

RESOLUTION NO. *R-19-72*

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 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 *I-81/CSX/Halfway Blvd Right-of-Way Annexation, Case No. A-2019-01* 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;**

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 there being no registered voters residing on any of the properties to provide or withhold consent, **See Exhibit B – Verification;**

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 the property in the area to be annexed, and the lands subject to annexation within this resolution all being tax-exempt and therefore having no assessed value for purposes of consenting to or objecting to annexation, **See Exhibit B- Verification;**

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

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City of Hagerstown
1 E. Franklin Street #200
Hagerstown, MD 21740

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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 within said City all that certain area of land, contiguous to the corporate limits of the City and being more particularly described by metes and bounds in **Exhibit A – Annexation Plat** 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:

1. Maryland State Highway Administration I-81 Right-of-Way: CR (Commercial Regional), IG (Industrial General), CG (Commercial General), RMED (Medium Density Residential)
2. CSX Railroad Right-of-Way: IG (Industrial General)
3. Washington County Commissioners Halfway Boulevard: CR (Commercial Regional)

See Exhibit C- Zoning Exhibit;

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;**

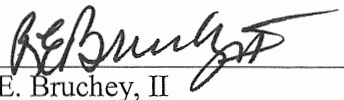
Section 4. And be it further resolved that the conditions and circumstances applicable to the change in said corporate boundaries and to the residents and property within the area so annexed shall be subject to the provisions of the Charter of the City of Hagerstown, the Code of the City of Hagerstown,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


Donna K. Spickler
City Clerk

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

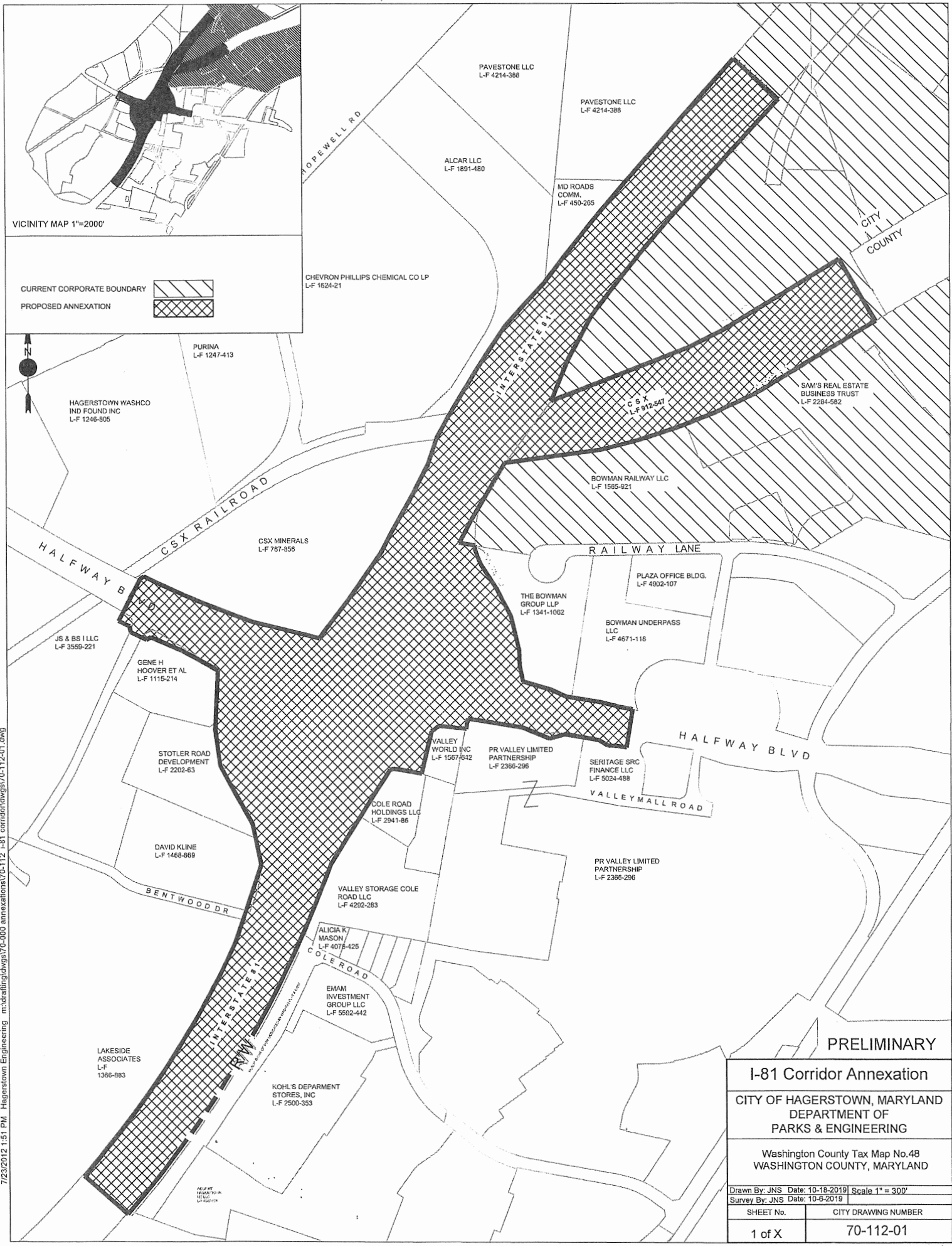
By: 
Robert E. Bruchey, II
Mayor

Date Introduced: 11/26/19
Hearing Date: 1/14/20
Date of Passage: 1/28/20
Effective Date: 3/15/20

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EXHIBIT A: ANNEXATION PLAT/ METES AND BOUNDS

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VICINITY MAP 1"=2000'

CURRENT CORPORATE BOUNDARY
PROPOSED ANNEXATION

7/23/2012 1:51 PM Hagerstown Engineering m:\drilling\dwgs\70-000 annexations\70-112 L81 corridor\dwgs\70-112-01.dwg

PRELIMINARY

I-81 Corridor Annexation

CITY OF HAGERSTOWN, MARYLAND
DEPARTMENT OF
PARKS & ENGINEERING

Washington County Tax Map No.48
WASHINGTON COUNTY, MARYLAND

Drawn By: JNS Date: 10-18-2019 Scale 1" = 300'

Survey By: JNS Date: 10-6-2019

SHEET No. CITY DRAWING NUMBER

1 of X

70-112-01



CITY OF HAGERSTOWN, MARYLAND

Department of Parks & Engineering

Metes and Bounds description, Interstate 81, CSX, and Halfway Boulevard Rights-of-Way: 10-30-2019

Situate west of Hagerstown, Maryland on Interstate 81, being more particularly described as follows:

Beginning at an Aluminum Corporate Boundary monument in the western Right of way of Interstate-81 and also marking the end of a N47°21'27" W 310.29' line of the Tractor Supply Annexation as shown on MISC plat 521 of the Washington County Land Records, with NAD 83 Maryland State Plane coordinates of N 718463.04, E 1096015.10, said monument also being a point on the S 41° 48' E line plat 7341 of the Washington County Land Records,

thence following the Interstate 81 Right of way and the Southeastern boundary of *The Crossroads Business Park* as shown on plat 7341 of the Washington County Land Records, the following two courses and distances, S 41° 48' E a distance of 829.84 feet,

thence with a curve to the left with a chord bearing S 41° 42' W and distance of 27.19' with a radius of 7789.44' to a point,

thence still following the Interstate 81 Right of way and the lands of CSX Transportation Inc. (formerly Western Maryland Railroad) with a curve to the left with a chord bearing of S 39° 00' 34" W and a radius of 7789.44 as shown on SHA plat 29908 and rotated to fit existing plats and field survey information, to a rebar shown on plat 7017 of the Washington County Land Records,

thence with said plat the following four courses:

S 43° 33' 07" W a distance of 99.65 feet to a rebar,

thence, S 43° 35' 05" W a distance of 51.57 feet to a rebar,

thence S 42° 27' 17" W a distance of 154.83' to a rebar,

thence still following Interstate 81 right of way with a curve to the left with a chord bearing of S 32° 27' 56" and a distance of 547.83 feet, to a rebar at the intersection of the Western Right of way of Interstate 81 and the Northern Right of way of CSX Transportation Inc.,

thence crossing the said Railroad right of way S28° 54' 47"W a distance of 121.47' to a point at the Northeast corner of the CSX parcel described in LF 767-859,

thence with said parcel and continuing with the western Right of way of Interstate 81, the following ten courses:

S18°48'55"W a distance of 152.72' to a point,

thence S27°42'45"W a distance of 102.09' to a point,

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thence S27°02'15"W a distance of 81.67' to a point,

thence S29°17'04"W a distance of 144.60' to a point,

thence S29°29'22"W a distance of 41.70' to a point,

thence S26°27'46"W a distance of 101.12' to a point,

thence S34°59'37"W a distance of 300.00' to a point shown on SHA plat 54826 the said point being 232.69 feet perpendicular from centerline station 1200+02.68 on said SHA plat thence following the same SHA plat the following 6 courses and distances:

S37°51'21"W a distance of 100.12' to a point,

thence, an identical bearing and distance S37°51'21"W a distance of 100.12' to a point

thence S34°59'37"W a distance of 50.0' to a point

thence with the line depicting "additional Right of Way" on SHA plat 54826, parcel "CSX-2", S76°03'47"W a distance of 357.19' to a point, which is also on the northern Right of way of Halfway Blvd,

thence following said right of way with a curve to the right with a radius of 5588.53' and a chord bearing and distance of N67°15'28"W, 616.12', to a point on the Southeastern right of way of CSX Railroad,

thence S56°13'W a distance of 23.15' to a point on the previous northern right of way of Halfway Blvd and

thence crossing said Halfway Blvd in a non-perpendicular line S27°35'14"W a distance of 245' to a point on the southern Right of way of Halfway Blvd, said point being at the end of the 3rd or 62.90' line of the CSX Parcel 1 on the same SHA plat 54826,

thence following the same CSX parcel with a curve to the left and a chord bearing of S64°13'30"E a distance of 62.90' with a radius of 2943.52' to a point and

thence S12°25'29"E a distance of 31.71' to a point on the NW Right of way of Stotler Road,

thence, crossing Stotler Road S64°33'41"E a distance of 89.92' to a point on the Eastern right of way of Stotler Road,

thence, S62°05'46"W a distance of 26.38' to a point on the southern right of way of Halfway Blvd,

thence following the "Hoover et al parcel" 2 which is the southern right of way of half way Blvd, the following 3 courses:

N66°40'40"W a distance of 187.70',

thence, continuing with the Southern right of way of Halfway Blvd S60°55'51"E a distance of 151.25',

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thence S57°36'08"E a distance of 50.71' to a point on the western right of way, of Interstate -81 "ramp F" as shown on SHA plats 54826 & 54825, thence following the said right of way the following 5 courses:

S02°48'09"W a distance of 306.27' to a point

thence S07°34'41"E a distance of 186.06' to a point,

thence, S29°22'02"E a distance of 346.40' to a point,

thence, S11°40'41"E a distance of 216.93' to a point,

thence, S18°46'25"E a distance of 267.88' to a point at the intersection of I-81 and the former, Northern right of way of Nursery Road,

thence crossing said former right of way and following SHA plat 54825 the following 3 courses:

S 1846'25" W a distance of 147.91' to a point,

thence with a curve to the right with a radius of 5300' and a chord bearing and distance of S 25°58'36" W, 81.68' to a point,

thence with a curve to the right with a radius of 5300' and a chord bearing and distance of S 33°50'06" W, 1368.41' to a point,

thence crossing Interstate 81 at right angles, S 48°44'53" E a distance of 300' to a point on the Eastern right of way of said highway,

thence following said right of way to agree with SHA plat 54825 with a curve to the left with a radius of 5600' and a chord bearing and distance of N32°55' 46" E, 1621.23' to a point,

thence, following said Right of way to agree with SHA plats 33106 and 56882 with a curve to the left with a radius of 2117.09' and a chord bearing and distance of N24°58' 02" E, 67.43' to a point at the intersection of Interstate 81 and the former southern right of way of Nursery Road,

thence, crossing said former right of way and following the right of way of Interstate 81 to agree with SHA plats 33106 and 56882 with a curve to the left N22°33'21"E a distance of 411.05' and a radius of 6561.79' to a point,

thence, N32°12'44"E a distance of 295.60' to a point,

thence, N32°29'10"E a distance of 286.54' to agree with SHA plat 56882,

thence following the right of way shown on SHA plat 56882 the following 9 courses:

thence, N 81° 45' 45.0" E for a distance of 18.76 feet to a point,

thence, S 89° 27' 00.0" E for a distance of 15.07 feet to a point,

thence, S 82° 08' 28.0" E for a distance of 20.40 feet to a point,

thence, S 79° 23' 26.0" E for a distance of 111.47 feet to a point,

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thence, N 13° 14' 51.6" E for a distance of 224.03 feet to a point,
thence, N 54° 45' 04.0" E for a distance of 48.48 feet to a point,
thence, S 83° 46' 32.3" E for a distance of 140.43 feet to a point,
thence, N 10° 21' 46.7" E for a distance of 53.55 feet to a point,
thence, S 80° 41' 22.7" E for a distance of 288.08 feet to a point,
thence, with the right of way shown on plats of the Washington County Land Records, 6238 & 5892,
and SHA plat 44701 the following 7 courses:

S 68° 15' 20.8" E for a distance of 153.43 feet to a point,
thence, N 74° 59' 37.9" E for a distance of 82.77 feet to a point,
thence, S 80° 14' 32.3" E for a distance of 149.67 feet to a point,
thence, S 80° 40' 22.0" E for a distance of 25.00 feet to a point,
thence, S 58° 52' 13.0" E for a distance of 53.85 feet to a point,
thence, S 86° 22' 59.0" E for a distance of 50.25 feet to a point,
thence, S 80° 40' 22.0" E for a distance of 50.00 feet to a point,
thence, crossing Halfway Blvd, N 09° 19' 19.0" E for a distance of 200 feet to a point on the northern
Right of way of Halfway Blvd as shown on SHA plat 44701,
thence, with said Right of Way, N 79° 43' 02.7" W for a distance of 60 feet to a point,
thence, N 76° 12' 32.0" W for a distance of 115.34 feet to a point,
thence, N 80° 40' 22.0" W for a distance of 175.00 feet to a point,
thence, N 65° 31' 45.0" W for a distance of 84.20 feet to a point,
thence, with the Right of way shown on SHA plat 54827 the following 8 courses:
N 73° 49' 57.9" W for a distance of 154.19 feet to a point,
thence, N 11° 43' 58.0" W for a distance of 83.01 feet to a point,
thence, N 01° 34' 58.0" W for a distance of 78.57 feet to a point,
thence, N 13° 21' 58.0" W for a distance of 182.30 feet to a point,
thence, N 27° 54' 23.4" W for a distance of 164.32 feet to a point,
thence, N 32° 28' 23.9" W for a distance of 147.15 feet to a point,

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thence, with a curve to the right with a chord bearing of N 20° 43' 20.0" W and a distance of 86.51 feet with a radius of 454' to a point,

thence, N 01° 57' 52.2" E for a distance of 17.30 feet to a point on the existing Corporate Boundary of Hagerstown with NAD 83 MD State Plane Coordinates of N:715950.0188, E:1094655.4513,

thence, following the existing Corporate Boundary the following 29 Courses:

N 80° 40' 21.5" W for a distance of 83.15 feet to a point,

thence, N 28° 45' 33.4" E for a distance of 99.74 feet to a point,

thence, N 27° 13' 03.5" E for a distance of 38.52 feet to a point,

thence, N 30° 42' 20.8" E for a distance of 87.43 feet to a point,

thence, N 30° 26' 11.9" E for a distance of 250.67 feet to a point on the right of way of CSX Railroad, and with said right of way the following 10 courses:

N 82° 20' 55.4" E for a distance of 499.50 feet to a point,

thence, N 75° 59' 41.4" E for a distance of 213.53 feet to a point,

thence, N 72° 06' 52.4" E for a distance of 213.68 feet to a point,

thence, N 68° 15' 42.4" E for a distance of 212.30 feet to a point,

thence, N 65° 04' 06.4" E for a distance of 215.23 feet to a point,

thence, N 59° 08' 26.4" E for a distance of 737.76 feet to a point,

thence, N 30° 51' 33.5" W for a distance of 370.83 feet to a point,

thence, S 58° 40' 29.4" W for a distance of 716.38 feet to a point,

thence, S 63° 57' 51.5" W for a distance of 198.17 feet to a point,

thence, S 68° 59' 22.4" W for a distance of 755.17 feet to a point at the intersection of the Interstate 81 right of way and the CSX right of way and thence leaving the CSX right of way and continuing with the Interstate 81 right of way,

N 22° 26' 24.5" E for a distance of 240.37 feet to a point,

thence, N 28° 48' 30.4" E for a distance of 246.43 feet to a point,

thence with a curve to the right with a radius of 7489.44 feet and a chord bearing and distance of N 39° 41' 56" E, 773.26 feet to a point,

thence, N 42° 38' 35.7" E for a distance of 711.78 feet to a point,

thence crossing Interstate-81 and continuing with the existing Corporate Boundary N47° 21' 27.5" W a distance of 310.29 feet to the POINT OF BEGINNING Containing 95.64 acres m/l.

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EXHIBIT B: ANNEXATION VERIFICATION

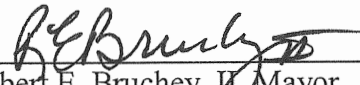
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VERIFICATION

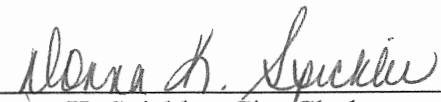
I, Robert E. Bruchey, II, Mayor of the City of Hagerstown, Maryland, hereby CERTIFY that:

1. There are no residents in the area to be annexed, and therefore there are no registered voters from whom to obtain consent pursuant to the Maryland Annotated Code, Local Government Article § 4-403(b)(1).
2. The property that is the subject of this annexation consists of all tax-exempt property and the consent of tax-exempt property owners is excluded from the 25% requirement of the Maryland Annotated Code, Local Government Article, § 4-403(b)(2).

WITNESS my hand and Seal of the City of Hagerstown, Maryland, this 28th day of January, 2020.


Robert E. Bruchey, II, Mayor

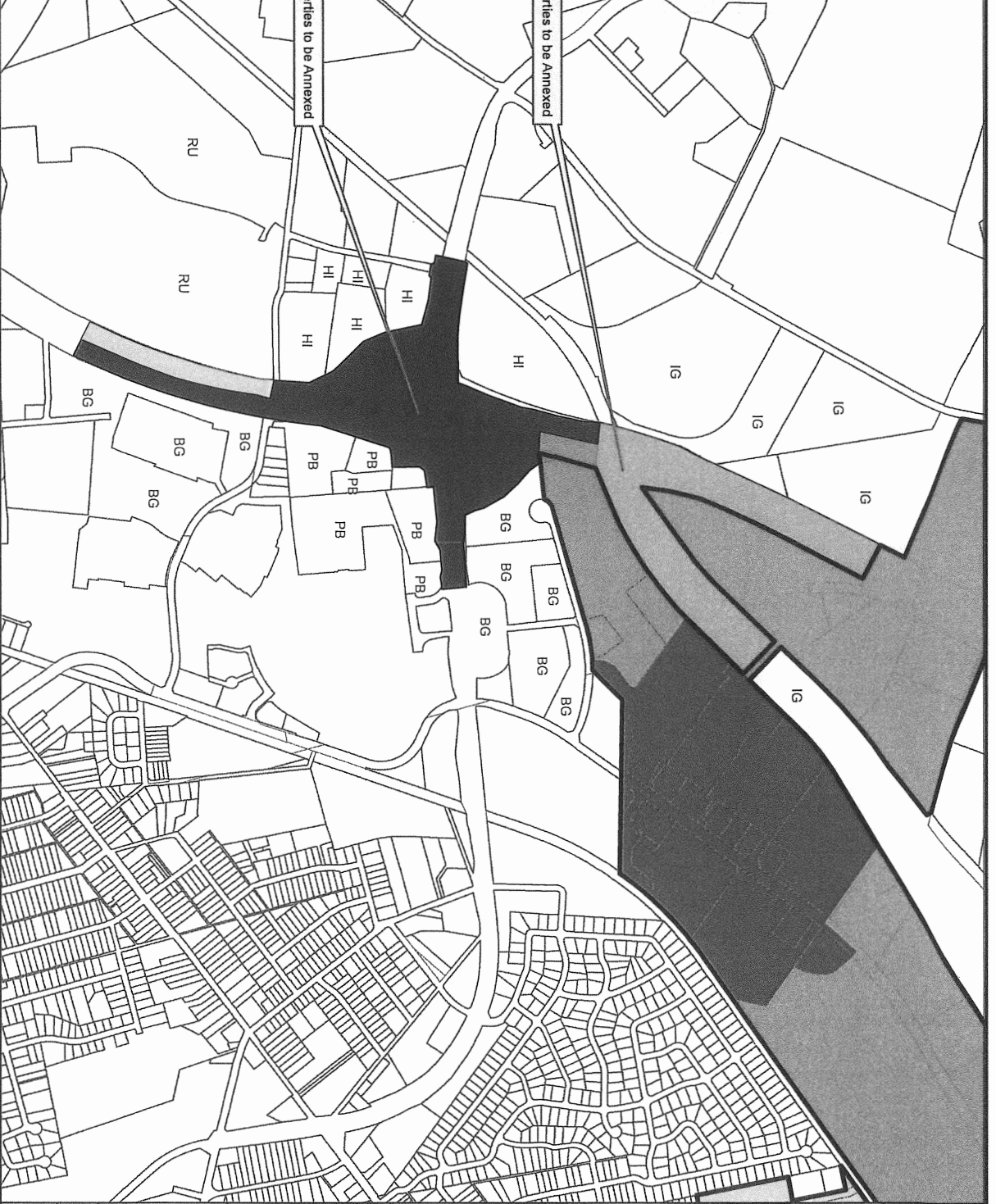
(SEAL)


Donna K. Spickler, City Clerk

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EXHIBIT C: ZONING EXHIBIT

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Surrounding County zoning

- Corporate Bou
- Street/Road
- Funkestown Co
- AT Agriculture
- RMOD (Moder
- RMED (Mediu
- RH (High Den
- RO (Resident
- CC-MU (City
- N-MU (Neigh
- CL (Commere
- CG (Commere
- CR (Commere
- POM (Profess
- IMU (Industri
- IR (Industrial
- IG (Industrial

Overlay

- Conversion DI
- Local Convers
- Landmark
- Planned Unit
- Historic Dist
- Downtown His
- Oak Hill Histor
- Potomac/Broa
- S. Prospect St

Prior Rezoning Cases

Case No.	Location	From Zoning	To Zoning	Effective Date
2018-001	1000 N. Main St	IG	IG	1/1/2018
2018-002	2000 N. Main St	IG	IG	1/1/2018
2018-003	3000 N. Main St	IG	IG	1/1/2018
2018-004	4000 N. Main St	IG	IG	1/1/2018
2018-005	5000 N. Main St	IG	IG	1/1/2018
2018-006	6000 N. Main St	IG	IG	1/1/2018
2018-007	7000 N. Main St	IG	IG	1/1/2018
2018-008	8000 N. Main St	IG	IG	1/1/2018
2018-009	9000 N. Main St	IG	IG	1/1/2018
2018-010	10000 N. Main St	IG	IG	1/1/2018

0 320 640

North Arrow

Map Date: 1/1/2018

Map Scale: 1 inch = 1 mile

Map Author: City of Hattiesburg

Map Review: City of Hattiesburg

EXHIBIT D: ANNEXATION PLAN

City of Hagerstown, Maryland
Annexation Case No. A-2019-01

Property Owners: Maryland State Highway Administration (SHA)
CSX Transportation
Washington County

Applicant: City of Hagerstown

Location of Property: Interstate 81 ROW, CSX ROW, and Halfway Boulevard ROW,
near Halfway Boulevard/I-81 interchange

Annexation Plan

Pursuant to the Annotated Code of Maryland, Local Government Article, Section 4-415, 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 reinitiation of the annexation procedure then in process.

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

The area of annexation is approximately 95.64 acres.

The proposed zoning is CR (Commercial Regional), IG (Industrial General), CG (Commercial General), and RMED (Medium Density Residential), which are continuations of the types of zoning classifications on the adjacent properties. The purpose of the CR District is to provide locations for major retail shopping centers; the CG district provides more general commercial uses; the IG District provides locations for industrial style uses; and the RMED District provides for medium density residential development. The existing Washington County zoning classification is HI (Highway Interchange), PB (Planned Business), BG (Business General), IG (Industrial General), and RU (Residential Urban). The property is designated as Industrial General, Commercial General, Business-Employment, and High Density Residential on the City's Future Land Use Map.

The CR, IG, CG, and RMED zoning classifications proposed for this site are similar in scope and permit similar uses as the County's current zoning of HI, PB, BG, IG, and RU. More specifically: CR is similar to HI and PB; IG is essentially equivalent to IG; CG is similar to BG, and RMED is

similar to RU.

It is within the City's Medium Range Growth Area, an area intended for new or expanded water and wastewater service based on development potential, as defined in the City's 2018 comprehensive plan, visionHagerstown 2035.

It is within the County's Urban Growth Boundary (UGA) and the State's designated Priority Funding Area.

II. Availability of Land Needed for Public Facilities -

- A. The land proposed to be annexed is transportation ROWs owned by the State Highway Administration, CSX, and Washington County. Continued use of these transportation corridors would have no adverse impact on Washington County facilities.

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. Currently, there is no City wastewater service in the area proposed to be annexed and none is planned because the land is transportation ROWs.
- B. Currently, there is no City water service in the area proposed to be annexed and none is planned because the land is transportation ROWs.
- C. The Electric Distribution System is external to the Hagerstown Light Division operating territory. Electrical service would be provided by Allegheny Power.

The City of Hagerstown Light Division normally supplies street light services to local public streets and supplies the manpower and equipment to serve a new area once the developer builds the infrastructure. However, street lights already exist in the area proposed to be annexed and no change to current ownership or service is proposed.

- D. No significant impact on emergency service delivery is expected.
- E. Currently, the area proposed to be annexed contains two public roads – a section of I-81 and two short sections of Halfway Boulevard, a County road. No change to current ownership or service is proposed.

- F. Parks and recreation facility expansion are not proposed for this annexation.
- G. Police protection within the transportation ROW's in the area proposed to be annexed will be provided by the State Police, County Sheriff, and Hagerstown Police Department, as appropriate.
- H. No persons currently reside or will reside within the area proposed to be annexed and so no persons will require receipt of City of Hagerstown services nor be required to pay for any City services.