

**A RESOLUTION
APPROVING THE ANNEXATION OF
PARCELS 05-159040 AND 05-178231**

BE IT RESOLVED, ENACTED AND ORDAINED, this 2nd day of November 2020, by the Mayor and Board of Commissioners of the Town of Emmitsburg, Maryland, pursuant to the authority granted to them by the laws of Maryland and the Charter of the Town of Emmitsburg, do approve the annexation of Parcels 05-159040 and 05-178231 into the Town of Emmitsburg.

WHEREAS, the Town of Emmitsburg (the "Town") is authorized by the Town Charter and provisions of Title 4, Subtitle 4 of the Local Government Article of the Annotated Code of Maryland (the "Maryland Code") to expand its municipal boundaries by annexing lands which are adjoining and contiguous; and

WHEREAS, the property to be annexed will consist of two (2) parcels of land (Parcels 05-159040 and 05-178231) totaling 85.3863 acres, more or less, contiguous and adjoining to the existing southern and eastern corporate boundaries of the Town, and more particularly described herein below (the "Annexation Property") owned by the Town; and

WHEREAS, the Local Government Article, § 4-403 of the Maryland Code states that "[b]efore an annexation resolution is introduced, the legislative body shall obtain consent from: (1) at least 25% of the registered voters who are residents in the area to be annexed; and (2) the owners of at least 25% of the assessed valuation of real property in the area to be annexed"; and

WHEREAS the Annexation Property is currently owned by the Town has no residential dwellings and no residential occupants upon the premises or parcels owned and maintained by the Town therefore there are no qualified voters residing in the Annexation Property; and

WHEREAS, the Town as owner of the Annexation Property consents to the proposed annexation; and

WHEREAS, the Annexation Property is described in the metes and bounds legal description contained herein; and

WHEREAS, a proposed Annexation Plan consistent with the requirements of Section 4-415 of the Local Government Article, of the Annotated Code of Maryland has been prepared and submitted to the Town and made available for public review and discussion; a copy of the Annexation Plan has been provided to the County Executive of Frederick County, Frederick County Council, Frederick County Planning Commission, Metropolitan Washington Council of Governments, and the Maryland Department of State Planning at least thirty (30) days prior to the date of public hearing to be conducted on this Resolution; and

WHEREAS, all requirements of the Laws of the State of Maryland, Frederick County, and the Charter and laws of the Town of Emmitsburg regarding initiation of this annexation by

the Town's legislative body have been satisfied, and the Town has determined that it is desirable to initiate by resolution the annexation process for the benefit of the Town.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE BOARD OF COMMISSIONERS OF THE TOWN OF EMMITSBURG the following:

Section 1. Modification of Town Boundaries. The municipal boundaries of the Town of Emmitsburg, Maryland, shall be and are hereby amended to incorporate into the Town of Emmitsburg the Annexation Property, as described in the metes and bounds legal description of parcels of land referenced herein below.

Section 2. Amendment of Town Charter. Pursuant to the authority of Article XI-E of the Constitution of Maryland and the Local Government Article of the Maryland Code, the Charter of the Town of Emmitsburg is hereby amended in Section 2 by adding the following subsection containing the metes and bounds description of the Annexation Property:

...

Section 2c. 2020 Annexation.

Beginning for the same at the end of the 13th line of resolution #2006-08R, said point being on the outline of the land conveyed by the Horace H. Waybright and Jeffrey H. Waybright unto the Town of Emmitsburg by deed dated 25 November 1986, and recorded among the land records of Frederick County in Liber 1379 Folio 732, thence as now surveyed by R.F. Gauss & Associates, Inc., Land Surveyors, and running with said land in part the following 19 courses and distances.

- (1) North 64° 58' 57" East 15.56' to a point, thence
- (2) South 25° 01' 03" East 205.07' to a point, thence
- (3) South 21° 13' 17" East 572.21' to a point
- (4) South 29° 36' 58" East 293.34' to a point in Flat Run, thence
- (5) South 50° 53' 42" West 158.52' to a point, thence
- (6) South 11° 41' 07" East 557.57' to a point, thence
- (7) South 64° 01' 51" West 464.42' to a point in Toms Creek
- (8) North 66° 05' 26" West 160.00' to a point, thence
- (9) North 58° 05' 26" West 132.00' to a point in said creek, thence
- (10) North 88° 05' 26" West 132.00' to a point in said creek, thence
- (11) South 42° 09' 34" West 198.00' to a point in said creek, thence
- (12) South 53° 24' 34" West 141.90' to a point in said creek, thence
- (13) South 74° 54' 34" West 792.00' to a point in or near said creek, thence
- (14) South 61° 24' 34" West 179.85' to a point in or near said creek, thence
- (15) South 57° 24' 34" West 115.50' to a point in said creek, thence
- (16) South 48° 09' 34" West 198.00' to a point in or near said creek, thence

- (17) North 77° 35' 26" West 257.55' to a point in said creek, said point being on the right of way line of Creamery Road as shown on Plat Book 34 Page 36, thence with said right of way line.
- (18) North 03° 33' 48" West 1216.88' to a point on said right of way line, said point being North 70° 37' 57" East 5.79' from a rebar found at the southwest corner of Lot 1 Swomley Divison, as shown in Plat Book 16 Page 24, thence leaving said right of way line and running with said Lot 1.
- (19) North 70° 37' 57" East 1160.12' to a broken concrete monument found a the southeast corner of said Lot 1, said point being at the end of the 20th line of said resolution.

Section 3. Application of Town Charter and Ordinance. Upon the effective date of this Resolution, the provisions of the Charter and Code of Ordinances of the Town of Emmitsburg, and any local public laws enacted or to be enacted affecting the Town of Emmitsburg, shall be effective within the Annexation Property except to the extent that any law, this Resolution or the Annexation Plan provides otherwise.

Section 4. Zoning Classification. The Annexation Property is under the land use jurisdiction of the Frederick County Planning Commission. The Annexation Property is currently zoned Agricultural pursuant to the County Zoning Ordinance.

Section 5. Annexation Plan. The Town has prepared an Annexation Plan with regard to the Annexation Property. The Annexation Plan is attached hereto as Exhibit A, but is not part hereof and the Town reserves the right to amend the Annexation Plan prior to final adoption of this Resolution in a manner consistent with Local Government Article, Section 4-415 of the Maryland Code. The Annexation Plan may not be construed in any way as an amendment to this Resolution. A copy of the Annexation Plan has been provided to the County Executive of Frederick County, Frederick County Council, Frederick County Planning Commission, Metropolitan Washington Council of Governments, and the Maryland Department of State Planning at least thirty (30) days prior to the date of the public hearing conducted by the Mayor and Commissioners on this Resolution.

Section 6. Public Hearing and Public Notice. A public hearing, as required by the provisions of Local Government Article, Section 4-406 of the Maryland Code, shall be held by the Town at a time to be determined by the Mayor and Commissioners, and duly advertised according to the provisions of that statute. Public notice of the proposed public hearing shall be given at least four (4) times, at no less than weekly intervals, in a newspaper of general circulation in Emmitsburg, Maryland, the last day of which public notice shall precede the public hearing by at least fifteen (15) days, all in accordance with the provisions of Section 4-406 of the Local Government Article of the Maryland Code.

Upon the first publication of the public notice a copy thereof, including exhibits, shall be provided to:

- (a) the County Executive of Frederick County,
- (b) Frederick County Council,
- (c) Frederick County Planning Commission,
- (d) Metropolitan Washington Council of Governments, and
- (e) the Maryland Department of State Planning.

Section 7. Registration of Boundaries. Within ten (10) days of the effective date of this Resolution, in accordance with the provision of the Local Government Article, Sections 4-414 and 4-308 of the Maryland Code, the Mayor, or his designee, shall promptly forward a copy of this Resolution with the new municipal boundaries to the Town Clerk, the Clerk of the Circuit Court for Frederick County, Maryland, and to the Maryland Department of Legislative Services. Each such official or agency shall hold this Resolution with the new municipal boundaries on record and available for public inspection.

Section 8. Effective Date. This Resolution shall be deemed “finally enacted” on the date on which the Mayor and Commissioners indicate their approval of the Resolution by affixing their signatures hereto. This Resolution shall become effective forty-five (45) days after final enactment, unless it is subject to a petition for referendum by at least 20% of the qualified voters of the municipality, whereas should said petition come to pass and be verified to be in compliance with law, the Mayor shall suspend this Resolution by proclamation pending the results of the referendum.

NOW, THEREFORE, BE IT HEREBY enacted this 2nd day of November, 2020 by the Mayor and Board of Commissioners, that Resolution Number 2020 – 11R is true, correct, and duly adopted by the Mayor and Board of Commissioners of the Town of Emmitsburg.

PASSED this 2nd day of November, 2020

by a vote of _____ for, _____ against, _____ absent, and _____ abstain.

ATTEST:

EMMITSBURG BOARD OF COMMISSIONERS:

Madeline Shaw, Town Clerk

Clifford L. Sweeney, President

_____ APPROVED _____ VETOED

this _____ day of _____, 2020.

Donald N. Briggs, Mayor