City of Bowie
15901 Excalibur Road
Bowie, Maryland 20716

MEMORANDUM

TO: City Council
FROM: David J. Deutsch
City Manager
SUBJECT: Resolution R-67-14
Accepting a Segment of the Myrtle Avenue Right-of-way
Adnell Subdivision
DATE: October 30, 2014

The City’s 2014 Capital Improvements Program (CIP) included funding for a hiker biker trail connection using the unimproved Myrtle Avenue right-of-way between the Adnell Woods Subdivision and Adnell Subdivision, located north of Old Town Bowie (see Attachment #1). The short section of trail (approximately 165 linear feet) is a key part of The Bowie Heritage Trail system, which will provide access from Old Town to Jericho Park via Adnell Subdivision. Unfortunately, the trail construction project was delayed until the annexation of the Adnell Woods community was completed. The annexation became effective on May 22, 2014. Funds were encumbered by the end of fiscal year 2014 with a local contractor who was selected to build the trail.

Post-annexation, the Department of Public Works contacted Prince George’s County regarding construction of the hiker biker trail within the County’s Myrtle Avenue right-of-way. County staff informed the City that a stormwater management concept plan, construction permit and a maintenance agreement were required. In addition, the Homeowners Association (HOA) of the 150-lot Adnell subdivision, north of Adnell Woods, contacted the City to determine if the right-of-way area could be landscaped and ultimately maintained by the HOA after the City constructed the hiker-biker trail.

Staff provided a draft maintenance agreement to Prince George’s County staff in June. Since the right-of-way is technically outside the City limits, staff proposed that the Adnell Subdivision HOA execute the maintenance agreement with Prince George’s County, rather than the City doing it. It was not until October that staff received notice from the County that it would be required to maintain all improvements within the Myrtle Avenue right-of-way. Also, the City’s Department of Public Works obtained engineering cost estimates to obtain a County permit, and found the costs for plans and permits exceeded the total cost of constructing the hiker biker trail.

Staff suggested a solution to avoid the lengthy review time and cost to obtain permit approvals. Since the County would be requiring the City to maintain all of the improvements within the Myrtle Avenue right-of-way, staff asked if the County would transfer responsibility for the short segment of Myrtle Avenue, beyond the City limits, where the hiker biker trail is proposed to be constructed, to the City. Such transfers occur routinely upon annexation of land into the City. The City would then have control over the permitting and construction. Prince George’s County staff agreed that if the City Council passed a Resolution indicating its intent to maintain Myrtle Avenue and submitted a formal request for

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COUNCIL Dennis Brady • Henri Gardner • James L. Marcos • Diane M. Polangin • Todd M. Turner
CITY MANAGER David J. Deutsch
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transfer of responsibility, the County’s Public Works Department would grant the request. Therefore, in order to expedite the construction of the hiker biker trail, it is recommended that City Council pass Resolution R-67-14 indicating its desire for the City to maintain the segment of Myrtle Avenue between the existing corporate limits and Crutchfield Avenue in Adnell Subdivision.

**Recommendation**

Staff recommends that Council **APPROVE** Resolution R-67-14.

Attachments
RESOLUTION
OF THE COUNCIL OF THE CITY OF BOWIE, MARYLAND
ACCEPTING THE UNIMPROVED 50 FOOT WIDE, PUBLIC RIGHT-OF-WAY
OF MYRTLE AVENUE, SOUTH OF CRUTCHFIELD AVENUE, FOR THE
PURPOSE OF CONSTRUCTING A HIKER-BIKER TRAIL SEGMENT OF THE
BOWIE HERITAGE TRAIL AND PROVIDING FUTURE MAINTENANCE OF
THE RIGHT-OF-WAY

WHEREAS, on April 7, 2014 the City Council approved Resolution R-7-14 completing
the annexation of the Adnell Woods neighborhood of Old Town Bowie in 2014; and

WHEREAS, the development known as “Adnell Subdivision” is a 150-lot residential
subdivision located adjacent to, and due north of, Adnell Woods and the existing corporate limits
of the City, and

WHEREAS, an unimproved portion of Myrtle Avenue, currently a County right-of-way,
exists outside the City limits south of Crutchfield Avenue (between Lot 12 in Block D and Lot 1
in Block A) shown on a recorded subdivision plan entitled Plat Three, Adnell Subdivision
(Preliminary Plan reference #4-94091 and Final Plat of Subdivision #5-98214) recorded in the
Land Records of Prince George’s County, Maryland, on August 23, 1999 at Plat Book VJ-187,
Plat Number 75; and

WHEREAS, the City of Bowie intends to construct a pedestrian hiker-biker trail and a
curb drop at Crutchfield Avenue, as a segment of The Bowie Heritage Trail system, on the
referenced Myrtle Avenue right-of-way; and

WHEREAS, Prince George’s County is authorized and required to regulate and control
the disposition of the grading code set forth in Subtitle 4 of the Building Code and public rights-
of-way as set forth in Subtitle 23 of the County Code (Roads and Sidewalks), and the County has
reviewed and will give its permission for a transfer of responsibility for the public right of way of
Myrtle Avenue, between the existing corporate limits of the City and Crutchfield Avenue within
Adnell Subdivision, to the City for construction of the hiker-biker trail and to provide for future
maintenance of the public right-of-way; and

WHEREAS, the City Council has determined that it is in its best interest to accept the
unimproved 50 foot wide public right-of-way segment of Myrtle Avenue, between the existing
corporate limits of the City and Crutchfield Avenue and to provide for its future maintenance.

NOW THEREFORE BE IT RESOLVED, by the Council of the City of Bowie,
Maryland that the City Manager is authorized to accept the unimproved 50 foot wide segment of
Myrtle Avenue into the City’s system for maintenance.
<table>
<thead>
<tr>
<th>Road Name</th>
<th>Right-of-Way Width</th>
<th>Pavement Width</th>
<th>Linear Feet</th>
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<tbody>
<tr>
<td>Myrtle Avenue</td>
<td>50 feet</td>
<td>unimproved</td>
<td>150</td>
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From existing corporate limits of Bowie to its intersection with Crutchfield Avenue

**INTRODUCED AND PASSED** on this Third day of November, 2014 by the City Council of the City of Bowie.

____________________________
G. Frederick Robinson
Mayor

_________________________
Awilda Hernandez
City Clerk