

RESOLUTION NO. 4-2023

A RESOLUTION OF THE COUNCIL OF TRAPPE TO ANNEX CERTAIN LANDS LOCATED ON THE NORTH SIDE OF TRAPPE, EAST OF MARYLAND HIGHWAY NO. 565 AND SOUTH OF BACKTOWN ROAD, IN THE THIRD ELECTION DISTRICT, TALBOT COUNTY, MARYLAND AND CONSISTING OF 5.125 ACRES OF LAND, MORE OR LESS, AND TO PROVIDE FOR THE TERMS AND CONDITIONS OF THE ANNEXATION TO THE TOWN OF TRAPPE

WHEREAS, the Council of Trappe (the "Council") is authorized by the Town Charter and provisions of §4-401 *et. seq.* of the Local Government Article of the Maryland Annotated Code (the "Code") to expand the municipal boundaries of the Town by annexing lands adjacent to it.

WHEREAS, Brian K. Hause, owner of the subject property (and referred to herein as "Petitioner"), presented to the Council a Petition for Annexation of that certain land owned by the Petitioner located on the east side of Maryland Highway No. 565 and south of Backtown Road, consisting of a total of 5.125 acres of land, more or less, which is a portion¹ of the parcel shown as Parcel 302 on Talbot County Tax Map 54 (the "Annexation Property").

WHEREAS, the Annexation Property is shown on a plat titled "ANNEXATION PLAT TOWN OF TRAPPE ON THE LANDS OF BRIAN KEITH HAUSE TOWN OF TRAPPE TALBOT COUNTY, MARYLAND TAX MAP 54, GRID 12, PARCEL 302," dated May 10, 2022, and prepared by Lane Engineering, LLC (the "Annexation Plat"), which is Exhibit '1' to this Resolution. The Annexation Property is also described in a metes and bounds description prepared by Lane Engineering, LLC, entitled "Brian Keith Hause," which is attached hereto as Exhibit '2'.

¹ The portion of Parcel 302 that is not part of the Annexation Property is already within the corporate limits of the Town of Trappe and is zoned M Industrial.

WHEREAS, the Council desires to annex the Annexation Property, which is adjacent to existing Town boundaries. If the Annexation Property is incorporated into the Town boundaries, no enclaves of unincorporated land will be created.

WHEREAS, the Petitioner is the owner of one hundred percent (100%) of the assessed value of the real property lying within the area to be annexed. There are no registered voters in Talbot County who reside on the Annexation Property, or any portion thereof. A copy of the Petition for Annexation is attached hereto as Exhibit '3' to this Resolution.

WHEREAS, the Petitioner desires to incorporate the Annexation Property into the corporate limits of the Town and consents to the proposed annexation upon the terms and conditions set forth herein.

NOW, THEREFORE, THE COUNCIL OF TRAPPE HEREBY RESOLVES:

Section 1. Modification of Town Boundaries. The corporate boundaries of the Town are hereby amended to include the addition of the Annexation Property, which is depicted on the Annexation Plat (Exhibit 1) and is more particularly described in a metes and bounds description (Exhibit 2).

Section 2. Application of Town Charter and Ordinances. Upon the effective date of this Resolution, the provisions of the Charter and Code of the Town of Trappe, and any local public laws enacted or to be enacted affecting the Town of Trappe, shall be effective within the Annexation Property.

Section 3. Annexation Plan. Petitioner has prepared an Annexation Plan with regard to the Annexation Property (the "Plan"). The Plan is Exhibit '4' to this Resolution. The Council reserves the right to amend the Plan prior to the final enactment of this Resolution in the manner provided in §4-415 of the Local Government Article of the Code.

Section 4. Zoning Classification. Concurrently with the introduction of this Resolution, the Council has introduced Ordinance No. 6-2023 to apply a zoning classification of M Industrial to the Annexation Property, consistent with the current zoning of the portion of Parcel 302 that is already within the Town. The proposed M Industrial zoning classification permits land uses that are substantially different from the land uses allowed under the current Talbot County zoning classification applicable to the Annexation Property. In accordance with §4-416 of the Local Government Article of the Code, if Talbot County expressly approves, the Council can place the annexed land in zoning classification that allow different land uses and/or allows a substantially higher density exceeding 50% of the density allowed under the current Talbot County zoning classification. The classification of the Annexation Property in the M Industrial zoning district is contingent upon the Town receiving the express consent of the County prior to the effective date of Ordinance 6-2023.

Section 5. Incorporation of Certain Exhibits. The Annexation Plat attached hereto as Exhibit 1, the metes and bounds description attached hereto as Exhibit 2, and the annexation petition attached hereto as Exhibit 3 are all incorporated into this Resolution and made a part of hereof, subject to technical correction by the Town's consulting engineer.

Section 6. Public Hearing and Public Notice. The Council shall conduct a public hearing on this Resolution and upon Ordinance No. 6-2023 on Nov. 1, 2023 at 6:00 p.m. at the Town Office, or such other location as set forth in a public notice, to

consider the same. Prior to the hearing, the Town Clerk shall arrange for the publication of a legally sufficient notice of the hearing in the Easton Star-Democrat for two (2) times at not less than weekly intervals, the date of publication of the last such notice to be at least fifteen (15) days prior to the date of the hearing, in accordance with §4-406 of the Local Government Article of the Code. In addition, on the date of the first publication of the notice of the hearing, the Town Administrator/Clerk shall notify the following persons or agencies of the hearing and shall provide them with a photocopy of the legal notice and this Resolution, including Exhibits:

- (a) the Talbot County Council;
- (b) the Talbot County Planning and Zoning Commission; and
- (c) the Maryland Department of Planning.

The public hearing may be continued with appropriate notice as provided by law.

Section 7. Annexation Expenses. The Petitioner shall reimburse the Town for all expenses incurred by the Town in connection with the proposed annexation, as a condition of the Town's consideration of this proposed annexation. In addition, Petitioner shall indemnify and hold the Town harmless to the fullest extent permitted by law against any and all actions, suits, proceedings, claims, demands, judgments, costs, expenses, including reasonable attorneys fees, that may arise from the annexation of the Annexation Property.

Section 8. Registration of Boundaries. Within ten (10) days of the effective date of this Resolution, in accordance with the provisions of §4-414 of the Local Government

Article of the Code, the President of the Council, or his designee, shall promptly send a copy of this Resolution with the new municipal boundaries to:

- (a) the Town Administrator/Clerk;
- (b) the Clerk of the Circuit Court for Talbot County, Maryland; and
- (c) the Maryland Department of Legislative Services.

Pursuant to §4-414(b) of the Local Government Article of the Code, each such official or agency shall keep this Resolution with the new boundaries on record and make it available for public inspection during normal business hours.

Section 9. Effective Date. This Resolution shall be deemed "finally enacted" on the date on which the Council indicates its approval of this Resolution by affixing the signatures of the Council members hereto. This Resolution shall become effective forty-five (45) days after final enactment unless: (a) a petition for referendum has been filed prior thereto in accordance with §4-408 of the Local Government Article of the Code, or (b) the Petitioner withdraws his request for annexation. In the event a petition for referendum is properly filed, the effective date of this Resolution shall be determined in accordance with §4-408 of the Local Government Article of the Code.

[SIGNATURE PAGE FOLLOWS]

absent
Nicholas Newnam

[Signature]
Brian Schmidt

[Signature]
Rosalee Potter

[Signature]
Walter Chase, Sr.

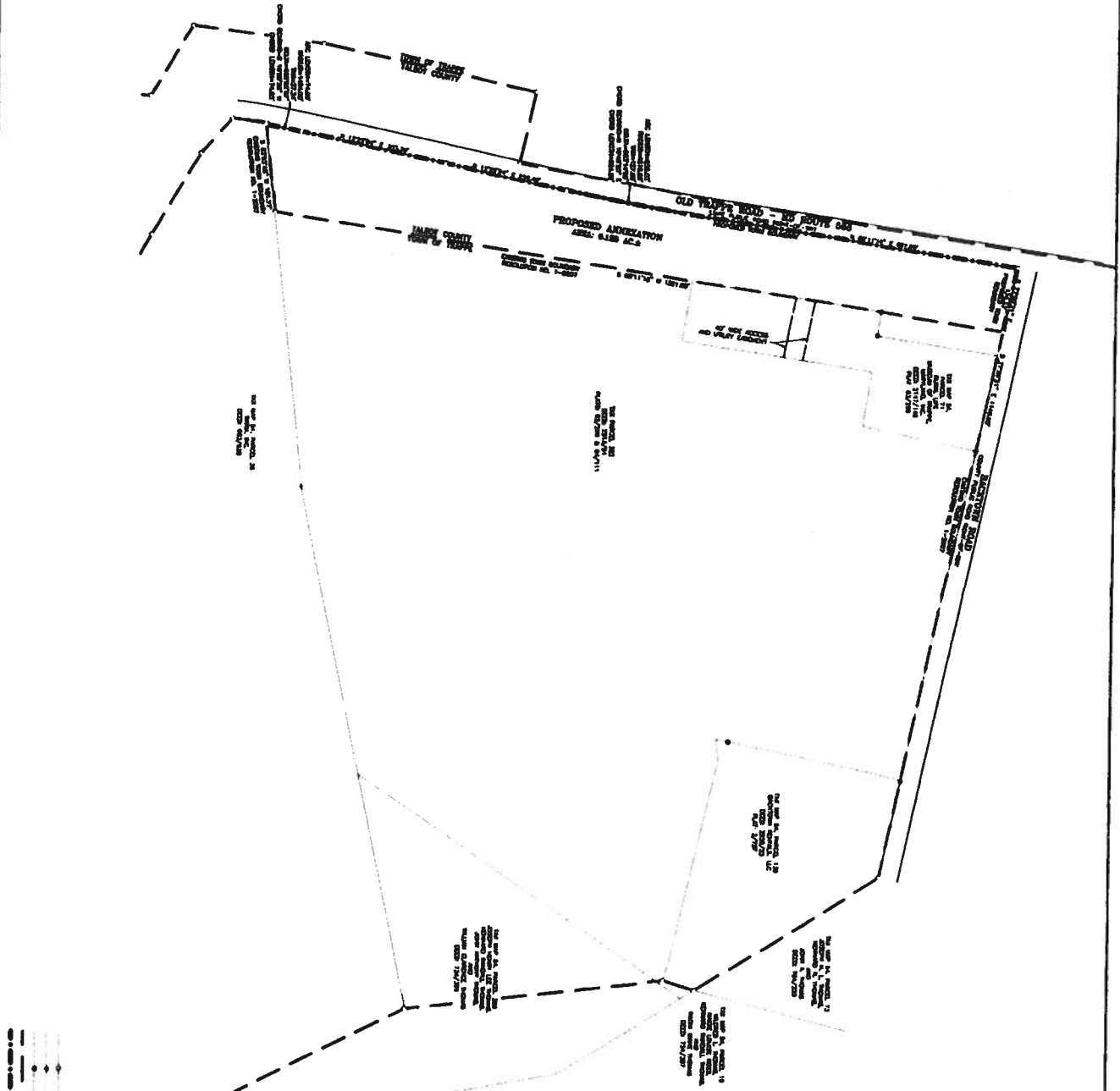
[Signature]
Michael Sullivan

I HEREBY CERTIFY THAT THE FOREGOING RESOLUTION OF THE TOWN OF TRAPPE, DESIGNATED RESOLUTION NO. 4-2023, WAS DULY INTRODUCED AND READ, AND THEREAFTER ADVERTISED FOR TWO SUCCESSIVE WEEKS, AND CONSIDERED AT A PUBLIC HEARING AND WAS ADOPTED BY THE COUNCIL OF TRAPPE AT A DULY ANNOUNCED PUBLIC MEETING ON Nov. 1, 2023, IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF THE CODE OF MARYLAND AND CHARTER OF THE TOWN OF TRAPPE.

ATTEST:

[Signature]
Erin Braband,
Administrator/Clerk
Town of Trappe

11/1/23
Date



LEGEND


- CONVEYED RIGHT
- EASEMENT
- EXISTING PROPERTY BOUNDARY
- EXISTING TOWN BOUNDARY
- PROPOSED TOWN BOUNDARY



Michael A. Hester
 Michael A. Hester, P.E.
 PROFESSIONAL ENGINEER
 LICENSE NO. 12345
 MISSISSIPPI

Shelby

EXHIBIT A - LEGAL DESCRIPTION
 A CERTAIN PART OF THE LANDS OF THE TOWN OF TRAPPE, MISSISSIPPI, BEING THE PART OF SECTION 11 AND SECTION 12, TOWNSHIP 12 NORTH, RANGE 11 WEST, MERIDIAN 1 WEST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

 STATE OF MISSISSIPPI COUNTY OF HARRIS	ANNEXATION PLAN TOWN OF TRAPPE ON THE LANDS OF BEVAN KEITH BAUSE	Lane Engineering, LLC Civil Engineers & Land Surveyors 1111 Highway 101, Suite 100 Ocean Springs, MS 38871 Phone: (662) 893-1111 Fax: (662) 893-1112			
PROJECT NO. 1 SHEET NO. 1 OF 1 DATE: 08-18-21 DRAWN BY: [Signature] CHECKED BY: [Signature]	TOWN OF TRAPPE 1111 Highway 101, Suite 100 Ocean Springs, MS 38871 Phone: (662) 893-1111 Fax: (662) 893-1112	SCALE: 1" = 100' DATE: 08-18-21	AS NOTED		

Lane Engineering, LLC

Established 1986

Civil Engineers • Land Planning • Land Surveyors

15 Washington Street
Cambridge, Maryland 21613
Tel 410-221-0818

117 Bay Street
Easton, Maryland 21601
Tel 410-822-8003
Fax 410-822-2024

354 Pennsylvania Avenue
Centreville, Maryland 21617
Tel 410-758-2095

**DESCRIPTION OF
TOWN OF TRAPPE ANNEXATION
PART OF THE LANDS OF
BRIAN KEITH HAUSE
IN THE THIRD ELECTION DISTRICT
TALBOT COUNTY, MARYLAND**

August 11, 2023

All that piece, parcel or tract of land situate, lying and being in the Third Election District, Talbot County, Maryland, and being more particularly described as follows.

Beginning for the same at a point, said point being on the southerly side of the public road know as Backtown Road as delineated on a plat of subdivision titled Subdivision of the land of Fox Hall, Inc., recorded among the Land Records of Talbot County, Maryland in Plat Book MAS 83, Folio 298, said point also being the Point of Beginning of the town of Trappe Corporate Boundary Line as described in Resolution No. 1-2007, and from said Point of Beginning and running in the meridian of the Maryland State Coordinate System NAD 83 (2011), and running by and with the ninth or North 08 degrees 51 minutes 01 seconds East, 1521.05 foot line of said Annexation description reversed

(1) South 09 degrees 11 minutes 16 seconds West, 1521.05 feet to a point and the southeast corner of the Town of Trappe Corporate boundary as described in Resolution No. 1-2007 and the lands of Warm, Inc. (Liber 663, Folio 638); thence running by and with said Warm, Inc. lands

(2) South 83 degrees 53 minutes 45 seconds West, 181.77 feet to a point and the easterly side of Old Trappe Road (Maryland Route 565); thence by and with said easterly side of Old Trappe Road the following five courses and distances

(3) by and with the arc of a curve deflecting to the right, which has a radius of 1484.00 feet, for a length of 74.66 feet, the tangent of which is 37.34 feet, the chord of which bears North 10 degrees 59 minutes 26 seconds East, 74.65 feet to a point; thence

(4) North 12 degrees 25 minutes 54 seconds East, 303.30 feet to a point; thence

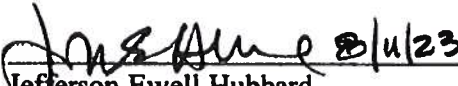
(5) North 12 degrees 25 minutes 24 seconds East, 256.46 feet to a point; thence

(6) by and with the arc of a curve deflecting to the left, which has a radius of 4779.00 feet, for a length of 255.95 feet, the tangent of which is 128.00 feet, the chord of which bears North 10 degrees 53 minutes 21 seconds East, 255.92 feet to a point, thence

(7) North 09 degrees 09 minutes 17 seconds East, 686.67 feet to a point and the aforesaid southerly side of Backtown Road; thence by and with said southern side of Backtown Road

(8) South 77 degrees 50 minutes 21 seconds East, 134.33 feet to the Place of Beginning, containing 5.125 Acres of Land, more or less, and

The above parcel is intended to be all of the same land, as shown as Proposed Annexation on a plan titled “Annexation Plat Town of Trappe on the lands of Brian Keith Hause” as prepared by Lane Engineering, LLC, on May 10, 2022, I hereby certify that these documents were prepared by me or under my responsible charge and complies with requirements as set forth in regulation 09.13.06.12, and that I am a duly licensed property line surveyor under the laws of the State of Maryland, License No. 363, and, subject to biennial renewal, my current expiration date is August 3, 2025


Jefferson Ewell Hubbard
Registered Property Line Surveyor
Maryland Registration Number 363



IN THE MATTER OF THE * **BEFORE THE**
ANNEXATION OF THE PROPERTY * **COUNCIL OF TRAPPE,**
OF BRIAN K. HAUSE * **MARYLAND**

PETITION FOR ANNEXATION

A. THIS PETITION FOR ANNEXATION ("Petition") is submitted by BRIAN K. HAUSE ("Petitioner"), the owner of certain real property shown and depicted on Annexation Plat included herewith and titled "ANNEXATION PLAT TOWN OF TRAPPE ON THE LANDS OF BRIAN KEITH HAUSE TOWN OF TRAPPE TALBOT COUNTY, MARYLAND TAX MAP 54, GRID 12, PARCEL 302" ("Annexation Property").

B. The Annexation Property consists of a total of 5.125 acres of land, more or less.

C. Petitioner hereby petitions the Council of Trappe to annex the Annexation Property by extending the municipal boundaries of the Town of Trappe, Maryland to include the Annexation Property.

D. Petitioner owns all of the Annexation Property, and accordingly, constitutes at least twenty-five percent (25%) of the persons eligible to sign this Petition.

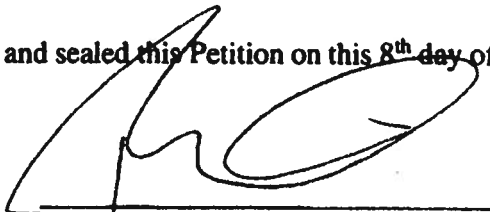
E. There are no registered voters residing within the boundaries of the Annexation Property.

F. The Annexation Property is contiguous and adjoining to the existing municipal boundaries of the Town of Trappe, Maryland.

G. The expansion of the existing municipal boundaries of the Town of Trappe, Maryland to include the Annexation Property will not create enclaves of unincorporated land bounded on all sides by real property located within the municipal boundaries of the Town of Trappe, Maryland.

NOW, THEREFORE, Petitioner hereby petitions the Council of Trappe, Maryland to introduce a resolution to extend the municipal boundaries of the Town of Trappe, Maryland to include the Annexation Property.

IN WITNESS WHEREOF, Petitioner has signed and sealed this Petition on this 8th day of June, 2023.



BRIAN K. HAUSE

EXHIBIT 4 TO RESOLUTION NO. 4-2023

ANNEXATION PLAN

Town of Trappe – Lands of Brian K. Hause

In accordance with §4-415 of the Local Government Article of the Annotated Code of Maryland, the Council of Trappe hereby sets forth the following Annexation Plan for Annexation Resolution No. 4-2023. Pursuant to §4-415 of the Local Government Article, the Annexation Plan may be amended during the annexation process.

I. Property. The property proposed for annexation to which this Annexation Plan relates consists of 5.125 ± acres (the “Annexation Property”) which is a portion of Parcel 302 on Talbot County Tax Map 54 (“Parcel 302”). The Annexation Property is owned by Brian K. Hause, and is shown on a plat titled "ANNEXATION PLAT TOWN OF TRAPPE ON THE LANDS OF BRIAN KEITH HAUSE TOWN OF TRAPPE TALBOT COUNTY, MARYLAND TAX MAP 54, GRID 12, PARCEL 302," dated May 10, 2022, and prepared by Lane Engineering, LLC, which is Exhibit ‘1’ to the Resolution to which this Plan is appended.

II. Land Use Patterns and Plans – Existing and Proposed.

A. The Annexation Property is a portion of Parcel 302. Under current conditions the Town boundary bisects Parcel 302, with approximately 32.735 acres being within the Town and zoned M Industrial, and approximately 5.125 acres lying outside of the Town under the land use jurisdiction of Talbot County and zoned TR Town Residential. The portion currently located outside of the Town boundary, being the Annexation Property, is the portion of Parcel 302 that fronts onto Maryland Highway No. 565. The Town of Trappe 2020 Comprehensive Plan (“Comprehensive Plan”) calls for the development of industrial land uses on Parcel 302 (see Map 3-2 - LAND USE PLAN TRAPPE, MARYLAND, page 22). The current jurisdictional division

of the Parcel 302 and the residential County zoning of the Annexation Property is inconsistent with the Comprehensive Plan and the Town's vision for this area. To address this inconsistency, and to clean up the boundary issue, the annexation of the Annexation Property is necessary at this time. The Comprehensive Plan designates the Annexation Property as a growth area and specifically as an "Old Town Annexation Area" (see Map 4-2, page 35). The Comprehensive Plan indicates that the Town will consider annexing growth areas upon the request of a property owner (page 34). As stated above, the Annexation Property is part of Parcel 302, and accordingly is anticipated to be developed as part of that parcel. No significant impacts to Town facilities or services are anticipated from the development of the Annexation Property beyond the impacts already anticipated with the development of Parcel 302. The proposed annexation will merely clean up a boundary issue, and allow for the uniform and orderly development of the entirety of Parcel 302 in a manner that is consistent with the Comprehensive Plan.

B. The Annexation Property is currently zoned Town Residential (TR) in Talbot County. The Annexation Property is proposed to be zoned M Industrial, consistent with the current zoning of the majority of Parcel 302 that is already within the Town. The proposed M Industrial zoning permits land uses that are not authorized in the County's Town Residential (TR) zone.

C. In accordance with §4-416 of the Local Government Article of the Maryland Annotated Code, if the County expressly approves, the Town may place the annexed land in a zoning classification that permits land uses different from the land uses specified under the County zoning ordinance and/or permits a 50% greater density than that allowed under the County zoning ordinance. The Town intends to seek Talbot County's express approval to apply the zoning district proposed. Any future development of the Annexation Property shall be in

accordance with the land use regulations applicable to the Annexation Property at the time of the development.

III. Availability of Land for Public Facilities. The proposed zoning classification is consistent with the zoning classification of the portion of Parcel 302 that is already located within the Town. The Annexation Property is already served and/or is eligible for service by public utilities and municipal services. Adequate water and sewer capacity exists within the public systems to serve Parcel 302, including the Annexation Property.¹ Fire and police protection are already provided by the Trappe Volunteer Fire Company and the Talbot County Sheriff's Department. There are no residential areas within the Annexation Property, and no such land uses will be developed under the proposed M Industrial zoning, so there will be no impact on schools, libraries, and other recreational services. No additional land for public facilities on the Annexation Property is considered reasonably necessary to serve the Annexation Property.

IV. Schedule for Extension and Financing of Municipal Services.

A. General Government Facilities and Utility Services. The Annexation Property is already served by public utilities and Town services, or such utilities and services are available upon the development of Parcel 302. Any utility extensions that may become necessary to serve future development on Parcel 302 will be funded by the property owner and/or developer.

B. Roads. The Annexation Property has existing access off Maryland Highway No. 565.

C. Emergency Services. The Trappe Volunteer Fire Company already provides service to the Annexation Property and will continue to provide such service at the same

¹ Parcel 302 already has sewer allocation, though depending on the type and nature of development that may be proposed additional water and wastewater allocation may be needed. Through the Town's development and review processes, the Town will ensure that adequate water and wastewater capacity to serve any proposed development is available before issuing any site plan approval and/or subdivision approval.

or similar level of service after annexation. The Fire Company receives financial support from the Town.

D. Police Services. The Talbot County Sheriff's Department already provides service to the Annexation Property and will continue to provide such service at the same or similar level following the annexation. The costs of these services are paid out of the County's general funds.

E. Schools. No residential land uses are planned to be developed within the Annexation Property, therefore there is no anticipated impact to schools.

F. Libraries. No residential land uses are planned to be developed within the Annexation Property, therefore there is no anticipated impact to libraries.

G. Parks & Recreation. No residential land uses are planned to be developed within the Annexation Property, therefore there is no anticipated impact to parks and recreation facilities.