



# UNIVERSITY OF MARYLAND

OFFICE OF THE PRESIDENT

2101 Main Administration Building  
College Park, Maryland 20742  
301.405.4945 TEL 301.314.9395 FAX

May 15, 2013

VIA EMAIL AND  
FIRST-CLASS MAIL

The Honorable Vernon Archer  
Town of Riverdale Park  
5008 Queensbury Road  
Riverdale Park, MD 20737

Re: Inquiry Regarding Legal Authority

Dear Mayor Archer:

You have inquired about the University's May 7, 2013 letter from Mr. Specter to the Prince George's County Planning Board. The University is confident this letter satisfies Condition 25c of Zoning Ordinance No. 11-2012.

Yet, as reported in the May 13, 2013, *College Park Patch*, the Town Council of University Park "took the position that Calvert Tract LLC had not obtained right-of-way for the CSX crossing. A May 7 letter wasn't enough to show that UMD gave its approval because the matter had not been approved by the Board of Regents and the Maryland Board of Public Works, according to the council." Likewise, the May 15, 2013, *College Park Patch* reported that the City of College Park voted not to support the Preliminary Plan of Subdivision, in part, because "the University of Maryland's support for the proposed bridge placement—which will impact UMD property—is not yet final, as it has yet to come before the Board of Regents or Maryland Public Works Board."

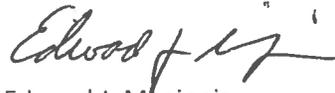
In my capacity as University Counsel, I have considered these "finality" arguments. I do not believe they have merit. The language of the Zoning Ordinance is dispositive. Condition 25c required the applicant, "prior to the approval of a Preliminary Plan of Subdivision" to "provide letters from CSX and University of Maryland (or the affected land owner) that **recommend approval** of the CSX Crossing as shown on the Preliminary Plan **and identify the land** or right-of-way acquisition costs, if any, necessary for the construction of the CSX Crossing on land owned by the University (or the affected land owner)." (Emphasis added).

The Honorable Vernon Archer  
May 15, 2013  
Page Two (2)

Mr. Specter's May 7 letter did recommend approval of the "J-Crossing;" it identified the location of the land impacted by this proposed crossing; it estimated the "land impact to be as much as approximately 3.2 acres;" and it provided the University's real estate acquisition cost estimate. The University does **not** need to obtain prior Board of Regents or Board of Public Works approval to "recommend approval of the CSX Crossing" or "identify the land or right-of-way acquisition costs...." These are the **only** University actions required by Zoning Ordinance Condition 25c.

To be sure, Condition 26 of the Zoning Ordinance discusses the "implementation of the CSX Crossing" and establishes later conditions precedent to permit issuance. The University, in its May 7 letter, has indicated that it shall require a formal real estate agreement with the applicant as a condition to the University's letter referred to in Condition 26a. Board of Regents and Board of Public Works approval will be required for the formal real estate agreement, but, again, they are **not** required for the May 7, 2013 letter.

Respectfully yours,



Edward J. Maginnis  
University Counsel

cc: Robert Specter  
Ms. Elizabeth Hewlett, Chairwoman,  
Prince George's County Planning Board (via first-class mail)