COUNTY COUNCIL

OF

TALBOT COUNTY

2020 Legislative Session, Legislative Day No.: June 23, 2020

Resolution No.: 292

Introduced by: Mr. Callahan, Mr. Divilio, Mr. Lesher, Mr. Pack, Ms. Price

A RESOLUTION AUTHORIZING THE TRANSFER OF A PORTION OF DUTCHMANS LANE TO THE TOWN OF EASTON AND AUTHORIZING THE EXECUTION OF A QUITCLAIM DEED TO EFFECT THE TRANSFER

By the Council: June 23, 2020

Introduced, read the first time, and ordered posted, with Public Hearing scheduled on Tuesday, July 21, 2020 at 6:30 p.m. in the Easton High School Auditorium, 723 Mecklenburg Avenue, Easton, Maryland 21601.

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

A RESOLUTION AUTHORIZING THE TRANSFER OF A PORTION OF DUTCHMANS LANE TO THE TOWN OF EASTON AND AUTHORIZING THE EXECUTION OF A QUITCLAIM DEED TO EFFECT THE TRANSFER

WHEREAS, Talbot County, Maryland (the "**County**") owns and maintains a public road right-of-way known as Dutchmans Lane, which road begins on the east side of U.S. Route 50 in the Town of Easton, Maryland (the "**Town**") and extends in a southeasterly direction to the intersection of Dutchmans Lane and Dover Neck Road; and,

WHEREAS, on May 19, 2020, the County submitted a petition for annexation to the Town to annex a portion of Dutchmans Lane and an adjacent residential property (the "**Petition**"), a copy of which is attached hereto as Exhibit "A"; and,

WHEREAS, the Petition is contingent upon the Town taking ownership from the County of the portion of Dutchmans Lane from the intersection with U.S. Route 50 to the end of the Easton Club East development at the southerly edge Town of Easton municipal boundary as shown and described in Exhibit "E" to the Petition, a copy of which is attached hereto and incorporated by reference herein (the "**Subject Road**"); and,

WHEREAS, Local Government Article ("LG") § 10-312, Md. Code Ann., states that the County may provide for the disposal of any real or leasehold county property provided that "before the county makes any disposition, grant, or lease of county property, the county shall publish notice of the disposition, grant, or lease once a week for 3 successive weeks in at least one newspaper of general circulation in the county and shall include the terms and the compensation to be received and give opportunity for objections."; and,

WHEREAS, transferring the Subject Road to the Town will not eliminate the road's continued availability and use as a public thoroughfare. Following the transfer, the Subject Road will continue in use for the benefit of the general public, but shall be owned by and subject to the jurisdiction and control of the Town rather than the County.

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

1. The recitals above are hereby incorporated as if fully set forth herein.

2. The County Council finds that:

   (a) The County has duly advertised the proposed transfer and given opportunity for public comment pursuant to LG § 10-312;

   (b) The requirements of LG § 10-312 have been fulfilled;

   (c) The Subject Road will continue in use as a public thoroughfare for the benefit of the general public, subject to the ownership, jurisdiction, and control of the Town rather than the County;

   (d) To the extent the County is required to find that the Subject Road is no longer needed by the County for the County's public use, such a finding is hereby made, recognizing

that said road shall continue to be used for a public use upon being transferred to the Town, as stated in preceding paragraph; and,

(e) The County is lawfully authorized to transfer the Subject Road to the Town.

3. The County Council hereby authorizes the Council President to transfer the Subject Road to the Town of Easton by quitclaim deed in form and manner approved by the Talbot County Office of Law.

BE IT FURTHE RESOLVED, that this Resolution shall take effect immediately upon its date of passage, provided, however, that the findings set forth herein above and transfer of the Subject Road are contingent upon the Town processing the Petition for Annexation and annexing the properties described in the Petition.

IN THE MATTER OF THE ANNEXATION OF PROPERTY LYING GENERALLY EAST OF U.S. ROUTE 50, CONSISTING MAINLY OF DUTCHMANS LANE AND OTHER LAND ADJACENT TO THE PRESENT BOUNDARIES OF THE TOWN OF EASTON, MARYLAND	:	BEFORE THE TOWN COUNCIL OF THE TOWN OF EASTON, MARYLAND

PETITION FOR ANNEXATION

A. Talbot County, Maryland, a political subdivision of the State of Maryland (the "**County**" or "**Petitioner**"), maintains as a public right-of-way that portion of Dutchmans Lane beginning at or near the Town of Easton boundary located east of the intersection of U.S. Route 50 and Dutchmans Lane (the "**Boundary Line**"), and extending in a southeasterly direction past the Easton Club East development and terminating at the intersection of Dutchmans Lane and Dover Neck Road, a distance of approximately 1.71 miles± ("**Dutchmans Lane**"). The County public right-of-way includes road surface, shoulders, ditches, culverts, and related storm-water management features.

B. A portion of Dutchmans Lane is already within the Town boundaries. The portion of Dutchmans Lane to be annexed pursuant to this Petition begins at the Boundary Line and extends to Edmondson Road and then begins again at Corbin Parkway and extends to the southeastern end of the Easton Club East development, the total area of the Dutchmans Lane area to be annexed consisting of 5.987 acres± and being further shown and described in the Annexation Plat and Annexation Description referred to below (the "**Dutchmans Lane Annexation Area**").

C. Mr. Harry R. Covington, II ("**Mr. Covington**"), is the owner of a 1.694 acre± parcel of real property located at 29328 Dutchmans Lane, Easton, Maryland 21601, improved with a residential dwelling unit, further described as Tax Map 34, Grid 24, Parcel 91, pursuant to a Deed recorded among the Land Records of Talbot County, Maryland, in Liber 1365, folio 544 (the "**Covington Property**"). The Covington Property borders and has access to the Dutchmans Lane Annexation Area.

D. The Covington Property is rented to Derek and Andrea Wilson ("**Mr. and Mrs. Wilson**"), who reside there and are registered voters in Talbot County, Maryland.

E. The Dutchmans Lane Annexation Area and the Covington Property are collectively referred to herein as the "**Annexation Properties**."

F. Petitioner hereby petitions the Town of Easton ("**Town**") to annex the Annexation Properties by extending the present Town boundaries in a southerly direction to encompass the entirety of the Annexation Properties. The Annexation Properties, which total 7.681 acres±, are shown and described on an annexation plat titled "ANNEXATION PLAT TOWN OF EASTON DUTCHMANS LANE RIGHT-OF-WAY AND THE LANDS OF HARRY R. COVINGTON, II, IN THE TOWN OF EASTON TALBOT COUNTY, MARYLAND TAX MAP 34 GRID N/A PARCEL N/A" dated November 26, 2019, prepared by Lane Engineering, LLC (the "**Annexation Plat**") and attached hereto as Exhibit "A", which Annexation Properties are more particularly

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described by a metes and bounds legal description prepared by Lane Engineering, LLC, titled "DESCRIPTION OF ANNEXATION 2020 DUTCHMANS LANE RIGHT-OF-WAY AND THE LANDS OF HARRY R. COVINGTON, II, IN THE FIRST ELECTION DISTRICT TALBOT COUNTY, MARYLAND", dated February 27, 2020, and attached hereto as Exhibit "B" (the "**Annexation Description**").

G. Collectively, the undersigned, Mr. Covington, and Mr. and Mrs. Wilson constitute at least twenty-five percent (25%) of the registered voters who reside on the Annexation Properties to sign this Petition and the owner of at least twenty-five percent (25%) of the assessed valuation of the Annexation Properties.

H. The Annexation Properties are adjacent to and contiguous with the boundary of the Town.

I. Expansion of the corporate boundaries of the Town to include the Annexation Properties will not create any enclaves of unincorporated land, provided that the Town, simultaneously with approving this Petition for Annexation, de-annexes a certain sliver of land known as "Third Street", consisting of 0.579 acres±, currently annexed by the Town located East of U.S. Route 50 and to the south of the Annexation Properties, such land being shown and described on a plat titled "DE-ANNEXATION PLAT TOWN OF EASTON THIRD STREET RIGHT-OF-WAY IN THE TOWN OF EASTON TALBOT COUNTY, MARYLAND, TAX MAP 34, GRID N/A PARCEL N/A", prepared by Lane Engineering, LLC, dated February 27, 2020 (the "**De-Annexation Plat**") and attached hereto as Exhibit "C", and such land being further described in a metes and bounds description titled "DESCRIPTION OF DE-ANNEXATION 2020 THIRD STREET RIGHT-OF-WAY IN THE FIRST ELECTION DISTRICT TALBOT COUNTY, MARYLAND", prepared by Lane Engineering, LLC, dated February 27, 2020 (the "**De-Annexation Description**") and attached hereto as Exhibit "D" (collectively, the "**De-Annexation Property**").

J. This Petition for Annexation is also contingent upon the Town of Easton taking title to the portion of Dutchmans Lane from the Boundary Line adjacent to the intersection with U.S. Route 50 to the southeastern end of the Easton Club East development, which correlates with the Dutchmans Lane Annexation Area and is shown and described in yellow on the aerial attached hereto as Exhibit "E" (the "**Road Transfer Area**"). Upon the Town's adoption of: (1) a resolution annexing the Annexation Properties that is also contingent upon the Town taking title to the Road Transfer Area; (2) a resolution de-annexing the De-Annexation Property; and, (3) execution of an annexation agreement acceptable to the Town and County under which the Town agrees to take title to the Road Transfer Area, the County will take all legally necessary steps to authorize the transfer of the Road Transfer Area to the Town of Easton by quitclaim deed. If the above conditions related to transferring the Road Transfer Area to the Town are not met, this Petition shall automatically be deemed withdrawn and null and void.

NOW, THEREFORE, the Petitioner hereby petitions the Town of Easton to adopt a resolution proposing a change of the municipal boundaries of the Town to include the Annexation

Properties and simultaneously to adopt a resolution amending the Town's Charter to detach the De-Annexation Property as provided herein.

WITNESS:

_____

PETITIONER:

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_____
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Corey W. Pack, President
Talbot County Council

WITNESS:

_____

ADDITIONAL SIGNATORIES:

DocuSigned by:

_____
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Harry R. Covington, II
Owner of 29328 Dutchmans Lane
Easton, Maryland 21601

_____

DocuSigned by:

_____
321A5E7C79444A9...

Andrea Wilson
Resident and Registered Voter at
29328 Dutchmans Lane
Easton, Maryland 21601

_____

_____

Derek Wilson
Resident and Registered Voter at
29328 Dutchmans Lane
Easton, Maryland 21601

EXHIBIT "E"
Petition for Annexation
Portion of Dutchmans Lane to Be Transferred to Town of Easton
(from intersection of U.S. Route 50 to the end of the Easton Club East development
at the southerly edge of the Town of Easton boundary)

PUBLIC HEARING

Having been posted and Notice, Time and Place of Hearing, and Title of Resolution No. _____ having been published, a public hearing was held on _____ in the Easton High School Auditorium, 723 Mecklenburg Avenue, Easton, Maryland.

BY THE COUNCIL

Read the second time:

Enacted: _____

By Order: _____
Susan W. Moran, Secretary

Pack -

Callahan -

Divilio -

Price -

Lesher -

EFFECTIVE: