

## RESOLUTION NO. 2018-14

**A RESOLUTION BY THE BOARD OF COMMISSIONERS OF THE TOWN OF PERRYVILLE, ADOPTED PURSUANT TO THE AUTHORITY OF ARTICLE XI-E OF THE CONSTITUTION OF MARYLAND AND THE PROVISIONS OF THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND, TO ENLARGE THE CORPORATE BOUNDARIES OF THE TOWN OF PERRYVILLE BY ANNEXING LAND OWNED BY FIRST LAND HOLDING I, LLC, AND CONSISTING OF 2.793 ACRES, MORE OR LESS, LOCATED ON CEDAR CORNER ROAD, SEVENTH ELECTION DISTRICT, CECIL COUNTY, MARYLAND, WHICH IS CONTIGUOUS TO AND ADJOINING THE BOUNDARIES OF THE EXISTING CORPORATE AREA OF THE TOWN OF PERRYVILLE.**

WHEREAS, First Land Holding I, LLC, the sole owner of the real property described herein, has submitted a written petition to the the Town of Perryville Mayor and Board of Commissioners to enlarge the corporate boundaries of the Town of Perryville by annexing the real property described herein, which is contiguous to and adjoining the existing corporate boundaries of the Town of Perryville; and

WHEREAS, the annexation of the property will not create any unincorporated area which is bounded on all sides by real property presently within the corporate limits of the Town of Perryville, or by real property proposed to be within the corporate limits of the Town of Perryville, or by any combination of such properties; and

WHEREAS, the Mayor and Commissioners of the Town of Perryville have determined that it may be in the best interests of the residents of the Town of Perryville to effect such an enlargement of its corporate boundaries; and

WHEREAS, no persons reside upon the property within the area to be annexed; and

WHEREAS, based on the foregoing petition, the Mayor and Commissioners of the Town of Perryville have determined to initiate a Resolution to enlarge and extend the boundaries of the Town of Perryville to include the hereinafter described real property, as requested in the petition, and to make applicable to that area all laws, regulations, and taxes which are now in force and effect, or which may hereafter be enacted, in the Town of Perryville.

NOW THEREFORE BE IT RESOLVED BY THE MAYOR AND COMMISSIONERS OF THE TOWN OF PERRYVILLE, AS FOLLOWS:

SECTION 1. The corporate boundaries of the Town of Perryville and the same are hereby enlarged by annexing thereto the property that is contiguous to and adjoining the present corporate boundaries as more particularly described in the metes and bounds description prepared by Northern Bay Land Planning Engineering and Surveying Corporation, and sealed 9/7/2018, and depicted on the “EXHIBIT PLAT for lands of FIRST LAND HOLDING I, LLC 2.793 AC. +/- TO BE ANNEXED INTO THE TOWN OF PERRYVILLE” dated 9/7/2018, and prepared by Northern Bay Land Planning Engineering and Surveying Corporation, attached hereto respectively as Exhibits A and B and incorporated by reference herein.

SECTION 2. The property within the area hereby annexed, consisting of 2.793 acres, more or less, owned by First Land Holding I, LLC, (hereinafter referred to as “the Property”), shall be classified as R1 Zoning District, as defined in the Town of Perryville Zoning Ordinance from the effective date of the annexation until such zoning is changed as provided by law, and the Town’s Comprehensive Zoning Maps shall be amended to reflect the annexation of such property and its zoning as provided by this Resolution.

SECTION 3. After the effective date of the amendment to the boundaries of the Town of Perryville provided for by this Resolution, the property annexed into the Town of Perryville by this Resolution, and all owners of such property and all persons residing within the areas annexed, shall be subject to the Charter, laws, ordinances and resolutions of the Town of Perryville.

SECTION 4. Promptly after the introduction and first reading of this Resolution by the Mayor and Commissioners of Perryville, the Town Administrator shall cause to be published a public notice, briefly and accurately describing the proposed change and the conditions and circumstances applicable. The aforesaid notice shall be published two (2) times at not less than weekly intervals in a newspaper or newspapers of general circulation in the Town of Perryville and the area to be annexed. The aforesaid public notice shall state a time, not less than fifteen (15) days after the second (2<sup>nd</sup>) publication thereof, and place within the Town of Perryville, at which a public hearing shall be held to consider public comment to consider this Resolution. The public hearing may be continued or rescheduled in accordance with the requirements set forth in Local Government Article, Section 4-406(e), of the Annotated Code of Maryland. Immediately

upon the first publication of the specified public notice, a copy of the public notice and other relevant documents shall be provided to the County Executive and County Council of Cecil County, the Maryland State Department of Planning, the Director of the Cecil County Department of Planning and Zoning, the Planning Commission of the Town of Perryville and to any other regional or state planning agency having jurisdiction over the property.

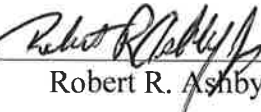
SECTION 5. This Resolution shall become effective forty-five (45) days after its enactment by the Mayor and Commissioners of the Town of Perryville, provided that a proper petition for referendum hereon is not filed as permitted by law.

SECTION 6. The Town Administrator shall properly register the original and new corporate boundaries of the Town of Perryville with the Clerk of the Circuit Court of Cecil County and the Department of Legislative Services for the State of Maryland when this Resolution takes effect.

ATTEST:

MAYOR AND COMMISSIONERS OF THE  
TOWN OF PERRYVILLE

  
\_\_\_\_\_  
Denise Breder,  
Town Administration

By:   
\_\_\_\_\_  
Robert R. Ashby Jr., Mayor

Date Introduced: 10/2/2018  
Date Enacted: 11/6/2018  
Effective Date: 12/21/2018

Alan McCarthy  
County Executive

Alfred C. Wein, Jr.  
Director of Administration

Office: 410.996.5202  
Fax: 800.863.0947

Eric Sennstrom, AICP, Director  
Office: 410.996.5220  
Fax: 800.430.3829

County Information  
410.996.5200  
410.658.4041



**CECIL COUNTY, MARYLAND**  
Office of the Director  
200 Chesapeake Boulevard, Suite 2300, Elkton, MD 21921

August 22, 2018

Dianna M. Battaglia, Director  
Perryville Planning & Zoning  
515 Broad Street, P.O. Box 773  
Perryville, MD 21903-0773

RE: Request for Annexation – TM 34, Parcels 98 & 99

Dear Ms. Battaglia:

I am writing in response to your letter of August 20, 2018 regarding a request for annexation that the Town has received for the above referenced parcels. Upon the culmination of the annexation process, the Town proposes to change the zoning designation of the parcels from the County's High Density Residential (RM) zoning district to the Town's R-1 zoning district.

Please be advised that the R-1 zoning district does not permit uses that are substantially different than the County's RM zoning district nor does it permit a density that is substantially higher. Therefore, no approval is required by the County for the proposed zoning change.

Thank you for this opportunity to comment.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Eric S. Sennstrom', is written over a faint blue circular stamp.

Eric S. Sennstrom, Director  
Land Use & Development Services

CC: Dr. Alan J. McCarthy – County Executive  
Alfred C. Wein, Jr. – Director of Administration

February 15, 2018

Dianna M. Battaglia, CFM  
Director of Planning and Zoning  
Town of Perryville  
515 Broad Street, P.O. Box 773  
Perryville, MD 21903



re: Request for Annexation of Property into the Town of Perryville

Dear Ms. Battaglia,

As a representative of First Land Holdings I, LLC, I am requesting initiation of the process of annexation of the two lots as shown on Minor Subdivision No. 3461 being more particularly Lots 1 & 2 as shown on the attached "Minor Subdivision Plan & Forest Conservation Plan for lands of Katherine E. Wein." These lots were approved with an agreement in place with the Town of Perryville (see attached Agreement as recorded in the Land Records of Cecil County, Maryland in WLB 1495/681) to connect to the Town of Perryville municipal water system. As a condition of this agreement and at which time these lots became contiguous to the Town of Perryville limits said lots must be annexed into the Town of Perryville to be provided with said water service connections. As your office has now verified this to be the case and as we now wish to build upon these lots I hereby formally request that the annexation process be initiated.

Also attached are the deeds of conveyance of the lots to First Land Holdings I, LLC, being DWL 3399/206 and DWL 3399/214 for reference.

We would like to move toward annexation along the most expeditious timeline possible. If you could please outline the process requirements and key dates in the process we will provide whatever information you require.

Should you need further information or have questions please contact Faron Pyles of Northern Bay Land Planning and Engineering at 443-466-5569 or [fpyles@northernbay.com](mailto:fpyles@northernbay.com) and please copy Mr. Pyles on correspondence related to this matter.

Respectfully Yours,

A handwritten signature in black ink, appearing to read "M. Palmisano", written over the closing "Respectfully Yours,".

Michael J. Palmisano  
P.O. Box 426,  
Queenstown, MD 21658

AGREEMENT

This Agreement made this 25 day of September, 2003, by and between Katherine E. Wein, hereinafter referred to as "Developer", and the Town of Perryville, a Maryland Municipal Corporation, hereinafter referred to as "Town".

**WHEREAS**, Developer is the owner of a parcel of ground located in Cecil County, Maryland, shown as Parcel 37, Block 23 on Tax Map 29, consisting of 17.877 acres± as described in a Deed recorded among the Land Records of Cecil County at Liber WAS 92 folio 270.

**WHEREAS**, Developer wishes to subdivide two lots from said parcel, numbered Lot Number 1 and Lot Number 2, consisting of 1.398 acres as Lot Number 1 and 1.395 acres as Lot Number 2, as shown on a Minor Subdivision Plat and Standard Forest Conservation Plan for Lands of Katherine E. Wein, prepared by Northern Bay Land Planning, Engineering and Surveying Corporation, dated June 27, 2003.

**WHEREAS**, Developer has contacted the Town, requesting permission to connect said lots to the Town's municipal water system.

**WHEREAS**, it is the policy of the Town to require any out-of-town user who uses Town water and/or sewer to pay twice the normal user rate and to agree to be annexed into Town when said property becomes contiguous to the Town.

**NOW, THEREFORE**, in consideration of the above, the Town hereby agrees to permit Developer to connect Minor Subdivision Lots 1 and 2 as described above to the Town municipal water system. Developer hereby agrees to annex said parcels into the Town of Perryville at such time as said parcels become contiguous to the Town boundaries of Perryville. In addition, Developer agrees that, until such parcels are annexed into Town, so long as said parcels are using

CECIL COUNTY CIRCUIT COURT (Land Records) WLB 1495, p. 0681, MSA\_CE55\_2093. Date available 03/03/2005. Printed 02/15/2018.

BAKER, THOMEY  
& EMREY, P.A.  
ATTORNEYS AT LAW  
153 E. MAIN STREET  
ELKTON, MD 21921

(410) 398-3536

3-2003B-14

municipal water, the owners of said parcels shall pay user rates at twice the normal user rate billed to residents of the Town of Perryville for use of water.

**THIS AGREEMENT** shall be recorded among the Land Records of Cecil County and shall be binding upon the personal representatives, heirs, successors and assigns of the Developer.

  
Katherine E. Wein

Town of Perryville  
by:   
Steven Pearson, Mayor

DET/myk  
3-2003G-13  
N:\BTEPA\DET\Town of Perryville\Agreement, Wein.Town.wpd

|                |              |
|----------------|--------------|
| IMP FD SURE \$ | 20.00        |
| RECORDING FEE  | 20.00        |
| TOTAL          | 40.00        |
| Res# CE01      | Rcpt # 86961 |
| MLB JCN        | Blk # 2343   |
| Sep 30, 2003   | 01:49 PM     |

RECEIVED FOR RECORD  
& RECORDED  
2003 SEP 30 P 1:18  
CECIL COUNTY, MD.  
PER WILLIAM L BRUECKMAN  
CLERK

CECIL COUNTY CIRCUIT COURT (Land Records) WLB 1495, p. 0682, MSA\_CE55\_2093. Date available 03/04/2004. Printed 02/15/2018.

BAKER, THOMEY  
& EMREY, P.A.  
ATTORNEYS AT LAW  
153 E. MAIN STREET  
ELKTON, MD 21921  
(410) 398-3536



## ANNEXATION PLAN – 2 LOTS-CEDAR CORNER ROAD

### GENERAL INFORMATION AND DESCRIPTION:

The Mayor and Commissioners of the Town of Perryville are considering the annexation of two (2) lots on Cedar Corner Road, more or less, into the Town boundaries. The two lots total 2.793 acres, more or less, are situated in the Seventh Election District of Cecil County, Maryland and located on the northerly side of Cedar Corner Road, Tax Map 34, Parcels 98 (Lot 1) and 99 (Lot 2). The land to be annexed is described as Lot No. 1 and Lot No. 2 in their entireties as shown on a plan entitled "Minor Subdivision Plan and Standard Forest Conservation Plan for lands of Katherine E. Wein" dated October 8, 2013.

### Purpose of the Annexation

An Agreement was signed with the Town of Perryville on September 25, 2003 at the time of subdivision which granted permission to connect the lots to the Town's municipal water system. The Agreement also specifies that the two lots are to be annexed into the Town of Perryville at such time as the lots become contiguous to the Town boundaries of Perryville.

### Location



The property proposed for annexation is Tax Map 34 Parcels 98 and 99, owned by First Land Holdings I, LLC, located on Cedar Corner Road. The legal description and the associated schedule of the proposed annexation are included as Attachment A.

The area to be annexed is shown on the location map.

### ANNEXATION CRITERIA:

The Local Government Article of the Annotated Code of Maryland establishes standards for evaluating annexation proposals. The code states that a municipal corporation may enlarge its corporate boundaries only to land: 1) Which is adjoining and contiguous to the existing corporate area; and 2) Which does not create any unincorporated area which is bounded on all sides by real property presently within the corporate limits of the municipality as a result of the proposed annexation, or any combination of such properties.

This proposed annexation meets these requirements.

### LAND USE PATTERNS OF AREA PROPOSED TO BE ANNEXED:

Existing and proposed zoning and land use:

The property's current County zoning is RM, High Density Residential District. Surrounding properties within Town boundaries are zoned R-1 Single Family Residential and would be applied to the lots. The applicant intends to develop both of the parcels with single family dwellings, connected to Town water per Agreement and septic field pending future extension of sewer lines. A single family dwelling is under construction on Lot 2 and the County has issued a building permit for a single family dwelling on Lot 1.

Compliance with Town's Comprehensive Plan:

The Perryville Comprehensive Plan outlines the growth expectations and capacity allowances for future growth. Annexations must determine that they fit within those allowances. The subject property is intended for residential development and fits in with the current adjacent residential district, and is consistent with the municipal growth element of the Comprehensive Plan.

**ADEQUACY OF PUBLIC FACILITIES:**

Water and Sewer

There is sufficient production and distribution capacity to provide water to 2 single family dwellings (per agreement 2003); lots will be serviced by septic as there is no sewer line within the area. When a sewer line is extended in the vicinity the 2 lots will be required to connect as required by Chapter 82 of the Town Code. Per Chapter 82-7,C.(2), "*A private sewerage disposal system may be continued or hereafter constructed on any property in the Town if a public sewer is not located in a street, lane or alley on which said property abuts.*" 82-2,F.(1) provides that "*[w]henver the Town shall construct water or sewer lines in any street, lane or alley not theretofore served, then, at least thirty (30) days prior to the date when any such water or sewer line is scheduled for construction, the Town shall give written notice to the owner or owners of all properties abutting any such street, lane or alley that it will install, as part of such construction, a water house connection and a sewer tap for each improved property and that each such owner or owners of improved properties will be required to connect to said water and sewer lines within six (6) months after said lines are placed in service, paying the connection charges specified in Subsection A.*"

Roads

The lots are located on the portion of Cedar Corner Road that is maintained by Cecil County with private access driveway to both. No road improvements should be required for these two lots.

Police Services

Police protection will be provided by Perryville Police Department in conjunction with the Cecil County Sheriff's Department. No additional personnel or infrastructure should be required to serve these two lots.

Fire, EMS and Rescue Services

Minimal impacts on these types of emergency services are anticipated as a result of this annexation. The two homes will be required to have fire sprinkler systems.

School Services

No impacts on Cecil County Public Schools systems are anticipated as a result of this annexation of 2 lots.

Parks and Recreations/Public Libraries

This annexation does not impact service provision for parks, recreation or libraries.

Storm Water Management

Storm water management on the lots will be provided as required by Cecil County.

**ENVIRONMENT:**

The annexation of 2 lots for residential dwellings will not impact substantially the natural features of the Town including streams, wooded areas, wildlife habitats, and any sensitive natural areas. Building permits will require storm water management systems to be designed by integrating site design, natural hydrology, and smaller controls to capture and treat runoff onsite.