RESOLUTION NO. 10-01

A RESOLUTION OF THE CITY OF LAUREL APPROVING AND AUTHORIZING THE SUBMITTAL OF A MANAGEMENT PLAN FOR THE CERTIFICATION OF THE ANACOSTIA TRAILS HERITAGE AREA

Sponsored by the President at the request of the Administration.

WHEREAS, the City of Laurel (hereinafter "the City"), a partner and a Member of the Board of the Anacostia Trails Heritage Area, Inc. (hereinafter "ATHA"), has contributed to the development of a Management plan to designate a portion of Prince George's County located in the northern part of the County as a Certified Heritage Area as part of the Maryland System of Heritage Areas, a copy of which is attached hereto as Exhibit A and incorporated herein by reference; and,

WHEREAS, ATHA has important environmental, recreational and cultural resources, as well as significant historical sites and districts on the Nation Register of Historic Places; and,

WHEREAS, the Anacostia Trails Heritage Area Management Plan (hereinafter "the Plan") presents strategies for enhancing these resources, improving linkages, advancing economic development strategies, and providing for stewardship and preservation; and,

WHEREAS, the Plan will complement other State and County initiatives in the Certified Heritage Area; and

WHEREAS, ATHA and the Prince George's County Redevelopment Authority who is the Management Entity, as designated by the County Executive of Prince George's County with the approval of the Prince George's County Council, have entered into a Memorandum of Understanding with the City making it clear that no action by either party or the County shall be effective within the City without the City's prior written approval and that only the City has
planning, zoning, permit (and the like) authority as well as a historic approval authority within the City; (See copy of such Memorandum of Understanding attached hereto as Exhibit A) and,

WHEREAS, upon approval of the Plan and the Certified Heritage Area proposal by the Maryland Heritage Areas Authority, the City will make such proposal an Addendum to the City’s Master Plan as a strategy to implement the Master Plan; and,

NOW THEREFORE, be it jointly resolved by the Mayor and the City Council of Laurel, Maryland that the Plan and the proposal to request that the Anacostia Trails Heritage Area become a Certified Maryland Heritage Area, attached hereto as Exhibit A; be and the same is hereby approved and the ATHA is hereby authorized on behalf of the City of Laurel to submit the Plan and Certified Heritage Area proposal to the Maryland Heritage Areas Authority for approval subject to the provisions of the Memorandum of Understanding (Exhibit B).

BE IT FURTHER RESOLVED, that this resolution shall take effect upon the date of its adoption.

ADOPTED this 10th day of October, 2001.

ATTEST:

KIMBERLY A. RAU, CMC
Clerk to the City Council

MICHAEL R. LESZCZ
President of the City Council

APPROVED this 10th day of October, 2001.

FRANK P. CASULA, Mayor
MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding made this 20th day of October, 2001, by and between the Mayor and City Council of the City of Laurel, Maryland, a body corporate and politic in the State of Maryland (hereinafter "Laurel"); and the Anacostia Trails Heritage Area, Inc., a Maryland nonprofit corporation (hereinafter "ATHA"); and the Redevelopment Authority of Prince George’s County, a body corporate and politic in the State of Maryland and an instrumentality of Prince George’s County (hereinafter "Authority").

WITNESSETH:

WHEREAS, ATHA is a nonprofit corporation with the purpose of promoting economic development through heritage tourism within the Anacostia Trails Heritage Area (hereinafter "Heritage Area"); and

WHEREAS, the Authority is a governmental agency of Prince George’s County (hereafter "County") with the mission of contributing to the creation of a diverse and vibrant economy and living environment for the County; and

WHEREAS, ATHA and the Authority have prepared and approved an Anacostia Trails Heritage Area Management Plan (hereinafter "Plan") for the Heritage Area; and

WHEREAS, the preparation of said Plan is a condition to Heritage Area certification by the Maryland Heritage Areas Authority (hereinafter "MHAA"); and

WHEREAS, certification by MHAA entitles the Heritage Area to apply for project funding from MHAA; and

WHEREAS, MHAA seeks to identify a single management entity (hereinafter "ME") within the Heritage Area that will be MHAA's primary point of contact for the following management issues, including but not limited to:

maintenance of certification;
submission of performance data;
designation of proposed Target Investment Zones ("hereinafter "TIZ"s);
solicitation of work program approval;
submission of proposals for project funding; and

WHEREAS, the Heritage Area includes Laurel; and

WHEREAS, Laurel seeks to be a full and active participant within the Heritage Area;

WHEREAS, all parties hereto fully acknowledge that the Authority, ATHA, County and the Maryland-National Capital Park and Planning Commission ("hereinafter M-NCPPC") have no authority or jurisdiction within Laurel concerning zoning, planning, permits, and
historic sites or districts, including development and redevelopment of such sites and resources; and

WHEREAS, the County has designated the Authority as the ME for that portion of the Heritage Area outside of Laurel; and

WHEREAS, Laurel seeks to similarly designate the Authority as the ME for Laurel without in any way whatsoever undermining the sovereignty of Laurel with respect to its planning, zoning, redevelopment, and historic sites and districts authority and jurisdiction; and

NOW THEREFORE, in consideration of Laurel agreeing to remain part of the Heritage Area and agreeing to pass a resolution agreeing to such participation and the designation of the Authority as the ME for Laurel, the parties agree as follows:

1) Laurel and ATHA agree that the Authority may act as Laurel’s agent for the sole purpose of performing the functions of ME liaison with MHAA for the Heritage Area. Such ME liaison functions are limited to maintenance of Heritage Areas certification, submission of Heritage Area and TIZ performance data, designation of proposed TIZs, solicitation of Heritage Area work program approval, and submission of proposals for project funding to MHAA. In performing said function, the Authority and ATHA agree to take no action affecting Laurel without prior authorization and approval of Laurel. Furthermore, it is agreed by all parties to this Memorandum of Understanding that any action so taken will not in any way be construed as an infringement of Laurel's sovereignty with respect to planning, zoning, redevelopment and historic sites within its jurisdiction. Laurel and ATHA shall be afforded the opportunity to participate in meetings face-to-face and in electronic communications between the ME, MHAA and the Authority.

2) Laurel shall oversee all the responsibilities for the heritage tourism program within its borders. Historic preservation within Laurel's seven historic districts will be coordinated by Laurel's Historic District Commission. Zoning and permitting authority within the city limits are the responsibility of the Department of Development Management. Grants and development initiatives are coordinated by the City Administrator. Additionally, the City Department of Parks and Recreation acquires, develops, operates and maintains Laurel's green infrastructure and coordinates recreation facilities and activities to meet the needs of Laurel's residents.
3) Within Laurel, Laurel’s Office of the City Administrator or the Authority will manage the Heritage Tourism Program for the Heritage Area, where applicable. Through that Office, ATHA, Laurel and the County will continue their partnership effort.

4) ATHA and the Authority hereby acknowledge the sovereignty of Laurel with respect to certain governmental powers in Laurel and agree to comply with all applicable City laws and ordinances, including the area of planning, zoning, permits, historic preservation, development, redevelopment and including the approval process involved in each area. The parties agree that any actions taken by the County in derogation of Laurel’s powers or jurisdiction will not be binding upon Laurel and that in no case will approvals by the County be binding upon or considered to be approved by Laurel.

5) ATHA and the Authority hereby acknowledge receipt of a Technical Staff Report from the Laurel Department of Development Management dated September 10, 2001, containing proposed technical corrections to the Plan, a copy of which is attached hereto as Exhibit "A". ATHA and the Authority agree to incorporate the substantive content of such changes and represent to Laurel that such changes shall be made a part of the inducement for Laurel to pass a Resolution approving the Plan. ATHA and the Authority represent that their attorneys have opined that these changes are not substantive and therefore can be made administratively without formal approval by the County or M-NCPPC.

6) ATHA and the Authority agree to amend the Heritage Area work program to include projects and programs within Laurel, but only with the specific written request and authorization of Laurel.

7) That this Memorandum of Understanding contains the entire agreement between the parties hereto and shall be binding upon each party, their heirs, executors, successors and assigns.

8) In case of any default hereunder in the representations made herein by ATHA and the Authority, Laurel may immediately rescind its Resolution of Approval.

9) ATHA and the Authority specifically warrant to the City that the signatures of their representatives on this Memorandum of Understanding are within the power of such representation or have been duly authorized and are binding on ATHA and the Authority.
IN WITNESS WHEREOF, the parties have executed this Memorandum of Understanding on the day and date first above written.

WITNESS:

Kimberly Rau, CMD

Kimberly Rau, CMD

WITNESS:

Lynne Anderson, Secretary

Lynne Anderson, Secretary

WITNESS:

J. H. 

J. H.

Mayor and City Council for The City of Laurel, Maryland

Hon. Frank P. Casula, Mayor

Anacostia Trails Heritage Area, Inc.

Hon. Robert McGrory, Chair and President

Redevelopment Authority of Prince George's County

Hon. David A. Harrington, Chair
ACKNOWLEDGMENTS

Anacostia Trails Heritage Area, Inc.

The Honorable Robert McGory
Frank Derro
Lynn Anderson
Elaine Murphy
The Honorable Robert W. Armentrout
The Honorable Lillian K. Beverly
The Honorable John Brunner
The Honorable Michael Cassidy
The Honorable Judith Davis
The Honorable George D. Denny, Jr.
The Honorable Diana Fennell
The Honorable Ann Ferguson
The Honorable Tawanna Gaines
The Honorable Paulette G. Horan
The Honorable Michael Jacobs
The Honorable Michael Lawson
The Honorable Darald Lofgren
Zola E. Boone, Ph.D.
Anita Clyburn
Brian C. Darmody
Joseph J. James
Mary Jurkiewicz
William J. Kelly
Douglas McElrath
Kenneth Michael
J. Matthew Neitzey
Carl E. Smith
Beverly Warfield
The Honorable Frank P. Casula
The Honorable William Armistead
The Honorable Michael Garrett
The Honorable William Hall, Sr.
The Honorable David C. Harrington
The Honorable Margaret Mallino
The Honorable Diane E. Schmidt
The Honorable Fred Sissine
Robert Boone
Karen Coakley
Tim Wanamaker
Patricia E. Williams
Patricia E. Hayes-Parker
Evan Meyers, Esq.

Chair/President
Vice-Chair/Vice-President; Chair, Transportation Subcommittee
Secretary; Chair, Events Subcommittee
Treasurer
Chair, Interpretation and Education Subcommittee
Co-Chair, Economic Revitalization and Tourism Subcommittee
(Former Chair)
(Former Member)
(Former Member)
(Former Member)
(Former Member)
(Former Member)
(Former Member and Chair, Stewardship Committee)
(Former Member)
(Former Member)
(Former Member and Co-Chair, Economic Revitalization and Tourism Subcommittee)
(Former Member)
Executive Director
Counsel

Prince George’s Heritage, Inc.

Douglas McElrath
Patricia E. Williams
Stephanie Stullich
W. Dickerson Charlton
Edward Brenner
Laurence Eldridge

Chair
Former Chair
Vice-Chair
Treasurer