

Introduction to Town Council and Referral to Planning Commission: 3/21/2023

Consideration and Recommendation by Planning Commission: 4/27/2023

Annexation Plan & set Public Hearing: 6/20/2023

Public Hearing Date: 9/5/2023

Advertise PH: July 28 & August 4, 11, and 18, 2023

Final Consideration by Town Council and Adoption: 9/5/2023

**TOWN OF PORT DEPOSIT, MARYLAND
ANNEXATION RESOLUTION NO. 04-2023**

[FOR ADOPTION ON SEPTEMBER 5, 2023]

A RESOLUTION TO ENLARGE THE CORPORATE BOUNDARIES OF THE TOWN OF PORT DEPOSIT BY ANNEXATION OF 33 ACRES OF LAND CONSISTING OF 3 PARCELS, PART A – 0.6875, PART B – 29.4130, AND PART C – 3.6771, MORE OR LESS, ON LIBERTY GROVE ROAD AND SUSQUEHANNA RIVER ROAD, IN THE SEVENTH ELECTION DISTRICT OF CECIL COUNTY, KNOWN AS “THE HOPKINS QUARRY PROPERTY”, AND IN SO DOING TO REPEAL AND RE-ENACT WITH AMENDMENTS ARTICLE II., SECTION 201 RECORDS AND DESCRIPTION OF CORPORATE BOUNDARIES, , OF THE CHARTER OF THE TOWN OF PORT DEPOSIT

WHEREAS, pursuant to the authority of Section 3 (Home Rule) of Article XI-E (Municipal Corporations) of the Constitution of Maryland and of Sections 4-401, et seq. of the Local Government Article of the Annotated Code of Maryland, the Council of the Town of Port Deposit (“the Town”) are vested with the authority to enlarge the boundaries of the Town; and

WHEREAS, the Town acquired the Hopkins Estate property consisting of 6 parcels of 67 acres of property, more or less, Hopkins Quarry Acquisition, Exhibit 1 in September, 2002 subject to the land protection clause from the Annotated Code of Maryland, Natural Resources Article, Section 5-906(e)(7) and (8) Program Open Space; and

WHEREAS, when the property was purchased 33 acres, more or less, was located within the corporate town boundaries and 33 acres, more or less, was located within Cecil County. The 33 acres, more or less, located outside the corporate town boundary, and which is more particularly described in the metes and bounds description from Frederick Ward Associates, Exhibit 2, and the Boundary Survey, Exhibit 3 attached hereto as a part of Annexation Resolution 04-2023, and made a part hereof, (hereinafter, collectively “the Property”); and

WHEREAS, the Town has caused this resolution to be introduced and has filed this resolution and all exhibits thereto, being attached hereto as Annexation Resolution 04-2023; and

WHEREAS, the Property is contiguous with the corporate Town limits and its annexation will not create an enclave; and

WHEREAS, the Town desires to have the Property annexed into the corporate limits of the Town for the purpose of creating a recreational park; and

WHEREAS, the Mayor and Town Council of the Town of Port Deposit, as the presiding officers of the Town, have ascertained that the annexation of the Property would conform to the requirements of the Local Government Article of the Maryland Annotated Code, Sections 4-401 and 4-403 in that the proposed annexation would not create an enclave, the Property is contiguous with the Town's boundary line and in that this Resolution is consented to by the elected officials of the Town of Port Deposit, having no residents in the area to be annexed; whereupon this Resolution to approve the annexation of the Property into the Town, and to classify the Property in the Town's Single Family Residential District (R-1) zoning classification and to classify the Critical Area Overlay District as Limited Development Area (LDA) as a condition to annexation, was introduced at a public meeting of the Mayor and Town Council of the Town of Port Deposit on March 21, 2023, at which time said Resolution was referred to the Town Planning Commission for review and recommendation pursuant to the Town Zoning Code, Section 22 ; and

WHEREAS, the Town Planning Commission reviewed the proposed annexation and proposed R-1 zoning of the Property on April 27, 2023 and voted to recommend to the Town Council that this Resolution be X approved not approved; and

WHEREAS, pursuant to publication of notice, in accordance with the Local Government Article of the Maryland Code, Section 4-406, a public hearing was conducted in the Town on September 5, 2023 to receive public comment and upon completion of the public hearing, the public record was closed to further public comment; and

WHEREAS, the Town deems it in the best interest of its citizens and for the good government of the Town, to amend the Town Charter so as to annex the Property as hereinafter set forth; and

WHEREAS, the Town Council of the Town of Port Deposit, upon consideration of all public comments and written testimony, has determined the following:

- A) The Petition and all procedures for consideration of the Petition by the Town conform to the applicable requirements of the Local Government Article, Sections 4-401, *et seq.* of the Maryland Annotated Code, the Town Zoning Code, Section 22, *et seq.* and all other applicable laws; and

- B) The Property is contiguous and adjoining to the existing corporate boundaries of the Town, is a logical extension of the corporate boundaries, and is consistent with the systematic expansion of the Town limits as set forth in the Town's Comprehensive Plan; and
- C) Annexation of the Property will not create any unincorporated area which is bounded on all sides by real property presently within the corporate limits of the Town, real property proposed to be within the Town, or any combination thereof (*i.e.*, enclave); and
- D) Annexation of the Property and classification in the Town's R-1 District is considered to be in the public interest, convenience and welfare of the citizens of the Town.

IT IS, THEREFORE, RESOLVED, by the Council of the Town of Port Deposit that the Property, which is more particularly described in a metes and bounds description, Exhibit 2, attached hereto and incorporated herein by reference, and further depicted on a Plat of Annexation, Exhibit 3, prepared by Frederick Ward Associates, dated January 26, 2023 attached hereto and incorporated herein by reference as Annexation Resolution 04-2023 , upon the Effective Date of the annexation as set forth below, shall be added to the corporate boundaries of the Town; and

IT IS FURTHER RESOLVED that the boundaries of the Town as provided in the Charter of the Town of Port Deposit , as the same was enacted by the General Assembly of Maryland in Chapter 557, of the Laws of 1953, and thereafter from time to time amended, shall, upon the Effective Date of the annexation as set forth below, be amended to include the Property, and the Town Administrator shall so amend the description of the corporate limits to include all the Property more particularly described in Annexation Resolution 04-2023.

BE IT FURTHER RESOLVED that except as otherwise set forth herein, the Property shall, upon the Effective Date of the annexation as set forth below, generally be subject to the provisions of the Charter, Code, ordinances and other rules and regulations of the Town; and

BE IT FURTHER RESOLVED, that the Mayor has caused a copy of this Resolution to be published not fewer than four (4) times at not less than weekly intervals in a newspaper of general circulation in the Town, July 28 and August 4, 11, and 18, 2023, together with a public notice that shall specify the time and place at which a public hearing will be held by the Mayor and Council upon the Resolution, which hearing shall be set for not less that fifteen (15) days after the second (2nd) publication of the notices and to be held at the Town Hall; and

BE IT FURTHER RESOLVED, ENACTED AND ORDAINED, that this annexation shall become effective on the Effective Date set forth below, unless a proper petition for referendum pursuant to

the Local Government Article, Section 4-408, of the Annotated Code of Maryland, be presented to the Mayor within forty-five (45) days after the passage of this Annexation Resolution;

BE IT FURTHER RESOLVED, ENACTED AND ORDAINED, that this annexation shall not become effective until the latest of the following shall occur: (1) the 46th day after enactment of this annexation if no proper petition for referendum pursuant to the Local Government Article, Section 4-408 is timely presented to the Mayor, (2) the approval of the annexation upon referendum if a proper petition for referendum pursuant to the Local Government Article, Section 4-408 is timely presented to the Mayor, and (3) the Cecil County Council expressly approving, pursuant to LG, Section 4-416(b), the placement of the Property into the Town's R-1 zoning district.

[Signatures on the following page – remainder of this page left intentionally blank]

INTRODUCED at a regular meeting of the Town Council of the Town of Port Deposit on March 21, 2023.

CONDITIONALLY APPROVED by a vote of _____ in favor and _____ against (with _____ abstension) on this 5th day of September, 2023;

EFFECTIVE DATE: Annexation Resolution 04-2023 shall become effective on the 22nd day of October, 2023.

THE TOWN OF PORT DEPOSIT

By the Mayor and Town Council:

ATTEST:

Town Administrator

Wayne Tome, Jr., Mayor

Kevin Brown, Deputy Mayor

Daniel Berlin, Council

Thomas Knight, Council

Randa Thiele, Council

Reviewed and approved as to legal sufficiency this _____ day of _____, 2023.

Thomas McCarron, Town Attorney