

COUNTY COUNCIL

OF

TALBOT COUNTY

2011 Legislative Session, Legislative Day No.: March 22, 2011

Resolution No.: 182

Introduced by: Mr. Bartlett, Ms. Price

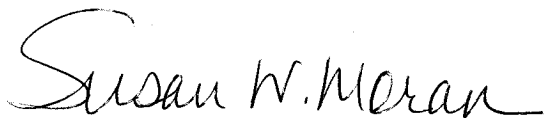
A RESOLUTION TO CONSIDER THE PETITION OF PETER G. KORYTNYK, 10538 MIRACLE HOUSE CIRCLE, CLAIBORNE, MARYLAND, TAX MAP 14 PARCEL 3, IN THE FIFTH ELECTION DISTRICT, TALBOT COUNTY, MARYLAND

THE PETITION REQUESTS THAT TALBOT COUNTY FORMALLY DECLINE TO ACCEPT AN OUTSTANDING, UNACCEPTED OFFER OF DEDICATION IN AND TO CERTAIN PLATTED BUT UNIMPROVED AVENUES AND ALLEYS SHOWN AS A PORTION OF "PARK AVENUE"; A PORTION OF "HARRISON AVENUE"; A PORTION OF "HARRINGTON AVENUE" EACH CONSISTING OF A 50' WIDE PLATTED AND UNIMPROVED PAPER STREET, TOGETHER WITH AN UNIMPROVED ALLEY LYING TO THE NORTH OF AND PARALLEL WITH THAT PORTION OF "PARK AVENUE" REFERENCED ABOVE, AND A SECOND UNIMPROVED ALLEY LYING TO THE SOUTH OF AND PARALLEL WITH "HARRISON AVENUE" BETWEEN "HARRISON AVENUE" AND "HARRINGTON AVENUE" EACH UNIMPROVED ALLEY BEING 15' WIDE

By the Council: March 22, 2011

Introduced, read the first time, and ordered posted, with Public Hearing scheduled on Tuesday, May 10, 2011 at 2:00 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 CONSIDER THE PETITION OF PETER G. KORYTNYK, 10538 MIRACLE HOUSE CIRCLE, CLAIBORNE, MARYLAND, TAX MAP 14 PARCEL 3, IN THE FIFTH ELECTION DISTRICT, TALBOT COUNTY, MARYLAND

THE PETITION REQUESTS THAT TALBOT COUNTY FORMALLY DECLINE TO ACCEPT AN OUTSTANDING, UNACCEPTED OFFER OF DEDICATION IN AND TO CERTAIN PLATTED BUT UNIMPROVED AVENUES AND ALLEYS SHOWN AS A PORTION OF "PARK AVENUE"; A PORTION OF "HARRISON AVENUE"; A PORTION OF "HARRINGTON AVENUE" EACH CONSISTING OF A 50' WIDE PLATTED AND UNIMPROVED PAPER STREET, TOGETHER WITH AN UNIMPROVED ALLEY LYING TO THE NORTH OF AND PARALLEL WITH THAT PORTION OF "PARK AVENUE" REFERENCED ABOVE, AND A SECOND UNIMPROVED ALLEY LYING TO THE SOUTH OF AND PARALLEL WITH "HARRISON AVENUE" BETWEEN "HARRISON AVENUE" AND "HARRINGTON AVENUE" EACH UNIMPROVED ALLEY BEING 15' WIDE

1 **WHEREAS**, Peter G. Korytnyk, (the "Petitioner ") the current owner of 10538 Miracle
2 House Circle, Tax Map 14, Parcel 3, Fifth Election District, Talbot County, Maryland (the
3 "Property"), has petitioned the County to formally decline to accept an outstanding,
4 unaccepted offer of dedication in and to certain platted but unimproved avenues and alleys
5 described in said Petition, which is incorporated by reference herein; and,
6

7 **NOW, THEREFORE**, be it resolved by the County Council of Talbot County, Maryland as
8 follows:
9

10 **Section 1.** Upon introduction of this Resolution, a public hearing shall be scheduled, and the
11 date, time, place, and purpose of the public hearing shall be advertised at Petitioner's expense
12 once a week for three successive weeks in a newspaper of general circulation in the County
13 in accordance with the requirements of Article 25A § 5 (B), Md. Ann. Code. The
14 advertisement shall state the terms of any proposed disposition, the compensation, if any, to
15 be received therefor, and shall give opportunity for objections thereto.
16

17 **Section 2.** The County shall conduct a public hearing, at which time the Petition will be
18 open for receipt and consideration of public comment. Upon receipt and consideration of
19 any recommendations from the Planning Commission and Public Works Advisory Board,
20 and recommendations by the Talbot County Department of Public Works and the Talbot
21 County Roads Department, conclusion of the public hearing(s), and closing of the record, the
22 County Council will consider the merits of the Petition.
23

24 **Section 3.** This Petition pertains to the following described property or interest in property:

25
26 The avenues and alleys that are located in, upon, or over that certain tract, lot, or parcel
27 known as 10538 Miracle House Circle, Tax Map 14, Parcel 3, Fifth Election District,
28 Talbot County, Maryland (the "Property"), at or near the village of Claiborne, more
29 particularly described in a deed to Petitioner dated December 22, 2008 and recorded
30 among the Land Records of Talbot County, Maryland at Liber 1657, folio 399 and as
31 shown on a certain plat entitled "*Plat of Turner's Addition to Claiborne*" as surveyed by
32 W.V. Polk, Civil Engineer, recorded May 14, 1906 among the Land Records of Talbot
33 County, Maryland at Liber No. 147, folio 156, (the "Plat") consisting of the following
34 avenues and alleys:

35
36 A portion of "Park Avenue"; a portion of "Harrison Avenue"; and a
37 portion of "Harrington Avenue" each consisting of a 50' wide platted and
38 unimproved paper street, and each subject to a heretofore unaccepted offer
39 of dedication arising from recordation of said Plat, together with an
40 unimproved alley lying to the North of and parallel with that portion of
41 "Park Avenue" referenced above, and a second unimproved alley lying to
42 the South of and parallel with "Harrison Avenue" between "Harrison
43 Avenue" and "Harrington Avenue" each unimproved alley being 15' wide
44 on said Plat. Those portions of the paper streets, avenues, and alleys are
45 more particularly shown by yellow bounds and located by a survey
46 prepared by Christopher Waters Professional Land Surveying in October,
47 2009, and revised July 30, 2010, entitled "*Plat Showing Revision of*
48 *Boundary Lines on the Lands of Peter G. Korynyk, Tax Map 14 Grid 9,*
49 *Parcel 3, in the Fifth Election District, Talbot County, Maryland,*" which
50 is attached hereto as Exhibit "A" and incorporated by reference herein.
51 (All such avenues and alleys are referred to collectively herein as the
52 "Paper Streets")
53

54 **Section 4.** The County finds that that there would be no public purpose served by
55 construction, operation or maintenance of a public road or alley at these locations and hereby
56 declines to accept the offer of dedication of the Paper Streets. These findings and disposition
57 are subject to the following conditions:

- 58 (a) There are no drainage facilities or public utilities located in, upon, under, or through
59 the Paper Streets;
- 60 (b) The Petitioner has granted or will grant a perpetual easement to the County, in form
61 and content acceptable to the County, for drainage and utility easements adjacent to
62 all public roads and roadways abutting, in, upon, or through the Property, as
63 necessary to serve the Property or other properties in the area, if any;
- 64 (c) The Petitioner shall prepare all deeds, surveys, plats, or other documents in a form
65 satisfactory to the County, and pay the cost thereof, including without limitation all
66 duplication and other costs associated with all instruments prepared pursuant to this
67 Resolution;

68 (d) The Petitioner shall execute a "*Release, Waiver, and Indemnification*" substantially in
69 the form attached hereto as Exhibit "A."

70 **Section 5.** The President of the County Council is authorized to execute a Quitclaim Deed,
71 consistent with the terms of this Resolution, in form and content acceptable to the County
72 Attorney, to be recorded at the Petitioner's expense among the land records of Talbot
73 County, Maryland.

74 BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon its
75 date of passage.

76

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 _____ at _____ in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland.

BY THE COUNCIL

Read the second time:

Adopted: _____

By Order: _____
Susan W. Moran Secretary

Bartlett -

Hollis -

Pack -

Price -

Duncan -

BEFORE THE COUNTY COUNCIL FOR TALBOT COUNTY, MARYLAND

IN THE MATTER OF

THE PETITION OF
PETER G. KORYTNYK

* 10538 Miracle House Circle
* Claiborne, Maryland
* Tax Map 14, Parcel 3,
* Fifth Election District,
* Talbot County, Maryland

PETITION OF PETER G. KORYTNYK REQUESTING TALBOT COUNTY COUNCIL TO
DECLINE UNACCEPTED OFFER OF DEDICATION OF PAPER STREETS

1. The undersigned, Peter G. Korytnyk, (the "Petitioner"), by and through Patrick J. Fitzgerald and Ewing, Dietz, Fountain & Kehoe, P.A., his Attorneys, petitions the County Council of Talbot County, Maryland to formally decline to accept an outstanding, unaccepted offer of dedication in and to certain platted but unimproved avenues and alleys described in Paragraph 2, below.

2. The avenues and alleys are located in, upon, or over that certain tract, lot, or parcel known as 10538 Miracle House Circle, Tax Map 14, Parcel 3, Fifth Election District, Talbot County, Maryland (the "Property"), at or near the village of Claiborne, more particularly described in a deed to Petitioner dated December 22, 2008 and recorded among the Land Records of Talbot County, Maryland at Liber 1657, folio 399 and as shown on a certain plat entitled "*Plat of Turner's Addition to Claiborne*" as surveyed by W.V. Polk, Civil Engineer, recorded May 14, 1906 among the Land Records of Talbot County, Maryland at Liber No. 147, folio 156, (the "Plat") consisting of the following avenues and alleys:

A portion of "Park Avenue"; a portion of "Harrison Avenue"; and a portion of "Harrington Avenue" each consisting of a 50' wide platted and unimproved paper street, and each subject to a heretofore unaccepted offer of dedication arising from recordation of said Plat, together with an unimproved alley lying to the North

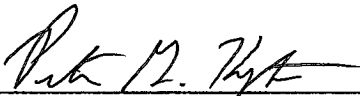
of and parallel with that portion of "Park Avenue" referenced above, and a second unimproved alley lying to the South of and parallel with "Harrison Avenue" between "Harrison Avenue" and "Harrington Avenue" each unimproved alley being 15' wide on said Plat. Those portions of the paper streets, avenues, and alleys are more particularly shown by yellow bounds and located by a survey prepared by Christopher Waters Professional Land Surveying in October, 2009, and revised July 30, 2010, entitled "*Plat Showing Revision of Boundary Lines on the Lands of Peter G. Korytnyk, Tax Map 14 Grid 9, Parcel 3, in the Fifth Election District, Talbot County, Maryland,*" which is attached hereto as Exhibit "A" and incorporated by reference herein. (All such avenues and alleys are referred to collectively herein as the "Paper Streets")

3. Petitioner is the current owner of the Property.
4. Petitioner avers that the Paper Streets are unimproved, that they do not now nor have they ever served the public or the owners in the subdivision where the same are located.
5. Petitioner avers that there would be no public purpose served by construction, operation or maintenance of a public road, alley, or thoroughfare at these locations and it would be in the County's interest to formally decline to accept any outstanding offer of dedication concerning the Paper Streets.
6. Pursuant to the requirements of Article 25A § 5 (B), Md. Ann. Code, Petitioner agrees to pay for and otherwise assure publication of an advertisement once a week for three successive weeks in one or more newspapers of general circulation published in Talbot County, Maryland, stating the terms of the proposed disposition, stating the compensation, if any, to be received by the County therefor, and giving opportunity for objections thereto. A copy of the proposed Notice to be published is appended hereto and made a part hereof.
7. In the event this Petition is granted, Petitioner, for himself and for the successors-in-interest or title to the Property, agrees to indemnify and hold the County harmless to the maximum extent permitted by law from any and all liabilities, damages, expenses, suits,

actions, causes of action, demands, or judgments (collectively "Claim" or "Claims"), including payment of reasonable attorneys' fees, costs of defense, and investigation of any such Claim or Claims arising from or relating in any way from any decision to formally decline to accept the outstanding offer of dedication of the Paper Streets. This indemnification and hold harmless agreement shall include, without limitation, the County's elected and appointed officials, directors, employees, agents, successors, assigns, and representatives.

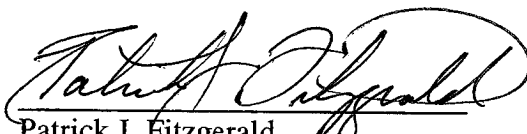
WHEREAS, your Petitioner requests the County Council of Talbot County to formally determine and decide to decline to accept the outstanding offer of dedication concerning the above-described Paper Streets, and to authorize the President of the County Council to execute a quit-claim deed to convey the County's interest in the same, if any, to your Petitioner.

I DO SOLEMNLY DECLARE AND AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE CONTENTS OF THE FOREGOING PETITION ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.



PETER G. KORYTNYK

Counsel:



Patrick J. Fitzgerald
Ewing, Dietz, Fountain & Kehoe, PA
16 South Washington St
Easton, Maryland 21601
(410) 822-1988

QUITCLAIM DEED

THIS QUITCLAIM DEED, dated the _____ of _____, 2011, from Talbot County, Maryland, a charter County and political subdivision of the State of Maryland, Grantor, to Peter G. Korytnyk, Grantee.

The Grantor, for no monetary consideration, grants, conveys, releases, assigns and quitclaims to the Grantee, his personal representatives, heirs and assigns, all of the Grantor's right, title, interest and estate in a certain lot of ground located in the Fifth Election District of Talbot County Maryland, and described as follows:

Those certain avenues and alleys, or portions thereof, located in, upon, or over that certain tract, lot, or parcel known as 10538 Miracle House Circle, Tax Map 14, Parcel 3, Fifth Election District, Talbot County, Maryland (the "Property"), at or near the village of Claiborne, more particularly described in a deed to Grantee dated December 22, 2008 and recorded among the Land Records of Talbot County, Maryland at Liber 1657, folio 399 and as shown on a certain plat entitled "Plat of Turner's Addition to Claiborne" as surveyed by W.V. Polk, Civil Engineer, recorded May 14, 1906 among the Land Records of Talbot County, Maryland at Liber No. 147, folio 156, (the "Plat"), said certain avenues and alleys, or portions thereof, being more particularly described as follows:

A portion of "Park Avenue"; a portion of "Harrison Avenue"; and a portion of "Harrington Avenue" each consisting of a 50' wide platted and unimproved paper street, and each subject to a heretofore unaccepted offer of dedication arising from recordation of said Plat, together with an unimproved alley lying to the North of and parallel with that portion of "Park Avenue" referenced above, and a second unimproved alley lying to the South of and parallel with "Harrison Avenue" between "Harrison Avenue" and "Harrington Avenue" each unimproved alley being 15' wide on said Plat. Those portions of the paper streets, avenues, and alleys are more particularly shown by a survey prepared by Christopher Waters Professional Land Surveying in October, 2009, and revised July 30, 2010, entitled "PLAT SHOWING REVISION OF BOUNDARY LINES ON THE LANDS OF PETER G. KORYTNYK, TAX MAP 14 GRID 9, PARCEL 3, IN THE FIFTH ELECTION DISTRICT, TALBOT COUNTY, MARYLAND," which is attached hereto as Exhibit "A" and incorporated by reference herein.

Together with all improvements thereupon, and the rights, alleys, ways, waters, easements, privileges, appurtenances and advantages belonging or appertaining thereto. Subject to, however, any rights of access of adjoining property owners over any of said alleys or ways.

WITNESS the hand and seal of the Grantor.

ATTEST:

Talbot County, Maryland

, Secretary

By: _____
President, Talbot County Council

STATE OF MARYLAND, COUNTY OF _____, TO WIT:

I HEREBY CERTIFY, That on this ____ day of _____, 2011, before me, the subscriber, a Notary Public of the State of Maryland, County of _____, personally appeared _____, who acknowledged himself to be the President of the Talbot County Council of Talbot County, Maryland, a Maryland political subdivision, and that he as such President, being authorized so to do, acknowledged that he executed the foregoing instrument for the purposes therein contained, by signing the name of Talbot County by himself as President of the Talbot County Council, and further made oath, under the penalties of perjury, that the consideration as recited herein is true and correct, and further certified that this conveyance is not part of a transaction in which there is a sale, lease, exchange or other transfer of all or substantially all of the property and assets of the Grantor.

AS WITNESS my hands and Notarial seal.

My commission expires:

Notary Public

RELEASE, WAIVER AND INDEMNIFICATION AGREEMENT

Grantee, on behalf of himself, his personal representatives, heirs, successors and assigns, hereby agrees to indemnify, defend, and hold Talbot County, Maryland, harmless from and against any and all claims, actions, demands, damages, liabilities, losses, expenses, suits, costs, or judgments of every kind, nature, or description whatsoever arising from or related to Resolution No. _____, declining to accept an offer of dedication for a public street or declining to improve or otherwise makes the subject paper street available for public use. Grantee's obligation to indemnify and defend shall include Talbot County, Maryland, its elected and appointed officials, officers, boards, commissions, agencies, department heads, employees, servants, and agents and shall run with and bind the land, and shall be binding upon the Grantee, his personal representatives, heirs, successors and assigns, in perpetuity.

WITNESS:

_____(SEAL)
Peter G. Korytnyk

THIS PROPERTY WAS SUBJECT TO A CONSERVATION EASEMENT GRANTED UNDER THE UTAH EASTERN SHORE LAND CONSERVATION INC. PER DEED 1242 / 814. THIS PERPETUAL EASEMENT CONTAINS RESTRICTIONS AND LIMITS ON THE PROPERTY INVOLVING A COMMON INTEREST IN GLOBAL BRUSH, CONCRETE AND STEEL AND CHARACTER OF THE PROPERTY WHICH MIGHT AFFECT THE USE OR DEVELOPMENT OF THE PROPERTY FOR ANY PURPOSE OR IN ANY MANNER THAT WOULD COMPROMISE WITH THE MAINTENANCE OF THE PROPERTY IN ITS OPEN SPACE CONDITION.

REVISED TAX PARCEL 5 - 7.19 ACRES

- 1 - DEVELOPMENT RIGHT PERMITTED
- 1 - DEVELOPMENT RIGHT UTILIZED
- 0 - DEVELOPMENT RIGHT REMAINING

DEVELOPMENT RIGHTS SHOWN HEREON ARE BASED UPON CURRENT REGULATIONS AND MAY BE SUBJECT TO CHANGE BASED ON ZONING ORDINANCE REGULATIONS IN EFFECT AT THE TIME OF DEVELOPMENT.

TOTAL LOT COVERAGE ALLOWED = 46,979.5 SQ.FT.

7.14 ACRES * 1581 = 46,779.5 SQ.FT.

TOTAL EXISTING LOT COVERAGE = 7,696.3 SQ.FT.

GRAVEL DRIVE - 3,078.9 SQ FT

FRAME DWELLING - 2,500.0 SQ. FT.

FRAME GUEST DWELLING - 1,199.5 SQ FT

BLACK BUILDINGS = 61.4 SQ.FT.

SIDEWALK & DECKS = 789.00 SQ.FT.

TOTAL REMAINING LOT COVERAGE = 39,305.5 SQFT

FOREST REQUIREMENT
AREA = 1.08 ACRES

LINE	BEARING	DISTANCE
L1	S 57° 21' 54" E	233.77'
L2	S 32° 57' 41" N	200.05'
L3	N 50° 00' 53" W	234.04'
L4	N 32° 32' 06" E	202.30'

SHORELINE DEVELOPMENT BUFFER STATEMENT

DEVELOPMENT RIGHTS SHOWN HEREON ARE BASED UPON CURRENT REGULATIONS AND MAY BE SUBJECT TO CHANGE BASED ON ZONING ORDINANCE REGULATIONS IN EFFECT AT THE TIME OF DEVELOPMENT.

LOT COVERAGE:

TOTAL LOT COVERAGE ALLOWED = 46,979.5 SQ.FT.

7.14 ACRES * 1581 = 46,479.5 SQ.FT.

TOTAL EXISTING LOT COVERAGE = 7,696.2 SQ.FT.

GRAVEL DRIVE - 3,078.9 SQ FT

FRAME DWELLING - 2,500.0 SQ. FT.

FRAME GUEST DWELLING - 1,199.5 SQ FT

BLACK BUILDINGS = 61.4 SQ.FT.

SIDEWALK & DECKS = 789.00 SQ.FT.

TOTAL REMAINING LOT COVERAGE = 39,305.5 SQFT

CRITICAL AREA

FOREST REQUIREMENT
AREA = 1.08 ACRES

LINE	BEARING	DISTANCE
L1	S 57° 21' 54" E	233.77'
L2	S 32° 57' 41" N	200.05'
L3	N 50° 00' 53" W	234.04'
L4	N 32° 32' 06" E	202.30'

29510 Skipton-Cor
Cordova, MD 216
(410) 819-3363(v
www.waterssurve
Boundary, Site Plan,
Elevation Certification
Location Surveys, Sub
Storm Water Manage

Christopher
WATERS
Professional Land Surveying

**PLAT SHOWING
REVISION OF BOUNDARY LINES
ON THE LANDS OF
PETER G. KORYTNYK
TAX MAP 14 - GRID 9 - PARCEL 3
IN THE FIFTH ELECTION DISTRICT, TALBOT COUNTY, MARYLAND**

DRAWING	DESIGNED	CHECKED
CDW		BLH
DATE		
OCTOBER 2004		
SCALE		
1" = 50'		
JOB NO.		
07107		