

RESOLUTION NO. R-18-55

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 area which is immediately adjacent to and adjoining the present corporate boundaries thereof, and to be popularly known as the "Antietam Creek Bed Annexation, Case No. A-2018-02" for identification; and the same is incorporated herein by reference as if set forth into and made a part hereof. **See Exhibit A – Annexation Plat;**

WHEREAS, these lands are immediately adjacent to the lands being annexed via "Foggy Bottom Farm and other Lands Annexation, Case No. A-2018-01";

WHEREAS, the land included in this Resolution consist of lands totaling 1.47 acres, more or less, that has historically escaped accurate survey due to its presence in and along Antietam Creek, is almost entirely within the bed of Antietam Creek and/or the associated and adjacent 100 year floodplain, in an area of steep banks, is un-assessed, un-taxed, undeveloped, unoccupied and the best research of the land records by a Maryland Licensed Land Surveyor determines is apparently an unowned gap area between lands described in deeds of adjacent parcels.

WHEREAS, the Resolution for Annexation meets all the requirements of the law, and pursuant to the Local Government Article, §4-406(c) , the Annexation was referred to the appropriate State, Regional and County planning authorities, and the adoption of logical and regular municipal boundaries in in the interest of the City, the County and the community at large.

WHEREAS, 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 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,

*Please return to:*

Office of the City Clerk  
City of Hagerstown

1 East Franklin Street, Room 200  
Hagerstown, MD 21740

§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 described by metes and bounds in **Exhibit A - Plat** attached hereto and made a part thereof;

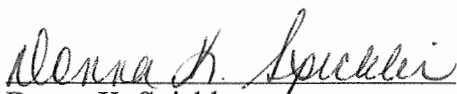
Section 2. And be it further resolved by the Mayor and City Council, that the subject area shall be assigned the City Zoning classification of AT (Agricultural Transition),

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 B – 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 property within the area so annexed shall be subject to the provisions of the Charter of the City of Hagerstown, the Code 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

  
Donna K. Spickler  
City Clerk

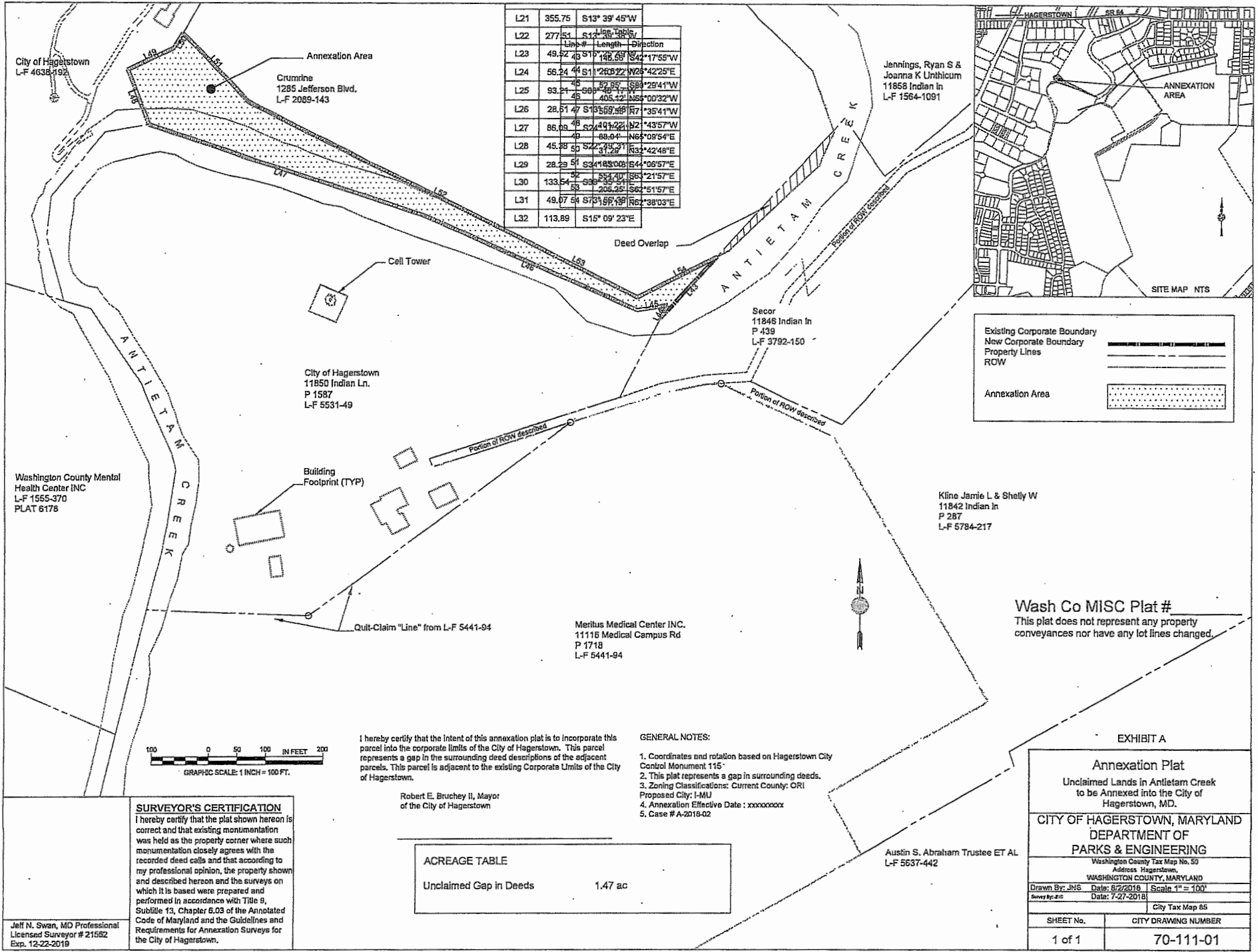
BY ORDER OF THE MAYOR AND  
COUNCIL OF HAGERSTOWN,  
MARYLAND

By:   
Robert E. Bruchey, II  
Mayor

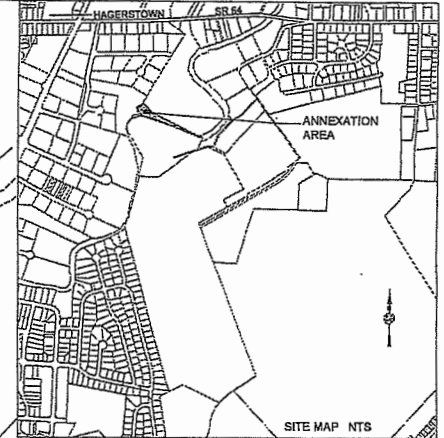
Date Introduced:	11/27/18
Hearing Date:	01/29/19
Final Enactment	02/26/19
Effective Date:	04/12/19

7/23/2012 1:51 PM Hagerstown Engineering m:\trading\map\375-00015-100 properties on antiatieta\hagerstown fence annexation survey.dwg

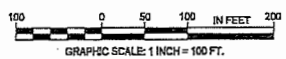
R-18-55



Line #	Length	Direction
L21	355.75	S13° 39' 45"W
L22	277.51	S14° 18' 38"W
L23	49.82	S10° 12' 59"W
L24	56.24	S11° 24' 02"W
L25	93.21	S90° 46' 17"W
L26	28.51	S13° 55' 59"W
L27	86.89	S24° 41' 22"W
L28	45.39	S22° 45' 31"W
L29	28.29	S34° 18' 08"W
L30	133.54	S33° 53' 34"W
L31	49.07	S73° 16' 39"W
L32	113.89	S15° 09' 23"E



Existing Corporate Boundary  
 New Corporate Boundary  
 Property Lines  
 ROW  
 Annexation Area



I hereby certify that the Intent of this annexation plat is to incorporate this parcel into the corporate limits of the City of Hagerstown. This parcel represents a gap in the surrounding deed descriptions of the adjacent parcels. This parcel is adjacent to the existing Corporate Limits of the City of Hagerstown.

- GENERAL NOTES:
- Coordinates and rotation based on Hagerstown City Control Monument 115
  - This plat represents a gap in surrounding deeds.
  - Zoning Classifications: Current County: ORI  
Proposed City: I-MU
  - Annexation Effective Date: xxxxxxxx
  - Case # A-2016-02

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

ACREAGE TABLE	
Unclaimed Gap in Deeds	1.47 ac

**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**  
 Unclaimed Lands in Antietam Creek to be Annexed into the City of Hagerstown, MD.

**CITY OF HAGERSTOWN, MARYLAND**  
 DEPARTMENT OF PARKS & ENGINEERING

Washington County Tax Map No. 50  
 Address: Hagerstown, WASHINGTON COUNTY, MARYLAND

Drawn By: JNS Date: 8/22/2018 Scale: 1" = 100'  
 Survey By: JNS Date: 7-27-2018

SHEET No.	CITY DRAWING NUMBER
1 of 1	70-111-01

# City of Hagerstown, Maryland

## EXHIBIT B

### ANNEXATION PLAN

#### *Annexation Case No. A-2018-02*

**Property Owner/Applicant:** City of Hagerstown – By Resolution

**Location of Properties:**

1.47 acres of area located mostly within the banks of the Antietam Creek, located between the Gilbert Crumrine Property to the north and the City-owned “Foggy Bottom Farm” property to the south.

**Owners:**

Lands appear to be without ownership due to it being an area that is a gap between the deeds describing adjacent lands to the north and to the south.

#### **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.

#### **II. Land Use Patterns of Areas Proposed to be Annexed -**

- A. The area of annexation is +/- 1.47 acres.
- B. The proposed zoning is AT (Agricultural Transition). 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.

- C. This area is within the City's Medium Range Growth Area, an area intended for new or expanded water and wastewater service, as defined in the 2017 Comprehensive Plan.
- D. This area is 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 lands involved in this petition are mostly within the banks of the Antietam Creek and entirely within the adjacent floodplain. Residential development of this area is unlikely in the extreme due to regulatory and topographic constraints in addition to the unknown ownership status of the area. There is no foreseeable impact annexing this parcel will have on Washington County Board of Education Facilities.
- B. For the same reasons as stated in II.A, above, this annexation will have no additional impact to the Washington County Free Library.

**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.
- D. No significant impact on emergency service delivery is expected.
- E. Due to topographic and regulatory constraints, no construction of public roads within the area to be annexed would seem possible.
- F. Parks and recreation facility expansion are not proposed for this annexation or the adjacent "Foggy Bottom Farm and Other Lands" annexation. However, in the future, all or parts of the adjacent Foggy Bottom Farm (City of Hagerstown property) may be reserved for parkland, given its location adjacent to Antietam Creek and Kiwanis Park. Nothing in this agreement shall be interpreted or construed to commit the City to reserve this area or the adjacent 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. 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. However, given the unique conditions of the property, it is unlikely this area would ever be developed for residential use.