

RESOLUTION NO. 2018-5-1

A RESOLUTION of the Mayor and Commissioners of Delmar proposing the annexation to Town of Delmar of a certain area of land situated contiguous to and binding upon the Corporate Limits of the Town of Delmar located on the South side of East Line Road, to be known as the “Delmar Assisted Living Annexation”.

WHEREAS, the Town of Delmar has received a petition to annex, signed by at least twenty-five percent (25%) of the persons who are resident registered voters and of the persons who are owners of at least twenty-five percent (25%) of the assessed valuation of the real property in the area sought to be annexed and being contiguous to and binding upon the corporate limits of the Town of Delmar and to be known as the “Delmar Assisted Living Annexation” for identification; and

WHEREAS, the Town of Delmar has caused to be made a certification of the signatures on said petition to annexation and has verified that the persons signing the petition represent at least twenty-five percent (25%) of the persons who are eligible voters and property owners owning twenty-five percent (25%) of the assessed valuation of real property in the area to be annexed, all as of May 14, 2018 as will more particularly appear by the certification of Sara Bynum-King, Town Manager of the Town of Delmar, attached hereto; and

WHEREAS, it appears that the petition meets all the requirements of the law.

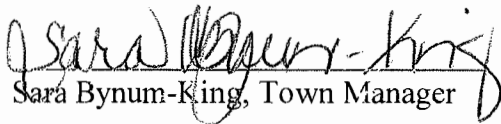
SECTION 1. NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COMMISSIONERS OF DELMAR, that it is hereby proposed and recommended that the boundaries of the Town of Delmar be changed so as to annex to and include within said Town all that certain area of land together with the persons residing therein and their property, located on the South side of East Line Road, and being more particularly described on Exhibit “A” attached hereto and made a part hereof.

SECTION 2. AND BE IT FURTHER RESOLVED BY THE MAYOR AND COMMISSIONERS OF DELMAR, that the annexation of the said area be made subject to the terms and conditions in Exhibit “B” attached hereto and made a part hereof.

SECTION 3. AND BE IT FURTHER RESOLVED BY THE MAYOR AND COMMISSIONERS OF DELMAR, that the Commissioners hold a public hearing on the annexation hereby proposed on June 18, 2018, at 7:30 p.m. in the Delmar Town Hall and shall cause a public notice of the time and place of said hearing to be published not fewer than two (2) times at not less than weekly intervals, in a newspaper of general circulation in the Town of Delmar, and the area to be annexed, accurately describing the proposed annexation and the conditions and circumstances applicable thereto, which said notice shall specify a time and place at which the Commissioners of the Town of Delmar will hold a public hearing on the Resolution.

SECTION 4. AND BE IT FURTHER RESOLVED BY THE MAYOR AND COMMISSIONERS OF DELMAR, 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 Article 23A of the Maryland Code.

The above resolution was introduced and read and passed at the regular meeting of the Mayor and Commissioners of Delmar held on this 14th day of May, 2018, and having been duly published as required by law in the meantime, was finally passed after a public hearing at its meeting held on this 11th day of February, ~~2018~~. 2019.


Sara Bynum-King, Town Manager

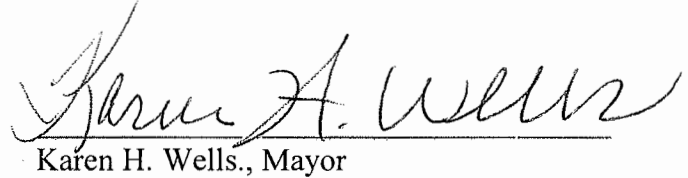

Karen H. Wells., Mayor

EXHIBIT "A"

LEGAL DESCRIPTION

ALL that tract or parcel of land situate, lying and being in the Parsons Election District of Wicomico County, State of Maryland, beginning on the northerly line of property now or formerly owned by Heron Ponds Expansion, LLC and being an existing boundary line of Town of Delmar, Maryland at coordinate N. 290502.5965, E 1729365.5861, located on the southerly line of East Line Road (State Route 54); thence (1) North 1 degree 13 minutes 26 seconds East a distance of 70.00 feet to coordinate N 290572.5805, E 1729367.0812 to the Northerly line of said East Line Road; thence by the Northerly line of said East Line Road the following courses and distances (2) South 88 degrees 46 minutes 29 seconds East a distance of 724.55 feet to a point; thence (3) South 88 degrees 51 minutes 38 seconds East a distance of 236.51 feet to a point; thence (4) South 88 degrees 48 minutes 24 seconds East a distance of 336.32 feet to a point; thence (5) South 88 degrees 59 minutes 58 seconds East a distance of 168.19 feet to a point; thence (6) South 89 degrees 55 minutes 53 seconds East a distance of 168.17 feet to a point; thence (7) South 87 degrees 51 minutes 55 seconds East a distance of 468.26 feet to a point; thence (8) South 88 degrees 25 minutes 25 seconds East a distance of 673.77 feet to a point; thence (9) South 88 degrees 23 minutes 55 seconds a distance of 427.19 feet to a point at coordinate N 290494.3326, E 1732568.9818; thence (10) South 1 degree 36 minutes 05 seconds West a distance of 70.00 feet to coordinate N 290424.3543, E 1732567.0259; thence (11) by and with the easterly line of Lots 1AA and Lot 3A as shown on the hereinafter identified plat, South 1 degree 36 minutes 05 seconds West a distance of 716.78 feet to coordinate N 289707.8599, E 1732546.9945 at an iron pipe with cap set; thence (12) by and with the southerly line of said Lot 3A North 59 degrees 31 minutes 09 seconds West a distance of 488.44 feet to coordinate N 289970.1660, E 1732134.9522 and a concrete monument found; thence (13) continuing by the Westerly line of said Lot 3A North 8 degrees 09 minutes 55 seconds West for a distance of 472.94 feet to coordinate N 290438.3116, E 1732067.7809 at an iron rod with cap set; thence (14) continuing North 8 degrees 09 minutes 55 seconds West a distance of 10.15 feet to a point on the Southerly line of said East Line Road (State Route 54) to coordinate N 290448.3323, E 1732066.2030; thence by and with the Southerly line of said E. Line Road the following courses and distances; (15) North 88 degrees 23 minutes 37 seconds West a distance of 399.83 feet to a point; (16) North 88 degrees 29 minutes 00 seconds West a distance of 200.05 feet to a point; thence (17) North 87 degrees 51 minutes 56 seconds West a distance of 467.58 feet to a point; (18) North 89 degrees 55 minutes 53 seconds West a distance of 195.11 feet to a point; (19) North 88 degrees 48 minutes 36 seconds West a distance of 477.66 feet to a point; thence (20) North 88 degrees 51 minutes 38 seconds West a distance of 236.46 feet to a point; thence (21) South 21 degrees 07 minutes 11 seconds West a distance of 10.62 feet to coordinate N 290487.1962, E 1730086.4437; thence (22) North 88 degrees 46 minutes 34 seconds West a distance of 721.03 to a point and the place of beginning; and being more particularly shown on a

plat entitled "Annexation Plat for 31093 East Line Road (Delmar Assisted Living) and 31091 East Line Road (RNA42LLC); dated 02/15/18, and made by Parker & Associates, Inc.; containing 471,020.46 square feet/10.81 acres, more or less.

C:/Wpdocs/Desc/Town of Delmar Annexation – Legal.Doc

EXHIBIT "B"

TERMS AND CONDITIONS OF ANNEXATION

A. SERVICES AND TAXES

1. Property taxes will be assessed pursuant to the terms of the Annexation Agreement entered into between the Town and Petitioner.
2. The annexed area will be provided normal Town services upon request, subject, however, to current Town policies. Any services requiring engineering design, construction or budget funding will be initiated with the request and completed as soon as possible.

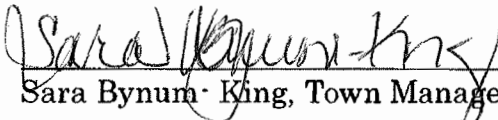
B. GENERAL PROVISIONS

1. After the effective date of the annexation, the provisions of the Charter of the Town of Delmar and all ordinances, resolutions, rules and regulations of the Town of Delmar in effect on said date shall apply to the annexed area to the same extent as to the Town as a whole.
2. The Petitioners agrees to provide all on-site public streets required for the development completely and in strict accordance with the Town of Delmar's standards and specifications.
3. Zoning. When the annexation is effective and subject to approval by Wicomico County, if required by Maryland law, the zoning of the property will be Community Business.
4. The Petitioners and the Town have enter into an Annexation Agreement, the terms of which shall be incorporated herein as though set forth in its entirety.

DELMAR ASSISTED LIVING ANNEXATION

CERTIFICATION

This is to certify that I have verified the petitions for annexation and that, to the best of my knowledge, the persons having signed the petition represent at least 25% of the registered votes residing in the area to be annexed and are the owners of at least 25% of the assessed valuation of real property located in the area to be annexed.


Sara Bynum King, Town Manager