



# City of Bowie

15901 Excalibur Road  
Bowie, Maryland 20716

## MEMORANDUM

TO: City Council

FROM: Alfred D. Lott, ICMA-CM, CPM  
City Manager

SUBJECT: Hall Station Annexation Petition Discussion

DATE: July 2, 2020

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### **I. Background**

On November 21, 2019 the City received an annexation application and petition for annexation from residents of the Hall Station community. There is a total of 109 residential condos and townhouses in Hall Station. The City began reviewing relevant documentation, such as assessment data and voter registration data, last December. In May, the City notified the organizer of the petition that the application had some complications that required further analysis. One concern was that the potential annexation would create an “enclave” of property that would be completely enclosed by the incorporated limits of the City. The formation of enclaves is specifically prohibited by Maryland annexation law.

The Annotated Code of Maryland, Local Government Article, Section 4—401, provides the authority for municipal annexations, under certain circumstances:

#### **§4—401. Enlargement of Municipal Corporate Boundaries Authorized**

(a) Subject to subsections (b) and (c) of this section, the legislative body of a municipality may enlarge its boundaries by annexation as provided in this subtitle.

(b) The power of annexation applies only to land that:

(1) is contiguous and adjoining to the existing boundaries of the municipality; and

(2) does not create an unincorporated area that is bounded on all sides by:

(i) real property presently in the boundaries of the municipality;

(ii) real property proposed to be in the boundaries of the municipality as a result of the proposed annexation; or

(iii) any combination of real property described in item (i) or (ii) of this item.

(c) A municipality may not annex land that is in another municipality.

**MAYOR** Timothy J. Adams

**MAYOR PRO TEM** Adrian Boafó

**COUNCIL** Michael P. Esteve • Henri Gardner • Ingrid S. Harrison • Roxy Ndebumadu • Dufour Woolfley **CITY MANAGER** Alfred D. Lott

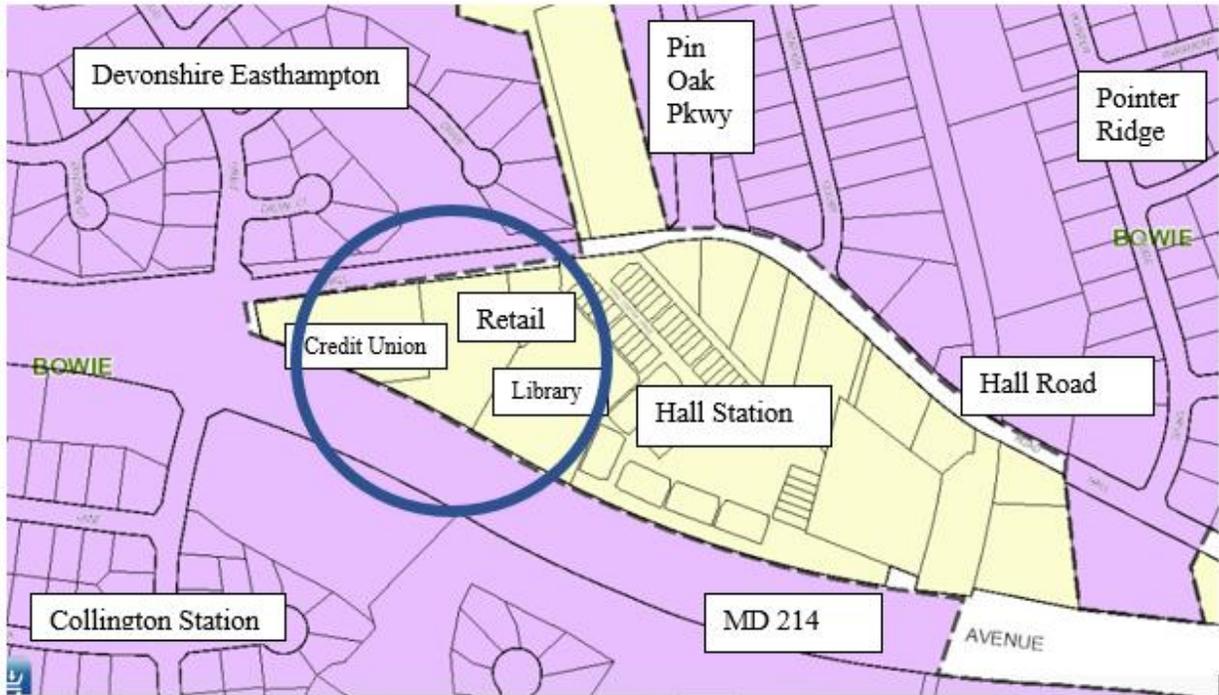
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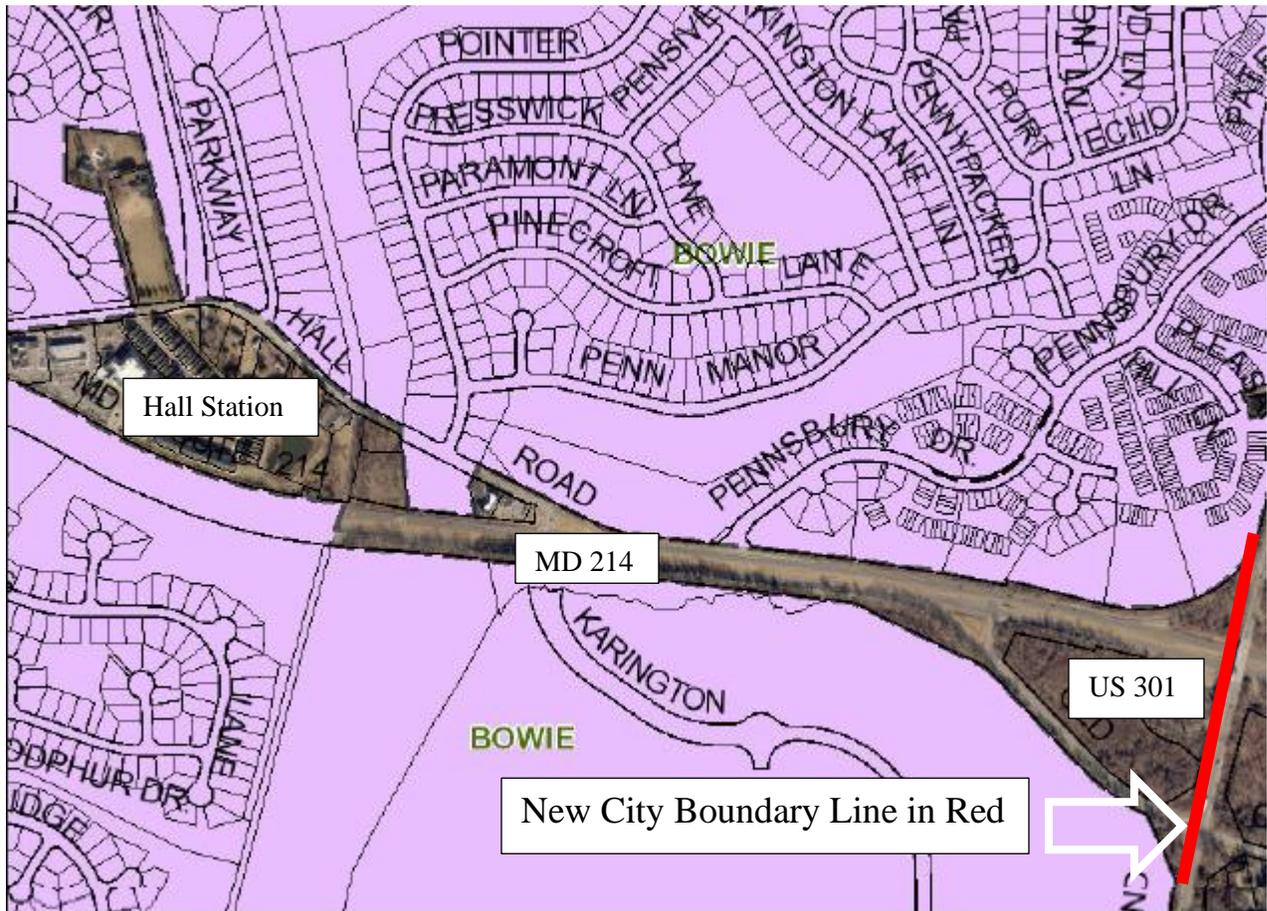
The area in question that would comprise the enclave consists of four parcels containing the Prince George's Credit Union, Hall Station retail and the South Bowie Library, which are identified in the circled portion of the map in Figure 1.1 below.



**Figure 1.1 – Hall Station Annexation Enclave Area**

One possible solution to eliminate the enclave would be to include these properties within the proposed Annexation Area. However, staff suggests that Council consider a more wide-ranging annexation boundary for this annexation, which will eliminate the enclave and also address the very irregular configuration of the current City limits in the vicinity of Hall Station. Updating the City boundary in this area will eliminate inefficient duplication of public services, such as trash pick-up and animal control, that are provided to the Hall Road community. Staff proposes an Annexation Area that would include all the properties on Hall Road, the portion of the MD 214 right-of-way that is not currently within the City and extension of the incorporated limits eastward to US 301. This expanded Annexation Area is shown on the map in Figure 1.2 below.

The staff-recommended Annexation Area includes all the land shown in Figure 1.2 that is west of the red line corresponding to the southbound lanes of US 301. The area includes (from west to east) Hall Station and the adjacent non-residential uses comprising the enclave area, eight single family homes on Hall Road, Belair Veterinary Hospital, a portion of the CSX railroad tracks, an undeveloped, 21,730 square foot residentially zoned parcel (Parcel 90), a child day care center (Gabina Child Care), a convenience commercial store (Express Mart), MD 214 and Old Central Avenue right-of-way and an undeveloped, 7.93 acre commercial property located at 16200 Old Central Avenue.



**Figure 1.2 – Staff Recommended Annexation Area**

Staff analyzed current tax assessment data for this expanded Annexation Area and projected the anticipated real estate property tax revenue resulting from annexation. The City would not see an immediate positive impact, due to the unspecified amount of time that it will take until the assessment codes are changed by the Tax Assessor's office. However, City services will have to be provided to the annexation area immediately upon the effective date of the Annexation Resolution. The monthly cost of services in FY 2021 for this annexation would be approximately \$17,163 per month. Assuming an Annexation Resolution is introduced by the end of September, the annexation could become effective before the end of January 2021, with five months remaining in the fiscal year. Based on this scenario, the cost to the City to provide services during FY 2021 would be approximately \$85,815.00. However, no revenue would be received during FY 2021.

The City would not see a positive effect on revenues until FY 2022. A conservative estimate for net annual revenue to the City from just the residential dwelling units at Hall Station is approximately \$4,000 per year. The table below shows the proposed revenue for the entire annexation area shown in Figure 1.2 anticipated for FY 2022. The estimate would be effective July 1, 2021.

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		FY2022 Proposed	
	Assessed Values	Tax Rate	Tax Revenue
Residential	\$ 33,023,300.00	0.0043	\$ 142,000.19
Business	\$ 13,973,500.00	0.0043	\$ 60,086.05
Other	\$ 5,431,800.00	0.0043	\$ 23,356.74
Total	\$ 52,428,600.00		\$ 225,442.98

It should be noted that the estimates in the Business category are slightly inflated due to the inclusion of the assessed value of the South Bowie Library, which is a tax-exempt property (having an assessment value of \$5,002,200).

Section 4—404 of the Annotated Code of Maryland provides following procedure for processing a petition for annexation:

**§4—404. Annexation Petition**

- (a) Subject to § 4—413 of this subtitle, an annexation petition shall be signed by:
- (1) at least 25% of the registered voters who are residents in the area to be annexed; and
  - (2) the owners of at least 25% of the assessed valuation of the real property in the area to be annexed.
- (b) After an annexation petition is presented to the legislative body of the municipality, the presiding officer of the legislative body shall verify:
- (1) the signatures on the petition; and
  - (2) that the petition meets the requirements of subsection (a) of this section.
- (c) (1) After verifying compliance with the requirements of this section, the presiding officer of the legislative body promptly shall cause a resolution proposing the change of boundaries as requested by the petition to be introduced in the legislative body.
- (2) The annexation resolution shall conform to the form and content requirements of this subtitle.

The petition and consent to annexation forms were signed by the owners of 49 properties. However, five of those properties have changed ownership since the time the forms were signed and are not valid. The remaining 44 property owners in Hall Station represent 38.0% of all of the owners of assessed value. In addition, these executed consent to annexation forms represent 26.5% of the assessed value within the expanded Annexation Area shown in Figure 1.2 above. Therefore, the second criterion in Section 4--404 (a) is met.

Staff also reviewed the most currently available voter registration information for Hall Station, which includes a total of 170 registered voters. Staff determined that petition and consent forms were signed by 45 registered voters in Hall Station, yielding 26.5% of the total registered voters. However, if the 14 additional registered voters who reside on Hall Road are included, the percentage consenting to annexation drops to 24.5%.

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Therefore, staff concludes that both criteria for a complete annexation petition are met for Hall Station, but additional petition and consent to annexation forms from registered voters will be needed to satisfy the minimum 25% requirement for the larger, staff-recommended annexation area.

If Council directs staff to prepare an Annexation Resolution for introduction, appropriate boundary exhibits will need to be created for the Resolution. Staff anticipates that it will take approximately one month to prepare these exhibits. Based on this schedule, staff projects that Council could introduce an Annexation Resolution before the end of September.

After the introduction of the Resolution of Annexation, a public hearing date is advertised in a local paper for four consecutive weeks. Subsequently, the Annexation Resolution is eligible to be adopted by Council at a public hearing, to be held no sooner than 15 days after the public hearing advertising requirement has been met. Annexations become effective 45 days after adoption. Based on these legal requirements and scheduling, a public hearing would be expected to occur on December 7, 2020. Forty-five days from the Annexation Resolution adoption date is January 21, 2021.

## **II. Recommendation**

Staff recommends that Council support the expanded Annexation Area shown in Figure 1.2 of this memo and direct the petitioner to obtain additional petition and consent forms to ensure the City may proceed with the Hall Station annexation as outlined herein.