COUNTY COUNCIL

OF

TALBOT COUNTY, MARYLAND

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

Resolution No.: 234

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 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

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 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, 48, 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. 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. _____having been published, a public hearing was held on _____ at _____ 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: _____

By order: _____
Susan W. Moran, Secretary

Pack -

Williams -

Bartlett -

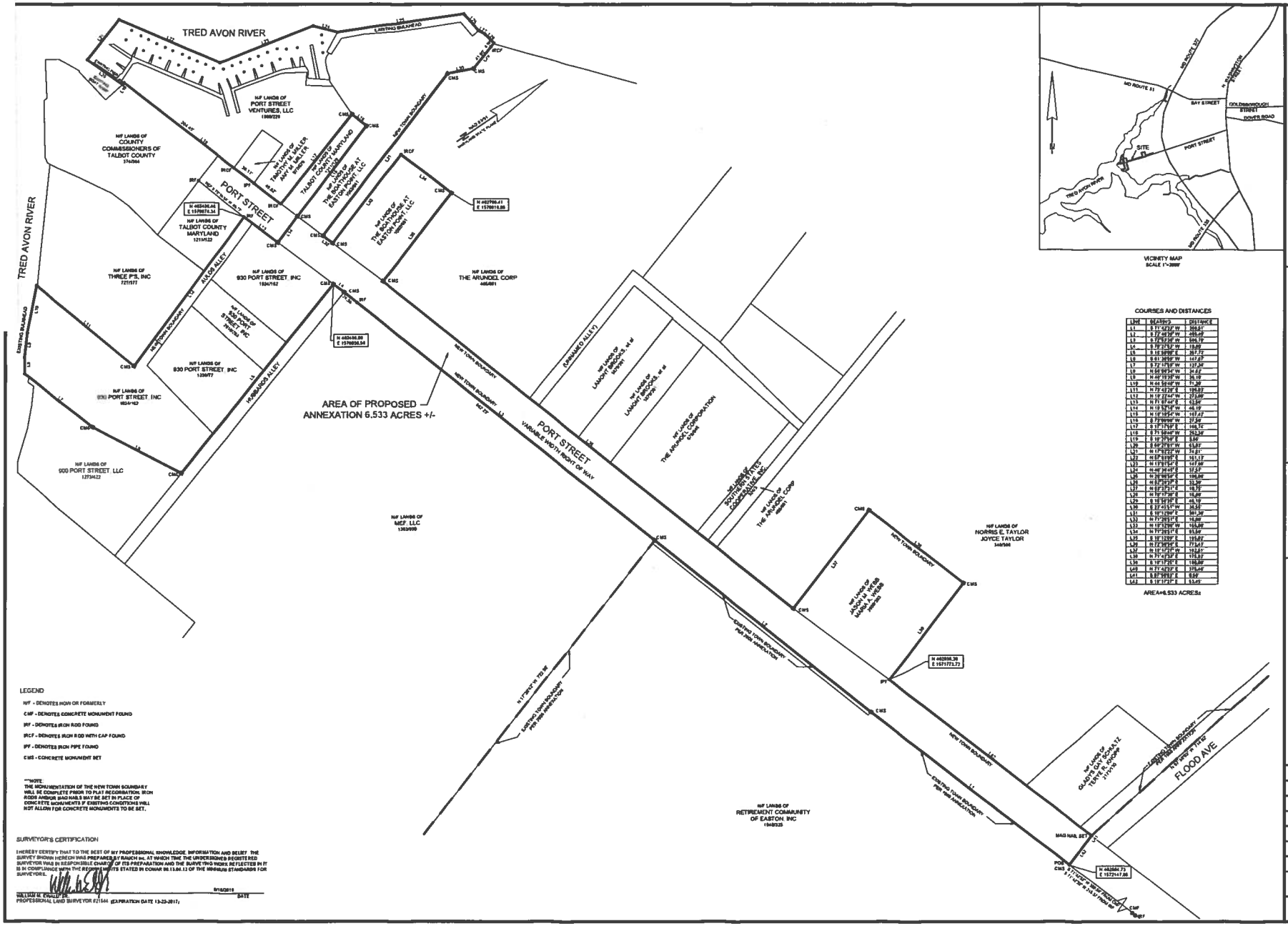
Price -

Callahan -

Effective Date: _____

i:\county attorney\16-149 port street annexation\resolution 217 (resolution for waiver of 5 year hold - easton point.docx

EXHIBIT "A"



COURSES AND DISTANCES

LINE	BEARING	DISTANCE
L1	S 71°42'32" W	300.51'
L2	S 77°32'30" W	489.00'
L3	S 72°52'30" W	694.70'
L4	S 79°31'53" W	19.00'
L5	S 16°28'00" E	317.72'
L6	S 61°30'00" W	147.07'
L7	S 72°17'00" W	137.30'
L8	N 56°00'00" W	34.67'
L9	N 46°19'30" W	36.10'
L10	N 44°00'00" W	71.30'
L11	N 72°42'30" E	194.00'
L12	N 19°27'44" W	27.00'
L13	N 71°07'40" E	53.00'
L14	N 19°52'15" W	46.15'
L15	N 16°19'50" W	147.07'
L16	S 73°00'00" W	37.34'
L17	S 17°17'00" E	148.70'
L18	S 75°00'00" W	253.30'
L19	S 15°37'00" E	5.00'
L20	S 66°13'31" W	63.01'
L21	N 17°37'27" W	74.81'
L22	N 15°31'00" E	151.13'
L23	N 13°31'54" E	147.00'
L24	N 46° W 49" E	37.57'
L25	N 26°00'00" E	194.00'
L26	N 5°37'23" E	33.30'
L27	N 15°37'11" E	19.70'
L28	N 73°17'00" E	10.00'
L29	S 16°37'27" E	45.10'
L30	S 37°41'57" W	20.55'
L31	S 16°13'00" E	301.30'
L32	N 71°25'13" E	10.00'
L33	N 19°32'00" W	153.00'
L34	N 71°25'17" E	93.00'
L35	S 19°32'03" E	195.00'
L36	S 72°00'00" E	77.00'
L37	S 19°17'00" W	193.00'
L38	N 71°47'00" E	110.00'
L39	S 19°17'00" E	150.00'
L40	N 71°42'32" E	375.00'
L41	S 87°19'13" E	5.00'
L42	S 19°17'37" E	33.00'

AREA=6.533 ACRES±

LEGEND

N/F - DENOTES NOW OR FORMERLY

CMF - DENOTES CONCRETE MONUMENT FOUND

IRF - DENOTES IRON ROD FOUND

IRCF - DENOTES IRON ROD WITH CAP FOUND

IPF - DENOTES IRON PIPE FOUND

CMS - CONCRETE MONUMENT SET

***NOTE:
THE MONUMENTATION OF THE NEW TOWN BOUNDARY WILL BE COMPLETE PRIOR TO PLAT RECORDATION. IRON RODS AND/OR MAG NAILS MAY BE SET IN PLACE OF CONCRETE MONUMENTS IF EXISTING CONDITIONS WILL NOT ALLOW FOR CONCRETE MONUMENTS TO BE SET.

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION AND BELIEF, THE SURVEY SHOWN HEREON WAS PREPARED BY RAUCH Inc. AT WHICH TIME THE UNDERSIGNED REGISTERED SURVEYOR WAS IN RESPONSIBLE CHARGE OF ITS PREPARATION AND THE SURVEYING WORK REFLECTED IN IT IS IN COMPLIANCE WITH THE RECORD MINIMUM STATED IN COMAR 09.13.06.12 OF THE MINIMUM STANDARDS FOR SURVEYORS.

9/16/2016
DATE

WILLIAM M. EWALD JR.
PROFESSIONAL LAND SURVEYOR #21544 (EXPIRATION DATE 12-23-2017)

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

RAUCH LLC
engineering design & development services
office: 410 778 8800 | fax: 410 778 3007
www.rauchengineering.com
address: 115 E Washington St., Easton, MD 21601

SEAL
DATE 9/16/2016

REVISIONS

REV #	DATE	DESCRIPTION
1	9/16/2016	REVISED PER COMMENTS

DATE: JULY 2016
JOB NUMBER:
SCALE: 1"= 60'
DRAWN BY: T COCHRUN
DESIGNED BY:
APPROVED BY:
FOLDER REF: EASTON POINT
SHEET NO.: 1 OF 1
FILE NO.: ANNEXLDWG

RAUCH inc.
engineering design & development services

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)

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email: design@raucheng.com | web: www.raucheng.com

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

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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;

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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 appoint located along the northwestern side of Port Street;

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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. Date
Professional Land Surveyor #21544 (expiration date 12-22-2017)

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