



**Council of the Town of Leonardtown**  
**Annexation Resolution No. 2-20 (reintroduced January 11, 2021)**

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**Date Introduced on First Reading:** January 11, 2021  
**Council Public Hearing:** February 8, 2021  
**Date Adopted on Second Reading:** February 8, 2021  
**Date Effective:** March 26, 2021

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AN ANNEXATION RESOLUTION of the Council of the Town of Leonardtown pursuant to § 4-401, *et seq.* of the Local Government Article of the Annotated Code of Maryland for the purpose of annexing four parcels of real property consisting in the aggregate of 37.6845 acres of land, more or less, shown on Tax Map 41, Grid 1, Parcels 2, 21, and 57 and on State Roads Commission Plat Nos. 52610 through 52612, each of which are contiguous and adjacent to the eastern boundary of the Town and are more fully described in this Annexation Resolution; providing for the terms of such annexation in the Annexation Plan and Annexation Agreement; amending the Charter of Leonardtown, St. Mary's County for the purpose of including the annexed properties within the legal descriptions and plats depicting the corporate limits of the Town; and generally relating to the annexation of the foregoing properties to the Town of Leonardtown.

**WHEREAS**, the Council of the Town of Leonardtown (the "Council") is authorized by the Charter of Leonardtown, St. Mary's County (the "Charter") and Md. Code Ann., Local Gov't § 4-401, *et seq.* to expand the municipal boundaries of the Town of Leonardtown (the "Town") by annexing lands which are adjoining and contiguous; and

**WHEREAS**, the properties to be annexed consist of four (4) parcels of real property consisting in the aggregate of 37.6845 acres of land, more or less, contiguous and adjoining to the eastern boundary of the Town (collectively, the "Annexation Properties"), and more particularly described as follows: (1) Tax Map 41, Grid 1, Parcel 2, Tax Identification No. 03-002314, containing 20.4825 acres, more or less, and Tax Map 41, Grid 1, Parcel 221, Tax Identification No. 03-002349, containing 0.5490 acres, more or less, as more fully shown and described by metes and bounds as Parcels A and B, respectively, on that land title survey prepared by Neal F. Offenbacher, dated September 27, 2019, and titled "ALTA/NSPS Land Title Survey Parcels A & B Bennett Property 3<sup>rd</sup> Election District St. Mary's County, Maryland" (the "SMALF Survey"), and more particularly described in a deed to St. Mary's Assisted Living Facility, LLC, dated November 12, 2020 and recorded among the Land Records of St. Mary's County, Maryland at

Liber D.J.B. No. 5556, folio 127 (the "SMALF Properties"); (2) Tax Map 41, Grid 1, Parcel 57, Tax Identification No. 03-020789, containing 2.147 acres of land, more or less, as more fully shown on that boundary survey prepared by Jeffrey T. Nieman, dated September 27, 2019, and titled "Boundary Survey for Valli Investments, LLC Per Liber DJB 5049, Folio 391 (St. Mary's County Tax Map 41, Grid 1, Parcel 57) Third Election District St. Mary's County, Maryland" (the "Valli Investments Survey"), and more particularly described in a deed to Valli Investments, LLC, dated March 28, 2019 and recorded among the Land Records of St. Mary's County, Maryland at Liber D.J.B. No. 5049, folio 391 (the "Valli Investments Property"); and (3) a parcel of real property containing 14.5040 acres, more or less, owned by the State of Maryland State Highway Administration of the Department of Transportation (the "SHA Property"), as more fully shown on that boundary survey prepared by R. Wade Collinson, Jr. dated November 17, 2020, and titled "Boundary Survey 14.5040 Acres of Land to be Annexed into the Corporate Boundaries of the Town of Leonardtown The Property of State Highway Administration of the Department of Transportation District No. 3 St. Mary's County, Maryland" (the "SHA Survey"); and

**WHEREAS**, the owners of the SMALF Properties and the Valli Investments Property (collectively, the "Petitioners") filed a Petition for Annexation with the Town on January 4, 2021, which is attached hereto as Exhibit A and incorporated herein by reference (the "Annexation Petition"), whereby the Petitioners formally request municipal annexation of the Annexation Properties to the Town; and

**WHEREAS**, the SMALF Properties are more particularly shown and described by metes and bounds on the SMALF Survey, which is attached hereto as Exhibit A-1 and incorporated herein by reference; and

**WHEREAS**, the Valli Investments Property is more particularly shown on the Valli Investments Survey, which is attached hereto as Exhibit A-1 and incorporated herein by reference; and

**WHEREAS**, the SHA Property is more particularly shown on the SHA Survey, which is attached hereto as Exhibit A-1 and incorporated herein by reference; and

**WHEREAS**, the SMALF Properties are more particularly described in the metes and bounds legal description prepared by Neal F. Offenbacher, which is attached hereto as Exhibit A-2 and incorporated herein by reference; and

**WHEREAS**, the Valli Investments Property is more particularly described in the metes and bounds legal description prepared by Jeffrey T. Nieman, which is attached hereto as Exhibit A-2 and incorporated herein by reference; and

**WHEREAS**, the SHA Property is more particularly described in the metes and bounds legal description prepared by R. Wade Collinson, Jr., which is attached hereto as Exhibit A-2 and incorporated herein by reference; and

**WHEREAS**, the Petitioners represent at least twenty-five percent (25%) of the owners of the assessed valuation of the real property in the area to be annexed and at least twenty-five percent (25%) of the registered voters who are residents in the area to be annexed; and

**WHEREAS**, a proposed Annexation Plan consistent with the requirements of Md. Code Ann., Local Gov't § 4-415 shall be prepared and submitted to the Town and made available for public review and discussion, and a copy thereof shall be provided to the Board of County Commissioners for St. Mary's County, Maryland and the Maryland Department of State Planning at least thirty (30) days prior to the date of the public hearing conducted on this Annexation Resolution by the Council; and

**WHEREAS**, all requirements of the Laws of the State of Maryland, St. Mary's County, and the Charter and laws of the Town regarding initiation of this annexation by the Petitioners have been satisfied, and the Council has determined that it is desirable to initiate by petition the annexation process for the benefit of the Town; and

**NOW, THEREFORE BE IT RESOLVED** on this 8<sup>th</sup> day of February, 2021, by the Council of the Town of Leonardtown that:

Section 1. Modification of Town Boundaries. The municipal boundaries of the Town of Leonardtown, Maryland shall be and are hereby amended to incorporate into the Town of Leonardtown the Annexation Properties, as shown and described on the SMALF Survey, the Valli Investments Survey, and the SHA Survey which are attached hereto as Exhibit A-1, and incorporated herein by reference. The Annexation Properties are also described in the metes and bounds legal descriptions attached hereto as Exhibit A-2 and incorporated herein by reference. The foregoing surveys shall be subject to technical review and correction by the Town, or its designee, prior to the public hearing to be held on this Annexation Resolution.

Section 2. Amendment of Charter. Pursuant to the authority of Article XI-E of the Constitution of Maryland and Md. Code Ann., Local Gov't §§ 4-301, et seq. and 4-401, et seq., the Charter of Leonardtown, St. Mary's County, Maryland (as published in Chapter 87, Volume 5, Compilation of Municipal Charters, and as amended from time to time) be and the same is hereby amended in § 104 of the Charter by adding the following metes and bounds description of the Annexation Property:

"2020 ANNEXATION (St. Mary's Assisted Living Facility Properties, Valli Investments Property, and State Highway Administration Property)"

See METES AND BOUNDS DESCRIPTION as set forth in Exhibit A-2

Section 3. Application of Charter and Ordinances. Upon the effective date of this Annexation Resolution, the provisions of the Charter, Code, and ordinances of the Town of Leonardtown, and any local public laws enacted or to be enacted affecting the Town of Leonardtown, shall be effective within the Annexation Properties except to the extent that this Annexation Resolution, an Annexation Agreement, or the Annexation Plan provides otherwise.

Section 4.     Zoning Classification; Right to Withdraw Request for Annexation.

(a)     The Annexation Properties are described in full in Exhibits A-1 and A-2. The SMALF Properties are improved with two residential dwellings, a tobacco barn, and a dilapidated structure. The Valli Investments Property is improved by a two-story brick and frame dwelling which is being used as a commercial office. The SHA Property is owned by the State of Maryland State Highway Administration of the Department of Transportation and consists primarily of a portion of Maryland State Route 5.

(b)     Parcel A of the SMALF Properties is currently zoned Residential, Low Density ("RL") by St. Mary's County. Parcel B of the SMALF Properties is currently zoned Rural Preservation District ("RPD") by St. Mary's County. The Valli Investments Property is currently zoned RL by St. Mary's County. Subject to the satisfaction of all statutory and regulatory requirements, including, but not limited to, the review of the Town's Planning Commission and the approval of the Board of County Commissioners of St. Mary's County, it is the Town's intent to apply the Institutional/Office ("I/O") zoning classification to the SMALF Properties and the Commercial Office ("C-O") zoning classification to the Valli Investments Property. The SHA Property does not have a zoning classification.

(c)     All of the proposed zoning classifications are consistent with nearby property uses and compatible with adjacent zoning. The April 2010 Comprehensive Plan for the Town of Leonardtown, as amended (the "Comprehensive Plan"), designates the Annexation Properties as a potential future growth area for the Town. The Annexation Properties will be requested to be designated as a growth area in St. Mary's County and within a Priority Funding Area which is eligible for State funding upon annexation. The SMALF Properties are intended for development as a memory care facility. The Valli Investments Property is expected to continue to be used for commercial purposes. Thus, the annexation request set forth in the Annexation Petition is compatible with the Comprehensive Plan.

(d)     In conjunction with the adoption of this Annexation Resolution, the Council may introduce and enact an ordinance to provide the intended zoning.

(e)     At any time prior to the adoption of this Annexation Resolution, the Petitioners may request to withdraw their Annexation Petition subject to the requirements of Section 8.

Section 5.     Annexation Plan. The Town has prepared an Annexation Plan with regard to the Annexation Properties. The Annexation Plan is attached hereto as Exhibit B but is not part hereof, and the Council reserves the right to amend the Annexation Plan prior to final adoption of this Annexation Resolution in a manner consistent with Md. Code Ann., Local Gov't § 4-415. The Annexation Plan may not be construed in any way as an amendment to this Annexation Resolution. A copy of the Annexation Plan has been provided to the Board of County Commissioners of St. Mary's County and also the Maryland Department of Planning at least thirty (30) days prior to the date of the public hearing conducted by the Council on this Annexation Resolution.

Section 6. Public Hearing and Public Notice. A public hearing, as required by the provisions of Md. Code Ann., Local Gov't § 4-406, shall be held by the Council at a time to be determined thereby and duly advertised according to the provisions of that statute. Public notice of the proposed public hearing shall be given at least four (4) times, at no less than weekly intervals, in a newspaper of general circulation in Leonardtown, Maryland, the last day of which public notice shall precede the public hearing by at least fifteen (15) days, all in accordance with the provisions of Md. Code Ann., Local Gov't § 4-406. Upon the first publication of the public notice a copy thereof, including exhibits, shall be provided to:

- (a) The Board of County Commissioners of St. Mary's County; and
- (b) Any regional or State planning agency having jurisdiction in St. Mary's County.

Section 7. Registration of Boundaries. Within ten (10) days of the effective date of this Resolution, in accordance with the provisions of Md. Code Ann., Local Gov't § 4-414, the Mayor of the Town of Leonardtown, or his designee, shall promptly forward a copy of this Annexation Resolution with the new municipal boundaries to the Town Clerk, the Clerk of the Circuit Court for St. Mary's County, Maryland, and also to the Maryland Department of Legislative Services. Each such official or agency shall hold this Annexation Resolution with the new municipal boundaries on record and available for public inspection.

Section 8. Annexation Agreement and Expenses. The Council is authorized to execute an Annexation Plan, an Annexation Agreement, an agreement for the extension of the public services and facilities, and/or other agreements of a similar nature with regard to the Annexation Properties, provided that the terms of this Annexation Resolution shall prevail over any inconsistent term in any such agreement. Pursuant to the Annexation Petition, the Petitioners have agreed to be responsible for all fees and expenses incurred by the Town associated with the proposed annexation, including, but not limited to, all legal fees (including the cost of preparing and reviewing the Annexation Resolution, Annexation Plan, and any Annexation Agreement(s)), engineering fees, and advertising expenses. The Petitioners have further agreed to pay all such fees prior to adoption of this Annexation Resolution. Additionally, the Petitioners shall prepare, or cause to be prepared, for the Town a composite plat of the Town's municipal boundaries, inclusive of the Annexation Property.

Section 9. Effective Date. This Annexation Resolution shall be deemed "finally enacted" on the date on which the Council indicates their approval of the Annexation Resolution by affixing their signatures hereto. This Annexation Resolution shall become effective forty-five (45) days after final enactment, unless a petition for referendum has been filed prior thereto in accordance with Md. Code Ann., Local Gov't §§ 4-408, 4-409, 4-410 and 4-412. In the event that a petition for referendum is properly filed, the effective date of this Resolution shall be determined in accordance with Md. Code Ann., Local Gov't § 4-412.

ADOPTED this <sup>20</sup>04 day of February, 2021.

Attest:

Laschelle E. McKay  
Laschelle E. McKay  
Town Administrator

Seal:

Councilpersons of Leonardtown:

J. Maguire Mattingly, IV  
J. Maguire Mattingly, IV  
Vice President

Tyler Alt  
Tyler Alt  
Councilperson

Christy Hollander  
Christy Hollander  
Councilperson

Mary Maday Slade  
Mary Maday Slade  
Councilperson

Nick B. Colvin  
Nick B. Colvin  
Councilperson

**EXHIBIT A**  
**to**  
**ANNEXATION PLAN**  
**PETITION FOR ANNEXATION**

**PETITION FOR ANNEXATION OF 37.6845 ACRES OF LAND MORE OR LESS  
INTO THE MUNICIPALITY OF LEONARDTOWN, MARYLAND  
(Assisted Living Facility Property and Valli Investments Property)**

COMES NOW, THE UNDERSIGNED PETITIONERS, and hereby petition the Council of the Town Leonardtown (the "Town Council"), pursuant to Md. Local Government Code Ann §§4-401 *et seq.*, to annex those parcels of land into the corporate limits of The Commissioners of Leonardtown, a Maryland municipal corporation (the "Town"), as shown on the following plats of survey: (i) that ALTA/NSPS Land Title Survey prepared by Neal F. Offenbacher, dated September 27, 2019 and titled "Parcels A & B-Bennett Property"; (ii) that survey titled "Boundary Survey for Valli Investments, LLC" dated April 30, 2020; and (iii) that boundary survey prepared by R. Wade Collinson, Jr. dated November 17, 2020 and titled "The Property of State Highway Administration of the Department of Transportation" which are attached hereto as Exhibit A-1, and as more particularly described in legal descriptions of each said property, collectively attached hereto as Exhibit A-2, which parcels (collectively, the "Property") are described as follows:

1. Parcel A, containing 20.4825 acres, more or less, and Parcel B, containing 0.5490 acres, more or less, as more specifically shown and described on that ALTA/NSPS Land Title Survey prepared by Neal F. Offenbacher, dated September 27, 2019 and titled "Parcels A & B-Assisted Living Facility Property" (the "Assisted Living Facility Property") being all that property conveyed to St. Mary's Assisted Living Facility, LLC, a Maryland not for profit limited liability company from Stephen Richard Bennett, Louise Blanche Bennett, Robert Henry Bennett and Ruth Delma Bertrand, known of record as Ruth Delma Bertrend by that deed dated November 12, 2020 and recorded among the Land Records of St. Mary's County, Maryland at Book No. 5556, Page 127;

2. That parcel containing 2.149 acres, more or less, as more specifically shown and described on that survey titled "Boundary Survey for Valli Investments, LLC" dated April 30, 2020 (the "Valli Investments Property") being all that property conveyed to Valli Investments, LLC, a Maryland limited liability company, from Community Bank of the Chesapeake by deed dated March 28, 2019 and recorded among the aforesaid Land Records at Book No. 5049, Page 391; and



3. That parcel containing 14.5040 acres, more or less, as more specifically shown on that boundary survey prepared by R. Wade Collinson, Jr. dated November 17, 2020 and titled "The Property of State Highway Administration of the Department of Transportation".

**AND THAT** as a condition of such annexation that the properties which are subject to the zoning by the Town be zoned under the Leonardtown Zoning Ordinance as follows:

	<u>Current County Zoning</u>	<u>New Town Zoning</u>
1. Assisted Living Facility Property	RL/RPD	L-I/O
2. Valli Investments Property	RL	C-O

**AND IN SUPPORT** of this Petition, the undersigned certify as follows:

1. That the Property extends south and east from, and is contiguous to the existing corporate limits of the Town; and

2. That the annexation of the Property will not cause there to be any unincorporated area which is bound on all sides by property within the corporate limits of the Town; and

3. That the undersigned are the undersigned petitioners are the owners of at least twenty-five percent (25%) of the assessed valuation of the real property located in the area to be annexed; and

4. That the undersigned constitute at least twenty-five percent (25%) of the persons who reside in the area to be annexed and who are registered voters of St. Mary's County, Maryland; and

5. That the undersigned petitioners entitled to vote will cast their ballot in favor of annexation in the event that any resolution to annex the Property is put to referendum; and

6. This Petition can be executed in counterparts.

**WHEREFORE**, it is requested that the above described Property be annexed to the corporate boundary of the municipality of Leonardtown, Maryland.

**SIGNATURES ON FOLLOWING PAGES**

**SIGNATURE PAGE FOR PETITION FOR ANNEXATION OF 37.6845 ACRES OF  
LAND MORE OR LESS  
INTO THE MUNICIPALITY OF THE COMMISSIONERS OF  
LEONARDTOWN, MARYLAND  
(Assisted Living Facility Property and Valli Investments Property)**

**St. Mary's Assisted Living Facility,  
LLC, a Maryland not for profit  
limited liability company**

Date: 12/30/20, 2020

By: W. [Signature]

Name:

Title:

**SIGNATURE PAGE FOR PETITION FOR ANNEXATION OF 37.6845 ACRES OF  
LAND MORE OR LESS  
INTO THE MUNICIPALITY OF THE COMMISSIONERS OF  
LEONARDTOWN, MARYLAND**

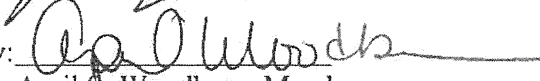
**(Assisted Living Facility Property and Valli Investments Property)**

**Valli Investments, LLC**

Date: Dec 28TH, 2020

By:   
John R. Vallandingham, Member

Date: December 28 2020

By:   
April S. Woodburn, Member