

RESOLUTION NO. 6071

A RESOLUTION TO ANNEX CERTAIN LANDS LOCATED ALONG PORT STREET AND CONSISTING OF 6.533 ACRES OF LAND, MORE OR LESS, INTO THE TOWN OF EASTON AND TO PROVIDE FOR THE TERMS AND CONDITIONS OF THE ANNEXATION

Introduced by: _____

WHEREAS, the Town of Easton (the “Town”) is authorized by the provisions of §4-401 *et. seq.* of the Local Government Article of the Maryland Annotated Code (the “Code”) to expand its municipal boundaries by annexing lands adjacent to it, and Jason M. Webb, Maria Webb Gomes (f/k/a Maria A. Webb), Port Street Ventures, LLC, The Boathouse at Easton Point, LLC, Timothy M. Miller, Amy M. Miller, and 930 Port Street, Inc. (collectively, the “Petitioners”) requested that the Town annex certain lots or parcels generally located along Port Street and adjacent to the Town’s existing municipal boundary, consisting of a total of 6.533 acres of land, more or less (“Annexation Property”) comprised of Parcels 47, 48, 80, 118, 120, 139, 140, and 247 of Talbot County Tax Map 34 and portions of the public road right-of-way known as “Port Street” and a portion of the Tred Avon River. The Annexation Property is shown on a plat entitled “2016 ANNEXATION TOWN OF EASTON OF THE LANDS OF 930 PORT STREET, INC; THE BOATHOUSE AT EASTON POINT, LLC; PORT STREET VENTURES, LLC; TIMOTHY MILLER AND AMY MILLER; JASON WEBB AND MARIA WEBB; AND A PORTION OF PORT STREET, FIRST ELECTION DISTRICT, TALBOT COUNTY, MARYLAND,” prepared by Rauch inc. and dated July, 2016 (“Annexation Plat”), which is Exhibit “A” to this Resolution.

Petitioners are the owners of more than fifty percent (50%) of the assessed value of real property lying within the area to be annexed. No Talbot County registered voter resides on the Annexation Property.

The Annexation Property is contiguous and adjacent to existing Town boundaries. If the Annexation Property is incorporated into the Town boundaries, no enclaves of non-Town land will be created.

Now, therefore, the Town of Easton hereby resolves:

Section 1. Modification of Town Boundaries. The corporate boundaries of the Town are hereby amended to include the addition of the Annexation Property, which is described on the Annexation Plat and more particularly described in a metes and bounds description prepared by Rauch inc. entitled “DESCRIPTION OF 6.533 ACRES OF LAND, MORE OR LESS, ANNEXATION TOWN OF EASTON, THE LANDS NOW OF FORMERLY OF 930 PORT STREET, INC.; THE BOATHOUSE AT EASTON POINT, LLC; PORT STREET VENTURES, LLC; TIMOTHY M. MILLER AND AMY M. MILLER; JASON M. WEBB AND MARIA A. WEBB AND A PORTION OF PORT STREET” and dated June 23 2016, which is Exhibit “B” to this Resolution. The metes and bounds description is subject to technical review and correction by the Town Engineer, or his designee, prior to the public hearing to be held on this Resolution.

Section 2. Application of Town Charter and Ordinances; Taxes. Upon the effective date of this Resolution, the provisions of the Charter and Code of the Town of Easton, and any local public laws enacted or to be enacted affecting the Town of Easton, shall be effective within the Annexation Property except to the extent that this Resolution or the Annexation Agreement provide otherwise. The Annexation Property located to the Northeast of Port Street shall be included in the Fourth Election Ward of the Town for purposes of municipal elections until such time as the boundaries for election wards may be modified by the Town Council. The Annexation Property located to the Southwest of Port Street shall be included in the Third Election Ward of the Town for purposes of municipal elections until such time as the boundaries for election wards may be

modified by the Town Council. The Annexation Property shall be subject to all applicable Town taxes, unless otherwise exempt.

Section 3. Annexation Plan. The Petitioners prepared an Annexation Plan with regard to the Annexation Property (“Plan”). The Plan is Exhibit “C” to this Resolution, but is not a part hereof and the Town Council reserves the right to amend the Plan prior to the final enactment of this Resolution in the manner provided in § 4-415 of the Local Government Article of the Code.

Section 4. Zoning Classification. Petitioners requested that the Town apply the General Commercial (CG) zoning classification to the Annexation Property. Concurrently with the introduction of this Resolution, the Town Council introduced Ordinance Number 690 to accomplish this purpose. The proposed General Commercial (CG) zoning classifications permits land uses that are different from the land uses allowed under the current County zoning classifications applicable to the Annexation Property. In accordance with §4-416 of the Local Government Article of the Code, if Talbot County expressly approves, the Town can place the annexed land in zoning classifications that allow different land uses and/or a density greater than 50% of the County zoning classification applied to the Annexation Property. The classification of the Annexation Property in the General Commercial (CG) zoning district is contingent upon the Town’s receiving the express consent of the County prior to the effective date of Ordinance 690. On November 15, 2016, Talbot County enacted Resolution 234 approving the Town’s application of General Commercial (CG) zoning to the Annexation Property.

If Ordinance Number 690 is not enacted before the effective date of this Resolution, or, if as enacted, it contains provisions that are deemed unacceptable to Petitioners, Petitioners, collectively, shall be free to withdraw this request for annexation by written notice delivered to the Town Clerk before the effective date of this Resolution and this Resolution shall become null and void.

Section 5. Incorporation of Certain Exhibits. Exhibits A and B are incorporated into this Resolution and made a part of it.

Section 6. Public Hearing and Public Notice. The Town Council shall conduct a public hearing on this Resolution and upon Ordinance Number 690 on Tuesday, September 6, 2016 at 7:15 p.m. Prior to the hearing, the Town Clerk shall arrange for the publication of a legally sufficient notice of the hearing in the *Easton Star-Democrat* two times at not less than weekly intervals, the date of publication of the last such notice to be at least 15 days prior to the date of the hearing. In addition, on the date of the first publication of the notice of the hearing, the Town Clerk shall notify the following persons or agencies of the hearing and shall provide them with a photocopy of the legal notice and this Resolution, including Exhibits:

- (a) the Talbot County Council;
- (b) the Talbot County Planning and Zoning Commission;
- (c) the Maryland Department of Planning; and
- (d) the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays.

The public hearing was conducted and continued on September 19, October 3, October 17, November 7 and November 21, 2016.

Section 7. Annexation Expenses. Petitioners shall reimburse the Town for all expenses incurred by the Town in connection with the annexation.

Section 8. Annexation Agreement. The Mayor is hereby authorized to execute on behalf of the Town an annexation agreement pertaining to the Annexation Property that is generally consistent with the terms hereof and the Plan.

Section 9. Registration of Boundaries. Within ten (10) days of the effective date of this Resolution, in accordance with the provisions of §4-414 of the Local Government Article of the Code, the Mayor or other Town designee, shall promptly cause a copy of the resolution with the

new municipal boundaries to be sent to:

- (a) the Town Clerk;
- (b) the Clerk of the Circuit Court for Talbot County, Maryland; and
- (c) the Maryland Department of Legislative Services.

Pursuant to §4-414(b) of the Local Government Article of the Code, each such official or agency shall keep this Resolution with the new boundaries on record and make it available for public inspection during regular business hours.

Section 10. Effective Date. This Resolution shall become effective 45 days after final enactment unless: (a) a petition for referendum has been filed prior thereto in accordance with §4-408 of the Local Government Article of the Code or (b) Petitioners withdraw their request for annexation pursuant to Section 4 of this Resolution. This Resolution shall be deemed “finally enacted” on the date on which the Mayor of the Town of Easton indicates his approval of this Resolution by signing it or when the Town Council overrides the Mayor's veto hereof in the manner specified in the Town Charter.

Silverstein	-
Leshner	-
Engle	-
Cook	-
Ford	-

I hereby certify that the above Resolution was passed by a yea and nay vote of the Council this _____ day of _____, 2016.

John F. Ford, President

Delivered to the Mayor by me this _____ day of _____, 2016.

Kathy M. Ruf, Town Clerk

APPROVED:

Date: _____

Robert C. Willey, Mayor

EFFECTIVE DATE: _____, 2016.