

RESOLUTION NO. 24-02

ENLARGING THE CORPORATE BOUNDARIES OF THE CITY OF WESTMINSTER BY ANNEXING INTO THE CITY CERTAIN PROPERTY CONTAINING ± 0.6950 ACRES, CONTIGUOUS AND ADJOINING TO THE CITY'S EXISTING CORPORATE BOUNDARIES, CONSISTING OF REAL PROPERTY LOCATED AT 411 MALCOLM DRIVE, WESTMINSTER, MARYLAND 21157, ALSO IDENTIFIED AS TAX ACCOUNT NUMBER 07-007884, MAP 0046, GRID 0015, PARCEL 0100, AND COMPRISING ± 0.3144 ACRES AND ± 0.3806 ACRES OF STATE HIGHWAY ADMINISTRATION PROPERTY CONTAINING A PORTION OF MD-ROUTE 97 (MALCOLM DRIVE).

(Annexation No. 79)

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, Crosscreek Enterprises, LLC (“Petitioner”) is the owner of certain real property located at 411 Malcolm Drive, Westminster, Maryland 21157, containing ± 0.3144 acres and zoned C-2 Commercial Medium Intensity District under the zoning laws of Carroll County (“the Property”), by virtue of a Deed dated January 20, 2022, recorded in the Land records of Carroll County at Liber 10662, Folio 291, and further identified as Tax Account Number 07-007884, Map 46, Grid 0015, Parcel 0100; and

WHEREAS, Petitioner wishes to have the Property annexed into the City’s boundaries; and

WHEREAS, the State Highway Administration (“SHA”) owns certain real property containing a portion of the roadbed for Maryland Route 97 (Malcolm Drive), which property abuts the Property on the south and the City’s existing boundaries on the north; and

WHEREAS, Petitioners propose that the City annex a portion of the SHA's property containing ± 0.3806 acres of land ("the SHA Property") along with the Property; and

WHEREAS, the Property and the SHA Property collectively comprise of ± 0.6950 acres ("the Annexation Area"); and

WHEREAS, the improvements Petitioner wishes to construct at the Property constitute a change in use and require a new water and sewer allocation from the City; and

WHEREAS, the City has only a limited quantity of water available for new development and provides that water to new development in accordance with the City's adopted Water and Sewer Allocation Policy, which policy requires that property eligible for annexation under State law be annexed as a condition of receiving water from the City's system; and

WHEREAS, Petitioner understands that new water and sewer allocations are conditioned upon the annexation of the Property; and

WHEREAS, Petitioner is the sole owner of the Property proposed to be annexed and its 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.

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 of Westminster, generally subject to the provisions of the Charter, City Code, Ordinances and other rules and regulations of the City of Westminster;

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 "B Business Zone", which permits uses substantially similar to and of substantially similar density to that permitted by Carroll County in the C-2 Commercial Medium Intensity District;

AND BE IT FURTHER RESOLVED, that the Petitioners shall pay all administrative, engineering and legal fees incurred on behalf of the City of Westminster prior to the effective date of this Resolution;

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 12th day of February 2024

Douglas A. Barber
Douglass A. Barber, City Clerk

PASSED this 22nd day of April, 2024

Douglas A. Barber
Douglass A. Barber, City Clerk

APPROVED this 22nd day of April, 2024

Dr. Mona Becker
Dr. Mona Becker, Mayor

APPROVED AS TO FORM AND SUFFICIENCY
this 22nd day of April, 2024

Elissa D. Levan
Elissa D. Levan, City Attorney