

**RESOLUTION ADOPTING AN
ADEQUATE PUBLIC FACILITIES ORDINANCE
FOR THE TOWN OF
KEEDYSVILLE, MARYLAND**

RECITAL

WHEREAS, the Mayor and Council of the Town of Keedysville, as the duly constituted legislative body of said municipality finds that it is in the best interest of the citizenry of said community, and surrounding environs, to reiterate the policies in reference to development and growth in the Town and in reference to development and growth in the surrounding environs.

It has consistently been the policy of the Town and the Planning Commission to consider all elements of its Comprehensive Plan, Subdivision Ordinance, Zoning Ordinance, the County Comprehensive Plan, and the Development Policies and availability of public facilities.


In order to participate in the benefits of the excise tax authority granted to the County Commissioners by the Legislature of the State of Maryland and the enactment of House Bill 1272 which becomes effective July 1, 2005, the Mayor and Council have determined that it is appropriate and in the best interest of the Town to enact this Adequate Public Facilities Ordinance in the spirit of cooperation and in order to qualify for benefiting under the provisions of the same.

NOW THEREFORE, BE IT RESOLVED, ENACTED AND ORDAINED by the Mayor and Council of the Town of Keedysville, that Chapter _____ entitled "ADEQUATE PUBLIC FACILITIES ORDINANCE" is hereby enacted.


BE IT FURTHER RESOLVED, ENACTED AND ORDAINED that said Ordinance shall be effective as of the date of this enactment and that same is hereby passed as an emergency ordinance.

WITNESS AND ATTEST

TOWN OF KEEDYSVILLE



Amy Simmons, Clerk



K. Lee Brandenburg, II, Mayor

Introduced: June 6, 2005
Passed: June 6, 2005
Effective: June 6, 2005

RESOLUTIONRecital

The Town of Keedysville, Maryland, is a municipal corporation, existing under and by virtue of the Laws of the State of Maryland, hereinafter referred to herein as "Town".

DRB Financial Corporation, a Maryland corporation, Dan Ryan Builders, Inc, a Maryland corporation, hereinafter referred to collectively and individually as "Developer(s)", are the fee simple owners and developers of all that proposed development and properties known as Cannon Ridge East a Residential Subdivision, in Keedysville, Washington County, Maryland, more particularly shown and designated on a Plat of Cannon Ridge East prepared by Fox & Associates, Drawing Number D-2543, recorded among the Plat Records of Washington County, Maryland at Plat No.8045, *et seq.* attached and incorporated herein by reference.

Said Plats have been considered by the Planning Commission for the Town. Developer(s) are desirous of having and/or has had said application for Plat subdivision finally approved by the Planning Commission for the Town.

The Mayor and Council as the duly constituted legislative body of the Town have deemed it to be in the best interest of the Town and the citizenry in general, pursuant to the provisions of Article 7, *et. seq.*, of the Land Subdivision Ordinance of the Town to require Developer(s), in view of the fact that the infrastructure on said development is not in place or has not been constructed, to enter into a written agreement with the Town wherein Developer(s) agree to complete all infrastructure, improvements and matters and facts required by the Ordinance and furnish to the Town cash or bond with surety in a sufficient amount to cover the costs of the installation of the infrastructure and improvements as set forth in said Ordinance and the attached Agreement.

A formal agreement (Attachment "A") was arrived at by and between the authorized agents of the Town and Developer(s) on the 4th day of April, 2005 and an appropriate performance bond dated the 27th day of April, 2005, with Pennsylvania National Mutual Casualty Insurance Company as surety has been obtained and furnished to the Town in accordance with the provisions of the applicable ordinance to secure the completion of the required improvements. (Attachment "B")

Each and every paragraph of this Recital is incorporated in the remainder of this Resolution and constitutes a part thereof. Each and every paragraph of the remainder of the Resolution is included in this Recital and made a part hereof.

NOW THEREFORE, be it **RESOLVED** by the Mayor and Council of the Town of Keedysville, as its duly constituted legislative body, that the Agreement by and between the Town and Developer(s) dated April 4, 2005, together with all attachments thereto be and is hereby accepted by the Mayor and Council; and

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Acts, Ordinances,
Resolutions-Towns

Be it further **RESOLVED** that the bond issued by the Pennsylvania National Mutual Casualty Insurance Company on behalf of the Developer(s) dated April 27, 2005, together with all attachments thereto, if any, be and is hereby accepted by the Town; and

Be it further **RESOLVED** that all actions of the agents, officers, representatives, and attorneys of the Town are hereby ratified and confirmed "ab initio"; and

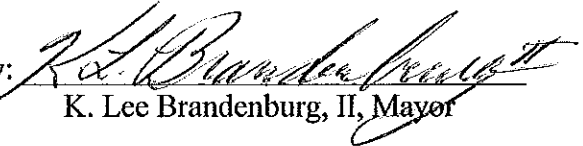
Be it further **RESOLVED** that the Mayor is hereby authorized and directed to execute the Agreement as presented and to further execute any and all further documents necessary to effectuate the purposes thereof.

WITNESS AND ATTEST
AS TO CORPORATE SEAL



Amy Simmons, Clerk

THE TOWN OF KEEDYSVILLE,
MARYLAND

By: 

K. Lee Brandenburg, II, Mayor

Introduced:
Passed:
Effective Date:

Record and Return to: Ms. Amy Simmons, Clerk
Town of Keedysville
P. O. Box 359
Keedysville, MD 21756