

COUNTY COUNCIL
OF
TALBOT COUNTY, MARYLAND

2016 Legislative Session, Legislative Day No.: September 13, 2016


Resolution No.: 234 *AS AMENDED*

Introduced by: Mr. Bartlett, Mr. Callahan, Ms. Williams

A RESOLUTION CONCERNING THE PROPOSED ANNEXATION OF PARCELS 47, 48, 80, 118, 120, 139, 140 AND 247 OF TAX MAP 34, LOCATED ON EASTON POINT, TOGETHER WITH PORTIONS OF THE PUBLIC ROAD RIGHT-OF-WAY KNOWN AS PORT STREET AND PORTIONS OF THE TRED AVON RIVER, BY THE TOWN OF EASTON, MARYLAND (THE "TOWN") CONSISTING OF APPROXIMATELY 6.533 ACRES OF LAND, MORE OR LESS, (THE "PROPERTY), FINDING THAT THE PROPOSED REZONING FROM THE COUNTY'S EXISTING LIMITED INDUSTRIAL ("LI") ZONE TO THE TOWN'S PROPOSED GENERAL COMMERCIAL ("CG") ZONE WILL RESULT IN A SUBSTANTIALLY DIFFERENT USES AND SUBSTANTIALLY HIGHER DENSITY, EXCEEDING 50%, THAN COULD BE GRANTED FOR PROPOSED DEVELOPMENT UNDER EXISTING COUNTY ZONING, AND WAIVING THE 5-YEAR HOLD IN ACCORDANCE WITH LOCAL GOVERNMENT ARTICLE § 4-416, MD. ANN. CODE

By the Council: September 13, 2016

Introduced, read first time, and ordered posted, with Public Hearing scheduled on Tuesday, October 11, 2016, at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 N. Washington St., Easton, MD 21601.

By order: 
Susan W. Moran, Secretary

A RESOLUTION CONCERNING THE PROPOSED ANNEXATION OF PARCELS 47, 48, 80, 118, 120, 139, 140 AND 247 OF TAX MAP 34, LOCATED ON EASTON POINT, TOGETHER WITH PORTIONS OF THE PUBLIC ROAD RIGHT-OF-WAY KNOWN AS PORT STREET AND PORTIONS OF THE TRED AVON RIVER, BY THE TOWN OF EASTON, MARYLAND (THE "TOWN") CONSISTING OF APPROXIMATELY 6.533 ACRES OF LAND, MORE OR LESS, (THE "PROPERTY), FINDING THAT THE PROPOSED REZONING FROM THE COUNTY'S EXISTING LIMITED INDUSTRIAL ("LI") ZONE TO THE TOWN'S PROPOSED GENERAL COMMERCIAL ("CG") ZONE WILL RESULT IN A SUBSTANTIALLY DIFFERENT USES AND SUBSTANTIALLY HIGHER DENSITY, EXCEEDING 50%, THAN COULD BE GRANTED FOR PROPOSED DEVELOPMENT UNDER EXISTING COUNTY ZONING, AND WAIVING THE 5-YEAR HOLD IN ACCORDANCE WITH LOCAL GOVERNMENT ARTICLE § 4-416, MD. ANN. CODE

WHEREAS, Local Gov't Article § 4-416, Md. Ann. Code, restricts the authority of a municipality to allow development of annexed land for a period of 5 years after annexation for land uses substantially different than the authorized uses, or at substantially higher densities, exceeding 50%, than could be granted for development in accordance with the county zoning classification applicable at the time of the annexation; and,

WHEREAS, the Town of Easton (the "Town") is proposing to annex Parcels 47, 80, 118, 120, 139, 140, and 247 with portions of the public road right-of-way known as Port Street and portions of the Tred Avon River (the "Annexation Properties"), pursuant to Ordinance No. 690 and Resolution No. 6071 introduced before the Easton Town Council and pending final approval and adoption. The Annexation Properties are more particularly described in a metes and bounds description prepared by Rauch, Inc., entitled "ANNEXATION TOWN OF EASTON OF THE LANDS 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" dated June 23, 2016, a copy of which is attached hereto as Exhibit "A"; and,

WHEREAS, the Annexation Properties are currently in the Limited Industrial ("LI") zone; upon annexation the Town proposes to rezone the Annexation Properties into the General Commercial ("CG") zone; and,

WHEREAS, the Town has requested the County to determine: (1) whether rezoning the Annexation Properties from County "LI" to Town "CG" would allow development for land uses substantially different than the authorized uses in the "LI" zone; or, (2) at a substantially higher density, exceeding 50%, than could be granted for development in the "LI" zone; and, if the "CG" rezoning would permit either (1) or (2), above, the Town has requested the County to waive the 5-year hold.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND, that:

1. The County Council finds that the rezoning of the annexed land from its current Limited Industrial ("LI") zoning classification to the proposed General Commercial ("CG") zoning classification would: (1) allow land uses substantially different from the authorized uses in the "LI" zone; and, (2) permit development of the Annexation Properties at a substantially higher density, exceeding 50%, than could be granted for development in the County's Limited Industrial ("LI") zone.

2. To remove an impediment to the County Council's waiver of the 5-year hold, members of the Town Council have unanimously expressed support for the Town taking ownership of Port Street "as is" and to continue its use as a public street following the annexation.

3. Upon the effective date of the annexation, Talbot County will execute a quitclaim deed to convey to the Town any right, title, or interest the County may have in the existing road, roadway, or right-of-way known as Port Street, as depicted on Annexation Plat, and the Town will accept this road into the Town inventory of public streets and will thereafter provide routine maintenance and upkeep.

4. The Town Planning Commission and the County Planning Commission have scheduled joint meetings to discuss future development of the Port Street area. The need for timely action by the County Council on the present question does not allow a realistic opportunity for those joint meetings to bear fruit, but this Council believes, and now wishes to formally indicate, that a shared planning vision thoughtfully developed by both the Town and County is in the public interest, and that ongoing joint planning by the Town and County is desirable, necessary, and essential as a predicate for future annexations and development of the Port Street area.

5. Pursuant to Local Gov't Article § 4-416, Md. Ann. Code, upon annexation of the property, the County hereby expressly approves the Town placing the property into a zoning classification, the General Commercial ("CG") zoning district as proposed by Ordinance No. 690 and Resolution No. 6071, that will allow land uses that are substantially different and density substantially higher, greater than 50%, than the density specified in the Limited Industrial ("LI") zoning classification of the County.

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

PUBLIC HEARING

Having been posted, and a Notice of the Time and Place of the Public Hearing, and the Title of Resolution No. 234 having been published, a public hearing was held on Tuesday, October 11, 2016 at 6:30 p.m. and on Tuesday, November 15, 2016 (amendments only) at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 N. Washington St., Easton, Maryland.

BY THE COUNCIL

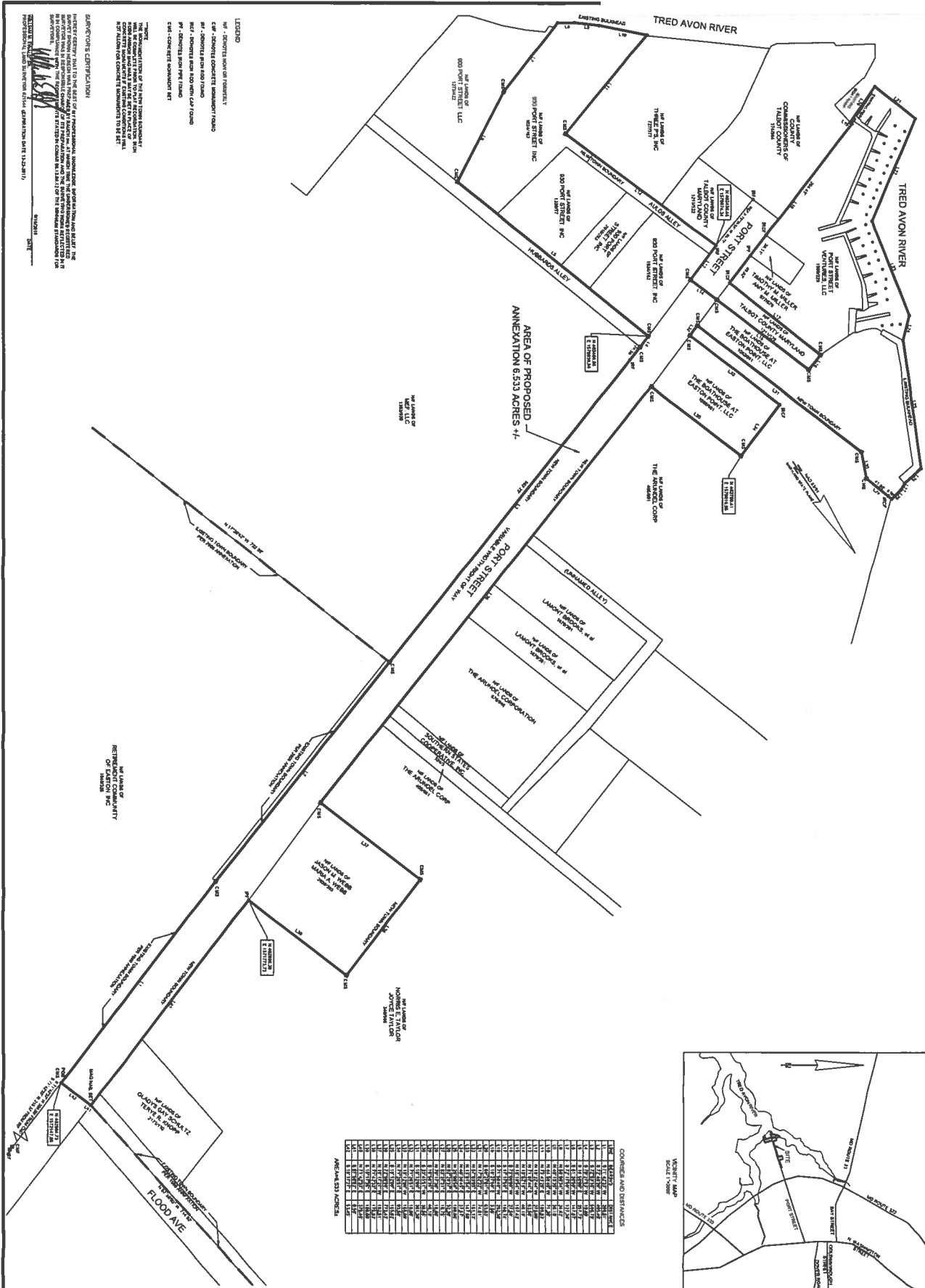
Read second time:

Enacted: **November 15, 2016 *AS AMENDED***

By order: 
Susan W. Moran, Secretary

Pack	-	Aye
Williams	-	Aye
Bartlett	-	Aye
Price	-	Aye
Callahan	-	Aye

Effective Date: **November 15, 2016**



LEGEND

L-1 - ZONING MAP OF TOWNSHIP
 C-1 - ZONING CONCEPT SUBMITTAL FROM
 R-1 - ZONING MAP AND TRACT
 M-1 - ZONING MAP AND TRACT
 P-1 - ZONING MAP AND TRACT
 C-1 - CONCEPT SUBMITTAL FROM
 C-1 - CONCEPT SUBMITTAL FROM

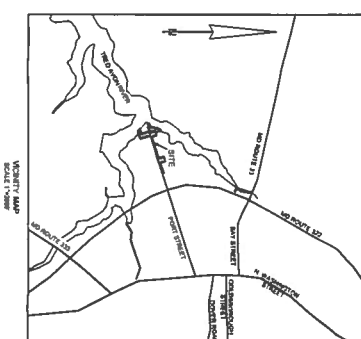
PLANNING CERTIFICATION

I, the undersigned, being duly sworn, depose and say that I am the duly authorized representative of the applicant herein, and that the foregoing information is true and correct to the best of my knowledge and belief, and that I am not a party to any fraud, illegality or other wrongful act in the preparation of the foregoing information.

 Date: _____

CORNERS AND DISTANCES

LINE NO.	START POINT	END POINT	DISTANCE	BEARING
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REVISIONS

REV #	DATE	DESCRIPTION	REVISED BY	COMMENTS
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RAUCH
 engineering design & development services

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2019 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



August 16, 2016

**DESCRIPTION OF 6.533 ACRES OF LAND, MORE OR LESS,
ANNEXATION TOWN OF EASTON
THE LANDS NOW OR 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**

BEGINNING for the same at a point located along the existing western municipal boundary of the Town of Easton, pursuant to the 1990 annexation of part of Londonderry, at the southeasternmost corner of the herein described lands as show on a plat entitled "ANNEXATION TOWN OF EASTON OF THE LANDS 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" PREPARED BY Rauch, inc. in June 2016, said beginning point being further located South 71°42'33" West 309.59 feet from a concrete monument found, said beginning point having a Maryland State Coordinate System NAD 83 value of North 402,904.73 and East 1,572,147.05 as shown on the aforesaid plat;

THENCE leaving said beginning point so fixed and binding on the existing municipal boundary of the Town of Easton and southeastern side of Port Street the following two (2) courses and distances;

1. South 71°42'33" West 368.51 feet to a point;
2. South 72°46'38" West 405.49 feet to a point located at the northeasternmost corner of the lands now or formerly of MEF, LLC (see 1303/930);

THENCE leaving the existing municipal boundary of the Town of Easton and binding on the southeastern side of Port Street, the northwesterly outline of the aforesaid lands of MEF, LLC and the northwestern terminus of Hubbards Alley the following two (2) courses and distances;

3. South 72°53'36" West 586.78 feet to a point, passing in transit an iron rod with cap found at 24.55 feet from the end thereof;
4. South 70°27'53" West 19.60 feet to a point located on the southwestern side of Hubbards Alley said point being further located at the northeasternmost corner of the lands now or formerly of 930 PORT STREET, INC. (see 1024/162); said point having a Maryland State Coordinate System NAD 83 value of North 402,489.86 and East 1,570,830.56;

THENCE leaving port street and binding on the southwestern side of Hubbards Alley and the lands now or formerly of 930 PORT STREET, INC. (see 1024/162, 2016/283 and 1238/77)



5. South 16°58'00" East 357.73 feet to a point located at the intersection of the division line between the lands now or formerly of 930 PORT STREET, INC. (see 1024/162) and the lands now or formerly of 900 Port Street, LLC (1273/422);

THENCE leaving Hubbards Alley and binding on the aforesaid division line the following two (2) courses and distances;

6. South 61°36'59" West 147.67 feet to a point;
7. South 72°17'59" West 127.36 feet to a point located along the face of a bulkhead at the Tred Avon River;

THENCE leaving the aforementioned division line and binding on the face of bulkhead the following three (3) courses and distances;

8. North 56°06'34" West 24.62 feet to a point;
9. North 49°15'35" West 36.10 feet to a point;
10. North 44°59'40" West 71.30 feet to a point located at the intersection of the division line between the lands now or formerly of 930 PORT STREET, INC. (see 1024/162) and the lands now or formerly of THREE P'S, INC. (see 727/377);

THENCE leaving the Tred Avon River and binding on the aforesaid division line;

11. North 73°43'28" East 186.93 feet to a point located at the southeasternmost corner of the THREE P'S, INC. lands;

THENCE binding on the northeastern outline of the aforesaid lands now or formerly of THREE P'S, INC., the lands now or formerly of Talbot County Maryland (see 1211/122) and the southwestern side of Aulds Alley;

12. North 19°22'44" West 273.05 feet to an iron rod found along the southeastern side of Port Street; said point having a Maryland State Coordinate System NAD 83 value of North 402,436.46 and East 1,570,674.34;

THENCE leaving the aforementioned Talbot County Maryland lands and binding on the aforesaid southeastern side of Port Street;

13. North 71°07'44" East 62.58 feet to a point;

THENCE leaving the aforesaid southeastern side of Port Street and crossing over Port Street;

14. North 18°52'16" West 48.19 feet to a point located along the northwestern side of Port street at the intersection of the division line between the lands now or formerly of Talbot



County Maryland (see 1211/129) and the lands now or formerly of THE BOATHOUSE AT EASTON POINT, LLC (see 1082/661);

THENCE leaving Port Street and binding on the aforesaid division line the following two (2) courses and distances;

15. North 18°19'54" West 167.42 feet to a point;
16. South 73°09'08" West 27.59 feet to a point located at the intersection of the division line between the aforesaid lands of Talbot County Maryland and the lands now or formerly of PORT STREET VENTURES, LLC (see 1999/228);

THENCE leaving THE BOATHOUSE AT EASTON POINT, LLC lands and binding on the aforesaid division line;

17. South 17°17'59" East 168.74 feet to an iron rod with cap found along the northwestern side of Port Street;

THENCE leaving Talbot County Maryland lands and binding on the northwestern side of Port Street, the northeastern outline of the lands now or formerly of County Commissioners of Talbot County (see 374/364), the southwestern outline of the aforesaid PORT STREET VENTURES, LLC lands, the southwestern outline of the lands now or formerly of Timothy M. Miller & Amy M. Miller (see 977/578);

18. South 71°50'48" West 292.38 feet to a point located along the approximate shoreline of the Tred Avon River, passing in transit an iron pipe found at 49.82 feet from the beginning thereof and an iron rod with cap found at 87.93 from the beginning thereof;

THENCE leaving the lands of PORT STREET VENTURES, LLC and binding on the approximate shoreline of the Tred Avon River;

19. South 18°27'59" East 3.55 feet to a point located along the edge of an existing wooden dock;

THENCE leaving the approximate shoreline of the Tred Avon River and binding on the edge of existing dock and the western boundary on the herein described lands over part of the Tred Avon River the following five (5) courses and distances;

20. South 69°27'01" West 63.83 feet to a point;
21. North 17°02'22" West 74.81 feet to a point;
22. North 57°03'05" East 161.13 feet to a point;
23. North 13°01'54" East 147.68 feet to a point;



24. North 48°36'45" East 37.57 feet to a point located along the face of an existing bulkhead;

THENCE binding on the face of bulkhead along the Tred Avon River the following four (4) courses and distances;

25. North 26°06'59" East 188.06 feet to a point;

26. North 82°29'37" East 32.39 feet to a point;

27. North 63°37'31" East 10.75 feet to a point;

28. North 78°17'38" East 18.60 feet to a point located at the intersection of the division line between the lands now or formerly of THE ARUNDEL CORPORATION (see 405/681;) and the aforementioned lands of the BOATHOUSE AT EASTON POINT, LLC;

THENCE leaving the Tred Avon River and binding on the aforesaid division line the following three (3) courses and distances;

29. South 16°58'35" East 48.19 feet to a point, passing in transit an iron rod with cap found 6.59 feet from the beginning thereof;

30. South 23°45'51" West 38.55 feet to a point;

31. South 18°12'09" East 301.30 feet to a point located along the northwestern side of Port Street;

THENCE leaving the BOATHOUSE AT EASTON POINT, LLC lands and binding on the northwestern side of Port Street;

32. North 71°26'51" East 18.00 feet to a point located at the intersection of the division line between the lands of THE ARUNDEL CORPORATION (see 405/681;) and other lands now or formerly of the BOATHOUSE AT EASTON POINT, LLC (see 1082/661);

THENCE leaving Port Street and binding on the aforesaid division line the following three (3) courses and distances;

33. North 18°12'09" West 165.00 feet to an iron rod with cap found;

34. North 71°26'51" East 93.50 feet to a point, said point having a Maryland State Coordinate System NAD 83 value of North 402,709.41 and East 1,570,816.95;

35. South 18°12'09" East 165.02 feet to a point located along the northwestern side of Port Street;



THENCE leaving the lands of the BOATHOUSE AT EASTON POINT, LLC and binding on the northwestern side of Port Street;

36. North 72°50'59" East 773.43 feet to a point located at the intersection of the division line between the lands now or formerly of Norris E. Taylor & Joyce Taylor (see 348/396) and the lands now or formerly of Jason M. Webb & Maria A. Webb (see 2039/393);

THENCE leaving Port Street and binding on the aforesaid division line the following three (3) courses and distances;

37. North 18°17'27" West 182.51 feet to a point;
38. North 71°42'33" East 175.82 feet to a point;
39. South 18°17'25" East 180.09 feet to an iron pipe found along the northwestern side of Port Street, said point having a Maryland State Coordinate System NAD 83 value of North 402,838.20 and East 1,571,773.72;

THENCE leaving the lands of Webb and binding on the northwestern side of Port Street;

40. North 71°42'33" East 375.46 feet to a point located on the existing municipal boundary of the Town of Easton;

THENCE leaving the northwestern side of Port Street and binding on the existing municipal boundary of the Town of Easton the following two (2) courses and distances;

41. South 07°50'03" East 0.56 feet to a point;
42. South 18°17'27" East 53.45 feet to the place of beginning.

Containing in all 6.533 acres more or less, as surveyed by RAUCH, inc. in July 2016.

William M. Ewald, Sr.
Professional Land Surveyor #21544 (expiration date 12-22-2017)

Date