

COUNTY COUNCIL

OF

TALBOT COUNTY

2013 Legislative Session, Legislative Day No.: March 26, 2013

Resolution No: 202 *AS AMENDED*

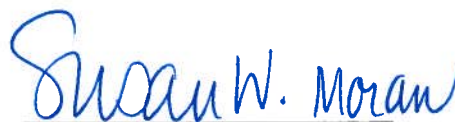
Introduced by: Mr. Duncan, Mr. Hollis, Mr. Pack, Ms. Price

A RESOLUTION TO AMEND THE TALBOT COUNTY COMPREHENSIVE WATER & SEWERAGE PLAN TO RECLASSIFY AND REMAP TAX MAP 33, PARCEL 144, LOT 17, LOCATED AT 8349 AVELEY FARM ROAD, EASTON, MARYLAND FIRST ELECTION DISTRICT, TALBOT COUNTY, MARYLAND, (THE "PROPERTY") FROM THE CURRENT CLASSIFICATION OF "UNPROGRAMMED" TO "S-1" IMMEDIATE PRIORITY STATUS, TO MAKE THE PROPERTY ELIGIBLE FOR SEWER SERVICE FROM THE REGION II WASTEWATER TREATMENT PLANT (THE "PLANT"), AND TO AUTHORIZE EXTENSION OF SEWER SERVICE FROM THE PLANT TO THE PROPERTY
(Cahall Property, Aveley Farms, Easton, Maryland)

By the Council: March 26, 2013

Introduced, read the first time, and ordered posted, with Public Hearing scheduled on Tuesday, April 16, 2013 at 5:00 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

By order:



Susan W. Moran, Secretary

A RESOLUTION TO AMEND THE TALBOT COUNTY COMPREHENSIVE WATER & SEWERAGE PLAN TO RECLASSIFY AND REMAP TAX MAP 33, PARCEL 144, LOT 17, LOCATED AT 8349 AVELEY FARM ROAD, EASTON, MARYLAND FIRST ELECTION DISTRICT, TALBOT COUNTY, MARYLAND, (THE “PROPERTY”) FROM THE CURRENT CLASSIFICATION OF “UNPROGRAMMED” TO “S-1” IMMEDIATE PRIORITY STATUS, TO MAKE THE PROPERTY ELIGIBLE FOR SEWER SERVICE FROM THE REGION II WASTEWATER TREATMENT PLANT (THE “PLANT”), AND TO AUTHORIZE EXTENSION OF SEWER SERVICE FROM THE PLANT TO THE PROPERTY
(Cahall Property, Aveley Farms, Easton, Maryland)

WHEREAS, the owner of 8349 Aveley Farm Road, Easton, Maryland Tax Map 33, Parcel 144, Lot 17, First Election District, Talbot County, Maryland, (the “**Property**”), has requested the County to extend sewer service from the Region II Wastewater Treatment Plant (the “**Plant**”) to the Property; and

WHEREAS, the Talbot County Health Department, Office of Environmental Health, has conducted an investigation of the Property to determine the current condition of the existing on-site septic system, and has determined the current on-site sewage disposal system to be failing. Furthermore, by letter to the County Engineer dated March 18, 2013, the Talbot County Health Department, Office of Environmental Health, has determined there is no suitable land area on the property to construct a replacement system.

WHEREAS, the Department of Public Works has processed the owners’ request to extend sewer service to the Property in accordance with Chapter III, Amendment Procedures, of the Talbot County Comprehensive Water and Sewerage Plan (the “**Plan**”) and the sewer service designations of the St. Michaels Wastewater System and the Region I (Unionville, Tunis Mill and Copperville) Wastewater System.

NOW, THEREFORE, be it resolved by the County Council of Talbot County, Maryland as follows:

SECTION 1 In accordance with the requirements of Environment Article § 9-506(a)(1), Md. Ann. Code, the proposed amendment shall be submitted to the Talbot County Planning Commission and the Talbot County Public Works Advisory Board within 30 days for review and comment for consistency with planning programs for the area. 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 Ann. Md. Code, Land Use, §3-205.

SECTION 2 Upon conclusion of the public hearing(s), closing of the public record, receipt and consideration of certifications and recommendations from the Planning Commission and Public Works Advisory Board, the County Council will discuss the merits of the application,

approve findings of fact and conclusions of law, and decide to approve or disapprove the proposed amendment.

SECTION 3 The proposed amendment is as follows:

1. The Talbot County Comprehensive Water and Sewerage Plan shall be amended to reclassify 8349 Aveley Farm Road, Easton, Maryland Tax Map 33, Parcel 144, Lot 17, First Election District, Talbot County, Maryland, (the "Property"), from "Unprogrammed" to "S-1" (Immediate Priority Status);
2. Sewer service for the Property as proposed by this amendment has been found to comply with the current Sewer Service Allocation Policy for Region I, Unionville, Tunis Mills, and Copperville, except that, for purposes of calculating and assigning capacity at the Plant to Region I, gallons per day per equivalent dwelling unit (GPD/EDU) shall be calculated at the rate of 125 GPD/EDU. The remaining capacity for Region I, Unionville, Tunis Mills, and Copperville, shall be reduced accordingly.
3. The sewer extension and allocation of capacity to the Property shall be restricted to serve only the Property as defined by existing boundaries. The sewer service shall be limited only to residential structures and existing uses on the Property as of the date of adoption of this Resolution. The sewer extension and allocation shall not be used to enlarge, expand, or intensify these existing structures or uses without an amendment of this Resolution duly approved by the County Council. Adoption of this Resolution shall not excuse, modify, or supersede requirements for current and ongoing compliance with all applicable federal, State, and local statutes, ordinances, or regulations, including issuance of all required permits and approvals for connection of the Property to the Plant.
4. This Resolution shall make no sewer service available to any area beyond the existing boundaries of the Property. No other property, lot, or parcel, including any reconfiguration or recombination of the Property, shall be entitled to service or capacity under this Resolution. Pursuant to this limitation, if existing lots are combined or existing lot lines are revised, sewer service shall not be available to any additional area added to the Property by reason of such combination or lot line revision.
5. The Property Owner shall be solely responsible for and shall pay for all design, engineering, construction, and maintenance, and repair costs of the lateral line and any appurtenant equipment required to connect into the County-owned force main. The design shall be subject to review and approval by the County Engineer, shall be consistent with reasonable design standards for similar projects, and shall include a simplex pumping operation and other features, components, and materials as the County Engineer or his designee may reasonably require.
6. The Property Owner shall be solely responsible for and shall pay all remediation, mitigation, damages, or other costs, charges, fines or penalties required to address any

environmental damage or harm resulting from the connection, installation, or future use of infrastructure authorized by this Resolution.

7. The Property Owner shall pay a connection fee of Twelve Thousand Dollars (\$12,000) to the Talbot County Sanitary District (the "District"), before commencing construction to connect the Property to the Plant. The connection shall be subject to periodic charges, tariffs, and policies as may be adopted from time to time by the County or the District.
8. The terms and conditions set forth in this Resolution shall run with and bind the Property, the Property Owners, their heirs, personal representatives, successors, and assigns. These terms and conditions shall be incorporated into an appropriate agreement or declaration of restrictive covenants, in form and content acceptable to the County, to include provisions for enforcement and remedies upon default for the benefit of the County, to be executed by the Property Owners and recorded among the land records of Talbot County within sixty (60) days from the date of the approval of this Resolution. Execution and recordation of this restrictive covenant shall be a condition precedent to connection of the Property to the County sewer system.
9. Adoption of this amendment to the Plan authorizes the Property Owner to construct the necessary improvements and infrastructure to connect the Property to the Plant in accordance with and subject to the terms of this Resolution and compliance with applicable design and technical requirements, rules, and regulations of all local, State, and federal authorities.

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

BE IT FURTHER RESOLVED, that the title is determined to be a fair summary of this Resolution; and further, that the title is not a substantive part of this Resolution. If the Resolution is amended, the title may be administratively revised if required to conform the title to the content of the Resolution as finally enacted; and,

BE IT FURTHER RESOLVED, that if any provision of this Resolution or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Resolution which can be given effect without the invalid provision or application, and for this purpose the provisions of this Resolution are declared severable; and,

BE IT FURTHER RESOLVED, the Talbot County Office of Law, in consultation with and subject to the approval of the County Manager, shall make non-substantive corrections to codification, style, capitalization, punctuation, grammar, spelling, and any internal or external reference or citation to the Code that is incorrect or obsolete, with no further action required by the County Council. All such corrections shall be adequately referenced and described in an editor's note following the section affected.

PUBLIC HEARING

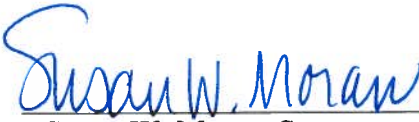
Having been posted and notice, time and place of hearing, and title of Resolution No. 202 having been published, a public hearing was held on Tuesday, April 16, 2013 at 5:00 p.m. in the Bradley Meeting Room, Courthouse, 11 North Washington Street, Easton, Maryland.

BY THE COUNCIL

Read the second time:

Enacted: April 16, 2013 *AS AMENDED*

By Order:


Susan W. Moran, Secretary

Bartlett	-	Aye
Hollis	-	Aye
Pack	-	Aye
Price	-	Aye
Duncan	-	Aye