be null and void. Nothing contained in this section, however, shall prevent the making of contracts or the spending of money for capital improvements to be financed in whole or in part by the issuance of bonds, nor the making of contracts of lease or for services for a period exceeding the budget year in which such contract is made, when such contract is permitted by law. All appropriations shall lapse at the end of the budget year to the extent that they shall not have been expended or lawfully encumbered. Any unexpended and unencumbered funds shall be considered a surplus at the end of the budget year and shall be included among the anticipated revenues for the next succeeding budget year. (Res., Oct. 4, 1957, sec. 42.)

Section 52-43. Checks.

All checks paid by the town shall be issued and signed by the Treasurer and shall be countersigned by the Mayor. (Res., Oct. 4, 1957, sec. 43.)

Section 52-44. Taxable property.

All real, personal and business property within the corporate limits of the town shall be subject to taxation for municipal purposes, and the assessment used shall be the same as that for State and county taxes. No authority is given by this section to impose taxes on any property which is exempt from taxation by any Act of the General Assembly. (Res., Oct. 4, 1957, sec. 44.)

Section 52-45. Tax rate.

The Town Council shall set the town tax rate each year by enactment of the budget. Such tax rate shall not exceed two dollars on each one hundred dollars valuation of the assessable property within said town. From the effective date of the budget, the amount stated therein as the amount to be raised by the property tax shall be used to compute the tax rate in the corresponding tax year. (Res., Oct. 4, 1957, sec. 45; Res., No. 73-1, 4-27-73.)

Section 52-46. Notice of tax levy.

Within 60 days after the levy is made by the Council in each year, the Treasurer shall make out and mail or deliver in person to each taxpayer, or his agent at his last known address, a bill or account of the taxes due from him. This bill or account shall contain a statement of the amount of real, personal or business property with which the taxpayer is assessed, the rate of taxation, the amount of taxes due, and the date on which the taxes will bear interest. Failure to give or receive any notice required by this section shall not relieve any taxpayer of the responsibility to pay all taxes levied on his property on the dates established by this charter. (Res., Oct. 4, 1957, sec. 46.)

Section 52-47. When taxes are overdue.

The taxes provided for in this charter shall be due and payable on the first day of July in the year for which they are levied and shall be overdue and in arrears on the first day of the following October. They shall bear interest while in arrears at the rate of 1% per month thereafter. All taxes not paid and in arrears after the first day of the following January shall be collected as provided in the following section. (Res., Oct. 4, 1957; Res. No. 71-2, 12-19-70.)

Section 52-48. Sale of tax delinquent property.

A list of all property on which the town taxes have not been paid and which are in arrears as provided by section 52-47 of this charter shall be turned over by the Treasurer to the official of the county responsible for the sale of tax delinquent property as provided in State law. All property listed thereon shall, if necessary, be sold for taxes by this county official in the manner prescribed by State law. (Res., Oct. 4, 1957, sec. 48.)

Section 52-49. Fees.

All fees received by an officer or employee of the town government in his official capacity shall belong to the town government and be accounted for to the town. (Res., Oct. 4, 1957, sec. 49.)

Section 52-50. Audit.

The financial books and accounts of the town shall be audited annually as required by Section 40 of Article 19, of the Annotated Code of Maryland (1957 Edition, as amended). (Res., Oct. 4, 1957, sec. 50.)

Section 52-51. Borrowing.

During the first six months of any fiscal year, the town shall have the power to borrow in anticipation of the collection of the property tax levied for that fiscal year, and to issue tax anticipation notes or other evidences of indebtedness as evidence of such borrowing. Such tax anticipation notes or other evidences of indebtedness shall be a first lien upon the proceeds of such tax and shall mature and be paid not later than six months after the beginning of the fiscal year in which they are issued. No tax anticipation notes or other evidences of indebtedness shall be issued which will cause the total tax anticipation indebtedness of the town to exceed fifty per

centrum [centum] (50%) of the property tax levy for the fiscal year in which such notes or other evidences of indebtedness are issued. All tax anticipation notes or other evidences of indebtedness shall be authorized by ordinance before being issued. The Council shall have the power to regulate all matters concerning the issuance and sale of tax anticipation notes.

The power and obligation of the town to pay any and all bonds, notes, or other evidences of indebtedness issued by it under the authority of this charter shall be unlimited and the town shall levy ad valorem taxes upon all the taxable property of the town for the payment of such bonds, notes, or other evidences of indebtedness, and interest thereon, without limitation of amount. The faith and credit of the town is hereby pledged for the payment of the principal of and the interest on all bonds, notes, or other evidences of indebtedness, hereafter issued under the authority of this charter, whether or not such pledge be stated in the bonds, notes or other evidences of indebtedness validly issued by the town previous to November 23, 1957, and all ordinances passed concerning them are hereby declared to be valid, legal and binding and of full force and effect as if herein fully set forth. (Res., Oct. 4, 1957, sec. 51.)

Section 52-52. Indebtedness for municipal improvements.

To effectuate the construction of streets, gutters, storm sewers, storm drains and storm and surface water drainage systems, and parts thereof, and to construct or acquire other public improvements, structures and buildings, and to acquire sites therefor, and to acquire equipment, and to implement or effectuate the authority provided for in other sections of this charter for the general welfare of the town and its general corporate purposes, the mayor and town council are authorized and empowered to borrow on the credit of the Town from time to time such sum or sums of money as may be found to be necessary to accomplish any of the foregoing; provided, however, that such sum or sums shall not at any time exceed in amount the total of ten per centum (10%) of the assessed valuation of all assessable property in the Town appearing on the assessment books of Prince George's County, State of Maryland, and in determining whether said debt limitation shall have been reached at any time the Town shall not take into account any bonds or certificates of indebtedness or promissory notes issued or executed in pursuance of authority contained in this charter which have been retired or paid by the town at maturity, or purchased, or paid by it in advance of maturity. The Mayor and Town Council are authorized to issue bonds or certificates of indebtedness for such borrowing or borrowings, in the name of the town, and to make and give other evidences of such debt, including promissory notes, all of which shall be payable within a period not to exceed thirty (30) years from the date of issuance or execution, with interest thereon payable annually, unless of shorter duration than at the maturity of said obligation. The funds derived from the sale of said bonds or certificates of indebtedness or the funds borrowed [and] evidenced by promissory notes shall be deposited by the Mayor and Council in some safe banking or financial institution to be determined by them. The said funds shall be used only to pay the proper expenses for the negotiations, sales and liquidations of said bonds, certificates or notes, including legal and administrative costs, and for the purpose or purposes for which said borrowing is undertaken. Any bonds or certificates of indebtedness issued or any indebtedness incurred by the Town pursuant to the provisions of this section shall be issued or incurred in conformance with the requirements of Sections 31 to 39, inclusive, of Article 23A of the Annotated Code of Maryland, as said law may be applicable. The hereinbefore mentioned limitation of ten per centum (10%) of the assessed valuation constitutes

an overall limitation on borrowing capacity, including any borrowing power heretofore authorized by the General Assembly of Maryland, and any sums outstanding incident to any heretofore authorized bond issue shall be included in the determination of the limitation expressed in this section: provided, however, that this limitation shall not apply to nor shall it include the short-term tax anticipation borrowing power expressed in Section 52-51 of the charter, and any borrowing undertaken pursuant to said Section 52-51 is expressly exempt from the provisions of this Section 52-52. (Res., July 13, 1961, sec. 51A; Res. No. 71-1, 12-19-70.)

Section 52-53. Additional tax power.

In addition to the sum specified as the maximum rate of tax in Section 52-45, or in any other section, of this charter, the mayor and council are authorized and empowered to levy and collect on assessable property such taxes, not, however, to exceed annually ten cents (.10) on each one hundred dollars worth of assessable property, as may be necessary for the payment of principal and interest thereon of any indebtedness incurred by the town under the provisions of Section 52-52 as the same respectively matures and is payable, or necessary for the payment of such interest and on the principal or to create a sinking fund for the payment upon maturity. This additional tax power shall not be implemented unless the implementation is found to be necessary in light of the requirements of the borrowing accomplished under Section 52-52 after consideration is given to the revenues which may be available from the tax levied pursuant to Section 52-45 and the requirements of the annual budget. The levy of the additional tax, if made, shall be made, assessed and collected in the same manner, and bear the same interest if delinquent, as is provided for taxes in Sections 52-46 to 52-48, inclusive, of this charter, and the same provisions for enforcement of collection, including sale of delinquent property, shall apply. (Res., July 13, 1961, sec. 51B.)

Section 52-54. Purchasing and contracts.

All purchases and contracts for the town shall be made by approval of the Council and shall be made in the name of the town, and all contracts shall be signed by the Mayor of Morningside, and shall be attested by the Secretary of Council who shall seal the same with the town seal. No Councilman and no other town official shall be, directly or indirectly, personally financially interested in any contract awarded or entered into by said Council on behalf of said town. The Council may by ordinance provide for rules and regulations regarding the use of competitive bidding and contracts for all town purchases and contracts. The Council shall have the right to reject all bids and direct readvertising. The town at any time in its discretion may employ its own forces for the construction or reconstruction of public improvements without advertising for (or readvertising for) or receiving bids. All written contracts may be protected by such bonds, penalties, and conditions as the town may require. (Res., Oct. 4, 1957, sec. 52.)

Public Ways

Section 52-55. Control of public ways and sidewalks.

Subject to the laws of the State of Maryland and this charter, the town shall have control of and may do whatever it deems necessary to establish, operate and maintain the public ways

and sidewalks of this town in good condition. The term "public ways" as used in this charter shall include all streets, avenues, roads, highways, public thoroughfares, lanes and alleys. (Res., Oct. 4, 1957, sec. 53.)

Water and Sewers

Section 52-56. Powers.

The town may require any public service corporation, company, or individual, before beginning any construction of or placing of or changing the location of any main, conduit, pipe, or other structure in the public ways of the town, to submit plans to the town and obtain written approval upon such conditions and subject to such limitations as may be imposed by the town. Such public service corporation, company or individual shall be required to post bond for insuring the proper repairs of public and private ways in a condition not inferior to that existing before. The town shall have authority to require easements from such public service, corporation, company, or individual, for the purpose of installing storm sewers, public utilities, grading or constructing new roadways or sidewalks. If necessary to carry out the provisions of this section, the town may use its condemnation powers provided in this charter. All individuals, firms, or corporations having mains, pipes, conduits, or other structures, in, on, or over any public way in the town or in the County which impede the establishment, construction, or operation of any town storm water sewer or public utility shall upon reasonable notice, remove or adjust the obstructions at their own expense to the satisfaction of the town. (Res., Oct. 4, 1957, sec. 54.)

Section 52-57. Extensions beyond boundaries.

The town shall have the power to extend, operate and maintain its storm water sewer systems beyond the town limits. (Res., Oct. 4, 1957, sec. 55.)

Section 52-58. Right of entry.

Any employee or agent of the town while in the necessary pursuit of his official duties with regard to the water or sewage disposal systems operated by the town shall have the right of entry, for access to such installations, at all reasonable hours and, after reasonable advance notice to the owner, tenant, or person in possession, upon any premises and into any building, in the town or in the county served by the town's installations. (Res., Oct. 4, 1957, sec. 56.)

Special Assessments

Section 52-59. Power; special assessments.

The town shall have the power to levy and collect taxes in the form of special assessments upon property in a limited and determinable area for special benefits conferred upon such property by the installation or construction of storm water sewers, curbs, and gutters and by the construction and paving of public ways and sidewalks or parts thereof, and to provide for the payment of all or any part of the above projects out of the proceeds of such special assessment. The cost of any project to be paid in whole or in part by special assessments may include the

direct cost thereof, the cost of any land acquired for the project, the interest on bonds, notes or other evidences of indebtedness issued in anticipation of the collection of special assessments, a reasonable charge for the services of the persons employed by the town, and any other item of cost which may reasonably be attributed to the project. (Res., Oct. 4, 1957, sec. 57.)

Section 52-60. Procedure.

(a) Specified. The procedure for special assessments, wherever authorized in this charter, shall be as follows:

(b) Cost. The cost of the project being charged for shall be assessed according to the front foot rule of apportionment or some other equitable basis determined by the Council.

(c) Classes. When desirable, the affected property may be divided into different classes to be charged different rates but, except for this, any rate shall be uniform.

(d) Notice and hearing. All special assessment charges shall be levied by the Council by ordinance. Before levying any special assessment charges, the Council shall hold a public hearing. The Treasurer shall cause notice to be given stating the nature and extent of the proposed project, the kind of materials to be used, the estimated cost of the project, the portion of the cost to be assessed, the number of installments in which the assessment may be paid, the method to be used in apportioning the cost and the limits of the proposed area of assessment. The notice shall also state the time and place at which all persons interested, or their agents or attorneys, may appear before the Council and be heard concerning the proposed project and special assessment. Such notice shall be given by sending a copy thereof by mail to the owner of record of each parcel or property proposed to be assessed, to the person in whose name the property is assessed for taxation and by publication of a copy of the notice at least once in a newspaper of general circulation in the town. The Treasurer shall present at the hearing a certificate of publication and mailing of copies of the notice, which certificate shall be deemed proof of notice, but failure of any owner to receive the mailed copy shall not invalidate the proceedings. The date of hearing shall be set at least ten and not more than thirty days after the Treasurer shall have completed publication and service of notice as provided in this section. Following the hearing, the Council in its discretion may vote to proceed with the project and may levy the special assessment.

(e) Appeals. Any interested person feeling aggrieved by the levying of any special assessment under the provisions of this section shall have the right to appeal to the Circuit Court for the County within ten days after the levying of any assessment by the Council.

(f) Instalments [Installments]. Special assessments may be made payable in annual or more frequent instalments [installments] over such period of time, not to exceed ten years, and in such manner as the Council may determine. The Council shall determine on what date instalments [installments] shall be due and payable. Interest may be charged on instalments [installments] at the rate to be determined by the Council.

(g) When due. All special assessment instalments [installments] shall be overdue six

months after the date on which they became due and payable. All special assessments shall be liens on the property and all overdue special assessments shall be collected in the same manner as town taxes or by suit at law.

(h) Collection. All special assessments shall be billed and collected by the Treasurer. (Res., Oct. 4, 1957, sec. 58.)

Town Property

Section 52-61. Acquisition, possession and disposal.

The town may acquire real, personal or mixed property for any public purpose by purchase, gift, bequest, devise, lease, condemnation or otherwise and may sell, lease or otherwise dispose of any property belonging to the town. All municipal property, funds and franchises of every kind belonging to or in the possession of the town (by whatever prior name known) on November 23, 1957, are vested in the town, subject to the terms and conditions thereof. Before disposing of any property the town shall give at least 31 days' public notice. The town shall have the power to control, protect and maintain public buildings, grounds and property of the town. (Res., Oct. 4, 1957, sec. 59.)

Section 52-62. Condemnation.

The town shall have the power to condemn property of any kind, or interest therein or franchise connected therewith, in fee or as an easement, within or outside the corporate limits of the town for any public purpose. Any activity, project or improvement authorized by the provisions of this charter or any other State law applicable to the town shall be deemed to be a public purpose. The manner or procedure in case of any condemnation proceeding shall be that established in Article 33A of the Annotated Code of Maryland (1957 Edition, as amended), title "Eminent Domain". (Res., Oct. 4, 1957, sec. 60.)

General Provisions

Section 52-63. Oath of office.

(a) Oath required. Before entering upon the duties of their offices, the Mayor, the Council Members, the treasurer, the members of the Board of Supervisors of Elections, and all other persons elected or appointed to any office of profit or trust in the town government shall take and subscribe the following oath or affirmation: "I, _____, do swear (or affirm, as the case may be), that I will support the Constitution of the United States; and that I will be faithful and bear true allegiance to the State of Maryland, and support the Constitution and laws thereof; and that I will, to the best of my skill and judgement, diligently and faithfully, without partiality or prejudice, execute the office of _____, according to the Constitution and laws of this State."

(b) Before whom taken and subscribed. The Mayor shall take and subscribe this oath or affirmation before the Clerk of the Circuit Court for the County or before one of the sworn deputies of the Clerk. All other persons taking and subscribing the oath shall do so before the

Mayor. (Res., Oct. 4, 1957, sec. 61; Char. Amend. No. 74-1, 4-5-75.)

Section 52-64. Official bonds.

The Treasurer and such other officers or employees of the town as the Council or this charter may require, shall give bond in such amount and with such surety as may be required by the Council. The premiums on such bonds shall be paid by the town. (Res., Oct. 4, 1957, sec. 62.)

Section 52-65. Prior rights and obligations.

All right, title, and interest held by the town or any other person or corporation on November 23, 1957, in and to any lien acquired under any prior charter of the town, are hereby preserved for the holder in all respects as if this charter amendment had not been adopted, together with all rights and remedies in relation thereto. This charter amendment shall not discharge, impair, or release any contract, obligation, duty, liability, or penalty whatever existing on November 23, 1957. All suits and action, both civil, criminal, pending or which may hereafter be instituted for causes of action now existing or offenses already committed against any law or ordinance repealed by this charter amendment, shall be instituted, proceeded with and prosecuted to final determination and judgment as if this amendment had not become effective. (Res., Oct. 4, 1957, sec. 63.)

Section 52-66. Effect of charter amendment on existing ordinances.

(a) Ordinances, etc., not in conflict with this charter remain in effect. All ordinances, resolutions, rules and regulations in effect in the town on November 23, 1957, which are not in conflict with the provisions herein shall remain in effect until changed or repealed according to the provisions of this charter.

(b) Ordinances, etc., in conflict with charter repealed. All ordinances, resolutions, rules, and regulations in effect in the town on November 23, 1957, which are in conflict with the provisions of this charter, be and the same hereby are repealed to the extent of such conflict. (Res., Oct. 4, 1957, sec. 64.)

Section 52-67. Separability.

If any section or part of section of this charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this charter nor the context in which such section or part of section so held invalid shall appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and affect [effect] with the section or part of section to which such holding shall directly apply. (Res., Oct. 4, 1957, sec. 65.)

APPENDIX I - URBAN RENEWAL AUTHORITY FOR SLUM CLEARANCE

(See Note (2))

Section A1-101. Definitions.

- (a) In this appendix the following words have the meanings indicated.
- (b) "Federal Government" shall include the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.
- (c) "Slum Area" shall mean any area where dwellings predominate which, by reason of depreciation, overcrowding, faulty arrangement or design, lack of ventilation, light or sanitary facilities, or any combination of these factors, are detrimental to the public safety, health or morals.
- (d) "Blighted Area" shall mean an area in which a majority of buildings have declined in productivity by reason of obsolescence, depreciation or other causes to an extent they no longer justify fundamental repairs and adequate maintenance.
- (e) "Urban Renewal Project" shall mean undertakings and activities of a municipality in an urban renewal area for the elimination and for the prevention of the development or spread of slums and blight, and may involve slum clearance and redevelopment [or] in an urban renewal area, or rehabilitation or conservation in an urban renewal area, or any combination or part thereof in accordance with an urban renewal plan. Such undertakings and activities may include:
 - (1) Acquisition of a slum area or a blighted area or portion thereof;
 - (2) Demolition and removal of buildings and improvements;
 - (3) Installation, construction or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the urban renewal area the urban renewal objectives of this appendix in accordance with the urban renewal plan;
 - (4) Disposition of any property acquired in the urban renewal area including sale, initial leasing or retention by the municipality itself, at its fair value for uses in accordance with the urban renewal plan;
 - (5) Carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the urban renewal plan;
 - (6) Acquisition of any other real property in the urban renewal area where necessary to eliminate unhealthful, unsanitary or unsafe conditions, lessen density, eliminate obsolete or other uses detrimental to the public welfare, or otherwise to remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities; and

(7) The preservation, improvement or embellishment of historic structures or monuments.

(f) "Urban Renewal Area" shall mean a slum area or a blighted area or a combination thereof which the municipality designates as appropriate for an urban renewal project.

(g) "Urban Renewal Plan" shall mean a plan, as it exists from time to time, for an urban renewal project, which plan shall be sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes, if any, land uses, maximum density and building requirements.

(h) "Bonds" shall mean any bonds (including refunding bonds), notes, interim certificates, certificates of indebtedness, debentures or other obligations.

(i) "Person" shall mean any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and shall include any trustee, receiver, assignee, or other person acting in similar representative capacity.

(j) "Municipality" shall mean the Town of Morningside, a municipal corporation of the State of Maryland.

Section A1-102. Powers.

The municipality is hereby authorized and empowered to carry out urban renewal projects which shall be limited to slum clearance in slum or blighted areas and redevelopment or the rehabilitation of slum or blighted areas; to acquire in connection with such projects, within the corporate limits of the municipality, land and property of every kind and any right, interest, franchise, easement or privilege therein, including land or property of every kind and any right, interest therein already devoted to public use, by purchase, lease, gift, condemnation or any other legal means; to sell, lease, convey, transfer or otherwise dispose of any of said land or property, regardless of whether or not it has been developed, redeveloped, altered, or improved and irrespective of the manner or means in or by which it may have been acquired, to any private, public or quasi-public corporation, partnership, association, person or other legal entity. No land or property taken by the municipality for any of the aforementioned purposes or in connection with the exercise of any of the powers which [by] this appendix are granted to the municipality by exercising the power of eminent domain shall be taken without just compensation, as agreed upon between parties, or awarded by a jury, being first paid or tendered to the party entitled to such compensation. All land or property needed or taken by the exercise of the power of eminent domain or taken by the exercise of any of the powers granted by this appendix is hereby declared to be needed or taken for public uses and purposes. Any or all of the activities authorized pursuant to this section shall constitute governmental functions undertaken for public uses and purposes and the power of taxation may be exercised, public funds expended and public credit extended in furtherance thereof. The municipality is hereby granted the following additional powers which are hereby found and declared to be necessary and proper to carry into full force

and effect the specific powers hereinbefore granted and to fully accomplish the purposes and objectives contemplated by the provisions of this section:

(1) To make or have all surveys made and plans necessary to the carrying out of the purposes of this appendix and to adopt or approve, modify and amend such plans, which plans may include but shall not be limited to (i) plans for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings and improvements, (ii) plans for the enforcement of codes and regulations relating to the use of land and the use and occupancy of buildings and the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements; and (iii) appraisals, title searches, surveys, studies, and other plans and work necessary to prepare for the undertaking of urban renewal projects and related activities; and to apply for, accept and utilize grants of funds from the Federal Government for such purposes;

(2) To prepare plans for the relocation of persons (including families, business concerns and others) displaced from an urban renewal project area, and to make relocation payments to or with respect to such persons for moving expenses and losses of property for which reimbursement or compensation is not otherwise made, including the making of such payments financed by the federal government;

(3) To appropriate such funds and make such expenditures as may be necessary to carry out the purposes of this appendix, including the payment or reimbursement of reasonable actual costs incurred as a result of utility relocations when such relocations are made necessary by an urban renewal project, after making appropriate adjustment for any improvements or betterments to the utility's facilities made in connection with the relocation; and to levy taxes and assessments for such purposes; to borrow money and to apply for and accept advances, loans, grants, contributions and any other form of financial assistance from the federal government, the state, county, or other public bodies, or from any sources, public or private, for the purposes of this appendix, and to give such security as may be required therefor; to invest any urban renewal funds held in reserves or sinking funds or any such funds not required for immediate disbursement, in property or securities which are legal investments for other municipal funds;

(4) To hold, improve, clear or prepare for redevelopment any property acquired in connection with urban renewal projects; to mortgage, pledge, hypothecate, or otherwise encumber such property; to insure or provide for the insurance of such property or operations of the municipality against any risks or hazards, including the power to pay premiums on any such insurance;

(5) To make and execute all contracts and other public instruments necessary or convenient to the exercise of its powers under this appendix, including the power to enter into agreement with any other public bodies and/or agencies (which agreements may extend over any period, notwithstanding any provisions or rule of law to the contrary), and to include in any contract for financial assistance with the federal government for or with respect to an urban renewal project and related activities such conditions imposed pursuant to federal laws as the municipality is deemed reasonable and appropriate;

(6) To enter into any building or property in any urban renewal area in order to make inspections, surveys, appraisals, soundings or test borings, and to obtain an order for this purpose from the Circuit Court for the county in which the municipality is situated in the event entry is denied or resisted;

(7) To plan, replan, install, construct, reconstruct, repair, close or vacate streets, roads, sidewalks, public utilities, parks, playgrounds, and other public improvements in connection with an urban renewal project; provided the same shall be approved by the Maryland-National Capital Park and Planning Commission, and to make exceptions from city or town building regulations, but not county building regulations, unless the same shall be approved by the county building inspector;

(8) To generally organize, coordinate and direct the administration of the provisions of this appendix as they apply to such municipality in order that the objectives of remedying slum and blighted areas and preventing the causes thereof within such municipality may be most effectively promoted and achieved; and

(9) To exercise all or any part or combination of powers herein granted.

Section A1-103. Establishment of Agency.

The municipality may itself exercise all the powers granted by this appendix, or may, if its legislative body by ordinance determines such action to be in the public interest, elect to have such powers exercised by a separate public body or agency as hereinafter provided. In the event said legislative body makes such determination, it shall proceed by ordinance to establish a public body or agency to undertake in the municipality the activities authorized by this appendix. Such ordinance shall include provisions establishing the number of members of such body or agency, the manner of their appointment and removal, the terms of said members and their compensation. The ordinance may include such additional provisions relating to the organization of such public body or agency as may be necessary. In the event the legislative body or agency acts under such an ordinance, all of the powers by this appendix granted to the municipality shall, from the effective date of said ordinance, be vested in the public body or agency thereby established, except:

(1) The power to pass a resolution to initiate an urban renewal project pursuant to Section A1-104 of this appendix;

(2) The power to issue general obligation bonds pursuant to Section A1-109 of this appendix; and

(3) The power to appropriate funds, and to levy taxes and assessments pursuant to Section A1-102(3) of this appendix.

Section A1-104. Initiation of Project.

In order to initiate an urban renewal project, the legislative body of the municipality shall adopt a resolution which:

- (1) Finds that one or more slum or blighted areas exist in such municipality;
- (2) Locates and defines the said slum or blighted areas; and
- (3) Finds that the rehabilitation, redevelopment, or a combination thereof, of such areas, is necessary in the interest of public health, safety, morals or welfare of the residents of such municipality.

Section A1-105. Preparation and Approval of Plan.

(a) Powers. The municipality, in order to carry out the purposes of this appendix, shall prepare or cause to be prepared, an urban renewal plan for slum or blighted areas in the municipality, and shall formally approve such plan. Prior to its approval of an urban renewal project, the municipality shall submit such plan to the governing body of the municipality, for review and recommendations as to its conformity with the master plan for the development of the municipality as a whole. The planning body shall submit its written recommendation with respect to the proposed urban renewal plan to the municipality within sixty days after receipt of the plan for review; upon receipt of the recommendations of the planning body or, if no recommendations are received within said sixty days, then without such recommendations, the municipality may then proceed with a public hearing on the proposed urban renewal project. The municipality shall hold a public hearing on an urban renewal project after public notice thereof by publication in a newspaper having a general circulation within the corporate limits of the municipality. The notice shall describe the time, place and purpose of the hearing, shall generally identify the urban renewal area covered by the plan, and shall outline the general scope of the urban renewal project under consideration. Following the hearing, the municipality may approve an urban renewal project and the plan therefor, if it finds that: (1) a feasible method exists for the location of any families who will be displaced from the urban renewal area in decent, safe and sanitary dwelling accommodations within their means and without undue hardship to such families; (2) the urban renewal plan substantially conforms to the master plan of the municipality as a whole; and (3) the urban renewal plan affords maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise.

(b) Change. An urban renewal plan may be modified at any time, provided that if modified after the lease or sale of real property in the urban renewal project area, the modification may be conditioned upon such approval of the owner, lessee or successor in interest as the municipality may deem advisable and in any event shall be subject to such rights at law or in equity as a lessee or purchaser, or his successor or successors in interest, may be entitled to assert. Where the proposed modification will substantially change the urban renewal plan as previously approved by the municipality, the modification shall be formally approved by the municipality as in the case of an original plan.

(c) Effect. Upon the approval by the municipality of an urban renewal plan or of any modification thereof, such plan or modification shall be deemed to be in full force and effect for the respective urban renewal area and the municipality may then cause such plan or modification

to be carried out in accordance with its terms.

Section A1-106. Disposal of Property in Area.

(a) Powers. The municipality may sell, lease or otherwise transfer real property or any interest therein acquired for it by an urban renewal project, for residential, recreational, commercial, industrial, educational or other uses or for public use, or may retain such property or interest for public use, in accordance with the urban renewal plan, subject to such covenants, conditions and restrictions, including covenants running with the land, as it may deem to be necessary or desirable to assist in preventing the development or spread of future slums or blighted area or to otherwise carry out the purposes of this appendix. The purchasers or lessees and their successors and assigns shall be obligated to devote such real property only to the uses specified in the urban renewal plan, and may be obligated to comply with such other requirements as the municipality may determine to be in the public interest, including the obligation to begin within a reasonable time any improvements on such real property required by the urban renewal plan; such real property or interest as such, shall be sold, leased, otherwise transferred, or retained at not less than its fair value for uses in accordance with the urban renewal plan. In determining the fair value of real property for uses in accordance with the urban renewal plan, the municipality shall take into account and give consideration to the uses provided in such plan; the restrictions upon, and the covenants, conditions and obligations assumed by the purchaser or objectives of such plan for the prevention of the recurrence of slum or blighted areas. The municipality in any instrument of conveyance to a private purchaser or lessee may provide that such purchaser or lessee shall be without power to sell, lease or otherwise transfer the real property without the prior written consent of the municipality until he has completed the construction of any or all improvements which he has obligated himself to construct thereon. Real property acquired by the municipality which, in accordance with the provisions of the urban renewal plan, is to be transferred, shall be transferred as rapidly as feasible in the public interest consistent with the carrying out of the provisions of the urban renewal plan. Any contract for such transfer and the urban renewal plan (or parts of the contract or plan as the municipality may determine) may be recorded in the land records of the county in which the municipality is situated in such manner as to afford actual or constructive notice thereof.

(b) Procedure. The municipality may dispose of real property in such an urban renewal area to private persons only under such reasonable competitive bidding procedures as it shall prescribe as hereinafter provided in this appendix. The municipality may, by public notice by publication in a newspaper having a general circulation in the community (not less than sixty days prior to the execution of any contract to sell, lease or otherwise transfer real property and prior to the delivery of any instrument of conveyance with respect thereto under the provisions of this section) invite proposals from and make available all pertinent information to private redevelopment or redevelopers or any persons interested in undertaking to develop or rehabilitate an urban renewal area, or any part thereof, and shall state that proposals shall be made by those interested within a specified period of not less than sixty days after the first day of publication of said notice. The municipality shall consider all such redevelopment or rehabilitation proposals and the financial and legal ability of the persons making such proposals to carry them out, and may negotiate with any persons for proposals for the purchase, lease or

the otherwise transfer of any real property acquired by the municipality in the urban renewal area. The municipality may accept such proposals as it deems to be in the public interest and in furtherance of the purposes of this appendix. Thereafter, the municipality may execute and deliver contracts, deeds, leases and other instruments and take all steps necessary to effectuate such transfers.

(c) Temporary operation. The municipality may temporarily operate and maintain real property acquired by it in an urban renewal area for or in connection with an urban renewal project pending the disposition of the property as authorized in this appendix, without regard to the provisions of subsection (a) above, for such uses and purposes as may be deemed desirable even though not in conformity with the urban renewal plan.

(d) Title. Any instrument executed by the municipality and purporting to convey any right, title or interest in any property under this appendix shall be conclusively presumed to have been executed in compliance with the provisions of this appendix insofar as title or other interest of any bona fide purchasers, lessees or transferees of such property is concerned.

(e) Residential property. In the event that urban renewal plans involve removal of residential housing, provision and plans must be made for their replacement with adequate facilities for the residents so displaced.

Section A1-107. Eminent Domain.

Condemnation of land or property under the provisions of this appendix shall be in accordance with the procedure provided in the Real Property Article of the Annotated Code of Maryland.

Section A1-108. Encouragement of Private Enterprise.

The municipality, to the greatest extent it determines to be feasible in carrying out the provisions of this appendix, shall afford maximum opportunity, consistent with the sound needs of the municipality as a whole, to the rehabilitation or redevelopment of any urban renewal area by private enterprise. The municipality shall give consideration to this objective in exercising its powers under this appendix.

Section A1-109. General Obligation Bonds.

For the purpose of financing and carrying out of an urban renewal project and related activities, the municipality may issue and sell its general obligation bonds. Any bonds issued by the municipality pursuant to this section shall be issued in the manner and within the limitations prescribed by applicable law for the issuance and authorization of general obligation bonds by such municipality, and also within such limitations as shall be determined by said municipality.

Section A1-110. Revenue Bonds.

(a) Procedure. In addition to the authority conferred by Section A1-109 of this

appendix, the municipality shall have the power to issue revenue bonds to finance the undertaking of any urban renewal project and related activities, and shall also have power to issue refunding bonds for the payment or retirement of such bonds previously issued by it. Such bonds shall be made payable, as to both principal and interest, solely from the income, proceeds, revenues and funds of the municipality derived from or held in connection with its undertaking and carrying out of urban renewal projects under this appendix; provided, however, that payment of such bonds, both as to principal and interest, may be further secured by a pledge of any loan, grant or contribution from the federal government or other source, in aid of any urban renewal projects of the municipality under this appendix and by a mortgage of any such urban renewal projects, or any part thereof, title to which is in the municipality. In addition, the municipality may enter into an indenture of trust with any private banking institution of this State having trust with any private banking trust powers and may make in such indenture of trust such covenants and commitments as may be required by any purchaser for the adequate security of such bonds.

(b) Provisions. Bonds issued under this section shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction, shall not be subject to the provisions of any other law or charter relating to the authorization, issuance or sale of bonds, and are hereby specifically exempted from the restrictions contained in Sections 9, 10 and 11 of Article 31 of the Annotated Code of Maryland (1967 Replacement Volume). Bonds issued under the provisions of the Article are declared to be issued for an essential public and governmental purpose and, together with interest thereon and income therefrom, shall be exempted from all taxes.

(c) Issue. Bonds issued under this section shall be authorized by resolution or ordinance of the legislative body of the municipality and may be issued in one or more series and shall bear such date or dates, shall mature at such time or times, bear interest at such rate or rates, not exceeding six per centum per annum, be in such denomination or denominations, be in such form either with or without coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium or payment, at such place or places, and be subject to such terms of redemption (with or without premium), be secured in such manner, and have such other characteristics, as may be provided by such resolution or trust indenture or mortgage issued pursuant thereto.

(d) Sale. Such bonds may be sold at not less than par at public sales held after notice published prior to such sale in a newspaper having a general circulation in the area in which the municipality is located and in such other medium of publication as the municipality may determine or may be exchanged for other bonds on the basis of par; provided, that such bonds may be sold to the federal government at private sale at not less than par, and, in the event less than all of the authorized principal amount of such bonds is sold to the federal government, the balance may be sold at private sale at the bar [not less than par] and at an interest cost to the municipality of the portion of the bonds sold to the federal government.

(e) Officials. In case any of the public officials of the municipality whose signatures appear on any bonds or coupons issued under this appendix shall cease to be such officials before the delivery of such bond or, in the event any such officials shall have become such after the date of issue thereof, said bonds shall nevertheless be valid and binding obligations of said

municipality in accordance with their terms. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this appendix shall be fully negotiable.

(f) Suits. In any suit, action or proceeding involving the validity or enforcement of any bond issued under this appendix or the security therefor, any such bond reciting in substance that it has been issued by the municipality in connection with an urban renewal project, as herein defined, shall be conclusively deemed to have been issued for such purpose and such project shall be conclusively deemed to have been planned, located and carried out in accordance with the provisions of this appendix.

(g) Investments. All banks, trust companies, bankers, savings banks and institutions, building and loan associations, savings and loan associations, investment companies and other persons carrying on a banking or investment business; all insurance companies, insurance associations, and other persons carrying on an insurance business; and all executors, administrators, curators, trustees, and other fiduciaries, may legally invest any sinking funds, monies, or other funds belonging to them or within their control in any bonds or other obligations issued by the municipality pursuant to this appendix, provided that such bonds and other obligations shall be secured by an agreement between the issuer and the federal government in which the issuer agrees to borrow from the federal government and the federal government agrees to lend to the issuer, prior to the maturity of such bonds or other obligations, monies in an amount which (together with any other monies irrevocably committed to the payment of principal and interest on such bonds or other obligations) will suffice to pay the principal of such bonds or other obligations with interest to maturity thereon, which monies under the terms of said agreement are required to be used for the purpose of paying the principal of and the interest on such bonds or other obligations at their maturity. Such bonds and other obligations shall be authorized security for all public deposits. It is the purpose of this section to authorize any persons, political subdivisions and officers, public or private, to use any funds owned or controlled by them for the purchase of any such bonds or other obligations. Nothing contained in this section with regard to legal investments shall be construed as relieving any duty of exercising reasonable care in selecting securities.

Section A1-111. Separability.

If any provision of this appendix, or the application thereof, to any person or circumstances, is held invalid, the remainder of the appendix and the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be in addition and supplemental to the powers conferred by any other law.

Section A1-112. Review and Approval.

All plans, whether preliminary or final, prepared or presented under the provisions of this appendix by the municipality known as Morningside shall not conflict with, and must conform to the master plan for Prince George's County. This provision shall be construed to mean that all urban renewal plans effecting a change in zoning shall be reviewed by the Maryland-National Capital Park and Planning Commission, and any zoning amendments pursuant to this urban renewal program must be approved by the District Council.

Section A1-113. Short Title.

This appendix shall be known and may be cited as the Morningside Urban Renewal Authority for Slum Clearance Act.

Section A1-114. Authority to Amend or Repeal.

This appendix, enacted pursuant to Article III, Section 61 of the Constitution of Maryland, may be amended or repealed only by the General Assembly of Maryland.

NOTES

(1) The Charter of Morningside was revised by the Resolution of October 4, 1957, which enacted a new charter and repealed the existing charter "in its entirety." The Charter as published in the 1953 Code had been amended once previously, this being the annexation resolution of July 19, 1955.

The previous charter had been enacted by ch. 589 of 1949, which had been approved on referendum on May 16, 1949. An earlier proposed act of annexation, ch. 916 of 1945, was never submitted to referendum and never became effective.

(2) Pursuant to Article III, Section 61 of the Constitution of Maryland, the General Assembly of Maryland granted urban renewal powers for slum clearance to the Town of Morningside in Chapter 729 of the Acts of the General Assembly of 1969.

Starting with the 1997 Supplement to the *Public Local Laws of Maryland - Compilation of Municipal Charters*, the urban renewal powers for slum clearance for the Town of Morningside appear as this appendix in accordance with 80 *Opinions of the Attorney General* _____ (1995) [Opinion No. 95-037 (September 21, 1995)] and Sections 10 and 11 of Chapter 14 of the Acts of the General Assembly of 1997.