

COUNTY COUNCIL

OF

TALBOT COUNTY

2011 Legislative Session, Legislative Day No. June 28, 2011

Resolution No. 185 AS AMENDED

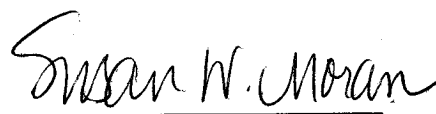
Introduced by: Mr. Bartlett, Mr. Duncan, Mr. Hollis, Mr. Pack, Ms. Price

A RESOLUTION TO AMEND THE TALBOT COUNTY COMPREHENSIVE WATER AND SEWER PLAN (THE "PLAN") TO RE-MAP TAX MAP 41, GRID 7, PARCEL 11, CONSISTING OF APPROXIMATELY 17.29 ACRES, MORE OR LESS, ON THE NORTH SIDE OF ROYAL OAK ROAD, NEAR ROYAL OAK, MARYLAND, GENERALLY KNOWN AS 26004 ROYAL OAK ROAD, ROYAL OAK, MD 21662, (THE "PROPERTY") OWNED BY J. CHRISTOPHER KLEPPINGER AND JEANINE R. KLEPPINGER (THE "APPLICANTS"), FROM THE CURRENT DESIGNATION AS "UNPROGRAMMED" TO "S-1" (IMMEDIATE PRIORITY) IN ACCORDANCE WITH A CERTAIN DEED OF EASEMENT DATED APRIL 14, 1992, RECORDED AMONG THE LAND RECORDS OF TALBOT COUNTY, MARYLAND, AT LIBER 726, FOLIO 224, IN WHICH THE APPLICANT'S PREDECESSOR-IN-TITLE GRANTED TALBOT COUNTY AN EASEMENT TO CONSTRUCT, MAINTAIN, AND OPERATE A PUMP STATION IN EXCHANGE FOR ALLOCATION TO THE PROPERTY OF THE RIGHT TO CONNECT ONE (1) RESIDENTIAL UNIT TO THE REGION II WASTEWATER TREATMENT PLANT

By the Council: June 28, 2011

Introduced, read the first time, and ordered posted, with Public Hearing scheduled on Tuesday, July 26, 2011 at 6:30 p.m. Tuesday, August 9, 2011 at 2:00 p.m. and Tuesday, September 13, 2011 in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland.

By order:



Susan W. Moran, Secretary

A RESOLUTION TO AMEND THE TALBOT COUNTY COMPREHENSIVE WATER AND SEWER PLAN (THE "PLAN") TO RE-MAP TAX MAP 41, GRID 7, PARCEL 11, CONSISTING OF APPROXIMATELY 17.29 ACRES, MORE OR LESS, ON THE NORTH SIDE OF ROYAL OAK ROAD, NEAR ROYAL OAK, MARYLAND, GENERALLY KNOWN AS 26004 ROYAL OAK ROAD, ROYAL OAK, MD 21662, (THE "PROPERTY") OWNED BY J. CHRISTOPHER KLEPPINGER AND JEANINE R. KLEPPINGER (THE "APPLICANTS"), FROM THE CURRENT DESIGNATION AS "UNPROGRAMMED" TO "S-1" (IMMEDIATE PRIORITY) IN ACCORDANCE WITH A CERTAIN DEED OF EASEMENT DATED APRIL 14, 1992, RECORDED AMONG THE LAND RECORDS OF TALBOT COUNTY, MARYLAND, AT LIBER 726, FOLIO 224, IN WHICH THE APPLICANT'S PREDECESSOR-IN-TITLE GRANTED TALBOT COUNTY AN EASEMENT TO CONSTRUCT, MAINTAIN, AND OPERATE A PUMP STATION IN EXCHANGE FOR ALLOCATION TO THE PROPERTY OF THE RIGHT TO CONNECT ONE (1) RESIDENTIAL UNIT TO THE REGION II WASTEWATER TREATMENT PLANT

WHEREAS, J. Christopher Kleppinger and Jeanine R. Kleppinger (the "Applicants") own a certain parcel of real property, Tax Map 41, Grid 7, Parcel 11, consisting of approximately 17.29 acres, more or less, on the north side Royal Oak Road, near Royal Oak, Maryland, generally known as 26004 Royal Oak Road, Royal Oak, MD 21662, by virtue of a deed from Willard R. Holley, *et.ux*, recorded among the land records of Talbot County at Liber 1702, folio 420 (the "Property"); and,

WHEREAS, the Talbot County Comprehensive Water and Sewer Plan (the "Plan") has not programmed sewer service for this Property, meaning that it is not mapped for sewer service in any of the three sewer service map classifications: S-1 (immediate priority); S-2 (3-5 years); or, S-3 (6-10 years); and,

WHEREAS, as part of the capital project to extend sewer service from the Region II Wastewater Treatment Plant to Royal Oak, the Applicant's predecessor-in-title, Willard R. Holley, *et.ux*, conveyed a permanent easement to Talbot County to permit the County to construct, maintain, and operate a pump station. The Deed of Easement is dated April 14, 1992 and is recorded among the land records of Talbot County, Maryland at Liber 726, folio 224; and,

WHEREAS, Paragraph 5 of the easement provides:

"The County shall allocate to the Property the right to connect one (1) residential unit or a four (4) bedroom bed and breakfast establishment, if same received all other necessary approvals, licenses and permits, to the community sewer system with no benefit or service charges imposed upon the Property until such time as

this one (1) connection is made. The connection fee for such service shall be waived.”

and,

WHEREAS, the Applicants have requested the County to provide one (1) residential connection to the Property in accordance with the above referenced Deed of Easement.

NOW, THEREFORE, BE IT RESOLVED, by the County Council of Talbot County, Maryland, that:

Section 1. In accordance with the requirements of Environment Article § 9-506 (a) (1), Md. Ann. Code, the proposed amendment has been or will be submitted to the Talbot County Planning Commission and the Talbot County Public Works Advisory Board for review and comment, within a 30 day period, for consistency with planning programs for the area. Pursuant to the requirements set forth in the above State statute, before the County Council may adopt the proposed amendment the Talbot County Planning Commission must first certify that the amendment is consistent with the County Comprehensive Plan prepared under Article 25A, §5 (X), Md. Ann. Code.

Section 2. Following appropriate advertisement and conclusion of all public hearing(s), receipt and consideration of certifications and recommendations from the Planning Commission and Public Works Advisory Board, and closure of the public record, the County Council will consider the question, approve findings of fact and conclusions of law, and approve or disapprove the proposed amendment.

Section 3. The proposed amendment is as follows:

1. Pursuant to the Applicants’ request, the Property shall be and is hereby reclassified from unprogrammed to “S-1”, and is given immediate priority status to connect the existing one (1) residential unit on the Property to the Region II Wastewater Treatment Plant. The Plan shall be and is hereby amended accordingly.
2. There shall be no benefit or service charges imposed upon the Property until such time as this one (1) connection is made. The connection fee for such service shall be waived.
3. The Applicants acknowledge and agree that by adoption of this Resolution, the County performs and satisfies all terms, provisions, covenants, and undertakings of the County as set forth in Paragraph 5 of the easement or elsewhere regarding extension of sewer service to the Property, to the fullest extent required. Applicants further acknowledge and agree that, following adoption of this Resolution, the terms, provisions, covenants, and undertakings of the County as set forth in Paragraph 5 of the easement shall conclusively be deemed to have been fully performed and satisfied, and shall thereafter be of no further force or effect.

4. Except as set forth in Paragraph 2 above, as a condition to receipt of sewer service from the Region II Wastewater Treatment Plant, Applicants agree to abide by the terms, conditions, tariffs, fees, charges, and all other requirements, now existing or as amended, from time to time, that are or may be generally adopted or imposed on customers within the Region II Sanitary Sewer Wastewater District.

5. The agreements, undertakings, promises, and covenants set forth herein shall bind the Applicants, their heirs, successors, and assigns, and shall extend to and bind all successors-in-title and all those claiming any interest in the Property.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon its date of passage.

PUBLIC HEARING

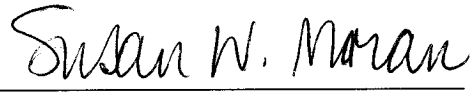
Having been posted and notice, time and place of hearing, and title of Resolution No. 185 having been published, a public hearing was held on Tuesday, August 9, 2011 at 2:00 p.m. and Tuesday, September 13, 2011 in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland.

BY THE COUNCIL

Read the second time:

Enacted: **September 13, 2011 AS AMENDED**

By Order:



Susan W. Moran, Secretary

Bartlett - Aye

Hollis - Aye

Pack - Aye

Price - Aye

Duncan - Absent