

COUNTY COUNCIL
OF
TALBOT COUNTY

2016 Legislative Session, Legislative Day No.: September 27, 2016

Resolution No.: 236

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

A RESOLUTION TO AMEND THE TALBOT COUNTY COMPREHENSIVE WATER AND SEWER PLAN TO RECLASSIFY AND REMAP A PARCEL OF LAND LOCATED AT 25145 ST. MICHAELS ROAD, ST. MICHAELS, MARYLAND 21663, IDENTIFIED AS TAX MAP 32, PARCEL 36, CONSISTING OF 3.73 ACRES OF LAND, MORE OR LESS, OWNED BY SHANNAHAN ARTESIAN WELL CO., INC., FROM THE CURRENT CLASSIFICATION OF "UNPROGRAMMED" TO "S-1" IMMEDIATE PRIORITY STATUS

By the Council: September 27, 2016

Introduced, read the first time, and ordered posted, with Public Hearing scheduled on Tuesday, October 25, 2016 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601

By order: Susan W. Moran
Susan W. Moran, Secretary

A RESOLUTION TO AMEND THE TALBOT COUNTY COMPREHENSIVE WATER AND SEWER PLAN TO RECLASSIFY AND REMAP A PARCEL OF LAND LOCATED AT 25145 ST. MICHAELS ROAD, ST. MICHAELS, MARYLAND 21663, IDENTIFIED AS TAX MAP 32, PARCEL 36, CONSISTING OF 3.73 ACRES OF LAND, MORE OR LESS, OWNED BY SHANNAHAN ARTESIAN WELL CO., INC., FROM THE CURRENT CLASSIFICATION OF “UNPROGRAMMED” TO “S-1” IMMEDIATE PRIORITY STATUS

WHEREAS, the Shannahan Artesian Well Co., Inc., a Maryland company (the “Property Owner”), is the owner of a property located at 25145 St. Michaels Rd., St. Michaels, Maryland 21663, identified as Tax Map 32, Parcel 36, consisting of 3.73 acres of land, more or less (the “Property”) pursuant to a deed recorded among the Land Records of Talbot County, Maryland in Liber 444, folio 461.

WHEREAS, the Property is improved with commercial buildings and is served by a substandard septic system that requires pumping and hauling. The Property abuts the Region II St. Michaels sewer service area in the gateway to the Town of St. Michaels and is directly adjacent to other gateway commercial properties that are connected to the Region II Wastewater Treatment Plant. To remedy the septic system problem, the Property Owner has requested that the Property be connected to the Region II Plant; and

WHEREAS, the Talbot County 2016 Comprehensive Plan in Policy 6.15, Natural Resources Conservation chapter, provides that “The County will work to identify and prioritize for connection to sewer systems, areas of failing, inadequate and substandard septic systems. . .”

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND, that the Talbot County Comprehensive Water and Sewer Plan shall be and is hereby amended as follows:

SECTION ONE: The recitals above are incorporated as if fully set forth herein.

SECTION TWO: In accordance with the requirements of Environment Article § 9-506(a)(1), Md. Code Ann., the proposed amendment has been submitted to the Talbot County Planning Commission and the Talbot County Public Works Advisory Board for review 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.

SECTION THREE: The proposed amendment is as follows:

1. The official maps of the Talbot County Comprehensive Water and Sewer Plan showing the sewer service areas served by the Region II Wastewater Treatment Plant shall be and are hereby amended to reclassify and remap a parcel of land located at 25145 St. Michaels Rd., St. Michaels, Maryland 21663, identified as Tax Map 32, Parcel 36, consisting of 3.73 acres of land, more or less (the “Property”), from the current

classification of “Unprogrammed” to “S-1” (Immediate Priority Status), as shown on the map prepared by the Talbot County Department of Public Works on September 14, 2016, attached hereto as Exhibit “A” and incorporated by reference herein.

2. Sewer service allocation for the Property as proposed by this amendment has been found to comply with the current Sewer Service Allocation Policy for the Region II Wastewater Treatment Plant.
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 commercial 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 the date of its passage.

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 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 North Washington Street, Easton, Maryland.

BY THE COUNCIL

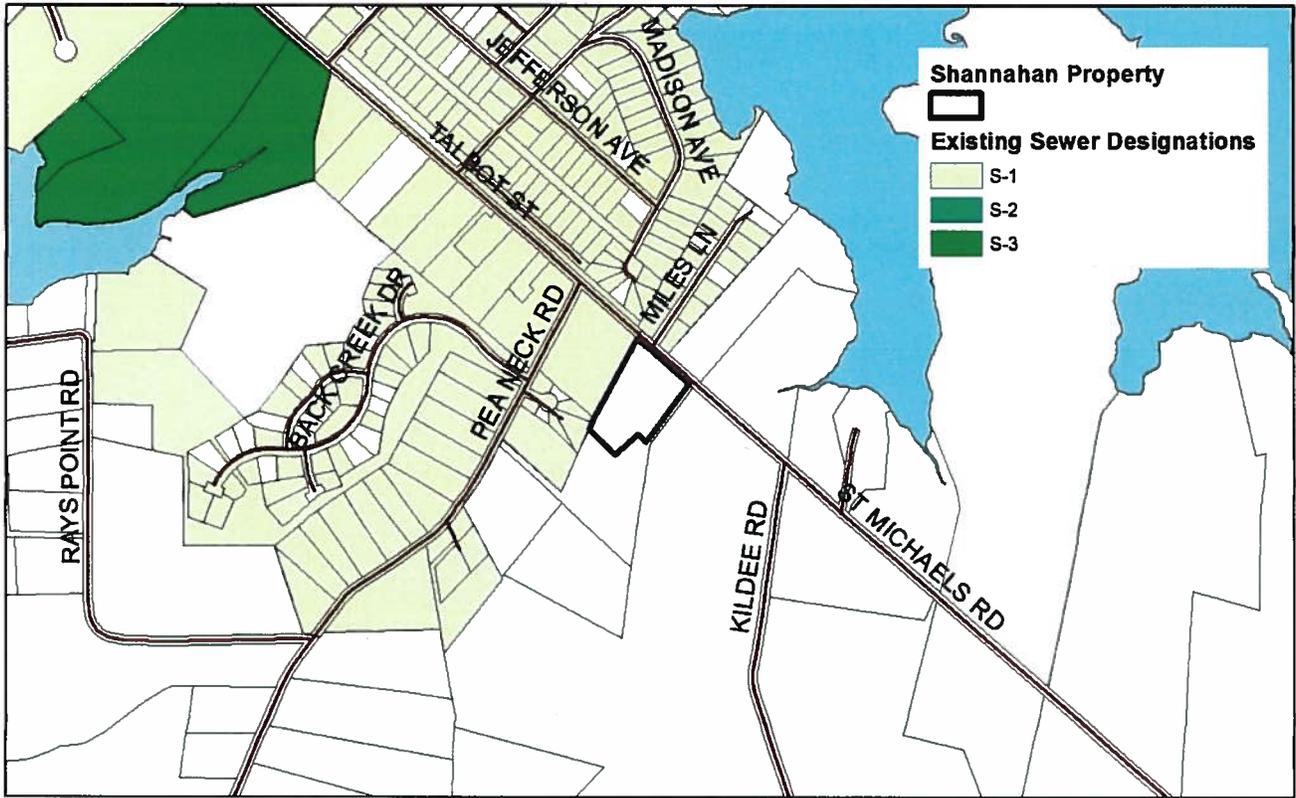
Read the second time: _____

Enacted: _____

By Order: _____
Susan W. Moran, Secretary

Bartlett -
Callahan -
Pack -
Price -
Williams -

Existing Sewer Service Area



Proposed Sewer Service Area

