

COUNTY COUNCIL

OF

TALBOT COUNTY

2023 Legislative Session, Legislative Day No.: April 11, 2023

Resolution No.: 342

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

A RESOLUTION CONCERNING THE PROPOSED ANNEXATION BY THE TOWN OF EASTON, MARYLAND (THE "TOWN") OF CERTAIN REAL PROPERTY LOCATED ON THE NORTH SIDE OF PORT STREET AT EASTON POINT, CONSISTING OF 4.743 ACRES OF LAND AND 0.156 ACRES OF LAND, MORE OR LESS (COLLECTIVELY, THE "PROPERTIES"), FINDING THAT THE PROPERTIES' PROPOSED REZONING FROM TALBOT COUNTY'S LIMITED INDUSTRIAL ("LI") ZONING TO THE TOWN'S MIXED-USE WATERFRONT ("MXW") ZONING UPON THEIR ANNEXATION WILL RESULT IN SUBSTANTIALLY DIFFERENT USES OR SUBSTANTIALLY HIGHER DENSITY, EXCEEDING 50%, THAN COULD BE GRANTED FOR PROPOSED DEVELOPMENT UNDER THE COUNTY'S LI 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: April 11, 2023

Introduced, read the first time, and ordered posted, with Public Hearing scheduled on Tuesday, May 9, 2023 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 EASTON, MARYLAND (THE “TOWN”) OF CERTAIN REAL PROPERTY LOCATED ON THE NORTH SIDE OF PORT STREET AT EASTON POINT, CONSISTING OF 4.743 ACRES OF LAND AND 0.156 ACRES OF LAND, MORE OR LESS (COLLECTIVELY, THE “PROPERTIES”), FINDING THAT THE PROPERTIES’ PROPOSED REZONING FROM TALBOT COUNTY’S LIMITED INDUSTRIAL (“LI”) ZONING TO THE TOWN’S MIXED-USE WATERFRONT (“MXW”) ZONING UPON THEIR ANNEXATION WILL RESULT IN SUBSTANTIALLY DIFFERENT USES OR SUBSTANTIALLY HIGHER DENSITY, EXCEEDING 50%, THAN COULD BE GRANTED FOR PROPOSED DEVELOPMENT UNDER THE COUNTY’S LI 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 March 6, 2023, the Town of Easton (the “Town”) introduced Resolution No. 6161 for the purpose of annexing certain real property owned by the Town located on the north side of Port Street at Easton Point, consisting of 4.743 acres of land and 0.156 acres of land, more or less (collectively, the “Properties”); and

WHEREAS, the Properties are shown and depicted as “AREA OF ANNEXATION 4.743 ACRES ±” and “AREA OF ANNEXATION 0.156 AC ±” on a plat titled “PROPOSED ANNEXATION OF MULTIPLE PROPERTIES TO THE TOWN OF EASTON TOWN OF EASTON, FIRST ELECTION DISTRICT TALBOT COUNTY, MARYLAND”, prepared by Rauch Inc., dated June 2022 (the “Annexation Plat”), which is attached hereto and incorporated herein by reference as Exhibit “A;” and

WHEREAS, the Properties are also described in a metes and bounds description prepared by Rauch Inc. entitled “DESCRIPTION OF 4.899 ACRES OF LAND, MORE OR LESS, ANNEXATION TOWN OF EASTON THE LANDS NOW OR FORMERLY OF THE TOWN OF EASTON”, dated September 30, 2022, which is attached hereto and incorporated herein by reference as Exhibit “B” (“Annexation Description”); and

WHEREAS, the Properties are currently zoned Limited Industrial (“LI”) on the Talbot County Zoning Map; and

WHEREAS, on March 14, 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 Properties Mixed-Use Waterfront (“MXW”) upon their annexation into the Town; and

WHEREAS, on March 6, 2023, the Town introduced Ordinance No. 795 for the purpose of zoning the Properties as MXW upon their 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 Properties to the Town's MXW zoning upon their annexation into the Town would allow land uses substantially different from the authorized uses in the County's LI zoning and/or permit development of the Properties at a substantially higher density, exceeding 50 percent, than could be permitted in the County's LI zoning.
3. Pursuant to Md. Code Ann., Local Gov't § 4-416, the County Council hereby expressly approves the Town placing the Properties into the Town's MXW zoning upon their annexation into the Town as proposed by Town Resolution No. 6161 and Town Ordinance No. 795, which zoning will allow land uses substantially different from the authorized uses under the County's LI zoning and/or permit development of the Properties at a substantially higher density, exceeding 50 percent, than could be permitted under the County's LI zoning.

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

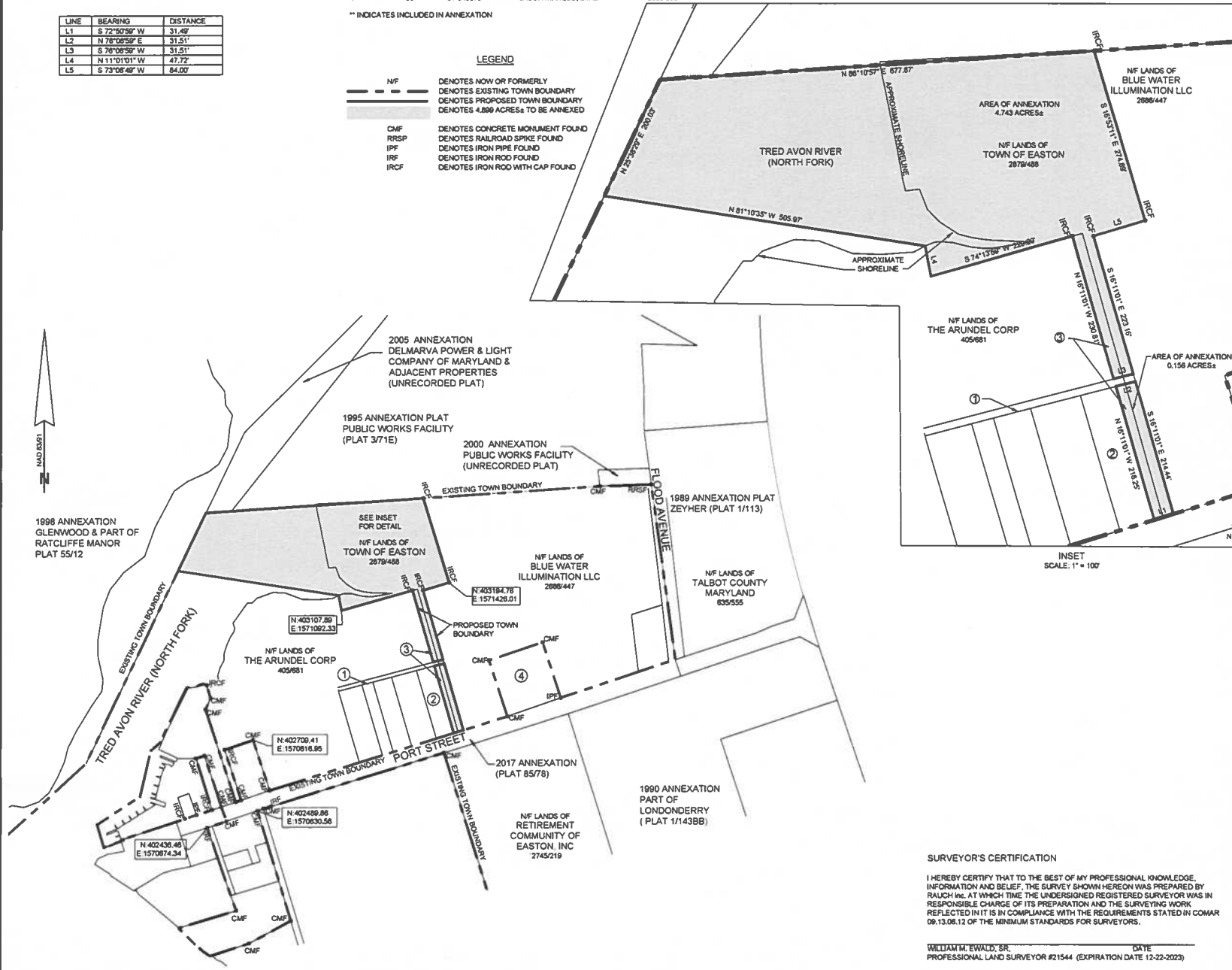
OWNERS INFORMATION				
NUMBER	PARCEL	ACCOUNT #	OWNER NAME	DEED REF
1		(NO ACCOUNT)	WILLIAM D. GAY (12' ALLEY)	184/375
2	157	01-030213	THE ARUNDEL CORP.	878/846
3**	158	01-043455	TOWN OF EASTON	2878/488
4	80	01-045879	JASON M. WEBB, ETAL	2038/293

** INDICATES INCLUDED IN ANNEXATION

LINE	BEARING	DISTANCE
L1	S 72°50'50" W	31.42'
L2	N 78°08'59" E	31.51'
L3	S 76°08'59" W	31.51'
L4	N 11°01'01" W	47.72'
L5	S 73°08'48" W	84.00'

LEGEND

- NF DENOTES NOW OR FORMERLY
- DENOTES EXISTING TOWN BOUNDARY
- - - DENOTES PROPOSED TOWN BOUNDARY
- DENOTES 4.888 ACRES± TO BE ANNEXED
- CMF DENOTES CONCRETE MONUMENT FOUND
- RRSP DENOTES RAILROAD SPIKE FOUND
- IPF DENOTES IRON PIPE FOUND
- IRF DENOTES IRON ROD FOUND
- IRCF DENOTES IRON ROD WITH CAP FOUND



PROPOSED ANNEXATION

OF MULTIPLE PROPERTIES TO
THE TOWN OF EASTON

TOWN OF EASTON FIRST ELECTION DISTRICT, TALBOT COUNTY, MARYLAND
PREPARED FOR: TOWN OF EASTON

RAUCH INC.
engineering design & development services
office: 410.770.8841 fax: 410.770.3687
email: esd@rauchinc.com | web: www.rauchinc.com
address: 108 N. Harrison St. - Easton, MD 21601

INSET
SCALE: 1" = 100'

SCALE	DESIGNED BY
1" = 200'	
DATE	APPROVED BY
JUNE 2022	
DATE	REVISION
SHEET NO	

SURVEYOR'S CERTIFICATION
I HEREBY CERTIFY THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION AND BELIEF, THE SURVEY SHOWN HEREON WAS PREPARED BY RAUCH INC. AT WHICH TIME THE UNDERSIGNED REGISTERED SURVEYOR WAS IN RESPONSIBLE CHARGE OF ITS PREPARATION AND THE SURVEYING WORK REFLECTED IN IT IS IN COMPLIANCE WITH THE REQUIREMENTS STATED IN COMAR 08.13.08.12 OF THE MINIMUM STANDARDS FOR SURVEYORS.

WILLIAM M. EWALD, SR. DATE:
PROFESSIONAL LAND SURVEYOR #21544 (EXPIRATION DATE 12-22-2023)



**DESCRIPTION OF 4.899 ACRES OF LAND, MORE OR LESS,
ANNEXATION TOWN OF EASTON
THE LANDS NOW OR FORMERLY OF THE TOWN OF EASTON**

AREA 1 (0.156 ACRES +/-)

BEGINNING for the same at a point located along the existing municipal boundary of the Town of Easton 2017 annexation at a point along the northwesterly right-of-way line of Port Street; said beginning point being further located at the southeasternmost corner of the herein described lands as shown on a plat entitled "PROPOSED ANNEXATION OF MULTIPLE PROPERTIES TO THE TOWN OF EASTON" PREPARED BY Rauch, inc. in June 2022.

THENCE leaving said beginning point so fixed and binding on the aforesaid northwesterly right-of-way line of Port Street;

- 1) South 72°50'59" West 31.49 feet to a point located at the division line between the lands now or formerly of The Arundel Corp. (see deed 676/946) and the lands now or formerly of the Town of Easton (see deed 2879/488);

THENCE leaving aforementioned Port Street and binding on the aforesaid division line;

- 2) North 16°11'01" West 216.25 feet to a point located at the division line of the lands now or formerly of William D. Gay (see deed 184/375) and the aforementioned land of the Town of Easton;

THENCE leaving lands of The Arundel Corp. and binding on the aforesaid division line;

- 3) North 76°08'59" East 31.51 feet to a point located along the division line between the lands now or formerly of Blue Water Illumination, LLC (see deed 2686/447) and the aforementioned lands of the Town of Easton;

THENCE binding on the aforesaid division line;

- 4) South 16°11'01" East 214.44 feet to the place of beginning;

CONTAINING in all 6,780 Sq.Ft. of land more or less.

AREA 2 (4.743 ACRES +/-)

BEGINNING for the same at an iron rod with cap found along the existing municipal boundary of the Town of Easton 1995 annexation (see plat 3/71E) at a point located at the division line between the lands now or formerly of Blue Water Illumination, LLC (see deed 2686/447) and the lands now or formerly of The Town of Easton (see deed 2879/488); said beginning point being further located at the northwesternmost corner of the herein described lands as show on a plat entitled "PROPOSED ANNEXATION OF MULTIPLE PROPERTIES TO THE TOWN OF EASTON" PREPARED BY Rauch, inc. in June 2022.



THENCE leaving the existing town boundary and binding on the aforesaid division line the following three (3) courses and distances;

- 5) South 16°53'11" East 274.89 feet to an iron rod with cap found;
- 6) South 73°06'49" West 84.00 feet to a point;
- 7) South 16°11'01" East 223.16 feet to a point located along the division line between the aforementioned lands of Blue Water Illumination, LLC and the aforementioned lands of The Town of Easton;

THENCE leaving the aforesaid lands of Blue Water Illumination, LLC and binding on the herein described lands;

- 8) South 76°08'59" West 31.51 feet to a point located at the division line between the lands now or formerly of William D. Gay (see 184/375), the lands now or formerly of The Arundel Corp. (see 676/946), and the aforementioned lands of The Town of Easton;

THENCE leaving the lands of William D. Gay and binding on the aforesaid division line the following three (3) courses and distances;

- 9) North 16°11'01" West 230.81 feet to an iron rod with cap found;
- 10) South 74°13'59" West 229.20 feet to a point;
- 11) North 11°01'01" West 47.72 feet to the approximate shoreline of the Tred Avon River;

THENCE leaving the aforesaid approximate shoreline of the Tred Avon River and binding on the outline of the herein described lands over the waters of the Tred Avon River the following three (3) courses and distances;

- 12) North 81°10'35" West 505.97 feet to a point along the existing municipal boundary of the Town of Easton 1998 annexation (see plat 55/12);
- 13) North 25°38'29" East 200.03 feet to a point located at the intersection of the existing municipal boundary of the Town of Easton 2005 annexation (unrecorded plat) and the aforementioned existing municipal boundary of the Town of Easton 1998 annexation;
- 14) North 86°10'57" East 343.55 feet to a point located along the aforementioned shoreline of the Tred Avon River;

THENCE leaving the aforesaid Tred Avon River and continuing to bind on the existing municipal boundary of the Town of Easton;

- 15) North 86°10'57" East 334.32 feet to the place of beginning;

CONTAINING in all 4.743 acres of land more or less.



CONTAINING in all, an aggregate area of 4.899 acres of land, more or less, as described by RAUCH inc. in September 2022.

A handwritten signature in black ink, appearing to read "W. Ewald", is written over a horizontal line.

9/30/2022

William M. Ewald, Sr.
Professional Land Surveyor #21544 (expiration date 12-22-2023)

Date



PUBLIC HEARING

Having been posted and Notice, Time and Place of Hearing, and Title of Resolution No. 342 having been published, a public hearing was held on Tuesday, May 9, 2023 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: May 9, 2023

By Order: *Susan W. Moran*
Susan W. Moran, Secretary

Callahan	-	Aye
Stepp	-	Aye
Leshner	-	Aye
Mielke	-	Aye
Haythe	-	Aye

Effective: May 9, 2023