

Amendment No. 1 to Resolution No. 348

Proposed by: Mr. Lesher

Introduced by: Mr. Callahan, Ms. Haythe, Mr. Lesher, Ms. Mielke, Mr. Stepp

Date: January 16, 2024

A RESOLUTION REGARDING THE TALBOT COUNTY COMPREHENSIVE WATER AND SEWER PLAN TO CLARIFY AND CONFIRM THE WATER AND SEWER CLASSIFICATIONS OF CERTAIN PARCELS INCORRECTLY SHOWN IN EXHIBITS A AND B TO RESOLUTION NO. 281, AS AMENDED

KEY

Boldface.....Heading or defined term
Underlining.....Added to CWSP by Resolution
Double Underlining.....Added by amendment
~~Double Strikethrough~~.....Deleted by amendment
* * *Existing Resolution unaffected

Proposed Amendments: The amendments proposed to Resolution No. 348 are as follows:

A RESOLUTION REGARDING THE TALBOT COUNTY COMPREHENSIVE WATER AND SEWER PLAN TO CLARIFY AND CONFIRM THE WATER AND SEWER CLASSIFICATIONS OF: 1) CERTAIN PARCELS INCORRECTLY SHOWN IN EXHIBITS A AND B TO RESOLUTION NO. 281, AS AMENDED; AND 2) TAX MAP 55, PARCEL 83, LOT 1, TAX MAP 59, PARCEL 4, AND PORTIONS OF TAX MAP 55, PARCELS 17 AND 65

* * *

WHEREAS, in accordance with the foregoing statutory authority, on August 11, 2020, the County Council adopted Resolution No. 281, as amended (“Resolution No. 281”), for the purposes of amending the CWSP, *inter alia*, to add certain water and sewer capital projects related to the Lakeside Planned Unit Development (the “Lakeside Project”) and existing systems in the Town of Trappe (the “Town”) and to reclassify and remap certain properties associated therewith, specifically identified therein as Tax Map 54, Parcel 304, Tax Map 55, Parcels 14, 15, 17, 19, 44, 65, ~~83~~, and 85, Tax Map 55, Parcel 83, Lot 1, and Tax Map 59, Parcel 4 (the ~~“Properties”~~ “Lakeside Parcels”); and

* * *

WHEREAS, the Properties' water and sewer classifications were correctly shown in Exhibits A and B to Resolution No. 281; however, the water and sewer classifications of certain other parcels within the Town, which parcels were unrelated to Resolution No. 281 and were not referenced in the text thereof (the "Unrelated Parcels"), were incorrectly shown in Exhibits A and B thereto, though their water and sewer classifications were not changed thereby; and

* * *

WHEREAS, Figures 11 and 23 of the CWSP depict the Water Service Area and Sewer Service Area, respectively, for the Town of Trappe; and

WHEREAS, Section Two of Resolution No. 281 stated that the CWSP was being amended to reclassify and remap "a portion of" the Lakeside Parcels (i.e., Map 54, Parcel 304, Map 55, Parcels 14, 15, 19, 44, and 85, and portions of Map 55, Parcels 17 and 65) from their "current" classification of W-2 to W-1, immediate priority status, as shown on Exhibit A attached thereto, and further stated that Figure 11 was being amended to reflect the same; and

WHEREAS, prior to Resolution No. 281's adoption by the County Council and final approval by MDE, Figure 11 of the CWSP depicted Map 54, Parcel 304 and Map 55, Parcel 14 as W-1 and the remainder of the Lakeside Parcels as "unprogrammed;" and

WHEREAS, Section Three of Resolution No. 281 stated that the CWSP was being amended to reclassify and remap "a portion of" the Lakeside Parcels (i.e., Map 54, Parcel 304, Map 55, Parcels 14, 15, 19, 44, and 85, and portions of Map 55, Parcels 17 and 65) from their "current" classification of S-2 to S-1, immediate priority status, as shown on Exhibit B attached thereto, and further stated that Figure 23 was being amended to reflect the same; and

WHEREAS, prior to Resolution No. 281's adoption by the County Council and final approval by MDE, Figure 23 of the CWSP depicted the Lakeside Parcels as "unprogrammed;" and

WHEREAS, the clear and unambiguous purpose and intent of Resolution No. 281 was to classify approximately half of the Lakeside Parcels, specifically Map 54, Parcel 304, Map 55, Parcels 14, 15, 19, 44, and 85, and portions of Map 55, Parcels 17 and 65 as W-1/S-1, immediate priority status, and classify the remainder, specifically, the remaining portions of Map 55, Parcels 17 and 65, as well as Map 55, Parcel 83, Lot 1, and Map 59, Parcel 4, as W-2/S-2 in order to phase in the water and sewer service area for the Lakeside Project; and

WHEREAS, at no time during their consideration of Resolution No. 281 did the Public Works Advisory Board (the "PWAB"), the Planning Commission, or the County Council expressly or impliedly indicate any intent whatsoever that the Lakeside Parcels designated as W-2/S-2 in Resolution No. 281 be classified as "unprogrammed," as such a classification would undermine Resolution No. 281's clear and unambiguous purpose and intent as aforesaid; and

WHEREAS, notwithstanding the foregoing, Resolution No. 281 did not expressly state that Figures 11 and 23 of the CWSP were being amended to reclassify and remap Tax Map 55, Parcel 83, Lot 1, Tax Map 59, Parcel 4, and portions of Tax Map 55, Parcels 17 and 65, from “unprogrammed” to W-2 and S-2, respectively; and

WHEREAS, the County Council is desirous of clarifying and confirming that Resolution No. 281 reclassified and remapped Tax Map 55, Parcel 83, Lot 1, Tax Map 59, Parcel 4, and portions of Tax Map 55, Parcels 17 and 65, as shown on Figures 11 and 23 of the CWSP, from “unprogrammed” to W-2 and S-2, respectively, as a contrary interpretation would defeat the clear and unambiguous purpose and intent of Resolution No. 281; and

WHEREAS, in accordance with the requirements of Md. Code Ann., Envir. § 9-506(a)(1)(i), this Resolution has been submitted to the Planning Commission, as well as the ~~Talbot County Public Works Advisory Board~~ PWAB, for review for consistency with planning programs for the area; and

WHEREAS, on _____, ~~2023~~ 2024, the Planning Commission certified that this Resolution is consistent with the Comprehensive Plan as required by Md. Code Ann., Envir. § 9-506(a)(1)(ii).

* * *

SECTION THREE: Exhibit B entitled “Talbot County Comprehensive Water and Sewer Plan Town of Trappe Proposed Sewer Service Area & Sewer System Facilities,” attached hereto and incorporated herein by reference as if fully set forth, hereby supersedes and replaces Exhibit B to Resolution No. 281, ~~as amended~~, solely to the extent Exhibit B to Resolution No. 281 is inconsistent with the Exhibit B attached hereto.

SECTION FOUR: This Resolution does not alter, amend, or otherwise change any water or sewer classifications for any parcel whatsoever. The ~~sole~~ purpose of this Resolution is merely to clarify and confirm the water and sewer classifications of: 1) the Unrelated Parcels incorrectly shown in Exhibits A and B to Resolution No. 281; and 2) Tax Map 55, Parcel 83, Lot 1, Tax Map 59, Parcel 4, and portions of Tax Map 55, Parcels 17 and 65, as aforesaid, thus eliminating any confusion or uncertainty regarding the same. ~~The~~ Consistent with the foregoing, the water and sewer classifications shown on Exhibits A and B attached hereto, respectively, accurately depict the current water and sewer classifications for the Town of Trappe ~~pursuant to Resolution No. 100, as amended, and as subsequently amended pursuant to Resolution No. 259, as amended, and Resolution No. 281.~~

* * *

Purpose: This amendment is intended to clarify and confirm that Resolution No. 281, as amended, reclassified and remapped Tax Map 55, Parcel 83, Lot 1, Tax Map 59, Parcel 4, and portions of Tax Map 55, Parcels 17 and 65, from “unprogrammed” as shown on Figures 11 and 23 of the CWSP, to W-2 and S-2, respectively, to eliminate any confusion or uncertainty as to the current water and sewer classifications of those parcels.