

John T. Carroll, Jr.
Mayor
Sarah E. Merrell
Council Member
Justinian M. Dispenza.
Council Member
Tyler J. Carpenter
Council Member
Cheryl A. Richwine
Council Member



Marisa R. Pisapia
Finance & Administrative Clerk
Amber E. Englebach
Zoning & Historic Resource Coordinator
Chuck M. Woodall
Maintenance & Facilities Coordinator
Thomas N. Yeager
Attorney

RESOLUTION 2024-03
ANNEXATION OF SIVAD, LLC PROPERTY

A **Resolution** by the Mayor & Council of the Town of Galena, Maryland ("Mayor & Council of Galena"), enlarging the corporate boundaries of the Town of Galena by annexing land contiguous and adjoining the existing corporate area of the Town, consisting of a parcel of land containing approximately Seventy-Eight & Thirty-Two Hundredths (78.32) acres, more commonly known as the SIVAD, LLC ("SIVAD"), south of Cross Street and east of Main Street, as shown on Tax Map 0015 as Parcel 0003, subject to the terms and conditions contained in any contracts and annexation agreements by and between the Town and the current owner of the property; amending the Charter of the Town of Galena for the purposes of including the annexed property within the legal descriptions and plats depicting the corporate limits of the town; and concerning all matters related to said annexation.

WHEREAS, the Mayor & Council of Galena, a municipal corporation of the State of Maryland, has determined to enlarge and extend the limits of the Town by including therein contiguous and adjoining parts of Kent County, in accordance with the procedures contained in Section 4-401 of the Local Government Article of the Annotated Code of Maryland (2013 Rep. Vol.); and

WHEREAS, the proposed annexation has been requested by and consented to by the owner of the property to be annexed, SIVAD; and

WHEREAS, based upon the aforesaid consent, the Mayor & Council of Galena have determined to initiate a Resolution to enlarge and extend the limits of the Town to include the hereinafter described area and to make applicable to that area all laws which are now in force and effect, or which may be hereinafter enacted in the Town, specifically subject to any contracts and annexation agreements which are incorporated herein by reference.

NOW THEREFORE, be it Resolved by the Mayor & Council of Galena:

Section 1. That there is hereby annexed into the corporate boundaries of the Town of Galena, a municipal corporation of the State of Maryland, all of that land contiguous and adjoining the existing Town of Galena in Kent County, Maryland, consisting of a Seventy-Eight & Thirty-Two Hundredths (78.32) acre +/- parcel of land located in Kent County, Maryland, as more particularly and fully described on the plat attached hereto as "Exhibit A" and by a survey of courses and distances attached hereto as "Exhibit B," and incorporated herein by reference as it fully set forth in the body of this Resolution;

Section 2. That the annexation of the land described in Exhibits "A" and "B" 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 corporate limits of the Town, or any combination of such properties;

Section 3. That from and after the effective date of this Resolution, all provisions of the Constitution of Maryland, all laws of the State of Maryland applicable to the Town of Galena, and all duly adopted Charter and Ordinance provisions of the Town of Galena (except as altered by the terms and conditions contained in any annexation agreement), shall be and the same are hereby extended and made applicable to such portion of Kent County as is, under the provision of this Resolution, annexed to and made a part of the Town of Galena. Nothing herein or elsewhere in the Resolution shall affect the power of the Mayor & Council of Galena to amend or to repeal any Charter provision or Ordinance existing at the date of passage of this Resolution, or to enact and ordain any Ordinance which, at the date of passage of this Resolution, or hereinafter, it may be authorized to enact or ordain;

Section 4. The Mayor & Council of Galena is authorized to execute an Annexation Agreement, an agreement for the extension of the public services and facilities, and/or other agreements of a similar nature with regard to the property being annexed, provided that the terms of this Resolution shall prevail over any inconsistent term in any such agreement;

Section 5. That the inhabitants of the territory annexed to the Town of Galena by this Resolution and the owners of all property therein shall, in all respects and to all intents and

purposes, be subject to the powers, jurisdiction and authority vested, or to be vested by law, in the Mayor & Council of Galena, so far as the same may be consistent with the provisions of this Resolution, and the territory so annexed shall, in all respects be taken and considered as part of the municipal corporation of the Town of Galena, expressly subject, however, to the terms and conditions of any annexation agreements between the Town and SIVAD. A copy of the Annexation Agreement between the Town and SIVAD is attached hereto and incorporated herein as "Exhibit C." SIVAD is the sole owner of the land to be annexed and has consented to such annexation. A copy of the SIVAD's written consent is attached hereto and incorporated herein as "Exhibit D." A copy of the Annexation Plan is attached hereto and incorporated herein as "Exhibit E;"

Section 6. The Charter of the Town of Galena shall be amended to add "2024 Annexation" to read as follows: "The land described in the Resolution of the Mayor & Council of Galena enlarging the corporate boundaries of the Town of Galena by annexing land contiguous and adjoining the existing corporate area of the Town consisting a parcel of land containing approximately Seventy-Eight & Thirty-Two Hundredths (78.32) acres and located on the south side of Cross Street and the east side of Main Street, more commonly known as the SIVAD property, subject to the terms and conditions contained in those certain agreements for annexation by and between the Town and SIVAD be and is hereby added to, taken into and made part of the Town of Galena;

Section 7. In accordance with Section 4-406 of the Local Government Article of the Annotated Code of Maryland, the Mayor of the Town of Galena and the Zoning Coordinator of the Town of Galena shall cause a public notice to be published not fewer than four (4) times and not less than weekly intervals in a newspaper having general circulation in the Town of Galena and in the area to be annexed, which briefly and accurately describes the proposed change in the conditions and circumstances applicable thereto. The public notice shall further specify that a public hearing will be held on this Resolution by the Mayor & Council of the Town of Galena, at 7:00 PM in the Town Hall, 101 Main Street, Galena, MD 21635, on the 2nd day of December 2024. Immediately following the first publication of the public notice, a copy of the notice shall be provided to County Commissioners of Kent County, the Planning Commission of Kent County,

the Maryland Department of Planning, and any regional or State planning agency having jurisdiction in Kent County;

Section 8. This Resolution shall become effective forty-five (45) days from March 3, 2025, provided it is adopted by the Mayor & Council of Galena on that date and, unless within forty-five (45) days, the Town receives a Petition for Referendum filed in accordance with the provisions of Sections 4-408 to 4-413 of the Local Government Article of the Annotated Code of Maryland (2013 Rep. Vol.).

BE IT FURTHER RESOLVED by the Mayor & Council of the Town of Galena that the Mayor and Zoning Coordinator shall, within ten (10) days, register both the original and new corporate boundaries of the Town of Galena with the Finance Clerk of the Town of Galena, the Clerk of the Circuit Court for Kent County, the Planning Commission of Kent County, and the Department of Legislative Reference for the State of Maryland, when this Resolution takes effect.

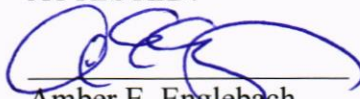
INTRODUCED, by the Mayor & Council of the Town of Galena, Maryland, at a regular legislative session on October 7, 2024.

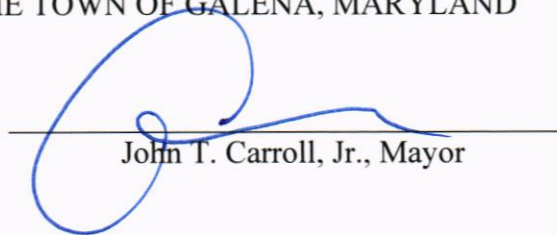
PASSED, by the Mayor & Council of the Town of Galena, Maryland, at a legislative session on March 5, 2025.

Aye: 5
Nay: 0
Abstain: 0

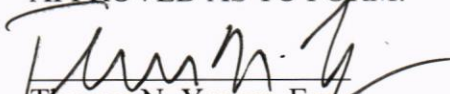
BY THE AUTHORITY OF THE MAYOR & COUNCIL
OF THE TOWN OF GALENA, MARYLAND

ATTESTED:


Amber E. Englebach,
Zoning Coordinator


John T. Carroll, Jr., Mayor

APPROVED AS TO FORM:


Thomas N. Yeager, Esq.
Town Attorney