

IN THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY MARYLAND

THE TOWN OF CHEVERLY *
6401 Forest Road *
Cheverly, MD. 20785 *

and *

KAYCE MUNYENEH, Individually * CASE NO.
6401 Forest Road *
Cheverly, MD. 20785 *

v. *

TOWN OF BLADENSBURG *
4229 Edmonston Road *
Bladensburg, MD. 20710 *

**VERIFIED COMPLAINT FOR DECLARATORY JUDGMENT, INJUNCTION,
VIOLATION OF MARYLAND LAW REGARDING ANNEXATIONS**

COMES NOW, the Plaintiffs, Town of Cheverly, and Kayce Munyeneh, individually, by and through their attorneys, Todd K. Pounds, and the Law Offices of Alexander and Cleaver, P.A. hereby files this action against the Defendant, Town of Bladensburg, for Declaratory Judgment, Injunction, and Temporary Restraining Order, and state as follows:

1. That the Town of Cheverly is a municipal corporation located in Prince George's County Maryland, and created pursuant to Maryland law.

2. Kayce Munyeneh is an individual taxpayer and resident of the Town of Cheverly for more than 10 years and has been directly affected by actions pursuant to this litigation.

3. The Town of Bladensburg is a municipal corporation located in Prince George's County Maryland, and created pursuant to Maryland law and all actions

conducted which are the subject of this suit were by its officers, agents, and elected officials.

JURISDICTION AND VENUE

4. That this Court has jurisdiction over this action pursuant to the Maryland Annotated Code, Courts and Judicial Proceedings Article, Sections 6–100 et seq. and 3–403.

5. That this Court has jurisdiction over the parties to this action pursuant to the Maryland Annotated Code, Courts and Judicial Proceedings Article, Section 6–100 et seq. as the entity parties to this action are organized under the laws of the State of Maryland.

6. That this Court is the proper venue for this action under the Maryland Annotated Code, Courts and Judicial Proceedings Article, Section 6–200 et seq. in all relevant events occurred in Prince George's County Maryland.

FACTS AND ALLEGATIONS

7. That this matter involves property which is better known as the Cheverly Hospital site.

8. That many years ago, the hospital closed and moved to another location.

9. That throughout that time, substantial work and plans were put forward over many years for the development of this site.

10. That both the Town of Cheverly and Prince George's County have spent substantial time and resources in the plans and goals so that this site would become a key gateway for Prince George's County for substantial residential and commercial development.

11. That this project contains approximately 44 acres of land.

12. That a developer has been chosen by the County, which is the owner of said property, as the primary development coordinator for this project with the goal to create high-end development for the benefit of Prince George's County.

13. That numerous discussions and negotiations have occurred over many years as to the development of the site with the Town of Cheverly and as to the future use and future of these plans and location.

14,. That in order to meet the full potential for this project, numerous negotiations have occurred for the use of certain roads and amenities of the Town of Cheverly which would be needed to create the development plan desired by both the County and the Town for this development plan.

15. That there has been numerous discussions, negotiations and planning for this development site for many years with the County planners, the developer, and the Town of Cheverly to coordinate their effort to obtain the maximum potential and best use of this property which would include the citizens of Prince George's County as a whole.

16. That this project had a stated goal as being a true high-end gateway for Prince George's County for the quality of this development site.

17. That the preliminary discussions for this development would include approximately 1300 residential units, a hotel, office and medical space, community area, and commercial property for this development which would provide substantial benefit to Prince George's County, its citizens, its economy, its tax base and overall prestige.

18. That the development potential for this property would use and need amenities from the Town of Cheverly which have long been discussed and negotiated, planned, and counted on for many years.

19. That numerous discussions have been held regarding the annexation of this area by the Town of Cheverly. The Town of Cheverly was repeatedly asked to wait by various county officials since annexation at this point may create additional areas of review and subject the development to additional policies and politics which would conflict with the overall review and planning by Prince George's County planners even though the Town of Cheverly continued to be involved and part of that review and development project.

20. That throughout the years of development, reviews and discussions with numerous planners of Prince George's County, concept plans have been prepared for the entire development of the site which have been preliminarily reviewed favorably by Prince George's County, the Town of Cheverly, and the developer.

21. That the Town of Bladensburg has long held an animosity and jealousy of the Town of Cheverly on many levels and especially as it relates to the potential for the development of this site.

22. That through this spite, the Town of Bladensburg attempted to begin an illegal annexation process which leads to this subject litigation.

23. That the true goal of this illegal annexation by the Town of Bladensburg is not an attempt to bring this development site within the Town of Bladensburg, but to in essence terminate this development project which provides a benefit to the citizens of both Prince George's County, the State of Maryland, and the Town of Cheverly.

24. That the Town of Bladensburg is not contiguous or near this development site, has not participated, asked to participate, been asked to participate, or been involved in any potential development discussions of this site.

25. The Town of Bladensburg has not requested or been involved in any meaningful discussions as to the ultimate development of the site.

26. That as a result of this illegal conduct and process being put forward by the Town of Bladensburg, which is being driven solely by jealousy and spite with a specific intent to harm the citizens of Cheverly and Prince George's County and the State of Maryland, and the fact that this process violates Maryland law and other procedural aspects, the sole purpose of this activity by the Town of Bladensburg is to attempt to terminate this project and harm the citizens.

27. That the Town of Bladensburg is not contiguous to this development site and does not have the necessary resources or amenities to further the development plans.

28. That the viability of this development project has now become an issue since the amenities as requested and negotiated by the Town of Cheverly are no longer valid if the development site is within the Town of Bladensburg town limits. Again, the Town of Bladensburg does not have the necessary capacity or amenities to provide the necessary resources for this development pursuant to the long-term planning which has been occurring, thus indicating that the only reason for said action is for spite and jealousy to attempt to terminate this project which benefits the citizens of the State of Maryland, Prince George's County, and the Town of Cheverly.

29. That the sole purpose of this annexation action is to create potential harm by engaging in illegal conduct which questions the viability of the development for the sole

purpose of creating harm to the citizens of this state.

30. The conduct of the Town of Bladensburg will result in many millions of dollars lost to the State of Maryland, Prince George's County, and the Town of Cheverly as well as the entire region through illegal conduct which has no other basis but jealousy and spite.

31. That among the illegal conduct of the Town of Bladensburg with regard to these proceedings include the requirements under Maryland law that the property be contiguous to a municipality.

32. That Maryland law under the Maryland Annotated Code, Local Government Article 4 – 400 et seq. outlines the requirements for an annexation which have been specifically and intentionally violated by the Town of Bladensburg.

33. That the Town of Bladensburg is almost 1 mile from the development site and does not meet the requirements of Maryland law for this action as being contiguous.

34. That being contiguous for an annexation process requires property to be in contact with a municipality to be annexed.

35. That it is undisputed that this site has substantial physical contacts with the Town of Cheverly.

36. That the Town of Bladensburg and its illegal annexation attempt, presented a perverse and illegal plan to annex various roadways to try to expand certain areas to avoid the law and this requirement of the contiguous element.

37. That the Town of Bladensburg attempted use of various roadways to meet the requirement of the contiguous element is illegal and improper and further demonstrates that this action does not have the valid legal basis but is an illegal and

perverse attempt to harm the citizens of the Town, County, and State of Maryland for its own purposes.

38. That the Town of Bladensburg further attempts to create an illegal event to meet this contiguous requirement with its attempt to annex Federal property.

39. That a part of the Town of Bladensburg's annexation is to annex part of the Baltimore-Washington Parkway which is Federal property. The Federal Government has not been given the required notice or consent that the Federal Government will now be subject to the laws and control of the Town of Bladensburg in which it is attempting to do under this illegal process.

40. A municipality cannot impose its laws upon the Federal Government which the Town of Bladensburg is attempting to do by this illegal attempt to annex Federal property.

41. This action certainly shows that there is an improper intent in engaging in such conduct since it is presumed that the Town of Bladensburg will know the law and that the true intent to engage in such conduct is indeed jealousy with the sole intent to terminate this project which would benefit numerous citizens.

42. That there is no indication whatsoever that notice has been given to the Federal Government or the State with regard to this attempted annexation action or that these government entities have in any way consented to be subject to the laws of the Town of Bladensburg, and, that they are to given the proper notice and the failure obtain the appropriate consents as indicated and required in Maryland law indicates that indeed this is knowing and intentional illegal and unjustified action solely for the purpose of harming the citizens of this region.

43. That under Maryland law, the Maryland Annotated Code, Local Government Article Section 4-400, as part of the annexation process there has to be an Annexation Plan to indicate that the new area to be annexed can be maintained by the municipality. The purported Annexation Plan by the Town of Bladensburg does not indicate that it contains the available resources to maintain the property now or specially indicate the resources available for any potential development especially with the distance between the Town of Bladensburg and this development site or indicate that the Town of Bladensburg has the necessary assets or resources to maintain this municipal expansion. This further shows that this action is with an improper intent with the sole goal of harming citizens.

44. That this lack of showing of necessary resources now or ability to maintain said property either now or in the future further shows that this illegal attempt at this improper annexation is solely to specifically and intentionally cause harm with the actions not have the result of any negligence or mistaken conduct but as an actual, specific an intentional act to cause harm to the citizens of the State of Maryland, Prince George's County, and the citizens of Cheverly driven by jealousy and spite and other similar reasons on a calculated basis to forego millions of dollars in revenue by engaging in conduct which the town of Bladensburg fully knows is illegal and improper.

45. This specific intent to harm citizens as further indicated by the public hearing which was held as required by Maryland law at the Town of Bladensburg on December 19, 2024.

46. This public hearing is a requirement for annexations under Maryland law.

47. However, instead of having a required public hearing under the law, the Town of Bladensburg chose to ignore the law and restrict the public from attending the hearing.

48. That upon the arrival of the public at the hearing as required under Maryland law, the public, and especially members of the public from the Town of Cheverly, were denied access to make any public statements or comments on the record and also these members of the public were instructed that the citizens had to show identification before they were permitted to have access, and the citizens were then restricted from the access.

49. It is clear and obvious that the restriction on the desire of citizens to speak and make a record at a public hearing is a specific an intentional violation of the requirements of Maryland law for an attempted annexation process and also violates many Federal and State laws for requiring identification to be granted access to any governmental property and especially and specifically a public hearing to intentionally restrict the record other of those who are directly affected.

50. This conduct further shows that the conduct of the Town of Bladensburg regarding these proceedings is with the specific intent to harm the public and citizens for use and development, tax revenue, expenditure of costs, and resources expended for planning.

51. The economic benefit of this development would be in the many multiple of millions of dollars which are now in substantial jeopardy as a result of this illegal action.

52. The specific and intentional violations of State and Federal laws are with the

intentional and specific intent to harm the public and motivated by jealousy and spite with the ultimate intent to terminate this development project that the Town Bladensburg fully knows it does not have the resources or amenities to support.

53. That the Plaintiffs' right to annex and develop the land legally will be irreparably damaged in the absence of an injunction.

54. That the benefits to the Plaintiffs in obtaining the injunction are equal to or outweigh the potential harm which the defendant would incur, were the injunction granted.

55. That the Plaintiffs will suffer irreparable injury unless the injunction is granted.

56. That the public interest is best served by granting the injunction, since a legal and successful development of Hospital Hill will serve the residents of Cheverly, Prince George's County, and Maryland

57. That declaratory relief will serve to terminate the uncertainty and controversy giving rise to the proceeding.

58. That an actual controversy exists between the parties.

59. That antagonistic claims are present between the Parties as to their respective rights to annex the subject property, which indicate imminent and inevitable litigation.

**Count I –
That the annexation action by the Town of Bladensburg violates Maryland law for
failure to be contiguous and creates an enclave**

60. That the plaintiffs hereby adopt all of the paragraphs above herein

61. That under Maryland law, for annexations, the property must be contiguous to a municipality.

62. That the annexation as presented by the Town of Bladensburg violates this requirement in that the Town of Bladensburg is not contiguous to this subject site and the use of these roadways is improper. Furthermore, this plan creates an enclave of this site where it is prohibited under State Law.

**Count II –
Violation of the Notice Requirement to the State and Federal Government.**

63. That the Plaintiffs hereby adopt all of the paragraphs above herein.

64. That proper notice must be given pursuant to the obligations under Maryland law.

65. That certain case law has addressed this notice issue, however, those cases do not address the issues involved in this matter and also do not apply to the Federal notice of and annexing Federal property and therefore this illegal attempted annexation is improper for the failure to give appropriate notice and receive consents as required under Maryland law.

Count III - Improper Annexing Federal Property.

66. The Plaintiffs hereby adopt all of the paragraphs above herein.

67. That a very vital part of the annexation process involves the annexation of Federal property along the Baltimore Washington Parkway.

68. That the attempt by a municipality to annex Federal property is improper since that presumes that the Federal Government will now be responsible to follow the laws of the municipality which is illegal.

69. That if this Federal property cannot be annexed then the property is no longer contiguous and this entire annexation is improper.

70. That if indeed there is an attempt to annex Federal property then there must be adequate consents given for said annexation which the town of Bladensburg's failed to do.

**Count IV –
The public hearing as required under Maryland law for the annexation was
improper and in violation of Open Meetings Act.**

71. Plaintiffs hereby adopt all of the paragraphs above herein.

72. For annexation proceedings, pursuant to the Maryland Annotated Code, Local Government Article, 4 – 400, et seq., a public hearing must be held.

73. That the Town of Bladensburg purportedly held a public hearing on December 19, 2024.

74. However, the Town of Bladensburg restricted the public from making statements or providing evidence on the record and specifically those citizens from the Town of Cheverly were prohibited to testify or place matters on the record and were blocked from the Town Hall and required to show their identification which not only violates the requirements of the laws as they apply to annexations but also numerous Federal and State Laws. Furthermore, such actions were a direct, specific and intentional violation of the Maryland Open Meetings Act.

Court V - Injunction.

75. The Plaintiffs hereby adopt all of the paragraphs above herein.

76. That the Plaintiff hereby requests this Court to enter an injunction to halt the improper actions of the Town of Bladensburg as it applies to this annexation.

77. That as stated and indicated above the Town of Bladensburg's failed to comply with the requirements of Maryland law on numerous basis, and pursuant to the Maryland rules, there is a strong likelihood that the Plaintiffs will succeed on the merits of this action.

78. That the balance of harm weighs heavily in favor of granting injunction relief in that this development project has been ongoing for many years which will provide substantial economic benefit, tax resources, and other benefits to the public for this entire region and, since the Town of Bladensburg does not have the ability to provide any such resources and is not contiguous in any manner to the subject property and, furthermore, that the Town of Bladensburg does not have the necessary resources or amenities with regard to this development site the conduct of the Town of Bladensburg is solely for jealousy and spite and because the illegal and intentional harm.

79. That the Plaintiffs are seeking this injunction to address the risk of immediate, substantial, and irreparable harm as a result of these actions, which immediately halts, if not terminates, this proposed gateway to Prince George's County and the State of Maryland.

80. That there are important public policy considerations which weigh in favor of the granting of this injunctive relief in that the citizens of this entire region are adversely affected by this illegal conduct.

Count VI - Declaratory Judgment

81. The Plaintiffs hereby adopt all of the paragraphs above herein.

82. The Plaintiff's respectfully request that the Court determine and adjudicate the rights of the parties by entering an injunction and issue such Order or awards for further relief as the Law and Justice may deem appropriate.

The Plaintiffs hereby adopt and incorporate as attached herein:

Exhibit 1 - Letter from the Prince George's County Office of Law indicating the annexation is illegal and improper.

Exhibit 2 - Letter from the Department of Planning indicating that annexation is illegal and improper.

Exhibit 3 - Letter from the developer objecting to the annexation process.

Exhibit 4 - Letter from the attorney for the Town of Cheverly objecting in indicating the annexation is illegal and improper.

Exhibit 5 – Report of the Planning Process for this subject site by the Town of Cheverly.

WHEREFORE, Plaintiff respectfully requests this Honorable Court to:

1. Grant the injunctions as requested herein;
2. Find that the Defendants engaged in an annexation that violates Maryland law;
3. Void any annexation action by the Defendants;
4. Engage in any equitable action to correct the unlawful conduct of the Defendant, and;
5. Such other and further relief as this court may deem appropriate for the declaratory judgment and injunction proceedings.



PRINCE GEORGE'S COUNTY GOVERNMENT

OFFICE OF LAW

Tara H. Jackson
Acting County Executive

Rhonda L. Weaver
County Attorney

Deputy County Attorneys
Sean G. Dixon
Shelley L. Johnson
Joseph C. Ruddy

December 6, 2024

VIA ELECTRONIC MAIL

Honorable Takisha James, Mayor
Town of Bladensburg
4229 Edmonston Road
Bladensburg MD 20710

Re: Proposed Annexation by the Town of Bladensburg pursuant to Resolution No. 1-2025

Dear Mayor James:

On behalf of the Prince George's County, Maryland and the Redevelopment Authority of Prince George's County, we wish to formally express opposition to the proposed annexation of the former Prince George's County Hospital Center site ("Hospital Site") by the Town of Bladensburg pursuant to its Resolution No. 1-2025. This proposed annexation does not comply with Maryland law as a result of failing to be contiguous and adjoining, creating arbitrary strips or corridors through roadways to connect to the remote Hospital Site, creating enclaves, and other violations of Maryland law.

More specifically, we have identified the following issues:

- The Hospital Site is not contiguous and adjoining to the boundaries of the Town of Bladensburg as required by Maryland law. The Hospital Site is approximately a half-mile southeast of the Town's boundary and there is no justifiable purpose for capturing this site.
- The Town attempts to bring the Hospital Site within its boundaries by creating strips or corridors for no purpose other than to connect to the remote Hospital Site. The roadway or highway strips consist of Federal and State rights-of-way (ROW), which form a narrow "V-shaped" area. This area is arbitrarily included and bears no relation to the municipality other than to incorporate the Hospital Site.
- The proposed annexation will result in an unincorporated area that is surrounded by municipal boundaries, thus creating a theoretical enclave which is prohibited by Maryland law. Furthermore, this approach departs from the legislative intent of the power granted.
- Questions remain regarding the Town's compliance with all procedural requirements for annexation.

Because we cannot technically provide legal advice to the Town, we present this letter as a request that you and the Town Council reconsider the proposed annexation by withdrawing Resolution No. 1-2025. We are asking that this letter be maintained in the legislative record and read aloud during the public hearing.

Wayne K. Curry Administration Building, 1301 McCormick Drive, Suite 4100
Largo, Maryland 20774
Phone (301) 952-5225 Fax (301) 952-3701
www.princegeorgescountymd.gov

Ex 1.

Letter to Town of Bladensburg-Resolution No. 1-2025
12/6/2024
Page 2 of 2

currently scheduled for December 9, 2024. If the resolution is not withdrawn, available legal remedies will be pursued.

Thank you for your consideration of these issues.

Sincerely,

Rhonda Weaver

Rhonda L. Weaver, Esq.
County Attorney

cc: Honorable Members of the Town Council
Tara H. Jackson, Acting County Executive
Angie Rodgers, Deputy Chief Administrative Officer for Economic Development
James Chandler, Acting Executive Director, Redevelopment Authority of Prince George's County
Sean G. Dixon, Esq., Deputy County Attorney
Joseph Compofelice, Esq., Associated County Attorney

Wes Moore, Governor
Aruna Miller, Lt. Governor



Rebecca L. Flora, AICP, Secretary
Kristin R. Fleckenstein, Deputy Secretary

Maryland DEPARTMENT OF PLANNING

November 22, 2024

The Honorable Takisha James
Mayor, Town of Bladensburg
4229 Edmonston Road
Bladensburg MD 20710

Dear Mayor James,

Thank you for providing the Maryland Department of Planning (MDP) with information pertaining to the 24th Extension-Resolution 01-2025, known as the 24th Extension of the Town of Bladensburg and including lands as described for a total of 113 acres of land and any public or private ways found therein as further described in the annexation plan and said resolution. MDP offers the following comments for consideration.

As the Town of Bladensburg does not have planning and zoning authority, the statutory requirements of Local Government Article §4-416(b) do not apply. MDP notes that the exhibit labeled as “Map of the 2024 Extension of the Town of Bladensburg” does not reflect the same town limits land area as indicated in MDP records. MDP would be happy to schedule a meeting with the town and our office of Geospatial Data and Analysis to reconcile the differences. For comparison, MDP recommends that the town compare the mapping referenced above to that of the mapping shown on MDP’s [FINDER Online](#). MDP publishes statewide municipal boundaries. While these boundaries are not intended to serve as a legal description, they are used in many online applications and uses. Municipal Boundary data is available for download and a service at <https://data.imap.maryland.gov/datasets/maryland::municipal-boundaries-detailed/explore>.

The property proposed for annexation is currently located in a county-certified Priority Funding Area (PFA). Because the subject property is located within the I-495 Capital Beltway, it will remain designated as a PFA upon annexation. Attached is a copy of our Annexation Review.

Enclosed you will find important information concerning post annexation notification and participation in the Census Bureau’s Boundary and Annexation Survey. The town should follow the appropriate procedures so that the annexed property is legally established as part of the incorporated municipality. To expedite MDP’s update of our municipal mapping, please send Susan Llareus and Stephanie Mullinix (stephanie.mullinix@maryland.gov) a copy of the notification transmitted to the Department of Legislative Services. If you desire further assistance please contact Susan Llareus, Planner Supervisor at susan.llareus@maryland.gov

Sincerely,

Joe Griffiths, AICP
Director, Planning Best Practices

**cc: Regine Watson, Town Clerk and Assistant Town Administrator
Lakisha Hull, Prince George's County Planning Director
Susan Llareus, PLA, Maryland Capital Region, Planner Supervisor**

**Attachments: Maryland Department of Planning Annexation Review
Municipal Reporting Responsibilities Following Annexation
Municipal Charter or Annexation Resolution Reposition Form**



December 10, 2024

Mayor Takisha James
Town of Bladensburg
4229 Edmonston Rd.
Bladensburg, MD 20710

Dear Mayor James,

In September 2021, a venture of Urban Atlantic Development and Hometeam 5 (the "Development Team") jointly responded to the Redevelopment Authority of Prince George's County (the "RDA") RFP No. 2021-03 for the redevelopment of the former Prince George's County Hospital. In June 2022, the RDA awarded the Development Team with the project. The former hospital site consists of approximately 44 acres (known as "Cheverly Hill") within the area proposed to be annexed under the Town of Bladensburg's Annexation Resolution No. 1-2025.

As the Cheverly Hill site is the only land within the annexation area with any plans for private development in the near future, the Development Team has a vested interest in any annexation proposals.

The Development Team was only made aware that the Town of Bladensburg was taking steps to pursue annexation of Cheverly Hill on November 22, 2024, when the RDA relayed a copy of the Annexation Resolution and Notice of Public Hearing, scheduled for December 9, 2024. The Development Team has very significant concerns over the annexation proposal and how the Town of Bladensburg is pursuing the annexation of Cheverly Hill.

First, the Cheverly Hill site is directly adjacent to the Town of Cheverly and even bisects Cheverly Ward 1. To that end, RFP No. 2021-03 was explicit that the goal of this development is a mixed-use community "that should activate, support, and be compatible with the existing Town of Cheverly."

Ex. 3

The Development Team crafted its winning bid to redevelop the former Prince George's County Hospital site around the idea of the site evolving into a "Town Square" in the heart of the Town of Cheverly.

During the bid preparation stage, the development team held numerous formal and informal information gathering events with residents and organizations in the Town of Cheverly to seek their vision for the property.

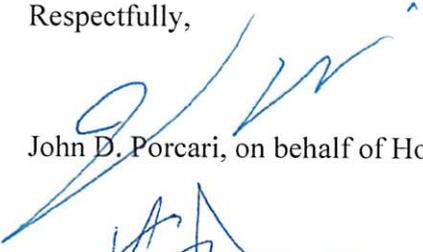
As a direct result of these conversations, combined with work done in previous years by Cheverly residents preparing the detailed Cheverly Sector Plan, our plan reflects the desires of an overwhelming majority of residents in the Town of Cheverly. Proudly, when we submitted our proposal, it contained letters of support from a wide range of local organizations, including The Cheverly Village (senior citizen assistance), The Cheverly Farmers Market Board of Directors and the Cheverly Native Planting Project.

Since the Prince George's County Redevelopment Authority announced the winning bid in 2022, over a half-dozen full-scale public meetings with the mayor and town council have been held in the Town of Cheverly, and the development team has attended numerous smaller local gatherings. The Development Team has also been in regular contact with the Town of Cheverly Planning Board and the Cheverly Green Infrastructure Committee.

Second, the annexation of a large proposed development project without any initial discussions with the Development Team is highly unusual. There are fiscal and viability implications for both the jurisdiction seeking annexation and the development project being annexed.

From the issuance of the RFP and the development of this team's winning response, our efforts have been focused on assuring that Cheverly Hill would be an integral and valued complement to the Town of Cheverly. While our discussion with the Town of Cheverly regarding eventual annexation continues to evolve, we respectfully request that the Town of Bladensburg rescind its petition to annex the land that will be home to this project.

Respectfully,



John D. Porcari, on behalf of Hometeam5



Vicki Davis, Managing Partner, Urban Atlantic

ALEXANDER & CLEAVER

ATTORNEYS AT LAW

Professional Association

James A. Cleaver ^{MD DC}
Todd K. Pounds ^{MD DC}
Jason A. DeLoach ^{MD DC}

Admitted to Practice in State

Maryland • District of Columbia • Virginia
Tele: (301) 292-3300 Fax: (301) 292-3264
www.alexander-cleaver.com
Toll Free: (800) 292-LAWS

6710 Oxon Hill Road, Suite 330
Oxon Hill, Maryland 20745

December 4, 2024

Takisha James, Mayor
Town of Bladensburg
4229 Edmonston Rd.
Bladensburg MD 20710

Re: Annexation

Dear Mayor James:

The undersigned represents the Town of Cheverly in opposition to the proposed annexation of the Hospital Hill property.

As you should have been advised, this attempted Annexation does not comply with Maryland law including creating enclaves, not being contiguous, attempts to annex Federal property, having an improper Annexation Plan as well as numerous other areas of violation of Maryland law.

Please be advised that the Town of Cheverly has instructed me to file suit against the Town of Bladensburg and proceed forward with all litigation, including all necessary appeals, to rectify this illegal and wrongful act that has been taken by the Town of Bladensburg. The Town of Cheverly will also be seeking reimbursement for all of its costs as a result of the wrongful conduct of Bladensburg.

You should also be advised that the developer of Hospital Hill has been informed that the Town of Cheverly is now denying access to this development as a result of this attempted wrongful annexation. This will certainly change the developers concept plans and may affect the entire viability of this project. I surely would expect the developer to seek damages against the Town of Bladensburg for its wrongful conduct and for damages that the Town caused to this project.

It is my understanding that the County is also upset at the Town of Bladensburg's conduct and any action against the Town by the County is not being addressed in this opposition.

As a result, this letter is to formally inform you that suit is being filed as soon as there is a vote of approval of this wrongful annexation attempt and will include all necessary damages.

Very truly yours,



Todd K. Pounds

Key recommendations of the Cheverly Mayor and Council

Many of the Cheverly Mayor and Council recommendations are presented in fuller detail within the attached Cheverly Green Infrastructure Committee and Cheverly Planning Board recommendations. The points below are shared to emphasize our call for substantive involvement of our Town and our community throughout the redevelopment process and our expectation that the redevelopment of Hospital Hill raise the standard for environmental, social, design, infrastructure, and economic sustainability.

The Process

- Requirement of applicants to work closely with the Town of Cheverly, our advisory bodies (Cheverly Green Infrastructure Committee and Cheverly Planning Board), and Town residents in every aspect of design and development of the Hospital Hill site.
- That the RDA only advance applicants with a demonstrated commitment and ability to prioritize leading edge sustainable practices in environmental protection, social equity, and economic viability in every aspect of land use, design, build, and operation.
- Enhanced consideration to development proposals that support annexation by the Town of Cheverly post development.
- Commitment from the RDA to work with the Town of Cheverly to identify ways for direct inclusion of Cheverly representation within the RFP and development processes.
- RDA and developer commitment to fund and work with the Town and homeowners adjacent to the Hospital Hill site for the removal of bamboo, ivy, and other invasive species from affected homeowners' properties and to address the erosion and stormwater management concerns of the adjacent homeowners.

Environment, Green Infrastructure, Sustainable Development

- Requirement of state-of-the-art renewable wind energy, solar energy, and storm water management practices.
- Stormwater management improvements that extend to serve immediately adjacent or connected Cheverly streets.
- Removal of bamboo, other invasive plants and trees, from across the Hospital Hill site.
- Baseline air quality monitoring and noise survey of the site and direct consultation with the Town on specific mitigation of air, sound, and light pollution.
- Preservation, restoration, and the expansion and connection of green infrastructure on the site of the development and with existing green ribbon and Town and MNCPPC park spaces (Nature Park and Euclid Park). Preservation to include the protection of existing mature trees within the already built environment and that the on-site tree canopy coverage exceeds 40%.

Traffic and Transportation

- Commitment to public transportation, walkability, and bikeability. Recommend Transportation Demand Management designation for area, to include regulations, subsidies, and incentives for use of Metro bus and rail.
- RDA commitment to expand the minimum required transportation assessment, coordinate with the Department of Public Works & Transportation, WMATA, and the County Council to determine the additional investments that would be necessary to make the site transit oriented.
- An emphasis on development of adequate primary motor vehicle ingress and egress areas to the north and south of the Hospital Hill site.
- Clear designation that any internal street connections are limited and intended only as a distant, secondary ingress/egress in support internal community connection.
- RDA commitment to work with the Town of Cheverly to determine what traffic calming improvements can be installed on roads in the Town of Cheverly to help mitigate the impacts of any additional motor vehicle traffic to and from the hospital site. These studies should be completed as part of the master plan process.
- Funding of study, design and construction of traffic calming measures for all streets incorporated into Hospital Hill regardless of vehicular or pedestrian connection.

Bicycle and Pedestrian Trails and Access

- RDA and developer focus on building county/state/federal partnership for Bicycle and Pedestrian Bridge connectivity to Anacostia Trail/Bladensburg Waterfront Park.
- RDA commitment to exceed the minimum requirements of the zoning ordinance and coordinate with the Department of Parks and Recreation, the Town of Cheverly, the Maryland State Highway Administration, and the Department of Public Works and Transportation to study how pedestrian and bicycle access can be provided between the Hospital Hill site and the nearby areas, including the Town, the industrial areas, the Metrorail station, and nearby parks such as Bladensburg Waterfront. This expanded commitment will be necessary to understand the investment required to achieve equitable access to the hospital site. This study should be completed as part of the master plan process.
- Coordinated bikeshare locations with the Town of Cheverly and commitment to identify and incorporate electric assist bicycles within bikeshare inventory.
- Inclusion of bicycle access ramps or assists for steep grades along connected streets and along trails throughout the development to increase access for riders of varying ages and abilities.

Composition and Density of Residential and Commercial Development

- Dedicated senior living options (purchase and rental—also, desire for continuum of care opportunity). Cheverly residents are looking for ways to continue to live in their community when their multistory, single family homes no longer serve their needs.
- Residential to include a mix of both rental and ownership and to include townhome, condominium, and apartment mix.
- Integration of market rate housing with 15 mixed-unit reduced rate SSI/SSDI disability and low income apartments, with inventory to include accessibly designed units.
- Support for medium to medium-high density residential.
- Design and budget to support undergrounding of all utilities, to include electrical and cable/internet.
- An economic feasibility analysis to support a balanced retail component. This analysis would be a valuable study and provide much needed understanding and nuance to what types of businesses would consider locating in this area and would flourish in this area.
- Explicit agreement from the developer on zoning restrictions—to not allow fueling stations, convenience stores, liquor stores, storage facilities, “fast” or drive through food establishments, or similar businesses within this redevelopment.

Community Amenities

- RFP requirement of support for and investment in Community Amenities (outdoor and indoor public spaces) as outlined by the Town and Cheverly community.
 - Intergenerational design spaces to support senior activities and daycare/preschool.
 - Outdoor amenities to include splash park, dog park, natural play spaces, amphitheater, pond/skating rink, trail or para-course.
 - 2k to 5k square feet of indoor meeting, performance, community/children’s theatre, maker space, satellite library/USPS site to include co-op beverage/snack counter/storefront.
 - Free broadband wi-fi access

— End of attachment

Adopted Recommendations of Town of Cheverly Advisory Bodies

We bring forward the recommendations of our advisory bodies as from the Town of Cheverly. Incorporating these recommendations are essential to the successful and sustainable redevelopment of Hospital Hill, and we request that they be incorporated in both the RFP and throughout the redevelopment process.

Recommendations — Cheverly Green Infrastructure Committee

The Cheverly Green Infrastructure Plan (www.greencheverly.org), adopted by the Town of Cheverly in 2011, identified a network of natural areas within Cheverly, and made recommendations for soil, water, vegetation, animal life, and land use and our built environment. The plan can be modified as conditions change, for example changes in municipal boundaries. The Cheverly Green Infrastructure Committee, established in 2011, advises the Mayor and Town Council on environmental issues.

In a small town such as Cheverly even seemingly small losses of natural areas, native plants and animal life and street trees can have a big and long-lasting impact. Our neighborhood streets, alleys, utility avenues, nature trails and yards form a connecting network of green conservation corridors that also serve for recreation, relaxation and access. We have the opportunity to restore yards to green oases attracting important bird and insect pollinators and other animal life; to turn church and schoolyards into green gathering and learning centers; to establish utility alleys and underdeveloped parcels into green corridors linking natural hubs and creating walking trails; to incorporate green building practices that reduce use of valuable natural resources and lower energy bills; and even to transform roofs into habitats that help retain water at the source and scour pollutants. -- *Cheverly Green Infrastructure Plan*

The hospital site does not stand on its own but is part of a larger area sharing similar soil types, forest communities, and drainage areas. Thus, the environments of the hospital site and present-day Cheverly, particularly its western frontier, should be considered together.

The hospital site development can be a neighbor working with Cheverly to preserve and improve conditions for the entire area. It offers an opportunity to showcase green practices for the entire region. To this end we recommend that in planning the development consideration be given both to environmental concerns within the boundaries of the development (referred to as *onsite*) and to impacts on adjacent properties (*neighbor impacts*). Of course, some recommendations pertain to both categories. The recommendations apply to all phases of design, demolition, construction, and operation.

We further recommend that the planners give preservation and maintenance of existing natural areas the same emphasis as corrective measures also known as “green infrastructure.”

We urge that the request for proposals from developers reflect these recommendations. The RFP should describe the Cheverly community, its desires and needs. Developers should express willingness to meet frequently with the Town of Cheverly and the community.

Natural Areas Network

Establish and preserve a natural areas network, including a system of five hubs and connecting corridors. Connecting corridors between the natural-area hubs are essential to maintaining a healthy biodiversity.

- The woods of Euclid Park and Cheverly Nature Park are two of Cheverly's natural-area hubs. The development can connect those hubs by preserving and adding to existing natural corridors, including Parcel 181.
- Transfer parcel 181 to M-NCPPC for non-intensive park use. Parcel 181 was acquired by eminent domain for public use and is subject to a Tree Conservation Plan. This parcel is within Cheverly's boundaries.
- It would be preferable that more of the land be managed as parkland. The development as originally presented to the town was confined to parcels 28 and 126. The land surrounding the high point is currently used by the community as an overlook, for example for viewing the national Fourth of July fireworks, and for sledding.

Water

Clean water sustains the natural environment, provides essential services for the community... Natural seeps, springs and groundwater provide clean water to area streams. The most damaging water pollution and degradation in the region is caused by unchecked stormwater runoff.

Onsite

- Within the development area, stormwater management design should exceed the current county standards of controlling a 1.5-inch rain event. Keep all stormwater on the site; underground storage is an option.

Neighbor impacts

- Prevent runoff, with its associated sedimentation and pollution, into streams and their buffers. Stormwater runoff is directed from the ridgeline of the hospital site toward the stream we refer to as Tributary 1 on the east and toward Quincy Run on the north. Tributary 1 lies at the base of the hospital site hill, parcels 181 and 117. A spring and wetland are

nearby. At present stormwater from a hospital parking lot and from lots of Kenilworth Industrial Park is directed into Tributary 1. The stream has been heavily impacted by sedimentation from runoff and construction. It suffered from sewage discharge from the hospital in 2009. See www.greencheverly.org for more descriptions of Tributary 1 and its environs.

- There should be no additional stormwater discharge into the stream.
- Show expected impacts on Quincy Run.
- Preserve or add to stream buffers to achieve 100-foot buffers.
- Avoid disturbance of ecologically-functional natural stormwater management areas. The swale at the western end of Greenleaf Road is ecologically functional. It filters and absorbs stormwater before it runs into Tributary 1. 56th Place and western Greenleaf Road have no storm drains, so the swale acts as the stormwater management. As of the February 11 meeting Greenleaf Road was still being considered as an access point. It was acknowledged that a Greenleaf access was topographically difficult, but no mention was made of the environmental issues. Paving of this area would mean removing any stormwater management. Furthermore, any road would have to cross the stream and land owned by the Town of Cheverly. WSSC considers this area a wetland.

Vegetation

The vegetation of our natural areas provides us with many free ecoservices. Trees and other plants help retain and filter stormwater, reducing flooding and soil erosion. They also remove polluting gases and particulates to purify the air and provide shade to ameliorate heat island effects. Tree leaves moderate the impact of heavy downpours that can erode soil, and root systems hold water, decreasing runoff volume and velocity. Our woods produce oxygen and sequester carbon to reduce climate warming and moderate temperature and humidity to help maintain a stable climate. Forested areas retain phosphorus and other nutrients required by plant life. The organic plant layer in soil breaks down waste materials, recycles nutrients and forms new soil.

Onsite

- Preserve mature trees rather than clear-cutting and subsequent landscape planting of younger trees..
It is well known that trees, in addition to providing benefits, add monetary and aesthetic value to developments. The redevelopment is an opportunity to use construction methods that permit retention of trees.
- Require at least a 40% tree canopy “grow out” goal for the Hospital Hill landscape plan. When integrated into development wisely, green infrastructure, especially tree canopy, will provide on-site stormwater management, help reduce heat island effect, clean our air and provide other health benefits.
- Best Management Practices to achieve a healthy diverse stocking should also be implemented in the landscape plan. One rule of thumb is not to have stocking of one

species over 10%. This practice helps avoid the monoculture effect; for example that created when the developer plants all of a single species.

- In landscaping, use 100% native plants (trees, shrubs, flowers, grasses), using local ecotypes and reflecting the plants naturally occurring in the immediate surroundings. A type 2 tree conservation plan, TCP2-228-90, covers all the hospital site parcels, and includes planting lists which fit the above criteria. Inventories of trees and other plants occurring in Cheverly's natural areas are at <https://sites.google.com/site/cheverlygreenplan/cheverlysgreenspaces/life-in-cheverly>.
- Replace the callery pears on parcel 181 with native species.

Neighbor impacts

- Preserve currently wooded areas.
These filter and reduce the impacts of stormwater on the hillside.

Wildlife

Both plant and animal kingdoms provide us the basic ecoservices we need, and the interdependence of plants and animals make their and our continued existence possible. Without animals there would be no waste removal, decomposition, detoxification, pest control, nutrient recycling, nitrogen fixation, or production of organic fertilizer. All the vital natural chemical transfers such as carbon, nitrogen, sulphur or phosphorus cycles, include stages mediated by members of the animal kingdom. Microbial life in natural soils permits nutrient and other chemical transfers to occur and the mobility of animal life enables pollination of plants and seed dispersal on a greater scale and over wider areas than can be done by other means. Larger browsing animals such as deer maintain a balance among vegetative species by not allowing any one species to become overly dominant. Both mammalian and avian predators control rodent populations that could otherwise reproduce explosively and cause harm to property and spread disease. Birds maintain control of insects that harm our gardens or carry West Nile fever or Lyme disease.

Onsite

- Preserve connected wooded areas for their wildlife value.
Currently the hospital site serves as a wildlife corridor for mammals of many sizes, not to speak of the countless beneficial creatures less obvious to the casual onlooker. Deer rest and feed on the hillside, where foxes, too, have their dens. The ridge serves as an avian flyway for protected migrating raptors and smaller birds. For about six years, a breeding pair of ospreys has made its nests on one of the communications towers.
- Use dark-sky compliant lighting to avoid impacts on bird life.
- Avoid large reflective surfaces (windows) to prevent bird kills.
- Consider providing wildlife underpasses or bridges.

Soil

Soil is the foundation of all green infrastructure. Soil microorganisms modify chemicals into nutrients plants can use. Soil also retains gases necessary for life and stores carbon, which is a contributor to global warming. Soil holds, filters, purifies and releases water slowly to replenish our aquifers thus reducing flooding and erosion. It also captures waste and toxic substances.

Onsite

- Prevent soil compaction.
- Use permeable paving.
- Consider soil types in planning.

Soils of the currently unbuilt areas of the site are considered somewhat or very limited in suitability for dwellings with basements, roads, paths and trails, and lawns and landscapes, due to moderate to severe likelihood of erosion.

Land Use and the Built Environment

Green building techniques can make our homes and commercial buildings more energy-efficient, limit our carbon footprint and significantly reduce our impact on area streams. Air pollution harms living organisms and damages both the natural and manmade environment. As an inside-the-beltway family community, Cheverly is directly impacted by poor air quality, especially from vehicular emissions. Reduced air quality is among the causes of a rapid increase in respiratory illness among children.

Onsite

- Construction should follow LEED Platinum standards or the Passive Haus equivalent.
- Use pollution-fighting cool vegetated roofs, rooftop solar panels, or white reflective roofs.
- Include charging stations for electric cars in most garage parking spaces.
- Study the feasibility of the planned bike trail on parcel 181. The steep hill and highly erodible soils may make such a trail unfeasible.
- Natural-surface trails are preferred.

Neighbor impacts

- Minimize light pollution for wildlife and humans alike. "Hospital Hill," particularly parcel 117, is considerably higher than the residential area of Cheverly to its east. Lights in the parking lot on that parcel have been a problem for residents. Housing on parcel 117 overlooking the residences will present the same problems.
- Consider the views from the western frontier of Cheverly as well as those from the development.

The map for scheme 1 shows what appear to be sight lines from two points in the “green space” toward Cheverly. Sight lines toward the development are equally important.

- Work with immediate neighbors to minimize property impacts.
Remove and replace bamboo for better screening.
- Choose building materials to minimize heat island effects.
Because the altitude of the development is higher than that of the residential area just to its east, nighttime temperature inversions can trap hot air and therefore pollution rising from the heat islands.
- The Town of Cheverly has partnered with the University of Maryland in a hyper-local project to monitor air pollutants with an emphasis on health impacts. The development can work together with this project.

Adopted Recommendations of Town of Cheverly Advisory Bodies, cont'd on pg. 7.

Adopted Recommendations of Town of Cheverly Advisory Bodies, cont'd:

Recommendations — Cheverly Planning Board

The Planning Board serves in an advisory role to The Council on various projects related to planning and development and other planning related matters affecting the Town of Cheverly that come before The Council. The Board also actively makes recommendations to The Council for planning and development matters that positively impact the citizens of Cheverly.

1. The Countywide Map Amendment (CMA) designation for hospital hill is CGO. From our understanding this designation allows for a very broad range of uses. We recommend that RDA's RFP include language asking the developer to explore a more targeted designation, including one of the Planned Development zones, with land use/massing diagrams for up to three zoning designations that meet aspirations of the Greater Cheverly Sector Plan.
2. We also think it is important to test whether there is a market for higher density development, considering the proximity to Metro. We recommend that RDA's RFP include language asking the developer to test the residential and office density threshold needed to support neighborhood-serving retail and restaurants.
3. Hospital Hill is isolated and disconnected from Cheverly and the broader area. We recommend that RDA's RFP include the following elements to enhance connectivity:
 - Explore potential routes and operating costs associated with bus/shuttle service to Hospital Hill, including access to Metro or other destinations.
 - Design pedestrian and bike facilities throughout the redevelopment and recommend gaps to fill in the adjacent pedestrian and bike network (e.g. shared-use facilities along Hospital Drive to Kenilworth and along Landover).
 - Evaluate the feasibility of directly connecting Cheverly to Hospital Hill through new contextually sensitive streets via Lockwood and/or Inwood (including sidewalks, street trees, and pedestrian lighting).
 - Prepare three circulation options and analyze the impact of traffic on the broader community (both one-way in/out and two-way options).
 - Develop a highly visual presentation that includes best practices and case studies for designing sustainable neighborhood streets. The presentation should include strategies for reducing the impact to residents on those streets.
 - Prepare three conceptual landscape/urban design renderings that demonstrate the character of preferred street connections.

4. Parking should be incorporated so that it is not visible, and it will be important to ensure that there is adequate parking. We recommend that RDA's RFP requests a detailed parking analysis and best practices when it comes to garage aesthetics, safety, technology, and lighting.
5. We envision the Hospital Hill redevelopment to express its design through the local identity, considering the proximity to the Anacostia River, Baltimore Washington Parkway, and towns of Cheverly and Bladensburg with their abundant community infrastructure (e.g. parks, playgrounds, recreational amenities, schools, etc.). We recommend that RDA's RFP includes language asking the developer to establish a design vernacular and public realm that is authentic to Cheverly and Bladensburg.
6. Regularly meet with the town and community to share scopes, discuss findings, and collaborate for success.

— End of attachment.

Some Thoughts on Bladensburg's Effort to Annex the Former Hospital Property

December 4, 2024

The Town of Bladensburg has submitted to the county a request to annex Hospital Hill. Here is the resolution, with a map at the end of the file:

<https://mccmeetingspublic.blob.core.usgovcloudapi.net/bldnsbrgmd-meet-d40492d5c8bb4237a38566f71be1e464/ITEM-Attachment-001-382a715be76d4851a17b773e7ca7d11e.pdf>

There is some further material posted on the agenda for Bladensburg's town meeting of October 24, 2024.

<https://bladensburgtown-md.municodemeetings.com/bc-towncouncil/page/special-town-council-meeting-october-24-2024>

The Town of Cheverly has not made a public announcement of this development, nor any plans to respond. HomeTeam5 indicates that it is a matter for the county, particularly for the Redevelopment Authority as property owner. Jolene Ivey, County Council chair, has indicated that a legal opinion will be forthcoming early in December.

Bladensburg has announced the date and location of a public hearing on annexation,
December 9, 2024, 7:00 PM, 4229 Edmonston Road, Bladensburg.

Laila Riazi has spoken of her unsuccessful efforts to interest the town council in supporting annexation, despite the county's opposition, emphasizing

"Cheverly's engagement from before the inception of the Hospital Hill plan; the number of meetings I held for this while Mayor, my call for support for annexation in multiple council sessions and in writing, and the extensive work of both the Cheverly Planning Board and the Cheverly Green Infrastructure Committee (attached to the letter to the RDA).

We (Cheverly) have been involved in this process and should have been here well before Bladensburg. Also, reminding us that the Greater Cheverly Sector Plan, and the planning sessions that preceded the final plan, were well attended by the community (including CPB and CGIC representation) and the Cheverly Council through meetings and worksessions. envisioned the approaching incorporation of Hospital Hill."

Dan Smith says,

"I would think the GIC would be interested since the environmental issues and development impacts pose more immediate and direct consequences for the Cheverly community and its natural areas and ecosystems than for Bladensburg's. The site is not contiguous with any part of Bladensburg as far as I can tell. Site runoff goes to both Quincy Run, a trib that runs into and through Bburg, and separately, south to Lower Beaverdam. The Greater Cheverly Sector Plan

includes this area and property across the parkway and up both sides of Kenilworth Ave to Bburg. We have long weighed in on enviro and development concerns and possibilities through the Sector Plan and in other ways. I am not aware of ANY of those concerns and impacts being considered or expressed by Bladensburg. “

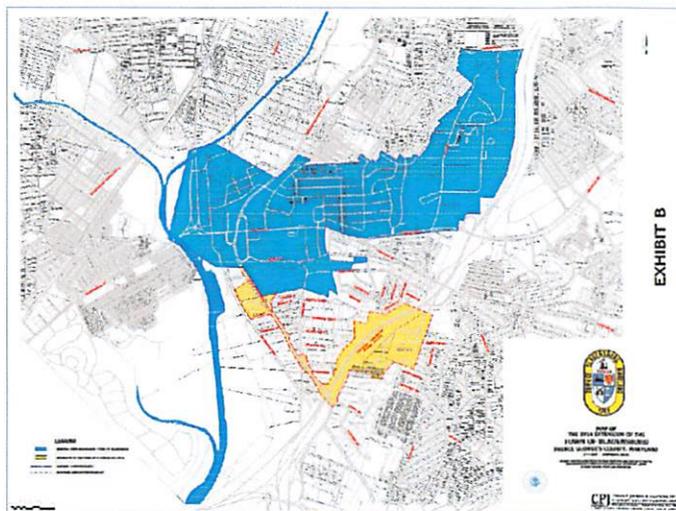
Some thoughts on the subject are below.

The structural/legal position: Bladensburg

Contiguity

“In order to be annexed to an existing municipality, an area must be contiguous and adjoining to the existing municipal corporate area. ” (Maryland Municipal League, Municipal Annexation Handbook, <https://planning.maryland.gov/Documents/OurWork/MML-Annexation-Handbook.pdf>)

Bladensburg has created a tenuous contiguity by mapping a route connecting the Bladensburg town boundary at Kenilworth Avenue (state highway 201) and 49th Avenue to the hospital site via a section of Kenilworth Avenue south of that point (but excluding the properties along Kenilworth) to a connection with the Baltimore-Washington Parkway where it continues northward to the former hospital property .Such a strip annexation is, according to Best (2003), legal in Maryland (http://kevinbestlaw.com/pdfs/ContiguousAnnexation_2002.pdf)..



The area shown in yellow is the area to be annexed.

The handbook goes on to say, “Also, annexation of the area may not create an enclave of unincorporated area that would be completely surrounded on all sides by land within the municipality upon completion of the annexation.” The handbook does not consider a case in which the annexation creates an enclave of land within another municipality. The map barely avoids such a situation by leaving a short portion of the Baltimore-Washington Parkway, essentially the on and off ramps at Landover Road, to connect the larger portion of Cheverly

east of the parkway with that portion west of the parkway. Cheverly was divided with the creation of the parkway in 1950.

Ownership

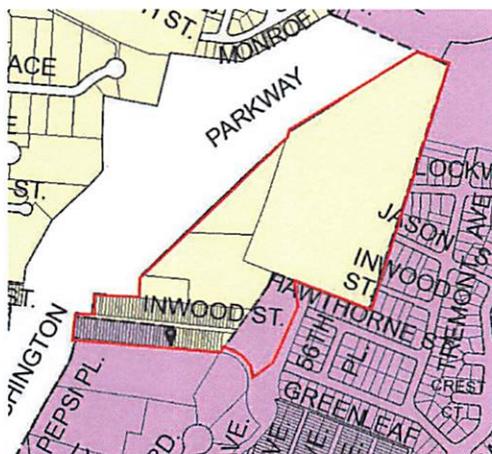
“An annexation petition signed by at least 25% of the qualified voters along with the owners of 25% of total assessed property in the area to be annexed may be filed with the municipal legislative body.”.

Bladensburg’s resolution is written as if there were no property owners eligible to contest the annexation. As explorers found when they “discovered” new lands, the truth is more complicated. The land owned by the RDA is contingent on its working with developers who eventually receive title to the land. The principal developers were selected in 2022 and the development has reached the stage of Preliminary Plan of Subdivision submission.

Bladensburg’s annexation plan ([RESOLUTION 07 2025 Annexation Plan Bladensburg Overlook \(2024\).pdf](#)) entirely ignores the redevelopment plans which are well underway. The statement, “There is no residential development or occupancy within the Annexation Area,” covers the section on municipal services, such as police services, street maintenance, and refuse collection. All are discussed as of the present, unbuilt, status. By contrast, the Planning Department requirements are future-oriented, requiring developers to show the adequacy of such services once the development is built and fully functional.

Bladensburg’s annexation map has been carefully drawn to avoid any privately-owned properties.

Bladensburg’s Annexation Plan provides dated ownership information for the Cheverly Hill development site. The lots and parcels labeled Prince George’s County were transferred to the Redevelopment Authority by deed of October 16, 2023 (recorded January 8, 2024). The Redevelopment Authority is the current owner of those properties. On the map below, the purple area is within Cheverly boundaries. The red outline delineates RDA property.



Public notification

“After introduction of the resolution, a municipality must publish at least four times at a minimum of weekly intervals in one or more newspapers of general circulation a notice of the proposed annexation; notice of the time and place of a hearing on the resolution must also appear in the newspaper advertisements.”

Bladensburg checked the statutory publicity boxes. However, one must question its good faith, as it did not alert the RDA or other county officials, nor the Town of Cheverly. Similarly, I have not found that the current residents of Bladensburg were given any meaningful notice of the plan nor opportunity to discuss it..

The structural/legal position: Cheverly

Contiguity

Cheverly is clearly contiguous with the former hospital property. In fact, one parcel of that property is currently within Cheverly’s municipal borders.

On grounds of contiguity, Cheverly should have the better claim.

Interest

Cheverly has established longevity of interest in annexing the property. A barrier to that annexation was created by the County Executive in 2020. She argued that pursuing annexation at that time would unnecessarily complicate RDA’s development procedures. That argument was reiterated by the county councilmember in 2021. Whatever their motivations, subsequently the Cheverly Town Council has been reluctant to contest that opposition and move ahead with annexation..

The interest of Cheverly and the actions taken both toward annexation and development are clear from the following timeline.

<i>Date</i>	<i>Event</i>	<i>Sources</i>
Feb 2, 2006	Mayoral statement of continued interest in hospital	"Cheverly's active involvement in decisions regarding the hospital." Mayor Mosley, town meeting minutes
2012	Envision Cheverly 2032	Cheverly Planning Board
October 28, 2015	Meeting at Bladensburg High School begins GCSP process	"The single driver of the future is what will happen on Hospital Hill after the hospital moves." Mayor Callahan, Newsletter
2015-2017	Greater Cheverly Sector Plan process	Cheverly Planning Board

Jan 2017	GCSP mention in Year in Review	"The primary focus of the Sector Plan is determining the future of the hospital grounds when a new hospital is built there." Mayor Callahan, Newsletter
2018	Approved GCSP	Cheverly Planning Board
Jul 11, 2020	Town is waiting on a survey proposal about hospital annexation	Town meeting minutes
Nov 17, 2020	County Executive opposes annexation by Cheverly	Letter to Cheverly Mayor and Council
February 11, 2021	Hospital site development concept plan presentation by RDA; county CM reiterates opposition to annexation	https://www.youtube.com/watch?v=u8wrPY8yh7E
Mar 4, 2021	Mayor calls special meeting on Hospital Hill	Mayor Riazi, March Newsletter
Apr 2021	In favor of annexing Hospital Hill	Candidate statement, CM Watson, Newsletter
May 18, 2021	Second community meeting	
June 9, 2021	Town, CPB and GIC recommendations to RDA to be included in RFP	Call for "Enhanced consideration to development proposals that support annexation by the Town." Mayor Riazi.
July 8, 2021	RDA final RFP	of Cheverly post development
Mar 19, 2022	Urban Atlantic/HomeTeam 5 presentation	
Apr 2022	Statement suggesting that county no longer opposes annexation	Candidate statement, Mayor Munyeneh, Newsletter
Jun 28, 2022	Urban Atlantic/HomeTeam 5 selection as developer is announced.	
Jul 12, 2022	Community meeting	
Jun 15, 2023	Update	
Oct 16, 2023	PG county transfers title to RDA	bk 49441 p 130; to county 1964; recorded 1/8/2024
Jan 2024	Mayoral statement of Cheverly's involvement with development	"We have their commitment that the development site will look more like a partnership with the town." Mayor Munyeneh, Newsletter
Jan 30, 2024	Urban Atlantic/HomeTeam 5 Pre-application meeting	
Jul 16, 2024	Community meeting	

Nov 14, 2024	Update for town meeting	
November 2024	Statement by Mayor Munyeheh	We "look forward to annexation." Facebook post

In 2021 the Town of Cheverly, together with the Cheverly Planning Board and Cheverly Green Infrastructure Committee, submitted to the RDA detailed recommendations for the land's redevelopment. These recommendations were included in the RFP when the RDA invited development proposals.

Through this process, the Town of Cheverly and its residents have been assuring that the development would protect the character of the neighborhood, as indicated at the first concept plan community meeting. The Urban Atlantic/HomeTeam5 development team was selected in large part because it is a local group pledging to maintain Cheverly's character.

As can be seen, Cheverly residents have long looked forward to welcoming their new fellow citizens living in the development.

If longevity of interest and action based on it can be brought forward, Cheverly should have priority of claim to annex.

Further, it would seem logical that the county's arguments made against Cheverly's annexation in 2020 – that the development process had proceeded too far to be disturbed by a different process – would apply equally, if not more strongly, to Bladensburg's current application.

Bladensburg's strategic plan, 2017-2021, called for identification of likely annexation property to expand the tax base. Any financial advantage of annexation, such as an increase in tax revenues, is not expected for fifteen years or more. This would be the case equally for Bladensburg or Cheverly.

Public notification

As demonstrated in the timeline, and as is proper given that the uses of the hospital property directly impact them, Cheverly and its residents have been actively engaged for many years in matters dealing with hospital property. Multiple public meetings have drawn high attendance; one meeting exceeded a Zoom limit of 100, and passionate discussion.

On these grounds as well, Cheverly has the better claim.

What lies beneath: geology, botany, history

The hospital property and the contiguous present-day Cheverly share a common geology, botany, and history, as distinct from those of Bladensburg. The area may be called part of the Anacostia Highlands. The underlying clay and silt, and Christiana-Downer soil, are common to

that area. As can be seen currently in Cheverly Nature Park, the area supported Chestnut Oak - Mountain Laurel forest natural community. Part of the 500-acre property of James Cranford, it was subdivided into 30-acre lots in 1900. Lot 5 of that subdivision, "Crawford's Adventure," became the largest parcel of the hospital property.

How might annexation by Bladensburg affect the Town of Cheverly and its residents?

Would Cheverly's environmental and other recommendations accepted by the development team through the RDA RFP be rendered null and void? Can we expect the aesthetic and social connection to Cheverly to be lost?

Would the issue of vehicular access between Cheverly and the development be moot?

How would the MOU between the developers and CNPP be affected?

Would there be an effect upon the developers' submission of the Preliminary Plan of Subdivision and other engagement with the county Planning Department?

Would the Planning Board consider that the development is no longer consistent with the Greater Cheverly Sector Plan?

What legal avenues are available to respond to Bladensburg's effort?

We expect that our town and county officials are exploring their options. We will share this background information and questions with them and look forward to learning of the options they are considering.

Does the Town of Cheverly have standing to contest the annexation? It is not the applicant municipality nor the property owner.

Do Cheverly residents have standing to vote on a possible petition or to speak at the public hearing?

What happens when two municipalities wish to annex the same property?

Parcel 181 of the former hospital property is currently within the Cheverly municipal boundary. This parcel is part of the planned development. Therefore part of the development would be in Bladensburg and part in Cheverly. What would be the consequences for each of the towns?

November 29, 2024, updated December 4, 2024
Cheverly Green Infrastructure Committee
www.greencheverly.org

The Future of Hospital Hill, Recommendation of the Cheverly Green Infrastructure Committee

For ten years or more Cheverly residents have been debating, sometimes passionately, the annexation of Hospital Hill. We have taken actions to move toward annexation – the Greater Cheverly Sector Plan and many meetings to ensure that our new neighbors in the redevelopment project will become an integral part of Cheverly.

The Town's own letter to the Redevelopment Authority in 2021, with recommendations from Mayor and Council, the Cheverly Planning Board, and the Cheverly Green Infrastructure Committee, made clear Cheverly's interest in annexation. These recommendations were made part of the RDA Request for Proposals from potential developers, who are required to follow them.

Most recently, in a Facebook post, our current mayor stressed her expectation that Cheverly would annex the property.

Through the County Executive and county councilmember, Cheverly was instructed in 2020 to postpone pursuing annexation to a time of their choosing.

Now Bladensburg has applied to annex that same property, making it part of Bladensburg, not Cheverly. If Bladensburg prevails, Cheverly will have little to no influence on the future of the development..

Cheverly's residents, not those of Bladensburg, have shouldered the negative effects of having the hospital as a neighbor, including helicopter noise, and air and water pollution. Our work toward an environmentally sound development and an addition to our community adhering to Cheverly's standards and values must not be annulled.

The Cheverly Green Infrastructure Committee urges the Mayor and Council to take immediate action to oppose Bladensburg's effort, and to make its position known strongly and openly.

We understand that the town attorney is preparing a legal opposition.

Understanding that successful opposition will require political efforts as well as legal, the committee stands ready to help the Mayor and Council implement a campaign addressing county elected officials and candidates. A campaign resulting in hundreds of letters should call attention to the outrage. Will the Mayor and Council take the lead on this?

The committee further urges the Mayor and Council to request Urban Atlantic and HomeTeam5 to confirm in writing their commitment to Cheverly's annexation of the property, as they do on their website.

Based on what we have been able to glean, the Cheverly Green Infrastructure Committee has prepared some background information on the annexation proposal. An update of that document is attached to this message. We urge you to read it carefully.

Also attached, for your information, are the 2020 letter from County Executive Angela Alsobrooks and the packet sent to the RDA in 2021.

A public hearing is scheduled for December 9, 2024, 7:00 PM, at the Bladensburg town hall, 4229 Edmonston Road.

Respectfully submitted,

The Cheverly Green Infrastructure Committee
www.greencheverly.org

December 4, 2024