

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.

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 +/- 80 acres Broadfording Road Into the City of Hagerstown, submitted to this legislative body on March 8, 2023, by Bostetter Group, 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 May 23, 2023; 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 Bostetter Group LLC" on the survey plat entitled "Boundary Survey Drawing, 17601 Broadfording Road," prepared by Frederick Seibert & Associates, dated July 19, 2021, 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. However, pursuant to the provisions of MD Code, Local Government §4-416, without the express approval of the County Commissioners, for 5 years after the effective date of this resolution, the City may not allow development of the subject property for land uses substantially different than the authorized use, or at a substantially higher density, not exceeding 50%, than could be granted for the proposed development in accordance with the zoning classification of the County applicable at the time of this annexation.

AND BE IT FURTHER RESOLVED, that, as the farmhouse located at 17601

Broadfording Road is included on the Washington County Historic Sites Inventory, the farmhouse shall be considered a Potential Landmark upon annexation, as prescribed in Article IV, Section A, subsection 13, b of the Hagerstown Land Management Code. When the property

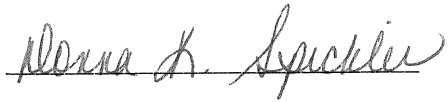
is subdivided in the future to separate the farmhouse from the area to be developed, the Landmark status shall only apply to the lot containing the farmhouse.

AND BE IT FURTHER RESOLVED, that City of Hagerstown municipal and ad valorem real property taxes shall be imposed on the Property and any portion thereof at the pre-annexation assessment value as assigned by the Maryland Department of Assessments and Taxation ("MD SDAT"), until the first to occur of the following: (i) title to the Property being conveyed from the Petitioner to NVR, Inc., a Virginia corporation, or any of its successors, designees, or assigns; (ii) recordation of a Final Plat dividing the Property into multiple, new lots of record for development and sale; or (iii) Ten (10) years from the effective date of this Annexation Resolution. Notwithstanding the foregoing, it is expressly understood and agreed that a subdivision plat to separate the existing farmhouse located on the Property as a separate lot record to be preserved and conveyed apart from the future development of the Property shall not constitute a triggering event to impose municipal ad valorem taxes on the post-annexation assessed value as assigned by MD SDAT, as provided for herein above.

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.

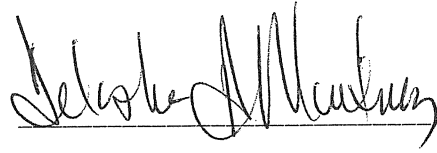
AND BE IT FURTHER RESOLVED, that this Resolution shall become effective at the end of forty-five (45) days following its final enactment, unless a proper petition for referendum hereon shall be filed.

WITNESS AND ATTEST AS TO
CORPORATE SEAL



Donna K. Spickler
City Clerk

BY THE MAYOR AND THE CITY COUNCIL
OF HAGERSTOWN, MARYLAND



Tekesha Martinez
Mayor

Date Introduced: March 28, 2023
Public Hearing Date: May 23, 2023
Date of Passage: June 20, 2023
Effective Date: August 4, 2023

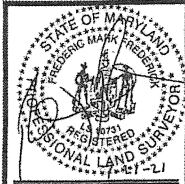
EXHIBIT #1

SURVEYOR'S CERTIFICATION

I hereby certify to the best of my professional knowledge and belief that the plat shown hereon is correct; that it is all of the land conveyed by Martin Van Buren Bostetter, Jr., Trustee of the Martin Van Buren Bostetter, Sr. Testamentary Residual Trust, to The Bostetter Group, LLC, a Virginia Limited Liability Company, by deed dated January 23, 2013, recorded among the Land Records of Washington County, Maryland, in Liber 4463, folio 193. That this boundary survey was personally prepared by me or that I was in responsible charge over its preparation and the surveying work reflected hereon is in compliance with the requirements set forth in COMAR 09.13.06.03 in effect at the time this survey was performed. No title report furnished.

I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional land surveyor under the laws of the State of Maryland, License No. 10731, Expiration Date: January 16, 2022.

Frederic M. Frederick
Frederic M. Frederick, PE PLS
Date July 21, 2021



Professional Certification:
I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional under the laws of the State of Maryland, License No. 10731, Expiration Date 01-16-2022.

FSA
FREDERICK SEIBERT & ASSOCIATES, INC.
CIVIL ENGINEERS • SURVEYORS • LANDSCAPE ARCHITECTS • LAND PLANNERS
133 SOUTH MCDONALD STREET
FREDERICK, MD 21701
(301) 691-3300
© 2021
FSA-INC.COM
1000 HANOVER STREET
COLUMBIA, MD 21046
(410) 326-1111

Boundary Survey Drawing
17801 Broadfording Road
Hagerstown
Washington County, Maryland
The Bostetter Group, LLC
410 Second Street
Alexandria VA 22314
Shuttle at the intersection of Broadfording and McQuade Roads

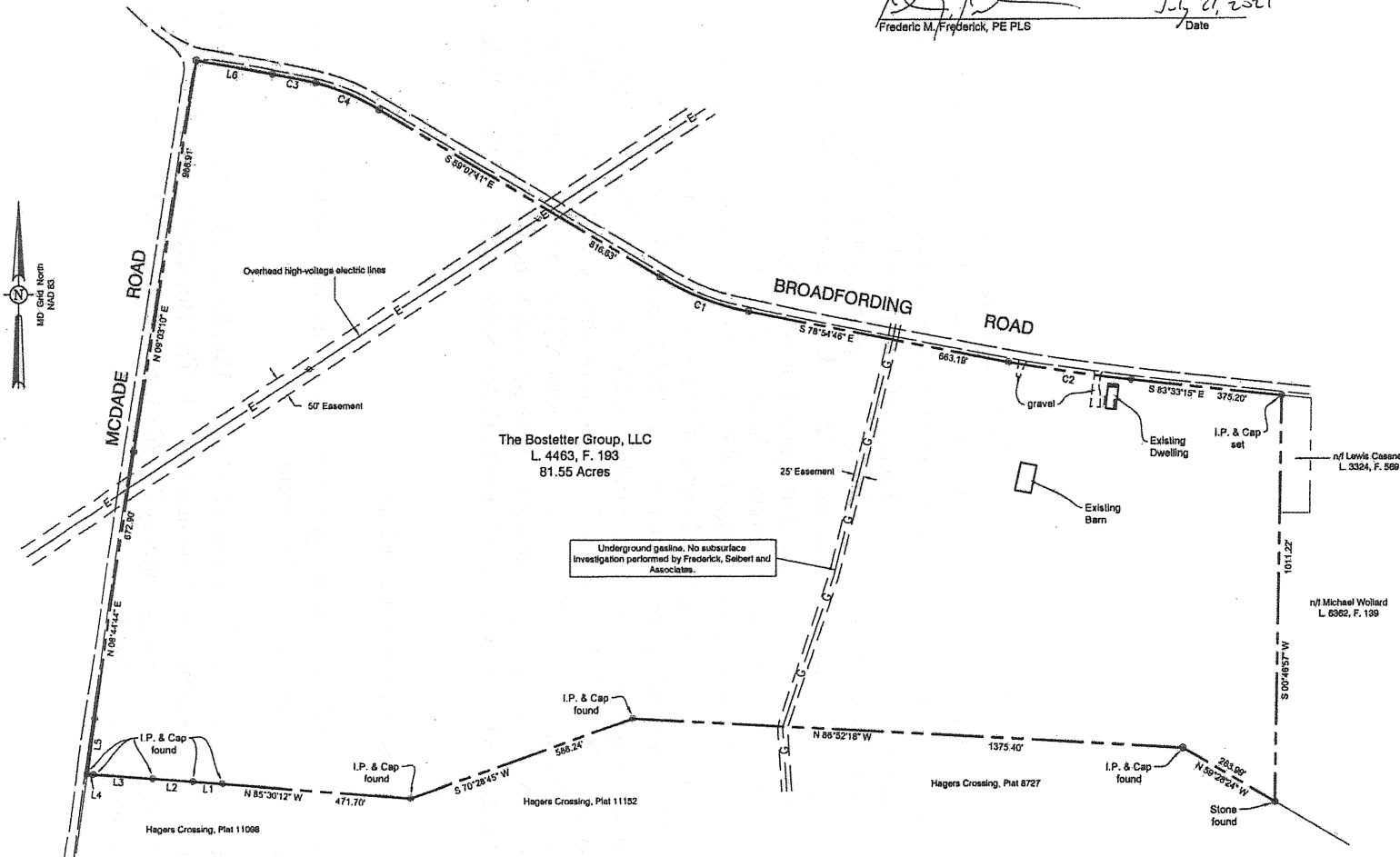
PROJECT NO. 8038.0
DRAWN BY DHH
DATE 7-19-2021
PROJECT MANAGER D. Trostle
TAM Map 87-7-453
SCALE 1" = 200'

SHEET TITLE

Boundary Drawing

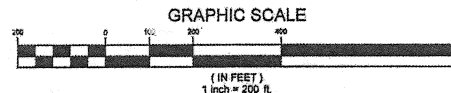
C-101
SHEET 1 OF 1

SP.



CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	237.47	617.38	32.02 17°	S 85°24'18" E	236.01
C2	308.23	5100.55	3.727 45°	S 81°39'44" E	308.20
C3	110.84	2880.85	7.068 42°	S 78°31'41" E	110.63
C4	171.73	1577.09	17.02 59°	S 86°47'55" E	171.09

LINE	BEARING	DISTANCE
L1	N 85°14'32" W	713.90
L2	N 85°48'13" W	1100.01
L3	N 85°37'51" W	1154.37
L4	N 83°28'18" W	115.00
L5	N 07°32'52" E	1138.01
L6	S 79°50'05" E	1193.31



MARK	DESCRIPTION	DATE

December 14, 2022

Suggested metes and bounds description for the lands of The Bostetter Group LLC, located at 17601 Broadfording Road, Hagerstown, Maryland.

Situate along the east side of McDade Road and the south side of Broadfording Road, at the intersection of McDade Road and Broadfording Road, in Election District No. 13, Washington County, Maryland, and being more particularly described as follows:

Beginning at a planted stone found at the end of the third or N 58-3/4° W 11.9 perches line of the deed from Raymond Wollard, II, and Rayetta R. Guynes, to Michael Wollard, dated October 10, 2019, recorded in the Land Records of Washington County, Maryland, in Liber 6091, Folio 419, thence with the northern boundary line of the Hagers Crossing Development, as recorded in Plat Folios 8727, 11152, and 11098, in the Land Records of Washington County, Maryland, with bearings in agreement with Maryland Grid North, the following eight courses: N 59°28'24" W 263.99 feet, to a rebar and cap found, N 86°52'18" W 1375.40 feet, to a rebar and cap found, S 70°28'45" W 588.24 feet, to a rebar and cap found, N 85°30'12" W 471.70 feet, to a rebar and cap found, N 85°14'32" W 73.80 feet, to a rebar and cap found, N 85°48'13" W 100.01 feet, to a rebar and cap found, N 85°37'51" W 154.37 feet, to a rebar and cap found, and N 83°28'18" W 15.00 feet to a rebar and cap found in the east marginal line of McDade Road, thence with said east marginal line the following three courses: N 07°32'52" E 138.01 feet, to a point, N 08°44'44" E 672.90 feet, to a point, and N 09°03'10" E 988.91 feet, to the point of intersection of the east marginal line of McDade road and the south marginal line of Broadfording Road, thence with the south marginal line of Broadfording Road the following eight courses: S 79°50'05" E 193.51 feet, to a point, thence with a curve to the right, with an arc length of 110.84 feet, a radius of 2960.82 feet, a chord of S 78°31'41" E 110.83 feet, to a point, thence with a compound curve to the right with an arc length of 171.73 feet, a radius of 577.09 feet, a chord of S 66°47'55" E 171.09 feet, to a point, thence S 59°07'41" E 816.63 feet, to a point, thence with a curve to the left with an arc length of 237.47 feet, a radius of 617.38 feet, a chord of S 68°24'18" E 236.01 feet, to a point, thence S 78°54'46" E 663.19 feet, to a point, thence with a curve to the left with an arc length of 308.25 feet, a radius of 5100.55 feet, a chord of S 81°39'44" E 308.20', to a point, and thence S 83°33'15" E 375.20 feet to a rebar and cap set, thence with the lands of Lewis Cassner (L. 3324, F. 569) and the lands of Michael Wollard (L. 6091, F. 41), S 00°46'57" W 1011.22 feet, to the point of beginning.

Containing 81.55 acres of land, more or less.







Said land is conveyed subject to and together with, any and all conditions, restrictions, easements or rights of ways of record and applicable thereto.





Said lands being all of the lands conveyed by Martin Van Buren Bostetter, Jr., Trustee of the Martin Van Buren Bostetter, Sr., Testamentary Residual Trust, to The Bostetter Group, LLC, a Virginia Limited Liability Company, by deed dated January 23, 2013, recorded in the Land Records of Washington County, Maryland, in Liber 4463, Folio 193.

R-23-05



EXHIBIT #3

Zoning Districts

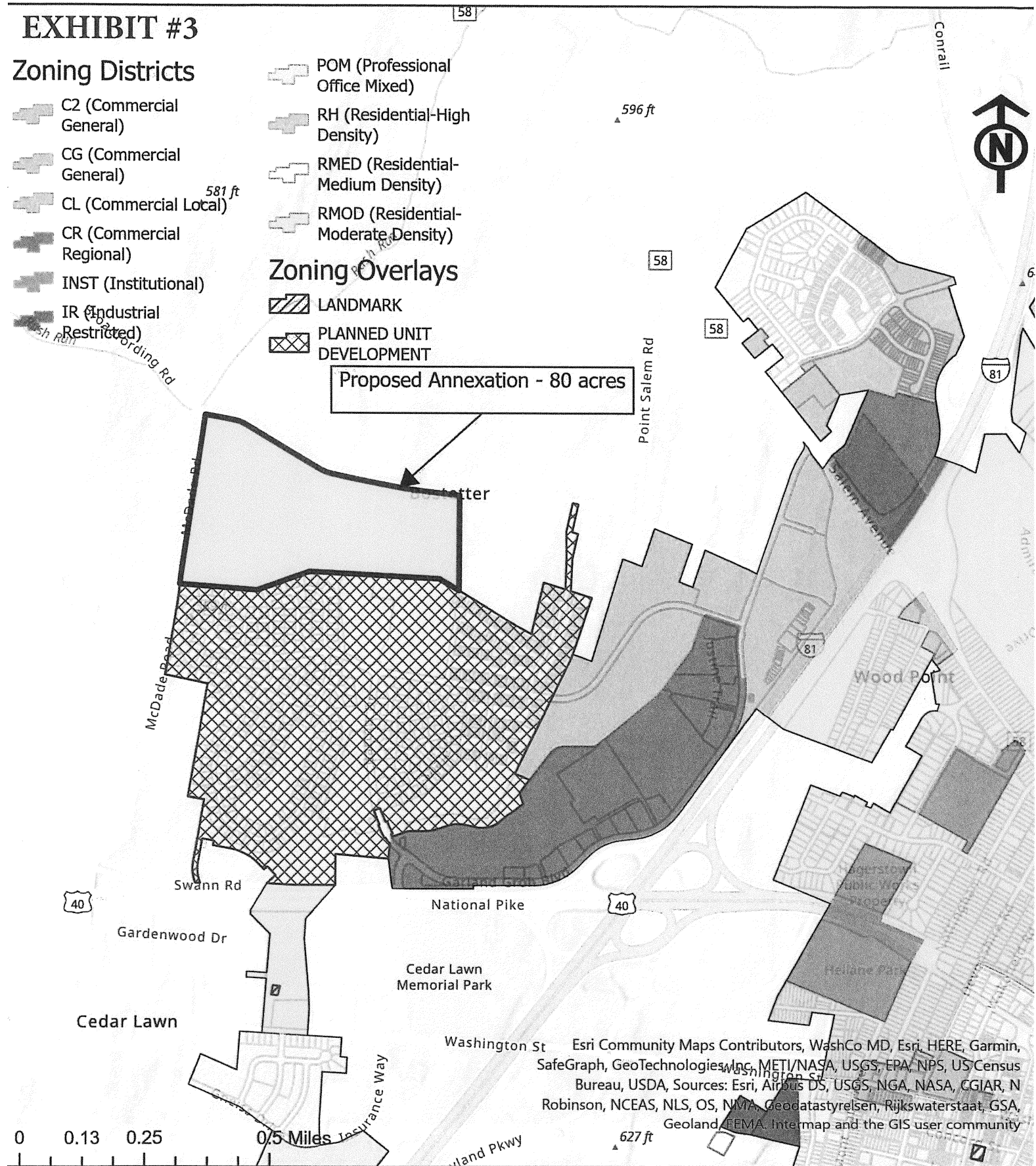
-  C2 (Commercial General)
-  CG (Commercial General)
-  CL (Commercial Local)
-  CR (Commercial Regional)
-  INST (Institutional)
-  IR (Industrial Restricted)

-  POM (Professional Office Mixed)
-  RH (Residential-High Density)
-  RMED (Residential-Medium Density)
-  RMOD (Residential-Moderate Density)

Zoning Overlays

-  LANDMARK
-  PLANNED UNIT DEVELOPMENT

Proposed Annexation - 80 acres



Esri Community Maps Contributors, WashCo MD, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc., METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NIMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community