

The Town of Upper Marlboro

RESOLUTION: 2022-10
SESSION: Regular Town Meeting
DATED: April 26th, 2022

A ESTABLISHING DATES, TIMES, LOCATIONS, AND REGULATIONS OF ANNEXATION REFRENDUM ELECTIONS FOR PHASE 2 & PHASE 3 ANNEXATIONS OF THE TOWN OF UPPER MARLBORO.

WHEREAS, on December 28, 2021, the Board of Commissioners for the Town of Upper Marlboro enacted Annexation Resolution 01-2021 regarding the annexation of certain properties consisting of two separate annexation areas located west and east of the present corporate limits of the Town of Upper Marlboro including an area to be known as the “2nd Annexation Area” since incorporation which includes the Maryland Route 4 right-of-way and lands east to the existing corporate limits in the vicinity of the Show Place Arena and all parcels or lots located north of said MD 4 and east of Ritchie Marlboro road lying south of the Federal Spring Branch of the Patuxent River and abutting the Town; and

WHEREAS, said Annexation Resolution 01-2021 also annexed an additional annexation area known as the “3rd Annexation Area” since incorporation which includes the Maryland Route 725 right-of-way proceeding east to the US-301 right of way, and the Maryland Route 202 right-of-way proceeding north to the Wurtz and Weeks Tract Resubdivision near Perseus way (undeveloped) and Largo Road (MD 202) as more particularly described in Annexation Resolution 01-2021 and the Map of said Second and Third Annexations attached thereto; and

WHEREAS, Md. Ann. Code, LG Article, § 4-408(a) (Petition for referendum--By residents of area to be annexed) provides that subject to § 4-413 of Subtitle 4. (Annexation) of Title 4 of said Article at any time within 45 days after enactment of an annexation resolution, at least 20% of the registered voters who are residents in the area to be annexed may petition the chief executive and administrative officer of the municipality in writing for a referendum on the resolution; and

WHEREAS, Md. Ann. Code, LG Article, § 4-408(b) requires that after a petition is presented to the chief executive and administrative officer, the officer shall verify: (1) the signatures on the petition; and (2) that the petition meets the requirements of subsection (a) of this section; and

WHEREAS, Md. Ann. Code, LG Article, § 4-408(c) requires that after verifying compliance with the requirements of said section, the chief executive and administrative officer, by proclamation, shall suspend the effectiveness of the annexation resolution pending the results of the referendum; and

WHEREAS, on February 11, 2022, the President received two transmittal letters from Robert C. Sanders of the Law Office of Robert C. Sanders containing petitions for a Referenda for both Annexation Area #2 and #3; and

WHEREAS, on March 8, 2022, the President of the Board of Town Commissioners issued a

Proclamation and Order entitled “Guidelines for Validation and Verification of Referendum Petitions and Signatures Submitted Pursuant to the Local Government Article of the Md. Ann. Code for Annexation Areas Regarding Annexation Resolution 01-2021, and Interpretive Rules for the Conduct and Administration of any Referendum Election.”

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, by the Board of Commissioners for The Town of Upper Marlboro, sitting in regular session this 26th day of April, 2022, that the Town Board of Commissioners acknowledges and certified the below dates

Annexation Referendum Phase 2

Wednesday May 18th, 2022

Providence St. John Baptist Church 5607 Old Crain Hwy, Upper Marlboro, MD 20772

Polling Hours: 10am-2pm

Who Can Vote: Each property may have one representative vote.

Annexation Referendum Phase 3

Thursday May 19th, 2022

Parking Lot of St. Mary of the Assumption School 4610 Largo Rd, Upper Marlboro, MD 20772

Polling Hours: 10am-2pm

Who Can Vote: All registered & qualified voters living in Phase 3.

The Town’s Board of Supervisors of Elections will have first right of refusal to conduct these annexation referendum elections. If the Board of Supervisors of Elections decline to conduct the above-mentioned referendum elections, then the elections will be carried out by the Town Clerk’s office of the Town of Upper Marlboro.

Regulations:

No Electioneering is to take place within 300 feet of the polling place.

AND BE IT FURTHER RESOLVED AND ORDERED, by the Board of Commissioners task the Town Clerk’s office with mailing election information to property owners in Phase 2 and registered voters in phase 3, and

AND BE IT FURTHER RESOLVED AND ORDERED, by the Board of Commissioners for The Town of Upper Marlboro that absentee ballots may be accepted for this referendum election, and

ATTEST:

THE TOWN OF UPPER MARLBORO

John Hoatson, Clerk

Sarah Franklin, President

Date: _____

[EXHIBIT A- Verification of]

CERTIFICATION

I, the undersigned, hereby certify that I am the Town Clerk of the Town of Upper Marlboro and that the Board of Town Commissioners of the Town of Upper Marlboro at a public meeting at which a quorum was present adopted this Resolution and Order, and that said Resolution and Order is in full force and effect and has not been amended or repealed. In witness whereof, I have hereunto set my hand and seal of the municipal corporation, this 26th day of April, 2022.

John Hoatson, Clerk