



# The Mayor and Commissioners of the Town of Elkton

## **Annexation Resolution A1-2011**

**A RESOLUTION** of the Mayor and Commissioners of the Town of Elkton, adopted pursuant to the authority of Article XI-E., Constitution of the State of Maryland, and Section 19, Article 23A, Annotated Code of Maryland, for the enlargement of the corporate boundaries of the Town of Elkton by the annexation of certain land contiguous to and adjoining the existing corporate boundaries.

**WHEREAS**, in accordance with Section 19(c), Article 23A, Annotated Code of Maryland, a petition for annexation was presented to the Mayor and Commissioners of the Town of Elkton on **August 3, 2011, by Wilber Properties, LLC, William Q. Saienni, and Winslow Land Company, et al.;** and

**WHEREAS**, upon presentation of the Petition for Annexation to the Mayor and Commissioners of the Town of Elkton, the Mayor, the presiding officer, caused to be made a verification of the signature of an authorized representative of Wilber Properties, LLC, William Q. Saienni and Winslow Land Company, et al.; and

**WHEREAS**, the land subject to annexation is improved and unimproved; more than twenty-five percent (25%) of the persons who reside in the area to be annexed are registered voters in Cecil County and are the owners of more than twenty-five percent (25%) of the assessed valuation of the real property located in the area to be annexed have consented to the Petition for Annexation; and

**WHEREAS**, the Mayor and Commissioners of the Town of Elkton, upon proper verification of the requirements of the laws of the State of Maryland as set forth above, have accepted this Resolution for introduction with the intent to annex the hereinafter described land, **totaling some 60.235 acres**, into the corporate boundaries and taxable limits of the Town of Elkton.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Commissioners of the Town of Elkton that the corporate boundaries of the Town of Elkton, as filed by the Town, the Clerk of the Circuit Court for Cecil County, the Maryland Department of Legislative Services, and as described in the Charter of the Town of Elkton, shall be amended to include the following described land:

**ALL that certain lot, piece, parcel or tract of land with improvements erected hereon, situate in the Third Election District, Cecil County, State of Maryland, consisting of approximately 60.235 acres more or less, located on Red Hill Road and Delancy Road and further described on Tax Map 308, Parcels 177, 178, 612, 179, 390, 1067, 737 and Tax Map 312, Parcels 277, 733, 182, 183, 181, 661, 1093, 281, 328, 184, 267, 907 and more particularly described as follows to wit:**

Beginning on the southeasterly right-of-way line of Red Hill Road (width varies) and being at northwesterly corner of the lands now or formerly of Barry C. Holloway. Thence, running and binding on the said southern right-of-way line of Red Hill Road, with all courses of this description referenced to the Maryland Coordinate System NAD 83 per an "Annexation Boundary Survey" prepared by Davis Bowen & Friedel, Inc., the following six courses:

1. North 66 degrees, 23 minutes, 1 second East, 208.03 feet,
2. North 66 degrees, 12 minutes, 45 seconds East 207.92 feet,
3. North 66 degrees, 55 minutes, 7 seconds East 479.83 feet,
4. North 66 degrees, 53 minutes, 57 seconds East 309.40 feet,
5. North 66 degrees, 53 minutes, 49 seconds East 216.83 feet,
6. South 68 degrees, 4 minutes, 42 seconds East 80.36 feet to the western right-of-way line of Delancy Road. Thence, running and binding thereon, the following three courses:
  7. 44.89 feet along the arc of a non tangent curve to the right having a radius of 225.00 feet subtended by a chord bearing South 23 degrees, 4 minutes, 42 seconds East 44.82 feet,
  8. South 13 degrees, 9 minutes, 18 seconds East 77.55 feet,
  9. South 3 degrees, 13 minutes, 53 seconds East 23.44 feet. Thence, running through the said right-of-way Delancy Road, the following course:
    10. North, 87 degrees, 12 minutes, 38 seconds East 25.00 feet to the centerline of Delancy Road. Thence, running and binding thereon, the following course:
      11. South 3 degrees, 00 minutes, 19 seconds East 877.91 feet to the northeasterly corner of the lands now or formerly of Bradley, et.al. Thence, running and binding on the outlines thereof, the following courses:
        12. South 84 degrees, 18 minutes, 23 seconds West 198.93 feet. Thence, running and binding on the outlines of said Bradley, et. al, the following two courses:
          13. South 2 degrees, 12 minutes, 15 seconds East 318.40 feet,
          14. North 84 degrees, 18 minutes, 23 seconds East 200.65 feet to intersect the aforesaid centerline of Delancy Road. Thence, running and binding thereon, the following two courses:
            15. South 2 degrees, 28 minutes, 26 seconds East 530.29 feet,
            16. South 00 degrees, 35 minutes, 41 seconds East 388.66 feet. Thence, leaving the centerline of Delancy Road and running and binding on the outlines of the lands now or formerly of Janice L. Sommerhoff, the following three courses:
              17. South 87 degrees, 28 minutes, 28 seconds West 308.40 feet,
              18. South 1 degree, 14 minutes, 13 seconds East 100.06 feet,

19. North 87 degrees, 28 minutes, 28 seconds East 308.67 feet to the centerline of the aforesaid Delancy Road. Thence, running and binding thereon, the following course:
20. South 0 degrees, 57 minutes, 36 seconds East 314.62 feet to the end of the 1<sup>st</sup> or North 70 degrees, 52 minutes, 40 seconds East 526 foot line of that tract or parcel of land conveyed by Robert James Bryan, Personal Representative of the Estate of Doris Hobart Ryan to Wilber Properties, LLC, dated August 22, 2008, and recorded among the Land Records of Cecil County in Liber W.L.B. 2542 folio 687. Thence, running and binding reversely thereon and binding on the outlines of Lots 1 through 5 and part of Lot 6 as shown on a plat entitled "Buckhill Farms, Section One D" and recorded among the aforesaid Land Records in Plat Cabinet N.D.S. 8 folio 21. Thence, running and binding thereon the following courses:
21. South 66 degrees, 45 minutes, 54 seconds West 542.51 feet to the eastern outlines of the subdivisions entitled "Gray Mount Commons, Section 2" and recorded among the aforesaid Land Records in Plat Book 563 folio 1024. Thence, running and binding thereon, the following course:
22. North 23 degrees, 52 minutes, 2 seconds West 651.03 feet to the eastern outlines of the land now or formerly of Kemp. Thence, running and binding thereon the following two courses:
23. North 23 degrees, 50 minutes, 31 seconds West 1307.96 feet,
24. North 23 degrees, 51 minutes, 6 seconds West 609.23 feet to the beginning thereof; containing **60.235 acres of land**, more or less, as described by Joseph Thompson & Associates, LLC, in July 2011.

Being comprised of those tracts or parcels of land being described in the following deeds:

1. W.L.B. 1260/691 – Lands of Holloway
2. W.L.B. 1260/251 Parcels 1 & 2 – Lands of Wilber Properties, LLC
3. W.L.B. 2383/339 Parcels 1 & 2 – Lands of William Q. Saienni, Jr.
4. W.L.B. 2518/703 – Lands of Frances M. Pugh
5. N.D.S. 351/605 – Lands of William J. Hendron, et ux
6. W.L.B. 2383/349 – Lands of William Q. Saienni, Jr.
7. W.L.B. 2647/387 – Lands of Wilber Properties, LLC
8. N.D.S. 196/605 – Lands of Frederick C. Rau, et ux
9. W.L.B. 2990/331 – Lands of Lee J. Younce, Jr.
10. W.L.B. 1120/484 – Lands of Maruti & Gagan Seth
11. W.L.B. 1866/246 – Lands of David R. Hobart, Jr.
12. W.L.B. 2542/687 – Lands of Wilber Properties, LLC
13. W.A.S. 342/432 – Lands of Henry C. Holland, et ux
14. W.L.B. 2961/401 – Lands of John W. Kitchen

More particularly being shown on a plat entitled "*Plat to Accompany Particular Description, Land to be Annexed into the Town of Elkton, Lands of Wilber Properties LLC, et al*" prepared by Joseph Thompson & Associates, dated July 21, 2011.

The land proposed for annexation is currently zoned "RM" (Multi-family Residential) under Cecil County zoning regulations and shall be zoned "R-3" (Multi-family Residential) under Town of Elkton zoning regulations upon annexation.

A copy of a plat detailing the area to be annexed and the proposed zoning classification is available for inspection at the Town of Elkton, Administration Office, Elkton Municipal Building, 100 Railroad Avenue, Elkton, Maryland, during normal business hours [Monday - Friday 8:00 a.m. - 4:30 p.m.].

**BE IT FURTHER RESOLVED** the person(s) and land included with the aforementioned boundaries as land to be annexed shall be subject to all provisions of the Charter and Code of the Town of Elkton heretofore enacted and those subsequently enacted by the Mayor and Commissioners of the Town of Elkton, as well as all laws of the State of Maryland and the United States of America, as applicable; and

**BE IT FURTHER RESOLVED** that the land being annexed herein into the corporate boundaries of the Town of Elkton shall be subject to levy for municipal taxes, including real and personal property taxes, effective upon the tax year beginning **July 1, 2012**; and

**BE IT FURTHER RESOLVED** that the **Elkton Planning Commission** shall hold a public hearing on annexation of the aforementioned property on the 6<sup>th</sup> day of February, 2012, at 7:00 p.m., in the council meeting room, Elkton Municipal Building, 100 Railroad Avenue, Elkton, Maryland; and

**BE IT FURTHER RESOLVED** that the **Mayor and Commissioners** of the Town of Elkton shall hold a public hearing with regard to the enactment of this Resolution on the **15<sup>th</sup> day of February, 2012, at 7:10 p.m.**, in the council meeting room, Elkton Municipal Building, 100 Railroad Avenue, Elkton, Maryland; and

**BE IT FURTHER RESOLVED** that notice of said public hearings and of the proposed change to the corporate boundaries of the Town of Elkton shall be published in the Cecil Whig on the following dates: January 4, 2012, January 11, 2012, January 18, 2012, and January 25, 2012, and on the Town of Elkton's Website at [www.elkton.org](http://www.elkton.org); and

**BE IT FURTHER RESOLVED** that this Resolution shall be subject to adoption by the Mayor and Commissioners of the Town of Elkton on the **15th** day of **February, 2012**, and, if adopted, it shall become effective forty-five (45) days after said adoption unless a proper petition for referendum hereon shall be filed in accordance with Section 19(f), Article 23A, Annotated Code of Maryland. A copy of this Resolution shall be posted at the Elkton Municipal Building, 100 Railroad Avenue, Elkton, Maryland, for public viewing for a period of forty-five (45) days following its adoption; and

**BE IT FURTHER RESOLVED** that upon the first publication of notice regarding the public hearing on this Resolution and not less than thirty (30) days prior to said public hearing, a copy of this Resolution shall be provided to the Board of Commissioners for Cecil County, Maryland, to the Director, Cecil County Office of Planning and Zoning, and to the Maryland Department of Planning, along with a plan for the extension of services and public facilities for the aforementioned land. This Resolution and the plan for the extension of services and public facilities shall be subject to public review and discussion at the public hearing, as well as commentary received from Cecil County and the Maryland Department of Planning. Said plan shall contain a description of the proposed land use (R-3 Multi-Family Residential) and include how a portion of the land shall be used for public facilities which may be considered reasonably necessary for the proposed land use, including, but not necessarily limited to, schools, water, sewer and stormwater management facilities, streets, sidewalks and parking areas, libraries, recreation facilities and open space, fire/ambulance/rescue services, law enforcement and public safety services, and other services and facilities deemed appropriate and necessary to accommodate the proposed land use. Said plan shall include a schedule for extending such facilities, as applicable, and include the methods or means for extending, funding and/or financing public services and facilities; and

**BE IT FURTHER RESOLVED** that upon the effective date of this Resolution, a copy shall be delivered to the Clerk of the Circuit Court for Cecil County and to the Maryland Department of Legislative Services.

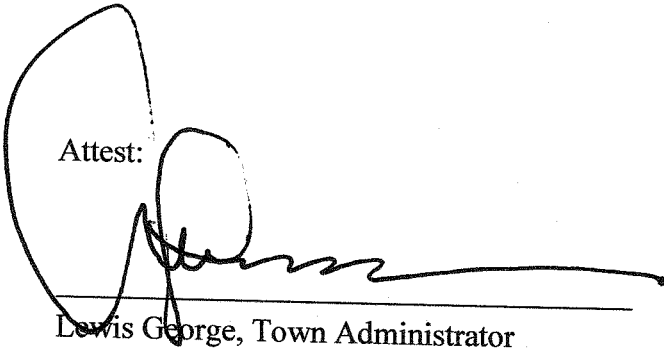
**THIS AMENDMENT** to the Charter of the Town of Elkton and annexation enacted by the foregoing Resolution shall become effective forty-five (45) days from the date of adoption, unless a proper petition for referendum has been filed with the Town of Elkton prior to that date.

**THIS RESOLUTION ACCEPTED FOR INTRODUCTION BY** the Mayor and Commissioners of the Town of Elkton at a regularly scheduled public meeting on the **21st** day of **December, 2011**, and directed to be published in accordance with Section 19 (d), Article 23A, Annotated Code of Maryland.

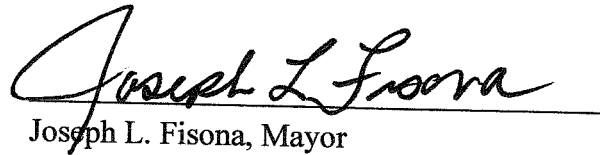
**THIS RESOLUTION ADOPTED BY** the Mayor and Commissioners of the Town of Elkton at a regularly scheduled public meeting on this **15** day of **FEBRUARY**, 2012.

The Mayor and Commissioners  
of the Town of Elkton

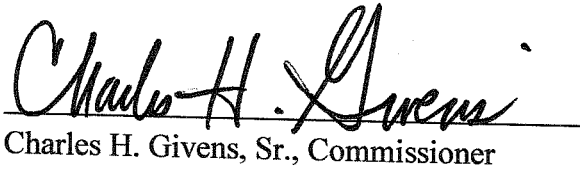
Attest:



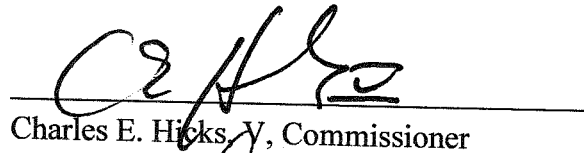
Lewis George, Town Administrator



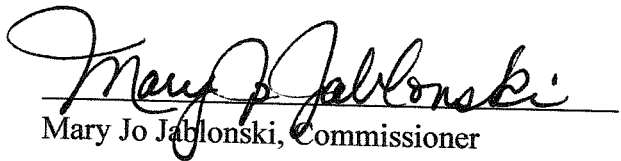
Joseph L. Fisona, Mayor



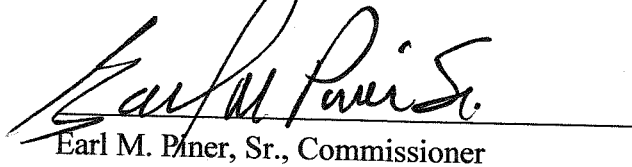
Charles H. Givens, Sr., Commissioner



Charles E. Hicks, Jr., Commissioner



Mary Jo Jablonski, Commissioner



Earl M. Piner, Sr., Commissioner