
RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF HAGERSTOWN, adopted pursuant to the authority of Article XI-E of the Constitution of Maryland and MD Code, Local Government §4-401, et seq., to enlarge the corporate boundaries of the CITY OF HAGERSTOWN, a municipal corporation existing under and by virtue of the Laws of the State of Maryland, by adding or annexing to said corporate boundaries areas immediately adjacent and adjoining the present corporate boundary.

WHEREAS, the City of Hagerstown, pursuant to its rights and authority under the Local Government Article §4-404 of the Annotated Code of Maryland, may annex into the City additional lands in accordance with the requirements set forth therein; and

WHEREAS, the proposal to enlarge the corporate boundaries of the City of Hagerstown by adding or annexing thereto the below described areas which are immediately adjacent to and adjoining the present corporate boundaries thereof, as contained in the Petition for Annexation of +/- 115 Acres Virginia Avenue, Hagerstown, Maryland Into the City of Hagerstown, submitted to this legislative body on April 26, 2022, by Unger Properties, LLC, and signed by the requisite number of persons as prescribed and set forth in MD Code, Local Government §4-404(a), as residents, registered voters, and/or owners of the realty contained within the area to be annexed; the Petition being incorporated herein by reference as if set forth herein and made a part hereof; and

WHEREAS, all other necessary documents have been introduced, and will be made available for public viewing, and made available for discussion at the public hearing to held on June 27, 2022; and

WHEREAS, the Mayor, who is the presiding officer of the legislative body, has caused to be made a verification of the signatures on said Petition, and has ascertained that the requirements of MD Code, Local Government §4-404(b) have been met; and

WHEREAS, the Petition for Annexation meets all requirements of the law, and pursuant to MD Code, Local Government §4-406(d), the Annexation shall be referred to the appropriate State, Regional and County planning authorities; and

WHEREAS, in accordance with City practice in processing annexations, the proposed zoning of the area to be annexed to the corporate limits was referred to the Planning Commission for the City of Hagerstown, which said Commission 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 neighborhoods and vicinities of the areas, and have approved the same and that the rezoning of
said tract of land is proper and desirable under all the circumstances and should be accomplished at this time;

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Hagerstown, that the boundaries of the City, pursuant to the provisions of MD Code, Local Government §4-401, et seq., be and the same are hereby amended and enlarged 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 shown and described as the “Lands of Unger Properties, LLC” on the plat entitled “Annexation of Unger Properties, LLC,” prepared by Frederick Siebert & Associates, Inc. dated May 27, 2022, which is attached hereto and incorporated herein as Exhibit 1, and more particularly described by the metes and bounds description attached hereto and incorporated herein as Exhibit 2.

AND BE IT FURTHER RESOLVED, that the subject property to be annexed shall have zoning classification of RMOD (Moderate Density Residential) upon annexation, as more depicted on the Zoning Exhibit attached hereto and incorporated herein as Exhibit 3.

AND BE IT FURTHER RESOLVED, that plans for future residential development of the subject property to be annexed shall include a tot lot to serve the residents of the development since the property is remote from any public park.

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.

AND BE IT FURTHER RESOLVED, that this Resolution shall become effective at the end of forty-five (45) days following its final enactment, unless a proper petition for referendum hereon shall be filed.

WITNESS AND ATTEST
AS TO CORPORATE SEAL

[Signature]
Donna K. Spickler
City Clerk

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

By: [Signature]
Emily N. Keller
Mayor

Date Introduced: 04/26/22
Public Hearing Date: 06/28/22
Date of Passage: 07/26/22
Effective Date: 09/09/22
May 27, 2022

Tax Map 49, Parcel 830

Description of land to be annexed into the City of Hagerstown

Situate south of Virginia Avenue (US Route 11) and east of Oak Ridge Drive, in Election District 26, Washington County, Maryland and being more particularly described in accordance with a survey by Frederick, Seibert and Associates, Inc. as follows:

Beginning at a point along the existing City of Hagerstown Corporate Boundary, said point being the southeasternmost corner of the herein described parcel, said point also being the easternmost corner of the lands now or formerly of Jason L. Rappaport and Nicole E. Rappaport (Liber 2446, folio 486), and running thence in a clockwise direction along the aforesaid lands of Rappaport N55°30'47"W 125.21 feet to a point, thence S31°09'35"W 116.44 feet to a point, thence by a curve to the left with a radius of 25.00 feet, an arc length of 38.86 feet, a chord bearing of S13°22'23"E, and a chord length of 35.07 feet to a point, thence along the north side of Oak Ridge Drive by a curve to the left with a radius of 1074.56 feet, an arc length of 111.20 feet, a chord bearing of N60°52'13"W, and a chord length of 111.15 feet to a point, thence along the lands now or formerly of Harriet S. Morgan, L/E (Liber 4167, folio 395) by a curve to the left with a radius of 29.03 feet, an arc length of 43.07 feet, a chord bearing of N73°39'45"E, and a chord length of 39.23 feet to a point, thence N31°09'35"E 120.78 feet to a point, thence N56°18'41"W 14.51 feet to a point, thence N66°08'52"W 121.16 feet to a point, thence S18°30'05"W 16.08 feet to a point, thence along the lands now or formerly of Ryan T. Benisek (Liber 2558, folio 286) N73°59'54"W 90.12 feet to a point, thence along the lands now or formerly of Abigail Sylvester and Austen Edleblute (Liber 6689, folio 339) N10°33'04"E 9.23 feet to a point, thence N81°02'22"W 10.12 feet to a point, thence N80°11'10"W 70.00 feet to a point, thence N74°19'20"W 1.93 feet to a point, thence S13°57'40"W 0.40 feet to a point, thence along the lands now or formerly of Frederick F. Vorreyer and Mary Pat Vorreyer (Liber 1603, folio 543) N74°00'04"W 79.86 feet to a point, thence along the lands now or formerly of Donald Emanuel Nisewarner (Liber 6176, folio 498), the lands now or formerly of Amy Christine Haupt and Madden David Haupt (Liber 6708, folio 398), the lands now or formerly of Sandra C. Molina (Liber 6233, folio 248), the lands now or formerly of Michele L. Hull (Liber 6553, folio 335), the lands now or formerly of Hilary L. Esworthy and Robert W. Dronesburg, Jr. (Liber 2520, folio 440), and the lands now or formerly of Derick S. Imes and Heather M. Imes (Liber 5805, folio 26) N86°50'48"W 527.40 feet to a point, thence along the aforesaid lands of Imes S03°06'28"W 100.00 feet to a point, thence by a curve to the left with a radius of 25.00 feet, an arc length of 39.27 feet, a chord bearing of S41°53'32"E, and a chord length of 35.36 feet to a point, thence along the north side of Oak Ridge Drive N86°52'34"W 100.00 feet to a point, thence along the lands now or formerly of Angela M. Myers (Liber 6656, folio 160) by a curve to the left with a radius of 25.00 feet, an arc
length of 39.27 feet, a chord bearing of N48°06'28"E, and a chord length of 35.36 feet to a point, thence N03°06'28"E 124.97 feet to a point, thence N86°53'32"W 111.33 feet to a point, thence along the lands now or formerly of Thang Nguyen (liber 4109, folio 347) N01°57'00"E 51.27 feet to a point, thence N86°55'00"W 110.00 feet to a point, thence along the lands now or formerly of Michael T. McAllister (liber 1504, folio 134) N01°58'01"E 21.99 feet to a point, thence along the aforesaid lands of McAllister, the lands now or formerly of Norma J. Misner (Liber 4727, folio 67), the lands now or formerly of Pamela Schiano Di Cola and Raimondo Schiano Di Cola (Liber 1047, folio 812) N88°03'00"W 300.00 feet to a point, thence along the lands now or formerly of Robert L. Lewis, Jr. and Toni M. Lewis (Liber 5915, folio 395), the lands now or formerly of Charles E. Keckler (Liber 1035, folio 959), the lands now or formerly of Linda J. Richards and William Richards (Liber 4425, folio 432), and the lands now or formerly of Ariah M. Giles and Blake A. Jones (Liber 5556, folio 127) N87°55'00"W 251.00 feet to a point, thence along the aforesaid lands of Jones S22°31'00"W 148.51 feet to a point, thence along the north side of Oak Ridge Drive N61°43'03"W 205.45 feet to a point, thence along the lands now or formerly of The Board of County Commissioners of Washington County (Liber 607, folio 437) N01°22'40"E 417.10 feet to a point, thence along the lands now or formerly of Susan W. Robertson and Robert J. Robertson (Liber 801, folio 217) S88°42'56"E 143.88 feet to a point, thence along the lands now or formerly of the Cumberland Valley Veterinary Clinic Real Estate, LLC (Liber 4784, folio 307) S87°45'26"E 64.18 feet to a point, thence N01°19'03"E 432.64 feet to a point, thence S52°24'04"E 54.26 feet to a point, thence N38°03'48"E 185.01 feet to a point, thence N34°57'23"E 65.07 feet to a point, thence N37°05'41"E 266.51 feet to a point, thence N22°43'22"W 425.40 feet to a point, thence along the lands now or formerly of Lawrence T. Michael (Liber 658, folio 566) N69°18'30"E 143.10 feet to a point, thence across the southern terminus of Englewood Road N75°57'21"E 49.14 feet to a point, thence along the lands now or formerly of Fulton Bank (Liber 6185, folio 20) and the lands now or formerly of Future Builders 2, LLC (Liber 5576, folio 275) N67°24'12"E 250.00 feet to a point, thence along the lands now or formerly of B&B Investments, Inc (Liber 1266, folio 936) and the lands now or formerly of Linwood, LLC (Liber 1723, folio 660) S22°35'48"E 150.00 feet to a point, thence along the aforesaid lands of Linwood, LLC N67°24'12"E 200.00 feet to a point, thence across the southern terminus of Linwood Road N67°24'12"E 50.65 feet to a point, thence along the lands now or formerly of 17827 Var, LLC (Liber 1695, folio 618) S22°42'09"E 60.36 feet to a point, thence N67°19'32"E 324.40 feet to a point, thence N22°34'28"W 210.72 feet to a point, thence along the lands now or formerly of Unger Properties, LLC (Liber 6353, folio 30) N67°19'32"E 125.00 feet to a point, thence N22°34'28"W 201.13 feet to intersect the right of way line of Virginia Avenue, thence along the southern right of way line of Virginia Avenue N67°13'19"E 247.88 feet to a point, thence along the lands now or formerly of Joseph Barnes (Liber 6517, folio 201) S22°46'41"E 200.00 feet to a point, thence N67°13'19"E 75.00 feet to a point, thence N22°46'41"W 200.00 feet to a point, thence along the south right of way line of Virginia Avenue N67°13'19"E 100.00 feet to a point, thence along the lands now or formerly of Patti Lynn Barr (Liber 3679, folio 306)
S22°46'21"E 250.00 feet to a point, thence N67°13'39"E 75.00 feet to a point, thence N22°46'21"W 250.00 feet to the right of way line of Virginia Avenue, thence along the south right of way line of Virginia Avenue N67°13'39"E 50.00 feet to a point, thence along the lands now or formerly of John Whittington (Liber 3906, folio 116) S22°46'21"E 250.00 feet to a point, thence along the aforesaid lands of Whittington and the lands now or formerly of Jenny Tiffany Rhodes (Liber 4815, folio 235) N67°13'39"E 165.00 feet to a point, thence along the lands now or formerly of Unger Properties, LLC (Liber 6353 folio 30) S22°46'21"E 8.36 feet to a point, thence N67°35'39"E 123.63 feet to a point, thence S22°29'58"E 150.00 feet to a point, thence S22°29'58"E 50.00 feet to a point, thence S22°29'58"E 200.00 feet to a point, thence S43°09'58"E 225.00 feet to a point, thence S70°03'58"E 502.10 feet to a point, thence S70°03'58"E 50.52 feet to a point, thence S70°03'58"E 131.27 feet to a point, thence along the lands now or formerly of Norfolk and Western Railway (Liber 222, folio 242) S30°38'01"W 2191.02 feet to the place of beginning.

Containing 115.84 acres of land more or less.

Said lands are annexed subject to any and all easements or rights-of-way of record and applicable thereto.

Said lands being part of the lands conveyed by U.P. Associates Limited Partnership, LLLP, to Unger Properties, LLC, by deed dated July 1, 2020, recorded at Liber 6353, folio 30 among the Land Records of Washington County, Maryland.
Proposed Annexation - 115.84 acres