

RESOLUTION NO. 23-06

ENLARGING THE CORPORATE BOUNDARIES OF
THE CITY OF WESTMINSTER BY ANNEXING INTO THE CITY
CERTAIN PROPERTY CONTAINING 1.1812 ACRES, CONTIGUOUS TO
AND ADJOINING THE CITY'S EXISTING CORPORATE BOUNDARIES,
CONSISTING OF LAND LOCATED ON THE NORTH SIDE OF LEIDY
ROAD, COMMONLY KNOWN AS ELLSWORTH CEMETERY, ALSO
IDENTIFIED AS TAX ACCOUNT NUMBER 07-004788, MAP 46, GRID
0016, PARCEL 1592

(Annexation No. 76)

WHEREAS, pursuant to Local Government Article, Title 4, Subtitle 4 of the Annotated Code of Maryland, and §164-6 of the Code of the City of Westminster, the Mayor and Common Council of Westminster ("the City") is vested with the authority and discretion to enlarge the corporate boundaries of the City; and

WHEREAS, The Community Foundation of Carroll County, Inc. ("Petitioner") is the owner of 1.1812 acres of land in the Seventh (7th) Election District of Carroll County Maryland, contiguous to and adjoining the corporate limits of the City of Westminster along the north side of Leidy Road, commonly known as Ellsworth Cemetery, also identified as Tax Account Number 07-004788, Map 46, Grid 0016, Parcel 1592; and

WHEREAS, the Property is presently classified as R-10,000 Residence District under the zoning laws of Carroll County; and

WHEREAS, the Cemetery intends to continue operating as a cemetery after annexation; and

WHEREAS, Petitioner's petition for annexation under Local Gov't Article § 4-404 meets the requirement of Local Gov't Art., § 4-403 that the City have consent of the owners of at least 25% of the assessed value of the property to be annexed; and

WHEREAS, there are no persons residing within the area to be annexed and from whom

consent to annexation is required by Md. Code Ann., Local Gov't Art., § 4-403; and

WHEREAS, the Annexation Area comprises land contiguous to and adjoining the City's existing corporate boundaries and the annexation of the Annexation Area will not create any unincorporated area that is bounded on all sides by real property presently or by this legislative action or by a combination of both within the corporate limits of the City; and

WHEREAS, pursuant to Resolution 23-05 the Petitioner has requested a waiver of the annexation fee on the grounds that the payment of such fee would cause a substantial hardship that would impair the ability of the Petitioner to pursue its core mission.

IT IS THEREFORE RESOLVED, by the Mayor and Common Council of Westminster, that the tracts or parcels of land herein designated as the Annexation Area, as shown on the Annexation Plat, Exhibit A hereto, and described in a metes and bounds description set forth in Exhibit B hereto, be added to the corporate boundaries of the City, generally subject to the provisions of the Charter, City Code, Ordinances and other rules and regulations of the City, and the Mayor and Common Council agree to no conditions of annexation, whether asserted or requested in the petition for annexation or otherwise;

AND BE IT FURTHER RESOLVED, pursuant to §164-6 and all other related and applicable sections of the City Code that the Zoning Map of the City of Westminster shall be amended to include the Annexation Area in the C Conservation Zone;


AND BE IT FURTHER RESOLVED, pursuant to Resolution 23-05 the Mayor and Common Council waive the annexation fee prescribed by Resolution 20-04 as such fee would cause a substantial hardship that would impair the ability of the entity to pursue its core mission;

AND BE IT FURTHER RESOLVED, that this Resolution shall become effective forty-five (45) days following its passage and approval by the Mayor and Common Council of


Westminster, unless within forty-five (45) days of the date of enactment the City receives a Petition for Referendum filed in accordance with the provisions of Md. Code Ann., Local Gov't Article, §§ 4-408 through 4-410.

AND BE IT FURTHER RESOLVED, that the City Administrator shall, on or after the effective date of the Resolution, promptly send a copy of this resolution with the new boundaries to the Clerk of the Circuit Court for Carroll County, and the Department of Legislative Services for the State of Maryland.

INTRODUCED this 10th day of April 2023


Douglass Barber, City Clerk

PASSED this 12th day of June, 2023


Douglass Barber, City Clerk

APPROVED this 12th day of June, 2023


Dr. Mona Becker, Mayor

APPROVED AS TO FORM AND SUFFICIENCY
this 14th day of June, 2023


Elissa D. Levan, City Attorney