

Amendment No. 1 to Resolution No. 331

Proposed by: Mr. Divilio

Introduced by: Mr. Callahan, Mr. Divilio, Mr. Leshner, Mr. Pack, Ms. Price

Date: July 26, 2022

A RESOLUTION TO AMEND THE TALBOT COUNTY COMPREHENSIVE WATER AND SEWER PLAN FOR THE PURPOSE OF RECLASSIFYING AND REMAPPING TWO PARCELS OF REAL PROPERTY LOCATED AT 29659 MATTHEWSTOWN ROAD (MARYLAND ROUTE 328), EASTON, MARYLAND, SHOWN ON TAX MAP 26 AS PARCEL 45 AND LOCATED ON CAMAC STREET, EASTON, MARYLAND, SHOWN ON TAX MAP 26 AS PARCEL 186, PARCEL C, FROM “W-2” AND “S-2”, PLANNED WATER AND SEWER SERVICE IN 3 TO 5 YEARS, TO “W-1” AND "S-1", IMMEDIATE PRIORITY STATUS

KEY

Boldface.....Heading or defined term

Double Underlining.....Added by amendment

~~Double Strikethrough~~.....Deleted by amendment

* * *Existing Resolution unaffected

Proposed Amendments: The amendments proposed to the text of the Resolution are as follows:

WHEREAS, the County Council of Talbot County (the “County Council”) adopted Resolution No. 131 on June 27, 2006 for the purpose of amending the Talbot County Comprehensive Water and Sewer Plan (the “CWSP”) to extend water and sewer service from the Easton Water and Wastewater Systems to certain real property shown on Tax Map 26 as Parcel 186, Parcel C, which resulted in the majority of the property being reclassified from “Unprogrammed” to “W-1” and “S-1” immediate priority status and the remaining portion, consisting ~~2.16~~ of 1.78 acres of land, more or less (“Parcel 186-C”) being reclassified from “Unprogrammed” to “W-2” and “S-2,” with future water and sewer service within three to five years; and

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WHEREAS, Parcel 186-C is owned by the Town of Easton, a Maryland municipal corporation (the “Town”) and is defined as park land; and

WHEREAS, the Town, through its subdivision process, also created a new parcel of real property shown on Tax Map 26 as Parcel 45, located at 29659 Matthewstown Road, Easton, Maryland, consisting of 77.57 acres of land, more or less (“Parcel 45”), which is unimproved land immediately adjacent to Parcel 186-C and is currently classified “W-2” and “S-2,” with future water and sewer service within three to five years; and

* * *

WHEREAS, as part of the Applicant’s foregoing request, the Town is requesting that Parcel 186-C be reclassified from “W-2” and “S-2” to “W-1” and “S-1” immediate priority status to avoid creating an enclave of “W-2” and “S-2”; and

WHEREAS, Parcels 45 and 186-C are located within a Priority Funding Area, *i.e.*, the Town; and

WHEREAS, the Talbot County Engineer (the “County Engineer”) has evaluated and confirmed that the Applicant has secured approval from Gannon Family, LLC and the Town (collectively, the “Owners”) to extend public water and sewer to Parcels 45 and 186-C and has requested that the Talbot County Office of Law prepare this amendment to the CWSP to facilitate extension of public water and sewer thereto; and

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SECTION TWO: Subject to the terms and conditions herein, the CWSP is amended to reclassify and remap that parcel of real property located on Camac Street, Easton, Maryland, shown on Tax Map 26 as Parcel 186-C, and consisting ~~2.16~~ of 1.78 acres of land, more or less, from the current classification of “W-2” and “S-2,” planned water and sewer service in 3 to 5 years, to “W-1” and “S-1” immediate priority status from the Easton Water and Sewer Systems, as shown and described on a certain worksheet entitled “Comprehensive Water and Sewer Plan: Tax Map 26, Parcels 45 and 186-C,” prepared by the Talbot County Department of Public Works, dated ~~May 10~~ July 27, 2022, and attached hereto as Exhibit “A.”

SECTION THREE: Subject to the terms and conditions herein, the CWSP is amended to reclassify and remap that parcel of real property located at 29659 Matthewstown Road (Maryland Route 328), Easton, Maryland, shown on Tax Map 26 as Parcel 45, from the current classification of “W-2” and “S-2,” planned water and sewer service in 3 to 5 years, to “W-1” and “S-1” immediate priority status from the Easton Water and Sewer Systems, as shown and described on a certain worksheet entitled “Comprehensive Water and Sewer Plan: Tax Map 26, Parcels 45 and 186-C,” prepared by the Talbot County Department of Public Works, dated ~~May 10~~ July 27, 2022, and attached hereto as Exhibit “A.”

SECTION FOUR: The proposed use of Parcel 45 shall be for: (i) single-family residences with an allocation of one (1) EDU of water and sewer capacity per residence, up to a total of two hundred (200) EDUs, and (ii) a future commercial land use on the two (2) acre commercial parcel, with required water and sewer capacity to be determined by the Town Engineer and Easton Utilities when commercial development is proposed. The peak sewer flow allocation for each EDU shall be limited to two hundred fifty (250) gallons per day. The proposed use of Parcel 186-C shall be for a public park with an allocation of one (1) EDU for public facilities such as restrooms and drinking water.

SECTION FIVE: The owner(s) of Parcels 45 and 186-C shall be jointly and severally responsible for contracting and paying for all required permits, easements, construction work, and all water and sewer connection charges, as approved by the Town.

SECTION SIX: The owner(s) of Parcels 45 and 186-C shall be jointly and severally responsible for all costs incurred for design, engineering, construction, inspection, and testing that may be reasonably required, as determined by the Town, to connect the Properties to the Easton Water and Sewer Systems, including, without limitation, any material, pumps, saddles, or other equipment, and for all costs incurred for ongoing maintenance and repair.

SECTION SEVEN: No sewer service shall be available to any area beyond the existing properties to be served. No other properties, lots, or parcels, including any future reconfiguration or recombination of Parcels 45 and 186-C inconsistent with the provisions of Section Four herein, shall be entitled to service or capacity, unless and until the CWSP is amended to permit such service.

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Purpose: This new language is intended to correct an error in Resolution No. 331 as introduced by changing “Parcel 186” to “Parcel 186, Parcel C” or “Parcel 186-C” and changing that parcel’s acreage from 2.16 acres, more or less, to 1.78 acres, more or less. The error arose from an incorrect description in the State of Maryland Department of Assessments and Taxation (“SDAT”) records that has since been corrected.

Amendment not substantive: The amendments proposed herein are non-substantive, as they do not enlarge or narrow the scope of Resolution No. 331 as introduced to such an extent that Resolution No. 331, if adopted with the foregoing amendments, could be said to be misleading in a substantial manner. Furthermore, such amendments do not defeat the original purpose of Resolution No. 331 as introduced. *See Ajamian v. Montgomery County*, 99 Md. App. 665, 684-685 (1994).