

Bond Case Briefs

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ANNEXATION - MARYLAND

Town of Forest Heights v. Maryland-National Capital Park and Planning Commission

Court of Appeals of Maryland - April 5, 2019 - A.3d - 2019 WL 1496157

County and state agency landowners filed complaint for declaratory judgment, challenging municipal corporation's attempted annexation of their properties.

The Circuit Court declared annexation null and void. Municipal corporation appealed, and, while appeal was pending, petitioned for writ of certiorari, which the Court of Appeals granted.

The Court of Appeals held that:

- Requirement that legislative body obtain consent of "the owners of at least 25% of the assessed valuation of the real property in the area to be annexed" does not require consent from owners of tax-exempt property, and
- Annexation plan did not improperly attempt to divest or duplicate law enforcement jurisdiction from state agency.

Municipal corporation's annexation plan did not improperly attempt to divest or duplicate law enforcement jurisdiction from state agency which owned property subject to annexation; plan allowed municipal corporation to exercise law enforcement jurisdiction over the lands "as permitted by law," which could be accomplished through a mutual aid agreement.