

AN EMERGENCY ORDINANCE concerning

THE ESTABLISHMENT AND DECLARATION OF
McINTOSH RUN MUNICIPAL PARK AS A PUBLIC PARK

FOR the purpose of establishing and declaring the approximately 238.95 acres of land located within the corporate boundaries of the Town of Leonardtown and consisting of Parcels A-F identified on the plat of subdivision for Tudor Hall Farm recorded among the Land Records of St. Mary's County, Maryland in Liber E.W.A. 49, Folio 15, as a public park to be known as McIntosh Run Municipal Park pursuant to Section 501(46) of the Charter of the Town; making certain findings and determinations in connection with the establishment and declaration of such park; authorizing and directing Leonardtown Recreation, Inc. to maintain such public park and to use such site in a manner not inconsistent with its designation as a public park; authorizing and empowering Town officials, officers and employees to take any and all actions necessary or appropriate in connection with the establishment, declaration and maintenance of such park; providing that the title of this Ordinance, or a condensed version thereof, shall be deemed to be, and is, a fair summary of this Ordinance; and generally relating to the establishment and declaration of McIntosh Run Municipal Park.

RECITALS

The Commissioners of Leonardtown (the "Town") has created Leonardtown Recreation, Inc., a Maryland non-profit, non-stock corporation and an instrumentality of the Town ("Recreation"), in order to facilitate the design, development, acquisition, construction, improvement, furnishing and equipping, and the operation, of (i) an 18-hole public golf course, with a clubhouse and related amenities, and (ii) a hotel and conference center containing approximately 255 guest rooms and 40,000 total square feet of meeting space, with related amenities and recreational facilities (collectively, the "Project"). The Project will be located on approximately 238.95 acres of land within the corporate boundaries of the Town (the "Project Site"). The Project Site consists of Parcels A through F identified on the plat of subdivision for Tudor Hall Farm recorded among the Land Records of St. Mary's County, Maryland in Liber E.W.A. 49, Folio 15. The Project Site and the Project are collectively referred to as the "Property".

Pursuant to Resolution No. 9-96, as supplemented by Resolution No. 7-97 and Resolution No. 99-4, and pursuant to Resolution No. 99-5 and Ordinance No. 88, the Town created Recreation, approved the development of the Property, and delegated to Recreation the right to finance or provide for the financing of, and to design, develop, acquire, construct, improve, furnish, equip and operate the Property. Recreation's programs and activities are subject to oversight and approval by the Town.

The Property will be developed as follows: the Town will enter into a Ground Lease with Recreation pursuant to which the Town will lease the Project Site to Recreation. Recreation will own the Project and will cause the same to be developed on the Project Site. Recreation will employ a private operator to operate the Property on its behalf. The Property will be open to the public. The Maryland Economic Development Corporation ("MEDCO"), a body politic and corporate and a public instrumentality of the State of Maryland (the "State"), has authorized the issuance of two series of its senior revenue bonds and one series of its subordinate revenue bonds and the loaning of the proceeds of such bonds to Recreation in order to finance a portion of the costs of the design, development, acquisition, construction, improvement, furnishing and equipping, and the operation, of the Project. The Town has authorized the issuance of a general obligation bond anticipation note or notes in order to contribute \$3,000,000.00 to the costs of the design, development, acquisition, construction, improvement, furnishing and equipping, and the operation, of the Project.

The State, acting through the Department of Natural Resources, appropriated approximately \$2,500,000.00 from Program Open Space funds towards the acquisition of the Project Site. The State in 1969 created Program Open Space pursuant to Chapter 403 of the Acts of the General Assembly of 1969 for the purpose of making funds available to State agencies and local governments in order to (1) expedite acquisition of outdoor recreation and open space areas before escalating cost of land prevents its purchase for public use and before potential areas are devoted to some other use, and (2) accelerate development and capital renewal of needed outdoor recreation facilities. The use of Program Open Space funds for the acquisition of the Project Site was approved by the State Board of Public Works on December 15, 1999. In approving such use, the Board of Public Works was fully apprised as to the intended development of the Property.

The Project Site was transferred to the State by an instrument dated January 31, 2000 and recorded in the Land Records of St. Mary's County. The State transferred the Project Site to the Town by a deed dated February 1, 2000 (the "Deed") which was recorded in the Land Records of St. Mary's County in Liber 1503 at folio 552. The Deed, in accordance with Section 5-906(e)(7)-(8) of the Natural Resources Article of the Annotated Code of Maryland, provides in part that the transfer of the Project Site from the State to the Town is "[s]ubject to the restriction that land acquired or developed under a State grant from Program Open Space may not be converted without approval of the Secretary of the Department of Natural Resources, the Secretary of Budget and Fiscal Planning, and the Director of the Office of Planning from outdoor public recreation or open space to any other use."

The use of the Project Site is further subject to a Deed of Easement dated February 1, 2000 (the "Deed of Easement"), between the Town and the Maryland Historical Trust, an instrumentality of the State. The Deed of Easement was recorded among the Land Records of St. Mary's County in Liber 1510 at folio 114. The Deed of Easement preserves and protects three specific sites of historical and archeological significance located on the Project Site.

A portion of the Project Site fronts on Breton Bay. The Project Site is one of the largest

undeveloped pieces of waterfront property within a Maryland municipal corporation. McIntosh Run, which runs through the Project Site, affords spawning for channel catfish, white catfish, brown bullhead, various sunfishes, largemouth bass and other freshwater spawning fish. McIntosh Run is a perennial stream. Significant forest habitat, tidal and non-tidal wetlands and critical area buffers are located on the Project Site.

Approximately 12 acres of the total 238.95 acres of the Project Site will be used for the hotel and conference center component of the Project, and approximately 139 acres will be used for the golf course component of the Project, leaving approximately 88 acres as undeveloped. Therefore, approximately 227 acres (95%) of the Project Site will be comprised of outdoor recreation areas and open space and will afford opportunities for public recreation and gathering. The hotel component of the Project will offer members of the public overnight accommodations in order to better enjoy the recreational and aesthetic amenities of the Project Site. The conference center component of the Project will encourage groups and associations to combine their recreational and aesthetic pursuits with professional, business or educational enrichment and activities.

Pursuant to Ordinance No. 88, the Council determined and found that the Property will be open to the public and will serve the public purpose of (i) relieving conditions of unemployment in the State and the Town, (ii) encouraging the increase of industry and commerce and a balanced economy in the State and the Town, (iii) retaining existing industry and commerce and attracting new industry and commerce in the State and the Town, (iv) promoting economic development in the State and the Town, and (v) generally promoting the health, recreation, welfare and safety of the residents of the State and the Town.

Pursuant to Section 501(46) of the Charter of the Town of Leonardtown, as published in Municipal Charters of Maryland, Volume 5, 1990 Replacement Edition, as replaced, supplemented or amended (the "Charter"), the Town desires to establish and declare the Project Site as a public park. The establishment and declaration of the Project Site as a public park will help to ensure that members of the public will be afforded access to the recreational and aesthetic amenities of the Project Site and will promote the health, welfare and enjoyment of the residents of the Town. The development of the hotel and conference center on a 12 acre portion of the Project Site will not detract from the use of the park or destroy the characterization of the park as a public park but will add to the comfort and attraction of the park. Overnight accommodations and meeting/conference facilities are provided in a number of parks within the State park system.

The Town further desires to authorize and direct Recreation to maintain the Project Site as a public park and to use the Project Site in a manner not inconsistent with its designation as a public park.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE COUNCIL OF THE COMMISSIONERS OF LEONARDTOWN, THAT:

SECTION 1. The Recitals to this Ordinance are incorporated herein and deemed a substantive part of this Ordinance.

SECTION 2. Pursuant to the authority of Section 501(46) of the Charter, the Project Site is hereby established as and declared to be a public park and shall be known as "McIntosh Run Municipal Park".

SECTION 3. The Town hereby finds and determines that the establishment and declaration of the Project Site as a public park (i) will promote the objectives of Program Open Space, (ii) will preserve valuable waterfront and other property for public gatherings and recreation, including aesthetic recreation, (iii) will provide significant recreational opportunities to residents of the Town and the State and to others, (iv) will preserve areas of great natural scenic beauty whose existing openness, natural condition and present state of use, if retained, will maintain and enhance the conservation of natural or scenic resources, (v) will protect tidal and non-tidal wetlands, forest corridor, critical area buffers and the habitats of threatened species, (vi) will enhance the biological diversity of native plants and animals, (vii) will preserve historical and archaeological resources while supporting responsible growth, and (viii) will promote the health, welfare and enjoyment of the inhabitants of the Town. The Town hereby further finds and determines that the hotel and conference center component of the Property constitutes a concession providing embellishments and conveniences which will complement, and facilitate public access to, the public recreation and open areas of the Project Site and which does not circumscribe the potential use of the greater portion of the Project Site to the detriment of the enjoyment of open space in its natural state. The establishment of the hotel and conference center on a 12 acre portion of the Project Site will not detract from the use of the park by the public but will add to the comfort and attraction of the park.

SECTION 4. The Town hereby authorizes and directs Recreation to maintain the Project Site as a public park and to use the Project Site in a manner not inconsistent with its designation as a public park.

SECTION 5. The Mayor, the Town Administrator, the Clerk-Treasurer and all other officials, officers and employees of the Town are hereby authorized and empowered to take any and all actions necessary or appropriate, and to negotiate, approve, execute and deliver, as applicable, on behalf of the Town, all documents, certificates or instruments deemed necessary or appropriate in connection with the establishment, declaration and maintenance of the Project Site as a public park.

SECTION 6. The findings and determinations set forth in this Ordinance are intended to be, and shall be construed as, complementary to (and not contradictory to) the findings and determinations set forth in Ordinance No. 88, Resolution No. 9-96, as supplemented by Resolution No. 7-97 and Resolution No. 99-4, and Resolution No. 99-5.

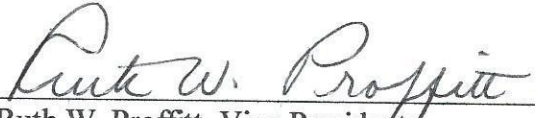
SECTION 7. The title of this Ordinance, or a condensed version thereof prepared in accordance with Section 209 of the Charter, shall be deemed to be, and is, a fair summary of this

Ordinance for publication and all other purposes.

SECTION 8. This Ordinance shall become effective at the expiration of twenty (20) calendar days following approval by the Mayor or passage by the Council over the Mayor's veto.

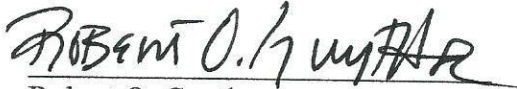
(SEAL)

THE COMMISSIONERS OF LEONARDTOWN


Ruth W. Proffitt, Vice-President

ATTEST:

ABSENT
Michael Bridges, Councilmember


Robert O. Guyther
Town Administrator


Charles R. Faunce, Councilmember



Walter R. Gillette, Councilmember


Walter Wise, Councilmember

Introduced: May 8, 2000

Enacted: May 8, 2000

Approved by the Mayor this eighth day of May, 2000


J. Harry Norris, III, Mayor

Effective: May ²⁹~~28~~, 2000