



The Mayor and Commissioners of the Town of Elkton

Resolution R12-2014

A RESOLUTION of the Mayor and Commissioners of the Town of Elkton (hereinafter the “Mayor and Commissioners”), adopted pursuant to the authority of Article XI-E., Constitution of the State of Maryland, and Section 4-301, et seq., Subtitle 3, Title 4, Division II, Local Government Article, Annotated Code of Maryland, for the purpose of **amending the Charter of the Town of Elkton**, specifically the **Charter Appendix, Section CA-1, A.**, which includes the descriptions of various lands annexed by the Mayor and Commissioners, for the detachment of three (3) parcels of land owned by Mark W. Nemec.

WHEREAS, in accordance with Section 4-301, et seq., Subtitle 3, Title 4, Division II, Local Government Article, Annotated Code of Maryland, the Mayor and Commissioners may amend the Charter of the Town of Elkton to include the appendix to the Charter describing land annexed by the Mayor and Commissioners; and

WHEREAS, the Mayor and Commissioners received a Petition for the annexation of land from Wilber Properties, LLC, et al., dated August 3, 2011, and subsequently adopted a resolution on February 15, 2012, (Resolution A1-2011), which became effective on March 31, 2012, and thereafter amended the Charter of the Town of Elkton, Section CA-1, A., Charter Appendix, adding (63) – Wilber Properties LLC, et al.; and

WHEREAS, under Resolution A1-2011, nineteen (19) parcels of land owned by and/or acquired by contract by Wilber Properties LLC, along with other land owners, were annexed for the purpose of developing the combined land into a residential subdivision, which did not materialize; and of the nineteen (19) parcels involved in this annexation three (3) parcels acquired by Wilber Properties LLC from Mark W. Nemec, Elkton, Maryland, a natural person, were a part of the annexation, including **Parcel 737 identified on Tax Map 308, Parcel 328 identified on Tax Map 312, and Parcel 281 identified on Tax Map 312**; and

WHEREAS, the three (3) parcels acquired by Wilber Properties LLC from Mark W. Nemec were subsequently acquired by Mark W. Nemec pursuant to a Petition for Foreclosure filed with the Cecil County Circuit Court, and, following the requisite proceedings, the land was conveyed to Mark W. Nemec by a Trustee’s Deed [D.W.L. Liber No.3430, folio 63], dated June 28, 2013; and

WHEREAS, the Mayor and Commissioners received a *Petition for De-annexation* from Mark W. Nemec on July 22, 2014, requesting that the Mayor and Commissioners *remove* (or detach) the hereinafter described parcels of land that were previously included under the Wilber Properties LLC, et al.,

annexation, since the Town of Elkton does not have water and/or sewer service available to serve the three (3) parcels; and

WHEREAS, the Mayor and Commissioners received a Confirmatory Deed, effective September 26, 2014, between Cynthia E. O'Connor, Trustee ("Grantor") and Mark W. Nemec ("Grantee"), recorded in the Land Records of Cecil County in D.W.L. Liber No. 3627, folio 289, confirming that the hereinafter described parcels of land were conveyed to Mark W. Nemec, his successors and assigns, in fee simple.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Commissioners that the Charter of the Town of Elkton shall be amended to remove (or detach) the following described land from the Charter's Appendix – Boundary and Annexation Descriptions, Section CA-1., General Annexation Descriptions, CA-1, A., previously included and described under subsection (63) Wilber Properties LLC, et al., specifically:

All those parcels of land, situate in the Third Election District, Elkton, Cecil County, State of Maryland, and identified on Exhibit A of the aforementioned Confirmatory Deed, as follows:

Description of 1.702 acres of land, more or less, Parcel 1, The Lands of Mark W. Nemec – Beginning for the same at a point on the centerline of Delancy Road (Maryland Route 781) and at the intersection of the division line between the herein described lands of Mark W. Nemec (see D. W. L. 3430/063, Parcel1) and the lands now or formerly of William Q. Saienni, Jr. (see W. L. B. 2383/349) said beginning point further being the northeasternmost corner of the herein described Parcel 1: THENCE, leaving said beginning point so fixed and leaving the Saienni, Jr., lands and binding on the centerline of Delancy Road; 1. South 06 degrees 31' 48" West 374.68 feet to a point at the northeasternmost corner of Parcel 2 of the herein described lands of Mark W. Nemec (see D.W.L. 3430/063); Thence, leaving the centerline of Delancy Road and binding on the northernmost outline of Parcel 2; 2. North 77 degrees, 14', 18" West 200.62 feet, to a point on the easternmost outline of the lands now or formerly of Maruti and Gagan Seth (see W.L.B. Liber 1120, folio 484); THENCE, leaving Parcel 2 and binding on the easternmost outline of Seth lands and eastern and southernmost outlines of the aforementioned Saienni, Jr., lands, the following two courses and distances: 3. North 06 degree 32' 40" East 369.14 feet, to a point, and thence; 4. South 78 degrees 48' 52" East 200.00 feet, to the place of beginning. **Containing in all 1.702 acres of land**, more or less, as described by McCrone, Inc., Registered Professional Engineers and Land Surveyors in August of 2014. BEING, or intending to be Parcel 1 of all those lands conveyed to Mark W. Nemec from Cynthia E. O'Connor, Trustee, by deed dated June 28, 2013, and recorded among the Land Records of Cecil County, Maryland, in Liber No. D.W.L. 3430, folio 063. [Note: **This property identified as Parcel 737 on Tax Map 308**]

Description of 0.916 acres of land, more or less, Parcel 2, The Lands of Mark W. Nemec – Beginning for the same at a point on the centerline of Delancy Road (Maryland Route 781) and at the intersection of the division line between the herein described Parcel 2, the lands of Mark W. Nemec (see D.W.L. Liber 3430, folio 63), and Parcel 1 of the lands of Mark W. Nemec (see D.W.L. Liber 3430, folio 63) said

beginning point further being the northeasternmost corner of the herein described Parcel 2; Thence, leaving said beginning point so fixed and leaving Parcel 1 and binding on the centerline of Delancy Road: 1) South 06 degrees, 31', 48" West 200.00 feet, to a point at the northeasternmost corner of Parcel 3 of the lands of Mark W. Nemeec (see D.W.L. Liber 3430, folio 63); Thence, leaving the centerline of Delancy Road and binding on the northernmost outline of Parcel 3: 2) North 77 degrees, 14', 24" West 200.67 feet, to a point on the easternmost outline of the lands now or formerly of Maruti and Gagan Seth (see W.L.B. Liber 1120, folio 484); Thence, leave Parcel 3 and binding on the easternmost outline of the Seth lands: 3) North 06 degrees, 32', 40" East 200.00 feet, to a point at the southwesternmost corner of the aforementioned Parcel 1 of the lands of Mark W. Nemeec (see D.W.L. Liber 3430, folio 63); Thence, leaving the Seth lands and binding on the southernmost outline of Parcel 1; 4) South 77 degrees, 14', 18" East 200.62 feet, to the place of beginning. **Containing in all 0.916 acres of land**, more or less, as described by McCrone, Inc., Registered Professional Engineers and Land Surveyors in August of 2014. Being or intending to be Parcel 2, of all those lands conveyed to Mark W. Nemeec from Cynthia E. O'Connor, Trustee, by deed dated June 28, 2013, and recorded among the Land Records of Cecil County, Maryland, in D.W.L. Liber 3430, folio 63. [Note: **This property identified as Parcel 328 on Tax Map 312**]

Description of 26,837 square feet of land, more or less, Parcel 3, the lands of Mark W. Nemeec - Beginning for the same at a point on the centerline of Delancy Road (Maryland Route 781) and at the intersection of the division line between the herein described Parcel 3, the lands of Mark W. Nemeec (see D.W.L. Liber 3430, folio 63), and Parcel 2 of the lands of Mark W. Nemeec (see D.W.L. Liber 3430, folio 63), said beginning point further being the northeasternmost corner of the herein described Parcel 3: Thence, leaving said beginning point so fixed and leaving Parcel 2 and binding on the centerline of Delancy Road, the two following courses and distances: 1) South 06 degrees, 31', 48" West 21.75 feet, to a point, and thence; 2) South 06 degrees, 49', 51" West 97.56 feet, to a point at the northeasternmost corner of the area decreed by the Circuit Court of Cecil County to be owned by William A. Magaw and Kim Bradley Magaw in Case No. 07-D-03-000699; Thence, leaving the centerline of Delancy Road and binding on the northernmost outline of the land decreed to be owned by William A. and Kim Bradley Magaw in the aforementioned Circuit Court case: 3) North 86 degrees, 02', 05" West 199.21 feet, to a point on the easternmost outline of the lands now or formerly of Maruti and Gagan Seth (see W.L.B. Liber 1120, folio 484): Thence, leaving the Magaw lands and binding on the easternmost outline of the Seth lands; 4) North 06 degrees, 32', 40" East 150.00 feet, to a point at the southwesternmost corner of the aforementioned Parcel 2 of the lands of Mark W. Nemeec (see D.W.L. Liber 3430, folio 63); Thence, leaving the Seth lands and binding on the southernmost outline of Parcel 2; 5) South 77 degrees, 14', 24" East 200.67 feet, to the place of beginning. **Containing in all 26,837 square feet of land**, more or less, as described by McCrone, Inc., Registered Professional Engineers and Land Surveyors in August of 2014. Being, or intending to be Parcel 3 of all those lands conveyed to Mark W. Nemeec from Cynthia E. O'Connor, Trustee, by deed dated June 28, 2013, and recorded among the Land Records of Cecil County, Maryland, in D.W.L. Liber 3430, folio 63. [Note: **This property identified as Parcel 281 on Tax Map 312**]

BE IT FURTHER RESOLVED that the aforementioned and described land being removed (or detached) by amendment to the Charter of the Town of Elkton shall be zoned by Cecil County.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be posted and available for public inspection at the **Town of Elkton, Administration Office, Elkton Municipal Building, 100 Railroad Avenue, Elkton, Maryland** during business hours [Monday – Friday 8:00 a.m. – 4:30 p.m.] for a period of **not less than forty (40) days** from the date of adoption; and

BE IT FURTHER RESOLVED that this resolution be published in the **Cecil Whig** for four (4) consecutive weeks following its adoption, including **the dates of December 10, December 17, December 24, and December 31, 2014**; along with a posting on the Town’s website: www.elkton.org for a period not less than **forty (40) days** from the date of adoption; and

BE IT FURTHER RESOLVED that the aforementioned and described land shall upon the effective date of this resolution no longer receive any services from the Town of Elkton; and

BE IT FURTHER RESOLVED that, unless a petition for referendum is received by the Town as provided under Section 4-304 (d), Subtitle 3, Title 4, Division II, Local Government Article, Annotated Code of Maryland, then this resolution shall be **effective on the 50th day following its adoption**; and

BE IT FURTHER RESOLVED that upon the adoption of this resolution, a copy shall be provided to the **County Council of Cecil County, Maryland**; to the **Director, Department of Planning and Zoning, Cecil County Government**; and to the **Maryland Department of Planning**; 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, Maryland**, and to the **Maryland Department of Legislative Services**.

**** END OF SECTION ****

THIS RESOLUTION ADOPTED by the Mayor and Commissioners this 3rd day of **December, 2014**.

THE MAYOR AND COMMISSIONERS OF THE TOWN OF ELKTON

Commissioner Charles H. Givens, Sr.

Commissioner Mary Jo Jablonski

Commissioner Earl M. Piner, Sr.