

COUNTY COUNCIL

OF

TALBOT COUNTY

2023 Legislative Session, Legislative Day No.: December 12, 2023

Resolution No.: 352

Introduced by: Mr. Callahan, Ms. Haythe, Mr. Leshner, Mr. Stepp

A RESOLUTION CONCERNING THE PROPOSED ANNEXATION BY THE TOWN OF TRAPPE, MARYLAND (THE "TOWN") OF CERTAIN REAL PROPERTY LOCATED ON THE NORTH SIDE OF THE TOWN, EAST OF MARYLAND HIGHWAY NO. 565 AND SOUTH OF BACKTOWN ROAD, IN THE THIRD ELECTION DISTRICT OF TALBOT COUNTY, MARYLAND, CONSISTING OF 5.125 ACRES OF LAND, MORE OR LESS, AND BEING A PORTION OF PARCEL 302, SHOWN ON TAX MAP 54 (THE "PROPERTY"), FINDING THAT THE PROPERTY'S PROPOSED REZONING FROM TALBOT COUNTY'S TOWN RESIDENTIAL ("TR") ZONING TO THE TOWN'S INDUSTRIAL ("M") ZONING UPON ITS ANNEXATION WILL RESULT IN SUBSTANTIALLY DIFFERENT USES OR SUBSTANTIALLY HIGHER DENSITY, EXCEEDING 50%, THAN COULD BE GRANTED FOR PROPOSED DEVELOPMENT UNDER THE COUNTY'S TR ZONING, AND WAIVING THE FIVE-YEAR HOLD IN ACCORDANCE WITH § 4-416 OF THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND

By the Council: December 12, 2023

Introduced, read the first time, and ordered posted, with Public Hearing scheduled on Tuesday, January 9, 2024 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

By order: 
Susan W. Moran, Secretary

A RESOLUTION CONCERNING THE PROPOSED ANNEXATION BY THE TOWN OF TRAPPE, MARYLAND (THE “TOWN”) OF CERTAIN REAL PROPERTY LOCATED ON THE NORTH SIDE OF THE TOWN, EAST OF MARYLAND HIGHWAY NO. 565 AND SOUTH OF BACKTOWN ROAD, IN THE THIRD ELECTION DISTRICT OF TALBOT COUNTY, MARYLAND, CONSISTING OF 5.125 ACRES OF LAND, MORE OR LESS, AND BEING A PORTION OF PARCEL 302, SHOWN ON TAX MAP 54 (THE “PROPERTY”), FINDING THAT THE PROPERTY’S PROPOSED REZONING FROM TALBOT COUNTY’S TOWN RESIDENTIAL (“TR”) ZONING TO THE TOWN’S INDUSTRIAL (“M”) ZONING UPON ITS ANNEXATION WILL RESULT IN SUBSTANTIALLY DIFFERENT USES OR SUBSTANTIALLY HIGHER DENSITY, EXCEEDING 50%, THAN COULD BE GRANTED FOR PROPOSED DEVELOPMENT UNDER THE COUNTY’S TR ZONING, AND WAIVING THE FIVE-YEAR HOLD IN ACCORDANCE WITH § 4-416 OF THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND

WHEREAS, Md. Code Ann., Local Gov’t § 4-416 restricts the authority of a municipality to allow development of annexed land for a period of five years after annexation for land uses substantially different than the authorized uses, or at substantially higher densities, exceeding 50 percent, than could be granted for development in accordance with the county zoning classification applicable at the time of annexation unless waived by the county; and

WHEREAS, on September 6, 2023, the Town of Trappe (the “Town”) introduced Resolution No. 4-2023 for the purpose of annexing certain real property owned by Brian K. Hause located on the north side of the Town, east of Maryland Highway No. 565 and south of Backtown Road, in the Third Election District of Talbot County, Maryland, consisting of 5.125 acres of land, more or less, and being a portion of Parcel 302, shown on Tax Map 54 (the “Property”); and

WHEREAS, the Property is shown and depicted as “PROPOSED ANNEXATION AREA 5.125 AC±” 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”, prepared by Lane Engineering, LLC, dated May 10, 2022 (the “Annexation Plat”), which is attached hereto and incorporated herein by reference as Exhibit A; and

WHEREAS, the Property is also described in a metes and bounds description prepared by Lane Engineering, LLC entitled “DESCRIPTION OF TOWN OF TRAPPE ANNEXATION PART OF THE LANDS OF BRIAN KEITH HAUSE IN THE THIRD ELECTION DISTRICT OF TALBOT COUNTY, MARYLAND,” dated August 11, 2023 (“Annexation Description”), which is attached hereto and incorporated herein by reference as Exhibit B; and

WHEREAS, the Property is currently zoned Town Residential (“TR”) on the Talbot County Zoning Map; and

WHEREAS, on September 15, 2023, the Town submitted a letter to the County Council of Talbot County (the “County Council”) requesting that the County Council waive the five-year

zoning restriction set forth in Md. Code Ann., Local Gov't § 4-416 for the purpose of authorizing the Town to zone the Property Industrial ("M") upon its annexation into the Town; and

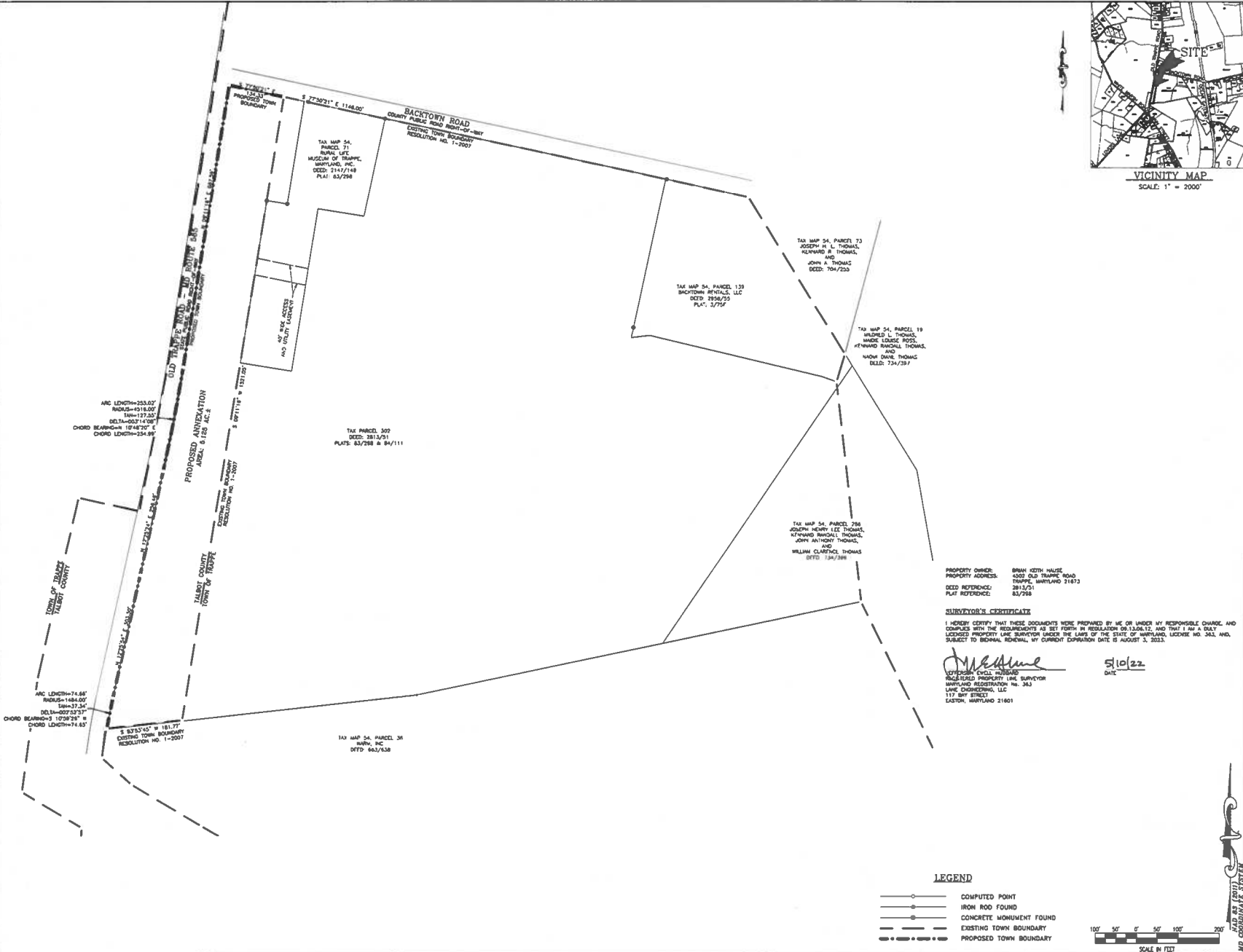
WHEREAS, on September 6, 2023, the Town introduced Ordinance No. 6-2023 for the purpose of zoning the Property as M upon its annexation into the Town.

NOW, THEREFORE, BE IT RESOLVED by the County Council of Talbot County, Maryland that:

1. The above recitals are hereby incorporated as if fully set forth herein.
2. The County Council finds that rezoning the Property to the Town's M zoning upon its annexation into the Town would allow land uses substantially different from the authorized uses in the County's TR zoning and/or permit development of the Property at a substantially higher density, exceeding 50 percent, than could be permitted in the County's TR zoning.
3. Pursuant to Md. Code Ann., Local Gov't § 4-416, the County Council hereby expressly approves the Town placing the Property into the Town's M zoning upon its annexation into the Town as proposed by Town Resolution No. 4-2023 and Town Ordinance No. 6-2023, which zoning will allow land uses substantially different from the authorized uses under the County's TR zoning and/or permit development of the Property at a substantially higher density, exceeding 50 percent, than could be permitted under the County's TR zoning.

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately upon its date of adoption.

EXHIBIT "A"



VICINITY MAP
SCALE: 1" = 200'

REVISIONS		
NO.	DATE	DESCRIPTION

Lanc Engineering, LLC
 Established 1988
 Civil Engineers • Land Planning • Land Surveys
 111 Bay St., Suite 1100, Baltimore, MD 21202
 Tel: (410) 575-0882
 Fax: (410) 575-0883
 MD Professional No. CE-111174, PE-111174, LS-111174

PROPERTY OWNER: BRIAN KEITH HAUSE
 PROPERTY ADDRESS: 4307 OLD TRAPPE ROAD
 TRAPPE, MARYLAND 21073
 DEED REFERENCE: 2813/21
 PLAT REFERENCE: 83/298

SURVEYOR'S CERTIFICATE
 I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE, AND COMPLY WITH THE REQUIREMENTS AS SET FORTH IN REGULATION 05-13.02.12, 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, 2023.

Brian Hause
 5/10/22
 DATE

BRIGITTE A. COOPER
 REGISTERED PROFESSIONAL LAND SURVEYOR
 MARYLAND REGISTRATION NO. 363
 117 BAY STREET
 EASTON, MARYLAND 21601

SEAL

Brian Hause 5/10/22
 DATE

**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

DESIGNED FOR: TOWN REVIEW DATE: 05-10-22
 BY: DATE: 05-10-22

LEGEND

- COMPUTED POINT
- IRON ROD FOUND
- CONCRETE MONUMENT FOUND
- - - EXISTING TOWN BOUNDARY
- - - PROPOSED TOWN BOUNDARY



SHEET NO. 1 OF 1 DATE 05-10-22
 SCALE: 1" = 200' JOB NO. 210196
 AS NOTED FILE NO. CDD4

DATE: 05/10/2022 - 10:46am User: P:\brouse Project Manager\BEC
 PROJECT: ANNEXATION PLAT FOR THE TOWN OF TRAPPE
 DRAWING: ANNEXATION PLAT FOR THE TOWN OF TRAPPE

Lane Engineering, LLC

Established 1986

Civil Engineers • Land Planning • Land Surveyors

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

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

364 Pennsylvania Avenue
Centreville, Maryland 21617
Tel 410-759-2095

**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



PUBLIC HEARING

Having been posted and Notice, Time and Place of Hearing, and Title of Resolution No. ___ having been published, a public hearing was held on Tuesday, __, 2024 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland.

BY THE COUNCIL

Read the second time:

Adopted: _____

By Order: _____
Susan W. Moran, Secretary

Callahan -

Mielke -

Leshner -

Stepp -

Haythe -

Effective: _____