

RESOLUTION NO. R-18-54

RESOLUTION OF THE COUNCIL OF THE CITY OF HAGERSTOWN TO ENLARGE THE CORPORATE BOUNDARIES AND THEREBY AMEND THE CORPORATE BOUNDARIES AS CONTAINED IN SECTION 104 OF THE ARTICLE 1 OF THE CHARTER OF THE CITY OF HAGERSTOWN, MARYLAND AND AT THE SAME TIME ESTABLISH THE ZONING CLASSIFICATION OF THE AREA TO BE ANNEXED.

WHEREAS the City of Hagerstown, pursuant to its rights and authority under the Local Government Article, §4-403 of the Annotated Code of Maryland may annex into the City additional lands in accordance with the requirements set forth therein;

WHEREAS, pursuant to the Maryland Annotated Code, Local Government Article, §4-401 *et seq.*, the City desires to enlarge the corporate boundaries of the City of Hagerstown, Maryland by adding or annexing thereto the within described areas which are immediately adjacent to and adjoining the present corporate boundaries thereof, and to be popularly known as the "Foggy Bottom Farm and Other Lands Annexation, Case No. A-2018-01" for identification; and identification of the same is incorporated herein by reference as if set forth into and made a part hereof. **See Exhibit A – Annexation Plat (3 pages);**

WHEREAS, pursuant to the Maryland Annotated Code, Local Government Article §4-403(b)(1), the City may annex land with the consent of at least twenty-five (25) percent of the registered voters residing within the area to be annexed, and the City of Hagerstown, as the sole owner of "Foggy Bottom Farm", leases this property to Jarris and Jocelyn Crooks, being registered voters who are residents of "Foggy Bottom Farm", which is the only residentially occupied property of the three included in this petition, and they have agreed and consented to the annexation as set forth in the attached Consent and there are no registered voters residing on the remaining two properties to provide or withhold consent, **See Exhibit B – Consent of Resident Registered Voters;**

WHEREAS, pursuant to the Maryland Annotated Code, Local Government Article, §4-403(b)(2), the City may annex lands with the consent of the owners of twenty-five (25) percent of the assessed value of lands to be annexed, and the City of Hagerstown, which has provided consent for this annexation is the owner of ninety-three and seventeen one-hundredths (93.17) percent of the assessed value of the lands subject to this resolution, **See Exhibit C – Consent of Property Owners;**

WHEREAS, this Resolution for Annexation meets all the requirements of the law, and, pursuant to the Maryland Annotated Code, Local Government Article, §4-406(c), the Annexation was referred to the appropriate State, Regional, and County Planning authorities,

WHEREAS, in accordance with historic City practice in processing annexations, the issue of the proposed zoning of the area to be annexed to the corporate limits was referred to the Planning Commission for the City of Hagerstown, Maryland which said Commission for the City of Hagerstown has studied the proposed zoning of the tracts described herein in relation to the

Please return to:

Office of the City Clerk
City of Hagerstown

1 East Franklin Street, Room 200
Hagerstown, MD 21740

Comprehensive Plan, the Zoning Ordinance, and all other applicable ordinances, the needs of the City and County, and the needs of the particular neighborhood and vicinities of the areas, and have approved the same and that the rezoning for the said tract of land is proper and desirable under all of the circumstances and should be accomplished at this time.

Section 1. Now, therefore, be it resolved by the Mayor and City Council of the City of Hagerstown, Maryland that the boundaries of the City, pursuant to the Local Government Article, Subtitle 4-401 *et seq.*, be and are hereby amended so as to annex and include land within said City all that certain area of land together with the persons residing therein and the properties therein, contiguous to the corporate limits of the City and being more particularly described by metes and bounds in **Exhibit A – Annexation Plat (3 pages)** attached hereto and made a part thereof;

Section 2. And be it further resolved by the Mayor and City Council, that the subject properties to be annexed shall have zoning classifications as follows upon annexation:

Meritus Medical Center Lands	I-MU (Industrial – Mixed Use)
Washington County Commissioners	I-MU (Industrial – Mixed Use)
Foggy Bottom Farm (11850 Indian Lane)	AT (Agricultural Transition), and with a designation as a “potential landmark”

Section 3. And be it further resolved that the annexation of the said area be made subject to the terms and conditions as set forth in the Annexation Plan attached hereto as Exhibit D and made part hereof upon final agreement and passage; **See Exhibit D – Annexation Plan;**

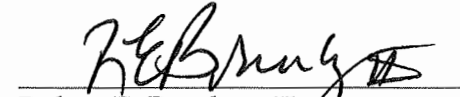
Section 4. And be it further resolved that the conditions and circumstances applicable to the change in said corporate boundaries and to the residents and property within the area so annexed shall be subject to the provisions of the Charter of the City of Hagerstown, the Code of the City of Hagerstown, and all acts, ordinances, resolutions and policies.

Section 5. And be it further resolved by the Mayor and Council, that this resolution shall take effect upon the expiration of forty-five (45) days following its final passage, subject however, to the right of referendum as contained in the Local Government Article of the Maryland Code, as amended.

WITNESS AND ATTEST
AS TO CORPORATE SEAL

BY ORDER OF THE MAYOR AND
THE CITY COUNCIL OF HAGERSTOWN,
MARYLAND

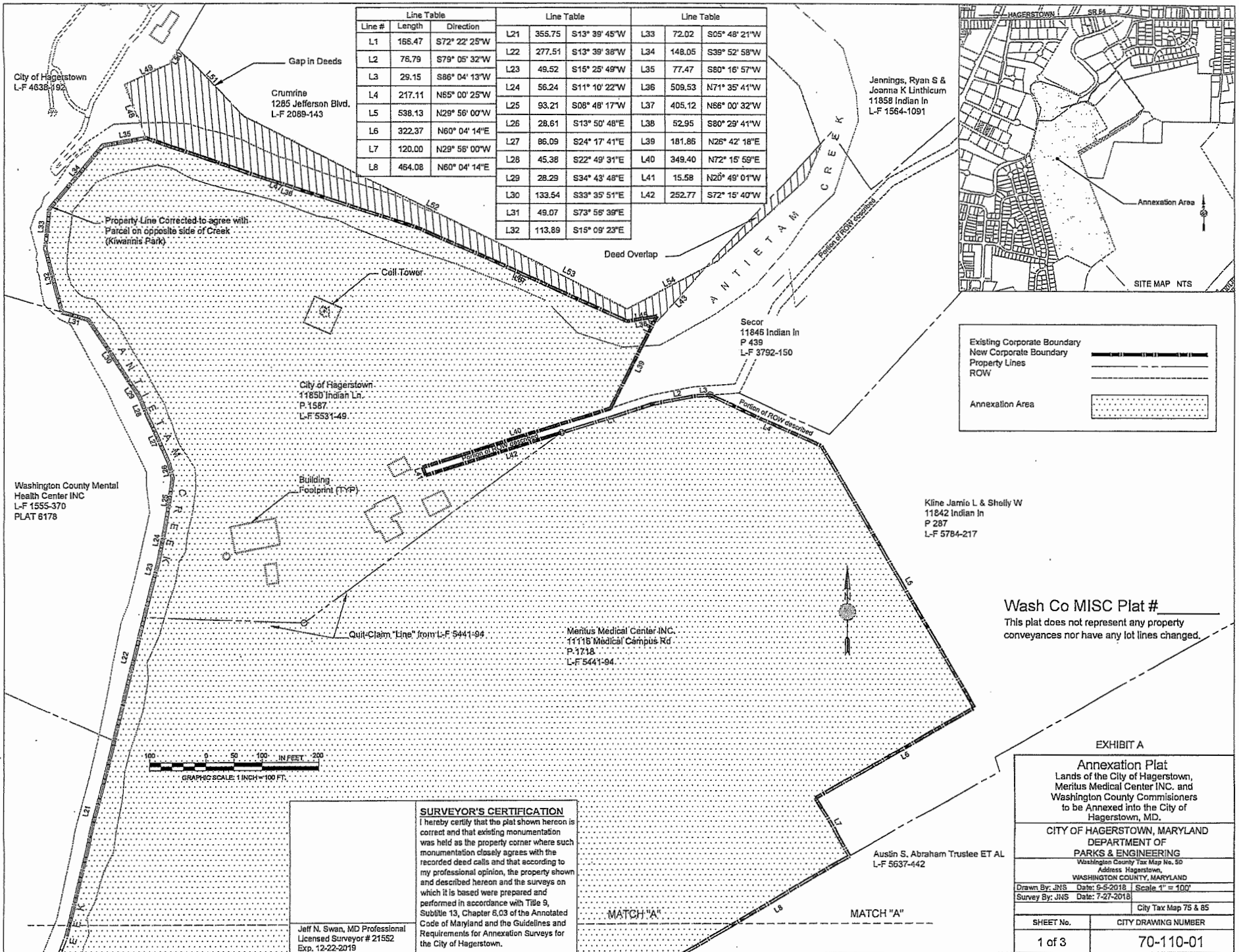

Donna K. Spickler
City Clerk

By: 
Robert E. Bruchey, II
Mayor

Date Introduced:	11/27/18
Hearing Date:	01/29/19
Final Enactment	02/26/19
Effective Date:	04/12/19

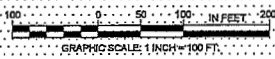
7/23/2012 1:51 PM Hagerstown Engineering m:\cshah\wg\wg175-000\175-160 properties on antietam\wg175\indian lane annexation survey.dwg

R-18-54



Line Table			Line Table			Line Table		
Line #	Length	Direction	Line #	Length	Direction	Line #	Length	Direction
L1	166.47	S72° 22' 25"W	L21	355.75	S13° 39' 46"W	L33	72.02	S05° 48' 21"W
L2	76.79	S79° 05' 32"W	L22	277.51	S13° 39' 38"W	L34	148.05	S39° 52' 58"W
L3	29.15	S86° 04' 13"W	L23	49.52	S15° 25' 49"W	L35	77.47	S80° 16' 57"W
L4	217.11	N65° 00' 25"W	L24	56.24	S11° 10' 22"W	L36	509.53	N71° 35' 41"W
L5	538.13	N29° 56' 00"W	L25	93.21	S08° 48' 17"W	L37	405.12	N66° 00' 32"W
L6	322.37	N60° 04' 14"E	L26	28.61	S13° 50' 48"E	L38	52.95	S80° 29' 41"W
L7	120.00	N29° 56' 00"W	L27	86.09	S24° 17' 41"E	L39	181.86	N26° 42' 18"E
L8	454.08	N60° 04' 14"E	L28	45.38	S22° 49' 31"E	L40	349.40	N72° 15' 59"E
			L29	28.29	S34° 43' 48"E	L41	15.58	N20° 49' 01"W
			L30	133.54	S33° 35' 51"E	L42	252.77	S72° 15' 40"W
			L31	49.07	S73° 56' 39"E			
			L32	113.89	S15° 09' 23"E			

Existing Corporate Boundary
 New Corporate Boundary
 Property Lines
 ROW
 Annexation Area



SURVEYOR'S CERTIFICATION
 I hereby certify that the plat shown hereon is correct and that existing monumentation was held as the property corner where such monumentation closely agrees with the recorded deed calls and that according to my professional opinion, the property shown and described hereon and the surveys on which it is based were prepared and performed in accordance with Title 9, Subtitle 13, Chapter 6.03 of the Annotated Code of Maryland and the Guidelines and Requirements for Annexation Surveys for the City of Hagerstown.

Jeff N. Swan, MD Professional Licensed Surveyor # 21552 Exp. 12-22-2019

Wash Co MISC Plat #
 This plat does not represent any property conveyances nor have any lot lines changed.

EXHIBIT A

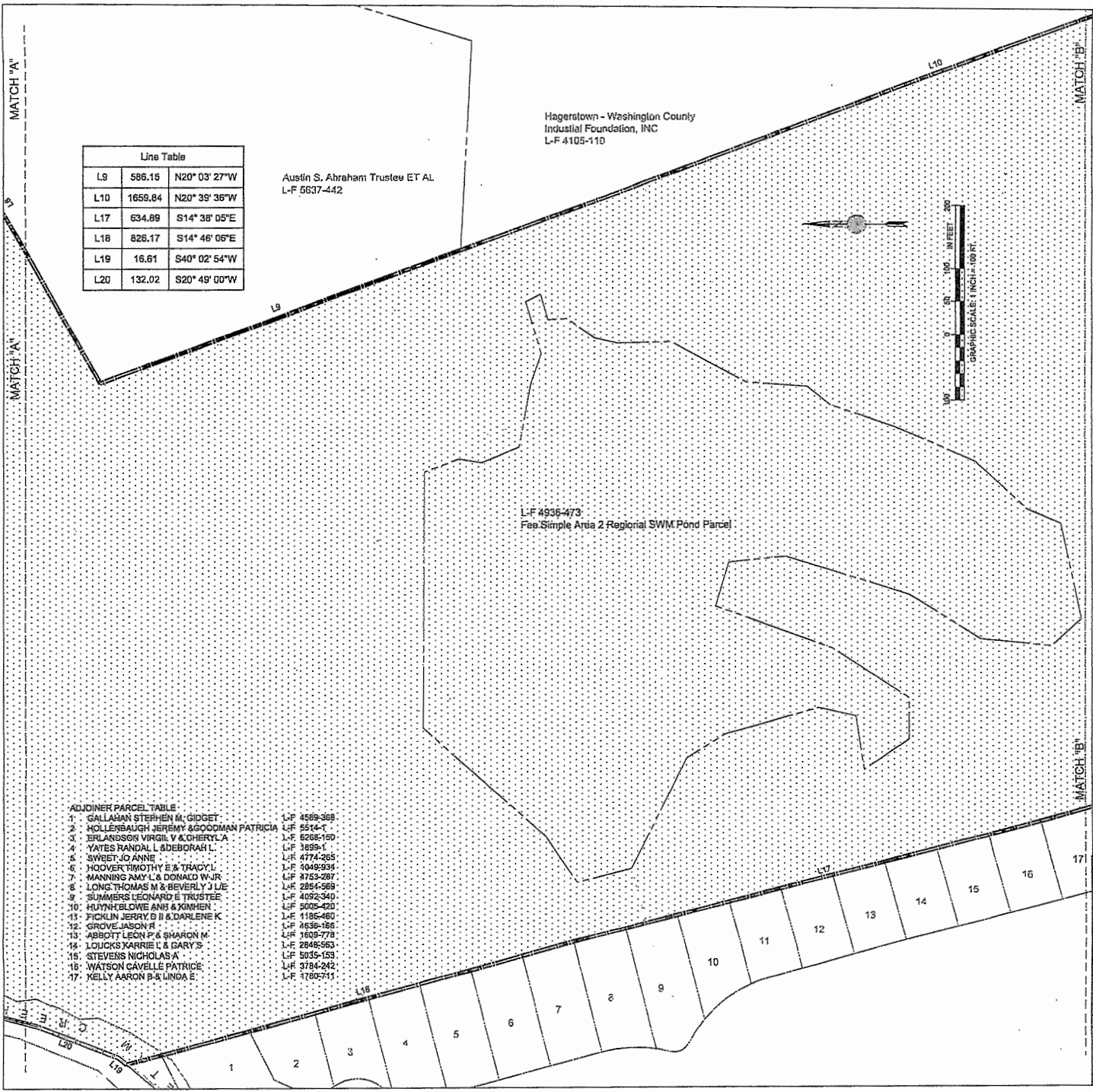
Annexation Plat
 Lands of the City of Hagerstown, Meritus Medical Center INC. and Washington County Commissioners to be Annexed into the City of Hagerstown, MD.

CITY OF HAGERSTOWN, MARYLAND
 DEPARTMENT OF PARKS & ENGINEERING
 Washington County Tax Map No. 5D
 Address: Hagerstown, WASHINGTON COUNTY, MARYLAND

Drawn By: JNS Date: 6-5-2018 Scale: 1" = 100'
 Survey By: JNS Date: 7-27-2018

City Tax Map 75 & 85

SHEET No. CITY DRAWING NUMBER
 1 of 3 70-110-01



Line Table	
L9	586.15 N20° 03' 27"W
L10	1659.84 N20° 39' 36"W
L17	634.89 S14° 38' 05"E
L18	826.17 S14° 46' 06"E
L19	16.61 S40° 02' 54"W
L20	132.02 S20° 49' 00"W

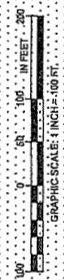
Austin S. Abraham Trustee ET AL
L-F 5637-442

Hagerstown - Washington County
Industrial Foundation, INC
L-F 4105-110

L-F 4936-473
Fee Simple Area 2 Regional SWM Pond Parcel

ADJOINER PARCEL TABLE

1	GALLAHAN STEPHEN M. & GIDGET	L-F 4599-368
2	HOLLENBAUGH JEREMY & GOODMAN PATRICIA	L-F 5514-7
3	ERLANDSON VIRGIL V & CHERYL A	L-F 5268-150
4	YATES RANDAL L & DEBORAH L	L-F 3895-1
5	SWEET JO ANNIE	L-F 4774-265
6	HOOVER TIMOTHY E & TRACY L	L-F 1048-934
7	MANNING AMY L & DONALD W JR	L-F 4753-287
8	LONG THOMAS M & BEVERLY J LEE	L-F 2854-569
9	SUMMERS LEONARD E TRUSTEE	L-F 4082-340
10	HUYNH BLOWIE ANH & KIMHEN	L-F 5005-420
11	FICKLIN JERRY D II & DARLENE K	L-F 1195-460
12	GROVE JASON R	L-F 4636-166
13	ABBOTT LEON P & SHARON M	L-F 1608-779
14	LOUCKS KARRIE L & GARY S	L-F 2948-563
15	STEVENS NICHOLAS A	L-F 5035-153
16	WATSON CAVELLE PATRICE	L-F 3784-242
17	KELLY AARON B & LINDA E	L-F 1780-711



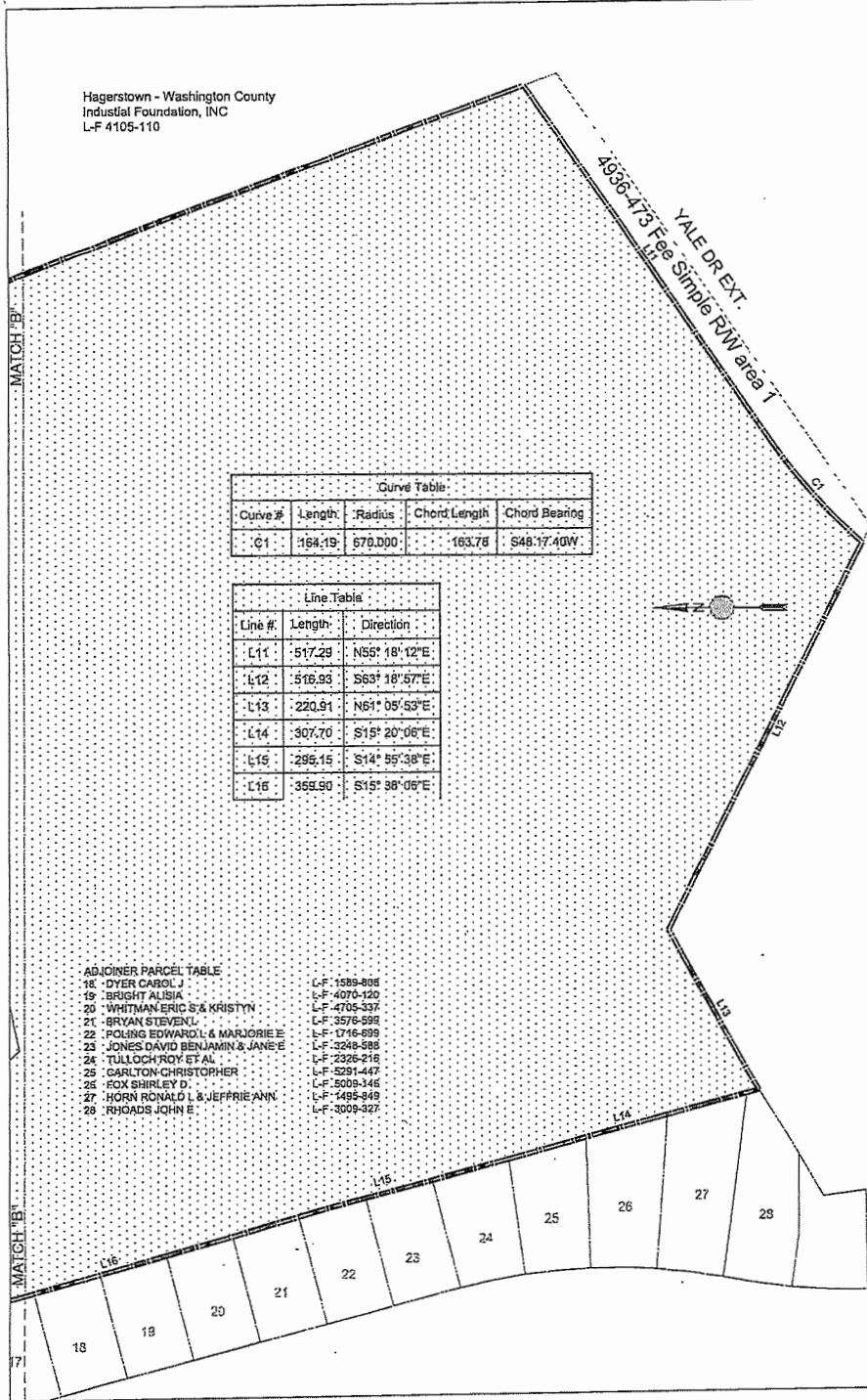
R-18-54

Wash Co MISC Plat # _____

This plat does not represent any property conveyances nor have any lot lines changed.

Annexation Plat Lands of the City of Hagerstown, Meritus Medical Center INC, and Washington County Commissioners to be Annexed into the City of Hagerstown, MD.	
CITY OF HAGERSTOWN, MARYLAND DEPARTMENT OF PARKS & ENGINEERING	
<small>Washington County Tax Map No. 0000000000 Address: Hagerstown, WASHINGTON COUNTY, MARYLAND</small>	
Drawn By: ins	Date: 9/5/2018 Scale: 1" = 100'
Survey By: ins	Date: 7/27/2018
City Tax Map 75 & 85	
SHEET No.	CITY DRAWING NUMBER
2 of 3	70-110-02

Hagerstown - Washington County
Industrial Foundation, INC
L-F 4105-110



Curve Table				
Curve #	Length	Radius	Chord Length	Chord Bearing
C1	164.19	670.000	163.78	S48°17'40W

Line Table		
Line #	Length	Direction
L11	517.28	N56°18'12"E
L12	518.93	S63°18'57"E
L13	220.91	N61°05'53"E
L14	307.70	S15°20'06"E
L15	285.15	S14°55'38"E
L16	359.90	S15°38'06"E

ADJOINER PARCEL TABLE	
18	DYER CAROL J L-F 1589-888
19	BRIGHT ALBISA L-F 4070-120
20	WHITMAN ERIC S & KRISTYN L-F 4705-337
21	BRYAN STEVEN L L-F 3576-599
22	POLING EDWARD L & MARJORIE E L-F 1746-899
23	JONES DAVID BENJAMIN & JANE E L-F 3248-588
24	TULLOCH ROY ET AL L-F 2326-218
25	CARLTON CHRISTOPHER L-F 5281-447
26	FOX SHIRLEY D L-F 5009-146
27	HORN RONALD L & JEFFRIE ANN L-F 1495-849
28	RHOADS JOHN E L-F 3009-327

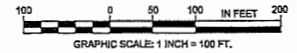
Meritus Medical Center, INC
L-F 4565-1

"I hereby certify that the intent of this annexation plat is to incorporate these parcels into the corporate limits of the City of Hagerstown. The legal owners of record are City of Hagerstown, Meritus Medical Center INC., Washington County Commissioners. The undersigned adopted Resolution No. _____ on _____ City of Hagerstown, Meritus Medical Center INC., Washington County Commissioners consented to the Annexation of its parcel, which consent is evidenced in Exhibit A1 attached to the Resolution."

Robert E. Bruchey II, Mayor
of the City of Hagerstown

ACREAGE TABLE

MERITUS	78.18 ac.
Washington County SW Parcel	10.78 ac.
City of Hagerstown	12.07 ac.
	101.03 ac. total



Wash Co MISC Plat # _____

This plat does not represent any property conveyances nor have any lot lines changed.

GENERAL NOTES:

- Coordinates and rotation based on Hagerstown City Control Monument 115
- Current owners of record are: City of Hagerstown, Meritus Medical Center INC., Washington County Board of Commissioners.
- Zoning Classifications: Current County: ORI Proposed City: I-MU
- Annexation Effective Date: xxxxxxxxxx
- Case # A-2018-01

Annexation Plat	
Lands of the City of Hagerstown, Meritus Medical Center INC, and Washington County Commissioners to be Annexed into the City of Hagerstown, MD.	
CITY OF HAGERSTOWN, MARYLAND DEPARTMENT OF PARKS & ENGINEERING	
Washington County Tax Map No. xxxxxxxx Address Hagerstown, WASHINGTON COUNTY, MARYLAND	
Drawn By: ins	Date: 9/5/2018 Scale: 1" = 100'
Survey By: ins	Date: 7/27/2018
City Tax Map 75 & 85	
SHEET No.	CITY DRAWING NUMBER
3 of 3	70-110-03


A-2018-01

R-18-54

EXHIBIT B
CONSENT OF RESIDENT REGISTERED VOTER(S)

Pursuant to the Local Government Article, Subtitle 4-400 (Annexation) of the Annotated Code of Maryland, I (we) the undersigned, being resident occupant(s) of the property owned by the City of Hagerstown, known as 11850 Indian Lane (also known as "Foggy Bottom Farm"), having reviewed the proposed annexation plat with Metes and Bounds Description, do hereby consent to the Annexation of the lands as described in *Foggy Bottom Farm and Other Lands - Annexation A-2018-01*.

Valen A. Mears
Witness:


Signature 10-23-18
Date

JARIZIS CROOKS
Print Name

Valen A. Mears
Witness:

Jocelyn Crooks 10/23/18
Signature Date

Jocelyn Crooks
Print Name

**EXHIBIT C
CONSENT OF PROPERTY OWNER(S)**

Pursuant to the Local Government Article, §4-401 et seq. (Annexation) of the Annotated Code of Maryland, the City of Hagerstown, being the sole owner of the "Foggy Bottom Farm" tract, being 11.934 acres of land, and consisting of 93.17 percent of the assessed value of lands within the area subject to this resolution for annexation (exceeding the minimum requirement of 25% of the owners of the assessed value of lands), having read the Metes and Bounds Description does hereby consent to the Annexation of its property as described in *Foggy Bottom Farm and Other Lands Annexation A-2018-01*, subject to all of the terms and conditions set forth in the Resolution and other documents set forth above.


The City of Hagerstown further agrees and consents to execute such documents and to perform such acts as may be required to complete the Annexation of the property.

IN WITNESS WHEREOF, The City of Hagerstown has caused its corporation name to be here unto subscribed by Donna K. Spickler, City Clerk, and its corporate seal to be affixed hereto and duly attested by its City Clerk.

ATTEST AS TO
CORPORATE SEAL

THE CITY OF HAGERSTOWN, MARYLAND


Donna K. Spickler, City Clerk

BY: 
Robert E. Bruchey, II, Mayor

ASSESSMENT OF LANDS TO BE ANNEXED (IN U.S. DOLLARS)

Property	Land	Improvements	Total
City of Hagerstown Property (Foggy Bottom Farm)	219,600	140,800	360,400
Washington County Govt. (Stormwater Management Facility)	0	0	0
Meritus Medical Center, Inc.	26,400	0	26,400
TOTAL	246,000	140,800	386,800

Assessed Value of Foggy Bottom Farm:	360,400÷
<u>Total Assessed Value of Three Properties to be Annexed:</u>	<u>386,800</u>
Percentage of Assessed Value of Lands to be Annexed Owned by the City:	93.17%

Source: Maryland Department of Assessment and Taxation database records for each of the three properties provided by D. Pitsnogle, MD DAT staff, Hagerstown office, on October 31, 2018, copies of which are included with Annexation File A-2018-01.

R-18-54

City of Hagerstown, Maryland

EXHIBIT D ANNEXATION PLAN *Annexation Case No. A-2018-01*

Property Owner/Applicant: City of Hagerstown – By Resolution

Location of Properties:

11850 Indian Lane (Map 0050, Parcel 1587)
Lands west of Yale Drive (Map 0050, Parcel 1718)
Stormwater Facility (Map 0050, Parcel 1755)

Owners:

City of Hagerstown
Meritus Medical Center
Board of County Commissioners

Annexation Plan

Pursuant to §4-415 of the Local Government Article of the Annotated Code of Maryland, herewith is a proposed outline for extension of services and public facilities into the areas proposed to be annexed. It is also noted that any future amendments to the Annexation Plan may not be construed in any way as an amendment to the resolution, nor may they serve in any manner to cause a re-initiation of the annexation procedure then in process.

I. Land Use Patterns of Areas Proposed to be Annexed -

- A. The area of annexation is +/- 101.03 acres.
- B. The proposed zoning is AT (Agricultural Transition) for Parcel 1587, with designation as a “Potential Landmark”. The purpose of the AT zoning district is as follows:

The purpose of the AT District is to enable agricultural uses to continue on newly annexed land, if desired by the property owner, as a temporary use until such time that the land is re-zoned for development.

All lands within this district proposed for development shall be rezoned to another district to accommodate that development, in accordance with the policies and procedures set forth in this Article.

The Planning Commission and the Mayor and City Council shall consider the policies and recommendations of the Comprehensive Plan when re-assigning zoning classification for AT land for development.

When the property is to be given another classification, whether there was a mistake in assigning the AT classification and/or whether changes in the character of the neighborhood have occurred may be taken into consideration. However, a finding of mistake or change in character of the neighborhood shall not be required.

The AT zoning classification is generally consistent with the County's current zoning of RT; thus, no "express approval" of a zoning change by the County is needed.

The Zoning Ordinance (Article 4, Land Management Code, Section 140 of the City Code), Section A.13.b states:

When County-designated historic districts and County inventory properties are annexed into the City, they will be annexed with a landmark overlay or be considered City Potential Landmarks. If demolition is proposed for any such Potential Landmarks, the review process in Subsection T.6 must be followed. Landmarks are subject to Section T of this Article.

Foggy Bottom Farm appears on the County's historic property inventory map, and is included in the Maryland Historical Trust inventory of historic properties as site WA-I-066. Therefore, the property will be annexed with a "Potential Landmark" designation.

The proposed zoning for Parcels 1718 and 1755 is I-MU (Industrial – Mixed Use). The purpose of the I-MU zoning district is as follows:

To provide locations for light industrial parks, office parks, research and development facilities, high-tech communications and technology facilities, trucking and distribution facilities, and minor commercial uses that support job centers.

The I-MU zoning classification is generally consistent with the County's current zoning of ORI (Office – Research – Industrial); thus, no "express approval" of a zoning change by the County is needed.

- C. These properties are within the City's Medium Range Growth Area, an area intended for new or expanded water and wastewater service, as defined in the 2018 Comprehensive Plan.
- D. These properties are within the County's Urban Growth Boundary (UGA) and the State's designated Priority Funding Area (PFA).

II. Availability of Land Needed for Public Facilities -

- A. The area of annexation contains, in part, one existing dwelling unit on an 11.934 acre residentially zoned parcel. However, the future use of this property has not been determined by the City. The property is owned by the City and is adjacent to a City-owned public park and the Antietam Creek. There is no foreseeable impact annexing this parcel will have on Washington County Board of Education Facilities. The remaining two parcels proposed in this annexation are non-residential in nature and will

have no additional impact on Washington County Board of Education facilities with respect to school capacity.

- B. The area of annexation contains one existing dwelling. However, the future proposed use of most of the lands of this annexation are non-residential in nature will have no additional impact to the Washington County Free Library as a result of the annexation.

III. Schedule and Method of Financing the Extension of Each Municipal Service Currently Performed Within the City of Hagerstown into the Area Proposed to be Annexed -

- A. The area of annexation current has no City Wastewater Service. If requested for existing development or redevelopment, the property will be served by City Wastewater. Sufficient capacity exists to serve the property.
- B. The area of annexation current has no City Water Service. If requested for existing development or redevelopment, the property will be served by City Wastewater. Sufficient capacity exists to serve the property.
- C. The Electric Distribution System is external to the Hagerstown Light Division operating territory. Electrical service is currently provided by Potomac Edison.

For the provision of street lighting, The City of Hagerstown Light Department (HLD) supplies street light services to public streets and supplies the manpower and equipment to serve a new area once the developer designs, purchases, and installs the infrastructure to HLD specifications. The HLD assumes ownership of the street light system twelve (12) months after the City of Hagerstown assumes ownership of the street(s). Until such time, the developer is the owner of the system and is responsible for its operation and maintenance. Being this location is not part of the City of Hagerstown until the effective date of annexation, electrical usage of the system will be the responsibility of the owner until such time the City of Hagerstown assumes ownership of street(s). When the City of Hagerstown assumes ownership of street(s), the City of Hagerstown will be responsible for the electrical usage of the lights and at such time as mentioned above, the HLD will take over ownership and responsibility for operation and maintenance.

Washington County is completing the design for Professional Boulevard, which will bisect the annexed area. Proposed street lighting has been designed in consultation with the Hagerstown Light Department. The City

does not intend to accept Professional Boulevard for dedication to the City within the area of annexation (See Section H on the next page). The City will not assume responsibility for any existing street lighting, or future street lighting to be installed that has not been approved by the Hagerstown Light Department, or on streets of which the City will not assume ownership. Street lights for any future connecting streets designed after annexation will be required to be designed to City specifications and standards and ownership and maintenance of those street lights would be assumed by the City per standing policy should the City accept ownership of those streets.

The HLD will have the resources to maintain and operate the streetlight system constructed to its standards only, and on streets accepted for ownership by the City.

- D. No significant impact on emergency service delivery is expected.
- E. The properties proposed for annexation front on or are accessed via Indian Lane and Yale Drive, both of which are County-maintained roads. The County is currently planning for construction of an extension of Professional Court which will connect to Yale Drive through the area subject to this annexation resolution (Professional Boulevard). Washington County will be permitted to continue the planning and construction of this road under its own authority and design standards, and the City will not require its own permitting or inspection of this construction.

Platting of street rights of way and/or lots that occur after the effective date of the annexation shall be in accordance with the Hagerstown Land Management Code and shall be approved through the City's subdivision process. Any proposed construction of buildings and/or site improvements (including but not limited to motor vehicle parking, landscaping, paving, storm water management and other improvements) that occurs after the effective date of annexation shall be reviewed and approved by the City of Hagerstown in accordance with the Hagerstown Land Management Code.

- F. Parks and recreation facility expansion are not proposed for this annexation. However, in the future, all or parts of Foggy Bottom Farm (City of Hagerstown property) may be reserved for parkland, given its location adjacent to Antietam Creek and existing Kiwanis Park. Nothing in this agreement shall be interpreted or construed to commit the City to reserve this parcel for park use or development at this time or in the future.
- G. Police protection will be provided by the Hagerstown Police Department. Fire protection will be provided by the Hagerstown Fire Department.

- H. Any streets designed, constructed and offered for public acceptance by the City of Hagerstown as a public street shall be constructed to City Standards and Specifications. The City Council shall formally accept the streets after which the City will maintain the accepted streets. Professional Boulevard, which is to be constructed by the County, shall remain a right of way of the County and shall be maintained by the County.

- I. All future persons within the area proposed to be annexed shall obtain or be entitled to existing benefits of the City of Hagerstown. They shall also be required to pay for all applicable utility services, charges, assessments, taxes, and other costs and expenses which are required of the residents of the City of Hagerstown, unless alternative arrangements are provided for in the Annexation Resolution.

IV. Annexation Agreements -

No Annexation Agreement with property owners or developers with interest in property subject to this annexation is included with this resolution. Should the City decide to enter into such an agreement with property owners or developers at a later date, such agreement shall be adopted by Resolution as required by §4-405(b)(2) of the Local Government Article, Annotated Code of Maryland.