

RESOLUTION NO. 2024-10

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 NOAH F. STEPHENS AND PHYLLIS I. STEPHENS, AND CONSISTING OF 21.1719 ACRES, MORE OR LESS, LOCATED AT 50 MILL CREEK 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, Noah F. Stephens and Phyllis I. Stephens, the owners of the real property described herein("Owners"), have submitted a written petition to the the Town of Perryville 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 other than Owners 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 depicted on a plat entitled, "Annexation Plat Lands of Noah F. Stephens and Phyllis I Stephens, Joseph A. Ruff, Jr. & Kendall D. Ruff," dated 11/27/23 (and signed 03/12/24), and prepared by Morris & Ritchie Associates, Inc., and described by metes and bounds dated January 26, 2024, and prepared by Morris & Ritchie Associates, Inc., attached hereto respectively as Exhibits A and B and incorporated by reference herein.

SECTION 2. The property within the area hereby annexed, consisting of 21.1719 acres, more or less, owned by Noah F. Stephens and Phyllis I. Stephens (hereinafter referred to as "the Property"), shall be classified as R2 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. The Perryville Mayor and Board of Commissioners and the Owners of the property hereby annexed agree that the conditions and circumstances applicable to the change in the boundaries of the Town of Perryville to be effected by this annexation and to the residents and property within the area hereby annexed shall be further provided as set forth in the Annexation Agreement between the Owners and the Town, attached hereto as Exhibit C and incorporated by reference herein.

SECTION 5. 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 (2nd) 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(f), 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 6. 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 7. 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

George Patchell
Town Administrator

By: _____
Matt Roath, Mayor

Date Introduced: _____

Date Enacted: _____

Effective Date: _____