

RESOLUTION NO. 6161

A RESOLUTION TO ANNEX TWO PARCELS OF LAND OWNED BY THE TOWN OF EASTON LOCATED ON THE NORTH SIDE OF PORT STREET AT EASTON POINT, CONSISTING OF 4.743 ACRES OF LAND AND 0.156 ACRES OF LAND, MORE OR LESS, INTO THE TOWN OF EASTON AND TO PROVIDE FOR THE TERMS AND CONDITIONS OF THE ANNEXATION.

Introduced by: Mr. Montgomery

WHEREAS, the Town of Easton (the "Town") is authorized by the provisions of §4-401 *et seq.* of the Local Government Article of the Maryland Annotated Code (the "Code") to expand its municipal boundaries by annexing lands adjacent to it, and wishes to annex certain parcels of land owned by the Town located on the North side of Port Street at Easton Point, consisting of 4.743 acres of land and 0.156 acres of land, more or less, which parcels are shown and depicted as "AREA OF ANNEXATION 4.743 ACRES ±" and "AREA OF ANNEXATION 0.156 AC ±" (collectively, the "Annexation Property") on a plat titled "PROPOSED ANNEXATION OF MULTIPLE PROPERTIES TO THE TOWN OF EASTON TOWN OF EASTON, FIRST ELECTION DISTRICT TALBOT COUNTY, MARYLAND", prepared by Rauch Inc., dated June 2022 (the "Annexation Plat"), which is Exhibit "A" to this Resolution and is also described in a metes and bounds description prepared by Rauch inc. entitled "DESCRIPTION OF 4.899 ACRES OF LAND, MORE OR LESS, ANNEXATION TOWN OF EASTON THE LANDS NOW OR FORMERLY OF THE TOWN OF EASTON", dated September 30, 2022, which is Exhibit "B" to this Resolution ("Annexation Description").

The Town is the owner of one hundred percent (100%) of the assessed value of the real property lying within the area to be annexed and has consented to the annexation. There are no registered voters in Talbot County who reside on the Annexation Property.

The Annexation Property is adjacent to existing Town boundaries. If the Annexation Property is incorporated into the Town boundaries, no enclaves of non-Town land will be created.

Now, therefore, the Town hereby resolves:

Section 1. Modification of Town Boundaries. The corporate boundaries of the Town are hereby amended to include the addition of the Annexation Property, which is described on the Annexation Plat and Annexation Description. The plat and metes and bounds description are subject to technical review and correction by the Town prior to the public hearing to be held on this Resolution.

Section 2. Application of Town Charter; Ordinances; and Taxes. Upon the effective date of this Resolution, the provisions of the Charter and Code of the Town of Easton, and any local public laws enacted or to be enacted affecting the Town, shall be effective within the Annexation Property except to the extent that this Resolution provides otherwise. The Annexation Property shall be included in the Fourth Election Ward of the Town for purposes of municipal elections until such time as the boundaries for election wards may be modified by the Town Council.

Section 3. Annexation Plan. The Petitioner has prepared an Annexation Plan with regard to the Annexation Property (the "Plan"). The Plan is Exhibit "C" to this Resolution but is not a part hereof and the Town Council reserves the right to amend the Plan prior to the final enactment of this Resolution in the manner provided in §4-415 of the Local Government Article of the Code.

Section 4. Zoning Classification. Concurrently with the introduction of this Resolution, the Town Council has introduced Ordinance No. 795 to apply a zoning classification of Mixed-Use Waterfront (MXW) to the Annexation Property. The proposed MXW zoning classification permits land uses that are substantially different from the land uses allowed under the current Talbot County zoning classifications and/or permits development at a substantially higher density exceeding 50% of the density allowed under the current Talbot County zoning classification applicable to the

Annexation Property. In accordance with §4-416 of the Local Government Article of the Code, if Talbot County expressly approves, the Town can place the annexed land in zoning classifications that allow different land uses and/or allows a substantially higher density exceeding 50% of the density allowed under the current Talbot County zoning classification. The classification of the Annexation Property in the MXW zoning district is contingent upon the Town receiving the express consent of the County prior to the effective date of Ordinance 795.

Section 5. Incorporation of Certain Exhibits. Exhibits A, and B are incorporated into this Resolution and made a part of it.

Section 6. Public Hearing and Public Notice. The Town Council shall conduct a public hearing on this Resolution and upon Ordinance No. 795 on April 17, 2023 at 5:35 p.m. Prior to the hearing, the Town Clerk shall arrange for the publication of a legally sufficient notice of the hearing in *The Star Democrat* for the Town two times at not less than weekly intervals, the date of publication of the last such notice to be at least 15 days prior to the date of the hearing. In addition, on the date of the first publication of the notice of the hearing, the Town Clerk shall notify the following persons or agencies of the hearing and shall provide them with a photocopy of the legal notice and this Resolution, including Exhibits:

- (a) the Talbot County Council;
- (b) the Talbot County Planning and Zoning Commission;
- (c) the Maryland Department of Planning; and
- (d) the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays.

Section 7. Registration of Boundaries. Within ten (10) days of the effective date of this Resolution, in accordance with the provisions of §4-414 of the Local Government Article of the Code, the Mayor or other Town designee, shall promptly cause a copy of the resolution with the new municipal boundaries to be sent to:

- (a) the Town Clerk;
- (b) the Clerk of the Circuit Court for Talbot County, Maryland; and
- (c) the Maryland Department of Legislative Services.

Pursuant to §4-414(b) of the Local Government Article of the Code, each such official or agency shall keep this Resolution with the new boundaries on record and make it available for public inspection during regular business hours.

Section 8. Effective Date. This Resolution shall become effective 45 days after final enactment unless a petition for referendum has been filed prior thereto in accordance with §4-408, §4-409, or §4-410 of the Local Government Article of the Code or if a petition for referendum is filed and a majority of the votes are in favor of the annexation resolution, the date upon which the Annexation Resolution becomes effective pursuant to §4-412 of the Local Government Article of the Code. This Resolution shall be deemed "finally enacted" on the date on which the Mayor of the Town of Easton indicates his approval of this Resolution by signing it or when the Town Council overrides the Mayor's veto hereof in the manner specified in the Town Charter.

Curry	-	Yea
Abbatiello	-	Yea
Montgomery	-	Yea
Davis	-	Yea

I hereby certify that the above Resolution was passed by a yea and nay vote of the Town Council this fifth day of June, 2023.



Don Abbatiello, Acting Town Council President

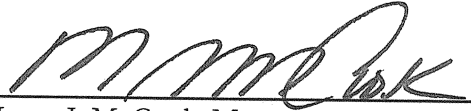
Delivered to the Mayor by me this fifth day of June, 2023.



Kathy M. Ruf, Town Clerk

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APPROVED: June 5, 2023  
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Date: June 5, 2023

  
\_\_\_\_\_  
Megan J. M. Cook, Mayor

EFFECTIVE DATE: July 20, 2023.

EXHIBIT

A

tabbles

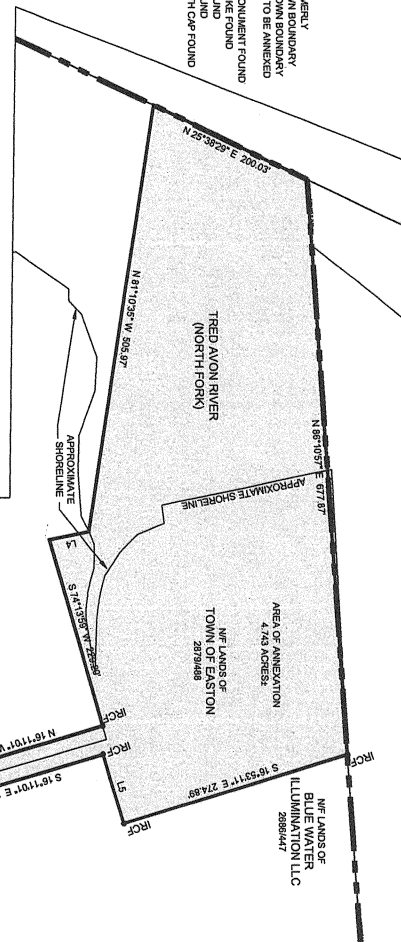
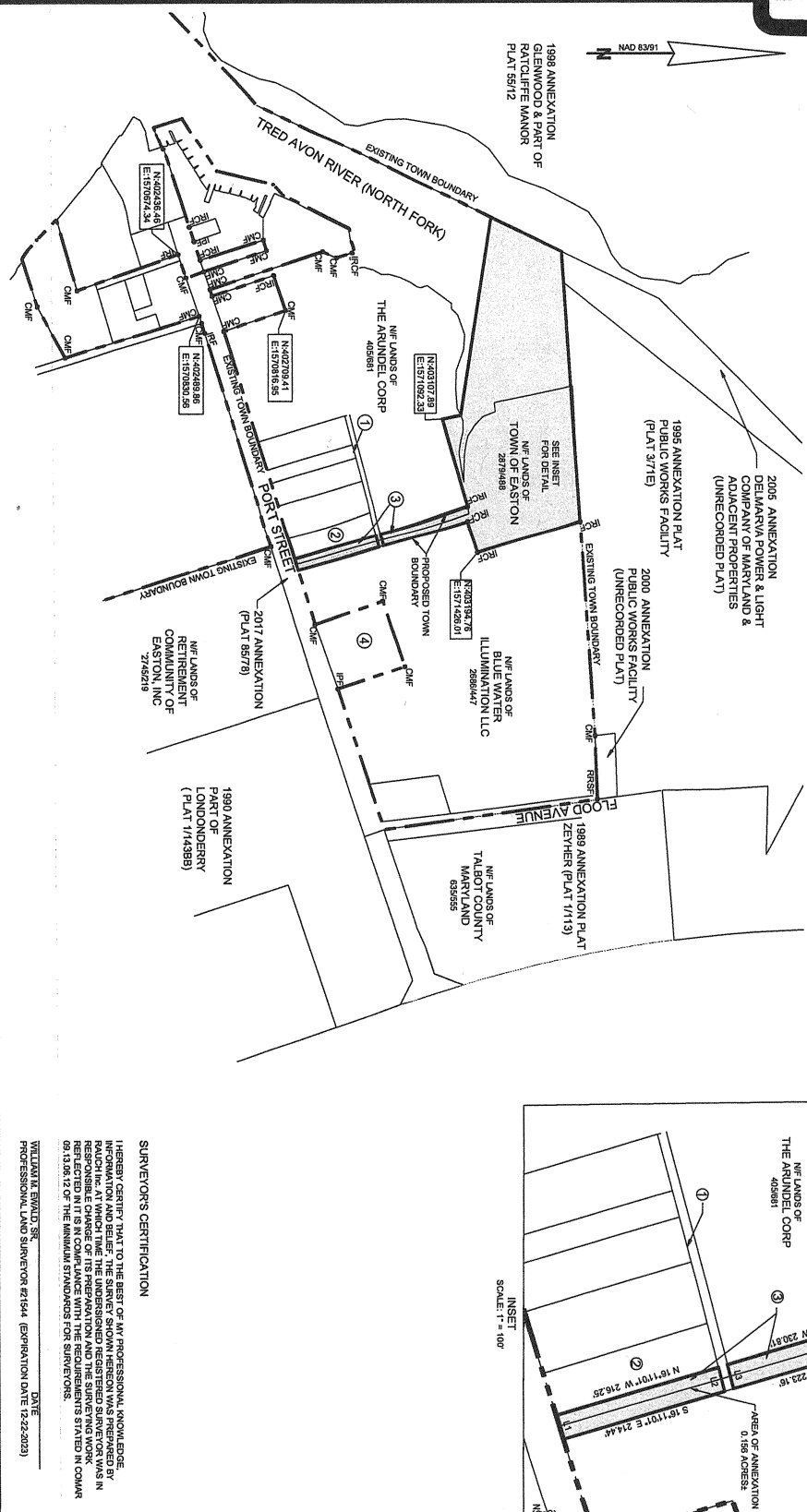
LINE	BEARING	DISTANCE
L1	S 72°59'27" W	31.46'
L2	N 70°08'59" E	31.51'
L3	S 70°08'59" W	31.51'
L4	N 71°01'01" W	41.72'
L5	S 71°04'49" W	65.92'

OWNERS INFORMATION		
NUMBER	PARCEL	ACCOUNT #
1	157	01-000213
2	157	01-000213
3	157	01-000213
4	80	01-000213

\* INDICATES INCLUDED IN ANNEXATION

LEGEND

- NF DENOTES NOW OR FORMERLY
- EXISTING TOWN BOUNDARY
- PROPOSED TOWN BOUNDARY
- 4.89 ACRES TO BE ANNEXED
- CONCRETE MONUMENT FOUND
- RAILROAD SPIKE FOUND
- IRON PIPE FOUND
- IRON ROD FOUND
- IRON ROD WITH CAP FOUND



SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT, AND THAT I AM A LICENSED SURVEYOR IN THE STATE OF MARYLAND. I HAVE REVIEWED THE RECORDS OF THE TOWN OF EASTON, AND HAVE FOUND NO OTHER RECORDS THAT WOULD CONTRADICT THE INFORMATION CONTAINED HEREIN. I HAVE ALSO REVIEWED THE RECORDS OF THE TOWN OF EASTON, AND HAVE FOUND NO OTHER RECORDS THAT WOULD CONTRADICT THE INFORMATION CONTAINED HEREIN.

WILLIAM D. GAY (12 ALLEY)  
PROFESSIONAL LAND SURVEYOR #21544 (EXPIRATION DATE 12-22-2023)

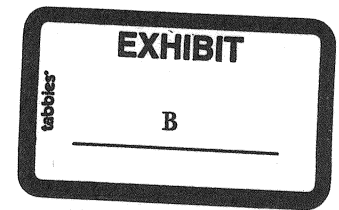
**RAUCH**  
INC.  
engineering design &  
development services

office: 410.770.9081 | fax: 410.770.3667  
email: design@raucheng.com | web:  
www.raucheng.com  
address: 106 N. Harrison St - Easton, MD 21601

PROPOSED ANNEXATION  
OF MULTIPLE PROPERTIES TO  
**THE TOWN OF EASTON**

TOWN OF EASTON, FIRST ELECTION DISTRICT, TALBOT COUNTY, MARYLAND  
PREPARED FOR: TOWN OF EASTON

		DRAWN BY
SCALE 1" = 200'		DESIGNED BY
DATE JUNE 2022	APPROVED BY	
DATE	REVISION	



**DESCRIPTION OF 4.899 ACRES OF LAND, MORE OR LESS,  
ANNEXATION TOWN OF EASTON  
THE LANDS NOW OR FORMERLY OF THE TOWN OF EASTON**

**AREA 1 (0.156 ACRES +/-)**

BEGINNING for the same at a point located along the existing municipal boundary of the Town of Easton 2017 annexation at a point along the northwesterly right-of-way line of Port Street; said beginning point being further located at the southeasternmost corner of the herein described lands as shown on a plat entitled "PROPOSED ANNEXATION OF MULTIPLE PROPERTIES TO THE TOWN OF EASTON" PREPARED BY Rauch, inc. in June 2022.

THENCE leaving said beginning point so fixed and binding on the aforesaid northwesterly right-of-way line of Port Street;

- 1) South 72°50'59" West 31.49 feet to a point located at the division line between the lands now or formerly of The Arundel Corp. (see deed 676/946) and the lands now or formerly of the Town of Easton (see deed 2879/488);

THENCE leaving aforementioned Port Street and binding on the aforesaid division line;

- 2) North 16°11'01" West 216.25 feet to a point located at the division line of the lands now or formerly of William D. Gay (see deed 184/375) and the aforementioned land of the Town of Easton;

THENCE leaving lands of The Arundel Corp. and binding on the aforesaid division line;

- 3) North 76°08'59" East 31.51 feet to a point located along the division line between the lands now or formerly of Blue Water Illumination, LLC (see deed 2686/447) and the aforementioned lands of the Town of Easton;

THENCE binding on the aforesaid division line;

- 4) South 16°11'01" East 214.44 feet to the place of beginning;

CONTAINING in all 6,780 Sq.Ft. of land more or less.

**AREA 2 (4.743 ACRES +/-)**

BEGINNING for the same at an iron rod with cap found along the existing municipal boundary of the Town of Easton 1995 annexation (see plat 3/71E) at a point located at the division line between the lands now or formerly of Blue Water Illumination, LLC (see deed 2686/447) and the lands now or formerly of The Town of Easton (see deed 2879/488); said beginning point being further located at the northwesternmost corner of the herein described lands as show on a plat entitled "PROPOSED ANNEXATION OF MULTIPLE PROPERTIES TO THE TOWN OF EASTON" PREPARED BY Rauch, inc. in June 2022.

TOWN OF EASTON, 14 S HARRISON ST., EASTON MD 21601



THENCE leaving the existing town boundary and binding on the aforesaid division line the following three (3) courses and distances;

- 5) South 16°53'11" East 274.89 feet to an iron rod with cap found;
- 6) South 73°06'49" West 84.00 feet to a point;
- 7) South 16°11'01" East 223.16 feet to a point located along the division line between the aforementioned lands of Blue Water Illumination, LLC and the aforementioned lands of The Town of Easton;

THENCE leaving the aforesaid lands of Blue Water Illumination, LLC and binding on the herein described lands;

- 8) South 76°08'59" West 31.51 feet to a point located at the division line between the lands now or formerly of William D. Gay (see 184/375), the lands now or formerly of The Arundel Corp. (see 676/946), and the aforementioned lands of The Town of Easton;

THENCE leaving the lands of William D. Gay and binding on the aforesaid division line the following three (3) courses and distances;

- 9) North 16°11'01" West 230.81 feet to an iron road with cap found;
- 10) South 74°13'59" West 229.20 feet to a point;
- 11) North 11°01'01" West 47.72 feet to the approximate shoreline of the Tred Avon River;

THENCE leaving the aforesaid approximate shoreline of the Tred Avon River and binding on the outline of the herein described lands over the waters of the Tred Avon River the following three (3) courses and distances;

- 12) North 81°10'35" West 505.97 feet to a point along the existing municipal boundary of the Town of Easton 1998 annexation (see plat 55/12);
- 13) North 25°38'29" East 200.03 feet to a point located at the intersection of the existing municipal boundary of the Town of Easton 2005 annexation (unrecorded plat) and the aforementioned existing municipal boundary of the Town of Easton 1998 annexation;
- 14) North 86°10'57" East 343.55 feet to a point located along the aforementioned shoreline of the Tred Avon River;

THENCE leaving the aforesaid Tred Avon River and continuing to bind on the existing municipal boundary of the Town of Easton;

- 15) North 86°10'57" East 334.32 feet to the place of beginning;

CONTAINING in all 4.743 acres of land more or less.

TOWN OF EASTON, 14 S HARRISON ST, EASTON MD 21601





CONTAINING in all, an aggregate area of 4.899 acres of land, more or less, as described by RAUCH inc. in September 2022.

A handwritten signature in black ink, appearing to read "W. Ewald", is written over a horizontal line.

9/30/2022

William M. Ewald, Sr.

Date

Professional Land Surveyor #21544 (expiration date 12-22-2023)



TOWN OF EASTON, 14 S HARRISON ST, EASTON MD 21601

**EXHIBIT C TO RESOLUTION 6161**  
**ANNEXATION PLAN**  
**2023 ANNEXATION TO THE TOWN OF EASTON OF CERTAIN LANDS LOCATED**  
**ALONG PORT STREET AND CONSISTING OF 4.899 ACRES OF LAND, MORE OR**  
**LESS**

In accordance with § 4-415 of the Local Government Article of the Annotated Code of Maryland, the Town of Easton hereby sets forth the following Annexation Plan for Resolution No. 6161. Section 4-415 permits amendment of the Annexation Plan during the annexation process.

**I. Property.** The property proposed for annexation to which this Annexation Plan relates consists of 4.899± acres of land comprised of “AREA OF ANNEXATION 4.743 ACRES ±” and “AREA OF ANNEXATION 0.156 AC ±” (collectively, the “Annexation Property”) on a plat titled “PROPOSED ANNEXATION OF MULTIPLE PROPERTIES TO THE TOWN OF EASTON TOWN OF EASTON, FIRST ELECTION DISTRICT TALBOT COUNTY, MARYLAND”, prepared by Rauch Inc., dated June 2022 (the “Annexation Plat”), which is Exhibit “A” to Resolution 6161 which includes a portion of the Tred Avon River.

**II. Land Use Patterns and Plans – Existing and Proposed.**

**A.** The 2016 Talbot County Comprehensive Plan identifies the Annexation Property as “Designated Growth Industrial” and a “Tier II-A Primary Mapped Growth Area, Planned for Sewage”.

The 2010 Town of Easton Comprehensive Plan, as amended (the “Easton Plan”), designates the Annexation Property as a Priority 1 Boundary Refinement Area. (Easton Plan Growth Areas Map). The Municipal Growth Element of the Comprehensive Plan defines Boundary Refinement Areas as areas that in most cases “are already developed in Talbot County and they are deemed appropriate for consideration for annexation during the life of this Plan.” (Easton Plan p. 49). The Easton Plan identifies Priority 1, Boundary Refinement Areas, including the Annexation Property, as areas that are “important to bring...into [the] Town.” (Easton Plan p. 257).

**B.** The Annexation Property is proposed as a waterfront Town park. As noted in the Parks, Recreation, and Open Space chapter of the Easton Plan, “[a] special type of park that is very desirable to Easton residents is a waterfront park.” (Easton Plan p. 152). “A number of possibilities exist for the redevelopment of Easton Point if/when it should come into Town. A significant public waterfront park should be part of any such scheme.” (Easton Plan p. 152).

**C.** The pre-annexation Talbot County zoning of the Annexation Property is Limited Industrial (LI). The Annexation Property was previously developed, but as the Town is converting the Annexation Property to a park, it is removing most of the improvements. The proposed Mixed-Use Waterfront (MXW) zoning district permits parks by right. The MXW district permits land uses that are not authorized in the County’s LI zone and permits densities greater than allowed under the Talbot County Zoning Ordinance.

D. In accordance with § 4-416 of the Local Government Article of the Maryland Annotated Code, if the County expressly approves, the Town may place the annexed land in zoning classifications that permit land uses different from the land uses specified under the Talbot County Zoning Ordinance and/or permits a 50% greater density than that allowed under the Talbot County Zoning Ordinance. On May 9, 2023, Talbot County enacted Resolution 342 approving the Town's application of Mixed-Use Waterfront (MXW) zoning to the Annexation Property. Any future development of the Annexation Property shall be in accordance with the Zoning Ordinance provisions applicable to the Annexation Property at the time of the development.

**III. Availability of Land for Public Facilities.** Following annexation, the Annexation Property will be served by the Easton public water and sewer systems, which will require extension of those public utility systems. Adequate water and sewer capacity exists within the Town's utility systems to serve existing and future uses of the Annexation Property without dedication of additional land. Fire and police protection will be provided by the Easton Volunteer Fire Company and the Town of Easton Police Department using existing facilities. The Town's existing public works, fire, police and emergency services facilities, equipment and personnel are adequate to accommodate the Annexation Property. There is no impact on schools, libraries and other recreational services. In fact, the Annexation Property will be providing additional recreational services. No additional land for public facilities on the Annexation Property is considered reasonably necessary to serve the park use proposed.

**IV. Extension of Municipal Services (Schedule and Financing).**

**A. Utility Service.** Following annexation, all or portions of the Annexation Property may be served by Town water and sewer for facilities within the park. All such extensions will be completed at the Town's expense and in accordance with the standards and specifications of the Town.

All applicable Town fees and user rates to cover the costs associated with usage- or consumption-based municipal services, such as water and sewer service shall be charged to the Annexation Property.

**B. Roads.** The Annexation Property has existing access off of Port Street, which is in part a Town Road and is in part a County Road. Additional connection is proposed to Flood Avenue, a Town Road.

**C. Fire Protection.** The Easton Volunteer Fire Company already provides service to the Annexation Property and will continue to provide such service at the same or similar level of service after annexation. The Fire Company receives substantial financial support from the Town.

**D. Police Services.** Police Services are currently provided by the Talbot County Sheriff's Department. Upon annexation, the Easton Police Department will extend service to the

Annexation Property. Service will be provided using existing personnel and equipment. The costs of these services shall be paid out of the Town's general funds.

*Pursuant to Section 4-415(g) of the Local Government Article, amendments to this Annexation Plan shall not be construed amendments to the Annexation Resolution, nor may they serve in any manner to cause a re-initiation of the annexation procedure related to the property described in Section I.*