

**A RESOLUTION PERTAINING TO APPROVAL OF BUDGET ADJUSTMENT #BA347
AND AUTHORIZATION TO ENTER INTO A CONTRACT OF SALE**

WHEREAS, Title 5 of the Code of Public Local Laws of Calvert County, Maryland, being Title 5 of Article 5 of the Code of Public Laws of Maryland (hereinafter, the "Code"), authorizes and empowers the Board of County Commissioners of Calvert County, Maryland (hereinafter, the "Board of County Commissioners") to adopt the Annual Budget and Appropriation Act each year;

WHEREAS, the Board of County Commissioners, has the authority pursuant to Section 5-103 of the Code to enact certain budgetary adjustments by Resolution;

WHEREAS, the County has executed and Option to purchase real property located at 4885 St. Leonard Road, St. Leonard, MD 20685 from Southern Management Services, Inc. for development of public parks, recreation opportunities and opens space;

WHEREAS, the County collects revenue generated from a grant from the State of Maryland with the intent of development of public parks, recreation opportunities and opens space approved by the Department of Natural Resources, State Clearinghouse and the Board of Public Works;

WHEREAS, the Board of County Commissioners has been advised by the Department of Finance and Budget that funds will be made available by the State of Maryland Program Open Space program;

WHEREAS, the Board of County Commissioners has been advised by the Department of Finance and Budget that it desires to utilize these funds for the acquisition of a parcel of land at 4885 St. Leonard Road in St. Leonard (referred to as St. Leonard Sunoco), settlement costs, and appraisals;

WHEREAS, the Board of County Commissioners desires to increase the capital budget to ensure there are funds available to complete the land acquisition of 4885 St. Leonard Road in Saint Leonard;

WHEREAS, a public hearing regarding this Budget Adjustment #BA347 was duly advertised in two County newspapers for two consecutive weeks before the public hearing as required by Section 5-103(c) of the Code and held on February 25, 2014, at which time the Board of County Commissioners received public comment upon the land acquisition and budget adjustment; and

WHEREAS, upon due consideration of the comments of the public and staff and in furtherance of the public health, safety and welfare, the Board of County Commissioners finds that it is in the best interest of the public health, safety and welfare of the citizens of Calvert County, Maryland to authorize the Commissioner President to sign the Contract of Sale appended to the Option Agreement for the purchase real property located at 4885 St. Leonard Road, St. Leonard, MD 20685 from Southern Management Services, Inc. and adopt Budget Adjustment #BA347 as set forth in Exhibit "A," attached hereto and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED, that the Board of County Commissioners of Calvert County, Maryland, hereby authorizes the Commissioner President to sign the Contract of Sale appended to the Option Agreement for the purchase real property located at 4885 St. Leonard Road, St. Leonard, MD 20685 from Southern Management Services, Inc.

BE IT FURTHER RESOLVED AND ORDAINED, that the Board of County Commissioners of Calvert County, Maryland, hereby approves and enacts the appropriations and expenditures set forth in Budget Adjustment #BA347 in the amount of \$160,064, a copy of which is attached hereto as Exhibit "A" and made a part hereof, to amend and append financial resources to the FY2014 capital budget for Parks & Recreation as set forth in Exhibit "A" to complete the land acquisition of 4885 St. Leonard Road, St. Leonard property.

BE IT FURTHER RESOLVED AND ORDAINED, by the Board of County Commissioners of Calvert County, Maryland that the Calvert County Capital Improvement Program for FY2014, as amended hereby, shall remain in full force and effect.

BE IT FURTHER RESOLVED AND ORDAINED, by the Board of County Commissioners of Calvert County, Maryland, that, in the event any portion of this Resolution is found to be unconstitutional, illegal, null or void, by a court of competent jurisdiction, it is the intent of the Board of County Commissioners to sever only the invalid portion or provision, and that the remainder of the Resolution shall be enforceable and valid, unless deletion of the invalid portion would defeat the clear purpose of the Resolution, or unless deletion of the valid portion would produce a result inconsistent with the purpose and intent of the Board of County Commissioners in enacting this Resolution.

BE IT FURTHER RESOLVED AND ORDAINED, by the Board of County Commissioners of Calvert County, Maryland that the foregoing recitals are adopted as if fully rewritten herein.

BE IT FURTHER RESOLVED AND ORDAINED, by the Board of County Commissioners of Calvert County, Maryland that this Resolution shall be effective upon recordation.

DONE, this 11th day of March, 2014, by the Board of County Commissioners of Calvert County, Maryland, sitting in regular session.

Aye: 4

Nay: 0

Absent/Abstain: 1 - Weems

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
OF CALVERT COUNTY, MARYLAND**

Maureen Frederick
Maureen Frederick, Clerk

Pat Nutter
Pat Nutter, President

Steven R. Weems
Steven R. Weems, Vice President

Approved for form and legal sufficiency
on March 6, 2014 by:

Gerald W. Clark
Gerald W. Clark

John B. Norris III
John B. Norris III, County Attorney

Susan Shaw
Susan Shaw

Evan K. Slaughenhoupt Jr.
Evan K. Slaughenhoupt Jr.

Received for Record March 12 2014
at 1:09 o'clock P M. Same day
as made in Order KPS No. 44
116 COUNTY COMMISSIONERS
RESOLUTION.

John P. Smith

