

Schedule for Annexation:

Introduction to Town Council and Referral to Planning Commission: September 3, 2024

Consideration and Recommendation by Planning Commission: September 26 & October 24, 2024

Annexation Plan & set Public Hearing: November 5, 2024

Public Hearing Date: January 7, 2025

Advertise PC meeting, Send documents to CC & MD D of P, Advertise PH: Sept. 6, 2024, Nov. 5, 2024,

Nov 15, 22, 29 and Dec. 6, 2024

Final Consideration by Town Council and Adoption: January 21, 2025

Effective Date if Referendum is not filed: March 8, 2025

**TOWN OF PORT DEPOSIT, MARYLAND
ANNEXATION RESOLUTION NO. 06-2024**

A RESOLUTION TO ENLARGE THE CORPORATE BOUNDARIES OF THE TOWN OF PORT DEPOSIT BY ANNEXATION OF 44.9515 +/- ACRES OF LAND CONSISTING OF MULTIPLE PARCELS, TAX MAP 22I: ACCT. NO. 07-006020 - PARCEL 32 – 42.8079 ACRES; ACCT. NO. 07-055708 - PARCEL 249 - .0015 ACRES; ACCT. NO. 07-055668 – PARCEL 244 – 0.1248 ACRES; ACCT. NO. 07- 026854 – PARCEL 60 - .0001 ACRE AND .0013 ACRE OWNED AND KNOWN BY ROCK RUN ROAD, LLC, *et al.*, ACCT. NO. 07-009437 – PARCEL 0071 – 1.0035 ACRES KNOWN AND OWNED BY ALBERT OWENS AND ACCT. NO. 07-009431 – PARCEL 0047 – 1.0124 ACRES OWNED BY ROBERT OWENS, *et al.*, MORE OR LESS, ON OLD SCHOOLHOUSE DRIVE, IN THE SEVENTH ELECTION DISTRICT OF CECIL COUNTY, AND IN SO DOING TO REPEAL AND RE-ENACT WITH AMENDMENTS ARTICLE II., SECTION 201 RECORDS AND DESCRIPTION OF CORPORATE BOUNDARIES, OF THE CHARTER OF THE TOWN OF PORT DEPOSIT

WHEREAS, pursuant to the authority of Section 3 (Home Rule) of Article XI-E (Municipal Corporations) of the Constitution of Maryland and of Sections 4-401, et seq. of the Local Government Article of the Annotated Code of Maryland (“LG”), the Council of the Town of Port Deposit (“the Town”) are vested with the authority to enlarge the boundaries of the Town; and

WHEREAS, the Town received a Petition for Annexation from Rock Run Road, LLC attached hereto as Annexation Resolution Exhibit 1, including the following exhibits: A – plat of proposed annexation; B – metes and bounds description of annexation properties, as more generally described above (hereinafter collectively, “the Property”); C – property deed for parcels owned by Rock Run Road, LLC, Old Schoolhouse Drive, LLC, Race Street PD, LLC, Albert Owens and Robert Owens, *et al.*, as noted above; D – Maryland Department of Assessments and Taxation SDAT property sheets for Rock Run Road, LLC, Old Schoolhouse Drive, LLC, Race Street PD, LLC, Albert Owens, Robert Owens, *et al.*, and Town of Port Deposit; E – Cecil County Land Use Map from the 2010 Comprehensive Plan; and F - Future

Land Use Map from the Port Deposit Comprehensive Plan; and

WHEREAS, the Property is contiguous with the corporate Town limits and its annexation will not create an enclave; and

WHEREAS, the Petition is signed by at least 25% of the registered voters who are residents in the area to be annexed, inasmuch as the Property is vacant and/or has no residents, and is signed by the owners of at least 25% of the assessed valuation of the Property; and

WHEREAS, the Mayor and Town Council of the Town of Port Deposit, as the presiding officers of the Town, have ascertained that the annexation of the Property would otherwise conform to all the requirements of the Local Government Article of the Maryland Annotated Code, Sections 4-401 and 4-403 and have determined to classify the Property in the Town's High Density Residential District (RM) zoning classification as a condition to annexation, was introduced at a public meeting of the Mayor and Town Council of the Town of Port Deposit September 3, 2024, at which time said Resolution was referred to the Town Planning Commission for review and recommendation pursuant to the Town Zoning Code, Section 22; and

WHEREAS, the Town Planning Commission reviewed the proposed annexation and proposed RM zoning of the Property on September 26, 2024 and voted on October 24, 2024 to recommend to the Town Council that this Resolution be X approved not approved, with the following conditions:

1. The County Council of Cecil County (hereafter "County") granting a zoning "waiver" pursuant to LG, Section 4-416(b) and providing consent to the development of the Property after annexation for the land uses and density permitted in the Town's High Density Residential District (RM) zoning classification.
2. That the owners of the Owens parcel(s) forming a part of the Property be notified of this Resolution and the Petition and be given an opportunity to advise the Town whether he/they consent(s) or opposes the annexation of his/their parcel(s) into the Town.
3. Such terms and conditions set forth herein and in the Annexation Agreement attached hereto as Resolution Exhibit 2.
4. Execution of the Annexation Agreement attached hereto as Resolution Exhibit 2 within thirty (30) days of the date of conditional approval of this Resolution, unless expressly waived or extended in writing upon the affirmative vote of a majority of the Town Council, or annexation

shall be null and void.

WHEREAS, upon receipt of the Planning Commission's recommendations, the Town Council scheduled a public hearing on the annexation and adopted an Annexation Plan pursuant to LG, Section 4-415, which is attached hereto as Resolution Exhibit 3.

WHEREAS, pursuant to publication of notice, in accordance with the Local Government Article of the Maryland Code, Section 4-406, a public hearing was conducted in the Town on January 7, 2025 to receive public comment and upon completion of the public hearing, the public record was closed to further public comment; and

WHEREAS, the Town deems it in the best interest of its citizens and for the good government of the Town to amend the Town Charter so as to annex the Property as hereinafter set forth; provided that the annexation of the Property shall be subject to and governed by the terms of the Annexation Agreement attached hereto as Annexation Resolution Exhibit 2; and

WHEREAS, the Town Council of the Town of Port Deposit, upon consideration of all public comments and written testimony, has determined the following:

- A) The Petition and all procedures for consideration of the Petition by the Town conform to the applicable requirements of the Local Government Article, Sections 4-401, *et seq.* of the Maryland Annotated Code, the Town Zoning Code, Section 22, *et seq.* and all other applicable laws; and
- B) The Property is contiguous and adjoining to the existing corporate boundaries of the Town, is a logical extension of the corporate boundaries, and is consistent with the systematic expansion of the Town limits as set forth in the Town's Comprehensive Plan; and
- C) Annexation of the Property will not create any unincorporated area which is bounded on all sides by real property presently within the corporate limits of the Town, real property proposed to be within the Town, or any combination thereof (*i.e.*, enclave); and
- D) Annexation of the Property and classification in the Town's RM District is considered to be in the public interest, convenience and welfare of the citizens of the Town.

IT IS, THEREFORE, RESOLVED, by the Council of the Town of Port Deposit that the Property, which is more particularly described in a metes and bounds description attached hereto and incorporated herein by reference as Annexation Resolution Exhibit 1, Annexation Petition Exhibit B, upon the Effective Date of the annexation as set forth below, shall be added to the corporate boundaries of the Town; and

IT IS FURTHER RESOLVED that the boundaries of the Town as provided in the Charter of the

Town of Port Deposit , as the same was enacted by the General Assembly of Maryland in Chapter 557, of the Laws of 1953, and thereafter from time to time amended, shall, upon the Effective Date of the annexation as set forth below, be amended to include the Property, and the Town Administrator shall so amend the description of the corporate limits to include all the Property more particularly described in Annexation Resolution Exhibit 1, Annexation Petition Exhibit B.

BE IT FURTHER RESOLVED that except as otherwise set forth herein, the Property shall, upon the Effective Date of the annexation as set forth below, generally be subject to the provisions of the Charter, Code, ordinances and other rules and regulations of the Town; and

BE IT FURTHER RESOLVED that annexation of the Property shall be subject to the following terms and conditions, which shall be binding on Petitioner, as well as its assigns and/or successors-in-interest:

1. As a condition to annexation, Petitioner, its successors and assigns, shall pay the costs of any required advertising of this Resolution, as well as any charges made or incurred by the Town for review of the proposed annexation, services of the Town Attorneys and any consultants, plus 15% toward the Town's administrative costs and overhead. Payment by Petitioner of any outstanding balance within thirty (30) days of receipt by Petitioner of final accounting is a condition of annexation. Failure to make payment within thirty (30) days, without the expressed written waiver and/or extension by Town Staff, shall cause annexation to be null and void.
2. Municipal real estate taxes (hereinafter referred to as "Town taxes") shall be imposed on the Property at the full municipal real estate tax rate beginning with the next fiscal year after the Effective Date of the annexation, and shall be subject to reassessment thereafter as to each improved lot in accordance with applicable provisions of the Maryland, County and Town Codes.
3. Provided such extensions are requested under the terms outlined herein, approval of any and all development plans for the Property shall be conditioned upon Cecil County approving extension and allocation of sufficient sewer capacity from its waste water treatment facilities for the housing density proposed for development of the Property, and conditioned upon Artesian extending and allocating water service for the Property sufficient for the housing density proposed for development of the Property. Extension of sanitary sewer and water service to the Property shall be in accordance with and subject to all State, County and/or local regulations governing the allocation of public sewer and water service, as amended from time to time. All tap fees and design costs for extension of sanitary sewer and water service extensions to the Property shall be the sole obligation of Petitioner and/or owners requesting the same. All engineering plans will be submitted to the Town for review and approval.
4. Obtaining a zoning "waiver" pursuant to LG, Section 4-416(b) and consent by Cecil County to the development of the Property after annexation for land uses at a substantially higher density than permitted under the County zoning on the Property prior to annexation (hereafter "Zoning Waiver") shall not be a condition to annexation, however, pursuant to LG, Section 4-416(b),

development of the Property with density permitted under the Town's High Density Residential District (RM) shall not be permitted for five (5) years after annexation, unless and until Cecil County grants a Zoning Waiver.

5. Subject to all appropriate laws and administrative requirements, and subject to 4. above, the Property, upon the Effective Date of the annexation as set forth below, shall be zoned in the Town's High Density Residential District (RM).
6. All those terms and conditions set forth in the Annexation Agreement attached hereto as Resolution Exhibit 2 (as may be amended by the Town Council at its meeting on January 7, 2025 (hereafter "the Annexation Agreement"), incorporated by reference and made a part hereof as though fully set forth herein.
7. As a condition to annexation, Petitioner shall execute the Annexation Agreement within thirty (30) days of the date of conditional approval of this Resolution, unless expressly waived or extended in writing upon the affirmative vote of a majority of the Town Council, or annexation shall be null and void.
8. Any condition, term or provision contained in the Petition not set forth as a term or condition of the annexation in the Resolution or in this Agreement, or which is contrary to or inconsistent with any condition, term or provision in the Resolution, in this Agreement, or in the Town Code, unless otherwise expressly waived in the Resolution or this Agreement, are null and void.

BE IT FURTHER RESOLVED, that the Mayor has caused a copy of this Resolution to be published not fewer than four (4) times at not less than weekly intervals in a newspaper of general circulation in the Town, on November 15, 22, 29 and Dec. 6, 2024, together with a public notice that shall specify the time and place at which a public hearing will be held by the Mayor and Council upon the Resolution, which hearing shall be set for not less than fifteen (15) days after the final publication of the notices and to be held at the Town Hall; and

BE IT FURTHER RESOLVED, ENACTED AND ORDAINED, that this annexation shall become effective on the Effective Date set forth below, unless a proper petition for referendum pursuant to the Local Government Article, Section 4-408, of the Annotated Code of Maryland, be presented to the Mayor within forty-five (45) days after the passage of this Annexation Resolution (*i.e.*, on or before March 7, 2025);

BE IT FURTHER RESOLVED, ENACTED AND ORDAINED, that this annexation shall not become effective until the latest of the following shall occur: (1) the 46th day after enactment of this annexation (*i.e.*, on March 8, 2025) if no proper petition for referendum pursuant to the Local Government Article, Section 4-408 is timely presented to the Mayor, and (2) the approval of the annexation upon referendum if a proper petition for referendum pursuant to the Local Government

Article, Section 4-408 is timely presented to the Mayor.

INTRODUCED at a regular meeting of the Town Council of the Town of Port Deposit on the 3rd day of September, 2024

CONDITIONALLY APPROVED by a vote of 3 in favor, 0 against, 0 absent, (with 1 abstension) on this 21st day of January, 2025;

EFFECTIVE DATE: Annexation Resolution 06-2023 shall become effective on the 8th day of March, 2025, absent receipt of a timely and valid petition for referendum.

THE TOWN OF PORT DEPOSIT

By the Mayor and Town Council:

ATTEST:


Vicky Rinkelman
Town Administrator


Wayne Tome, Jr., Mayor


Kevin Brown, Deputy Mayor

ABSTAINED
Daniel Berlin, Council


Thomas Knight, Council


Randa Thiele, Council

Reviewed and approved as to legal sufficiency this 21st day of January, 2025.


Thomas McCarron, Town Attorney

**PETITION FOR ANNEXATION TO
MAYOR AND COUNCIL OF THE TOWN OF PORT DEPOSIT**


ROCK RUN ROAD, LLC (hereinafter "Petitioner"), pursuant to the Annotated Code of Maryland, Local Government §4-404, respectfully petitions the Mayor and Council of the Town of Port Deposit (hereinafter "Port Deposit") to annex property owned by the Petitioner into the corporate boundaries of Port Deposit and states as follows in support of this Petition:

1. Petitioner requests annexation of all those lots, tracts or parcels of land shown on a plat prepared by Frederick Ward Associates, labeled "Plat to Accompany Petition for Annexation 44.195 Acre Parcel of Land to be Annexed to the Town of Port Deposit" attached hereto as Exhibit A, totaling 44.9515 +/- acres (hereinafter "Annexation Plat"), and described by a Meets and Bounds description, attached hereto as Exhibit B (hereinafter referred to as the "Property"). The Petitioner's Property subject to the Annexation Petition being a portion of the entire lot, tract or parcel as described in a Deed dated 4/28/2020, and recorded among the Land Records of Cecil County in Liber 4590, Folio 1 & etc. (attached hereto as Exhibit C) and said portion specifically being labeled "Area To Be Annexed" on attached Exhibit A.
2. The Property is contiguous and adjoining to the existing corporate area of the Town of Port Deposit.
3. Annexation of the Property will not create any unincorporated area which is bounded on all sides by real property presently within the corporate limits of the Town of Port Deposit.
4. The Petitioner is the owner of more than 25% of the assessed valuation of the real Property to be annexed.
5. The Property contains no dwellings and there are no residents registered to vote who reside on the Property.
6. The properties immediately to the South and West of the Property are within the corporate boundaries of the Town of Port Deposit and annexation of the Property will provide an appropriate and uniform corporate boundary for the Town of Port Deposit.
7. The Property is identified as a Municipal Growth Area in the current and duly adopted 2023 Town of Port Deposit Comprehensive Plan designated for moderate density development. The Property lies within the Rural Conservation District as specified in the 2024 Cecil County Comprehensive Plan and is currently classified NAR, Northern Agricultural Residential District per the Cecil County's zoning maps.

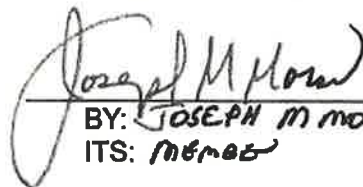
Petitioner requests that the Property be classified RM (approximately 44.1595 +/-acres) and under the Town of Port Deposit's Zoning Ordinance, as more particularly shown on the attached plat by Frederick Ward Associates and attached hereto as Exhibit A. The portion of property (approximately 44.1595 +/-acres) proposed for RM Residential Zone zoning classification would permit a land use substantially different from the current zoning classification and a request has been submitted simultaneously hereto the Board of Cecil County Commissioners.

8. In support of this Petition, Petitioner submits the following Exhibits:
- a. Exhibit A: Annexation Plat of Property (prepared by Frederick Ward Associates);
 - b. Exhibit B: Meets and Bounds description of Property (prepared by Frederick Ward Associates);
 - c. Exhibit C: Rock Run Road, LLC, Schoolhouse Drive, LLC and Race Street PD, LLC Deed;
 - d. Exhibit D: SDAT account information providing the names and addresses of persons with ownership interest in the Property along with the assessed valuation of each parcel;
 - e. Exhibit E: Site Map showing location of Property on the Cecil County Land Use Map (page 3-8 of the 2010 Cecil County Comprehensive Plan);
 - f. Exhibit F: Site Map showing location of Property on the 2024 Port Deposit Comprehensive Plan Future Land Use Map (page 20 of the 2024 Port Deposit Comprehensive Plan);

WHEREFORE, Petitioner respectfully requests that the Mayor and Council of the Town of Port Deposit initiate all steps necessary for a final enactment of a Resolution annexing the Property into the corporate boundaries of the Town of Port Deposit and zone the Property RM as indicated on Exhibit A under the Town's Zoning Ordinance.


WITNESS/ATTEST

Rock Run Road, LLC


BY: JOSEPH M MORAN
ITS: MORAN

Courtney Autumn Ford of Cecil COUNTY OF Maryland

TO WIT:

ON THIS, the 2 day of July, 2024, before me, a Notary Public, the undersigned officer personally appeared Joseph M. Moran, known to me (or satisfactorily proven) to be the person whose name is subscribed the written instrument, and acknowledged that he/she executed the same for the purpose therein contained being so authorized to do, and acknowledged it to be his/her act.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

 (SEAL)
NOTARY PUBLIC

My commission expires: Jan 3, 2028

COURTNEY AUTUMN FORD
Notary Public - State of Maryland
Cecil County
My Commission Expires Jan 3, 2028

[Signature]
WITNESS/ATTEST

Old Schoolhouse Drive, LLC

[Signature]
BY: JOSEPH M MORAN
ITS: MEMBER

Courtney Autumn Ford of Cecil COUNTY OF Maryland

TO WIT:

ON THIS, the 2 day of July, 2024, before me, a Notary Public, the undersigned officer personally appeared Joseph M. Moran, known to me (or satisfactorily proven) to be the person whose name is subscribed the written instrument, and acknowledged that he/she executed the same for the purpose therein contained being so authorized to do, and acknowledged it to be his/her act.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Courtney Autumn Ford (SEAL)
NOTARY PUBLIC

My commission expires: Jan 3, 2028

COURTNEY AUTUMN FORD
Notary Public - State of Maryland
Cecil County
My Commission Expires Jan 3, 2028

[Signature]
WITNESS/ATTEST

Race Street PD, LLC

[Signature]
BY: JOSEPH M MORAN
ITS: MEMBER

Courtney Autumn Ford of Cecil COUNTY OF Maryland

TO WIT:

ON THIS, the 2 day of July, 2024, before me, a Notary Public, the undersigned officer personally appeared Joseph M. Moran, known to me (or satisfactorily proven) to be the person whose name is subscribed the written instrument, and acknowledged that he/she executed the same for the purpose therein contained being so authorized to do, and acknowledged it to be his/her act.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Courtney Autumn Ford (SEAL)
NOTARY PUBLIC

My commission expires: Jan 3, 2028

COURTNEY AUTUMN FORD
Notary Public - State of Maryland
Cecil County
My Commission Expires Jan 3, 2028



5 South Main Street
P.O. Box 727
Bel Air, Maryland 21014
410-838-7900
www.frederickward.com

EXHIBIT B

June 28, 2024

44.9515 Acre Parcel of Land to be Annexed to the Town of Port Deposit, Located on Rock Run Road, Race Street, Liberty Grove Road and Old Schoolhouse Drive, Seventh Election District, Cecil County, Maryland

BEGINNING for the same at a point on the easterly right of way line of Liberty Grove Road, also known as Race Street (formerly Maryland Route 269), a thirty foot wide Right of Easement conveyed by the State Highway Administration of the Department of Transportation to the Board of County Commissioners for Cecil County by a deed dated November 25, 1986 as recorded among the land records of Cecil County in Liber NDS 190, folio 525 at a point where it is intersected by the second course of the Corporate Limits of the Town of Port Deposit as described in Article II, Section 201 of the Charter of the Town of Port Deposit. Said Point of Beginning also being the beginning of that tract or parcel of land annexed to the corporate limits by Annexation Resolution 81-3 as recorded among the land records of Cecil County in Liber NDS 68, folio 881. Said point of beginning also bears coordinates, referenced to the Maryland Coordinate System (NAD83/91) of North 711243.6374 and East 1559108.8405. Thence, from the point of beginning, binding on the first course of parcel described in Annexation Resolution 81-3 and binding on the said easterly right of way line of Liberty Grove Road, as now surveyed, two courses;

1) by a curve to the left, in a northerly direction, of radius 609.55 feet, an arc distance of 44.10 feet and, subtended by a chord; North 06°54'45" West 44.09 feet to a point of tangency,

2) North 08°59'05" West 13.22 feet. Thence, leaving Liberty Grove Road,

3) South 86°01'02" East, passing over, at 0.77 feet, a 1" iron pipe heretofore set at the beginning of the second course of that tract or parcel of land conveyed by Edgar P. Hopkins to Gene O. Gaylord and Dorothy A. Gaylord by a deed dated April 25, 1980 as recorded among the land records of Cecil County in Liber NDS 62, folio 467 and, continuing, binding on said second course, passing over at 72.71 feet a 1" iron pipe and continuing, for a total distance of 100.77 feet. Thence, binding on the third and fourth courses of said parcel,

4) North 07°33'32" West 100.00 feet,

- 5) North $86^{\circ}01'02''$ West 103.36 feet to intersect the aforesaid easterly right of way line of Liberty Grove Road and the first course described in Annexation Resolution 81-3. Thence, binding thereon,
- 6) by a non-tangent curve to the left, in a northerly direction, of radius 1143.43 feet, an arc distance of 66.03 feet and, subtended by a chord; North $11^{\circ}07'20''$ West 66.02 feet. Thence, again leaving Liberty Grove Road,
- 7) North $75^{\circ}06'25''$ East, passing over, at 2.36 feet, an iron pipe heretofore set at the beginning of Parcel No. One of those lots or parcels of land conveyed by Edgar P. Hopkins to Charles A. Berry and Margaret R. Berry by a deed dated February 7, 1979 as recorded among the land records of Cecil County in Liber NDS 33, folio 488, and continuing, binding reversely of the fourth course of said parcel, for a total distance of 102.36 feet. Thence, binding reversely on the third course of said parcel and reversely on the third and a part of the second courses of Parcel No. Two of the conveyance unto Berry, three courses;
- 8) North $14^{\circ}54'18''$ West 110.01 feet,
- 9) North $23^{\circ}20'18''$ West 108.28 feet,
- 10) South $65^{\circ}06'25''$ West 98.38 feet to a point lying North $65^{\circ}06'25''$ East 1.62 feet from a utility pole at the beginning of the said second course of Parcel No. Two of the conveyance unto Berry and to again intersect the aforesaid easterly right of way line of Liberty Grove Road and the first course described in Annexation Resolution 81-3. Thence, binding thereon, two courses;
- 11) by a non-tangent curve to the left, in a northwesterly direction, of radius 233.24 feet, an arc distance of 85.04 feet and, subtended by a chord; North $35^{\circ}49'16''$ West 84.57 feet to a point of compound curvature,
- 12) by a tangent curve to the left, in a northwesterly direction, of radius 419.57 feet, an arc distance of 31.32 feet and, subtended by a chord; North $48^{\circ}24'15''$ West 31.31 feet to intersect an extension of the seventh or South $27^{\circ}24'10''$ West $169^{\frac{88}{100}}$ feet line of that tract or parcel of land conveyed by The County Commissioners of Cecil County to the Mayor and City Councilmen of the Town of Port Deposit by a deed dated September 26, 1972 as recorded among the land records of Cecil County in Liber WAS 297, folio 435. Thence, leaving Liberty Grove Road, binding on an extension of and on the last mentioned course, on the second course of the parcel described in Annexation Resolution 81-3, and running through and across that tract or parcel of land conveyed by Port Deposit Associates to School House Associates Limited Partnership by a deed dated December 8, 1994 as recorded among the land records of Cecil County in Liber NDS 522, folio 146 and through and across Tract No. 1 of those tracts or parcels of land conveyed by Edgar Penny Hopkins, Jr., et al to Bailey Harbold Enterprises, LLC by a deed dated January 23, 2003 as recorded among the land records of Cecil County in Liber WLB 1304, folio 021,
- 13) North $18^{\circ}17'56''$ East 270.26 feet. Thence, binding on the third course of Annexation Resolution 81-3,
- 14) North $05^{\circ}33'38''$ East, passing over, at 93.51 feet, a $\frac{3}{8}$ " iron pipe heretofore set at the end of the fourth course of that tract or parcel of land conveyed by Edgar P. Hopkins and Gertrude B. Hopkins to Albert T. Owens by a deed dated December 30, 1967 as recorded among the land

records of Cecil County in Liber WAS 220, folio 54 and passing over, at 322.52 feet, a ½" iron pipe heretofore set at the beginning of said parcel and, at 352.13 feet, a bent 3/8" iron pin heretofore set and, at 400.39 feet, a ½" iron pipe heretofore set at the end of the fourteenth course of the aforesaid tract or parcel of land described in Liber NDS 522, folio 146 and, continuing, for a total distance of 789.62 feet to intersect the sixth or North 87½° West 28 perches course of the aforesaid conveyance unto Bailey Harbold Enterprises, LLC as recorded in Liber WLB 1304, folio 021. Thence, binding reversely thereon and reversely on the fifth course of said tract and binding on a part of the second and on a part of the third courses of that tract or parcel of land conveyed by Sara I. Murray to Joseph Lee Murray and Jane Marie Murray by a deed dated October 23, 1970 as recorded among the land records of Cecil County in Liber WAS 260, folio 317,

15) North 84°32'33" East 54.76 feet,

16) North 05°27'27" West 296.81 feet to a stone heretofore set. Thence, binding reversely on the fourth, third and second courses of the conveyance unto Bailey Harbold Enterprises, LLC and binding on the ninth, tenth and eleventh courses of that tract or parcel of land conveyed by Isaac B. Rehert and Ingrid C. Rehert to Isaac B. Rehert by a deed dated March 4, 1988 as recorded among the land records of Cecil County in Liber NDS 231, folio 175, three courses;

17) North 82°10'57" East, running north of a stone wall, 403.41 feet,

18) South 33°49'03" East, running east of a stone wall, 42.02 feet,

19) North 85°10'57" East, running north of a post and barbed wire fence, 504.27 feet to intersect the first course of that tract or parcel of land conveyed by Frank S. Poist and Nellie E. Poist to Holmes C. Sherrard and Rosemarie Sherrard by a deed dated October 5, 1963 as recorded among the land records of Cecil County in Liber WAS 142, folio 478. Thence, binding on a part of said first course and reversely on a part of the first course of the aforesaid Tract No. 1 of the conveyance unto Bailey Harbold Enterprises, LLC,

20) South 03°49'03" East, along a stone wall, 1563.78 feet to the end of the twelfth or North 84°45'54" East 395.34 feet course of that tract or parcel of land conveyed by Bailey Harbold Enterprises, LLC to the Estate of Robert J. Turner by a deed dated November 3, 2003 as recorded among the land records of Cecil County in Liber WLB 1614, folio 167. Thence, leaving the land of Sherrard and binding reversely on the twelfth through the ninth courses of said conveyance, the four following courses;

21) South 84°45'54" West 395.34 feet,

22) South 02°02'13" West 20.00 feet,

23) South 87°57'47" East 125.84 feet,

24) South 25°24'09" East 151.72 feet to intersect the center of the paving of Rock Run Road as now existing. Thence, binding on the center of said road, the five following courses;

25) South 64°35'51" West 75.33 feet to a point of curvature,

26) by a tangent curve to the left, in a southwesterly direction, of radius 201.19 feet, an arc distance of 130.00 feet and, subtended by a chord; South $46^{\circ}05'10''$ West 127.75 feet to a point of tangency,

27) South $27^{\circ}34'29''$ West 82.08 feet to a point of curvature,

28) by a tangent curve to the right, in a southwesterly direction, of radius 568.55 feet, an arc distance of 125.60 feet and, subtended by a chord; South $33^{\circ}54'13''$ West 125.34 feet to a point of tangency,

29) South $40^{\circ}13'56''$ West 236.70 feet. Thence, leaving the center of Rock Run Road and binding on the second and a part of the third courses of that tract or parcel of land conveyed by Elaine R. McMullen to Christopher D. Bannon by a deed dated June 12, 1999 as recorded among the land records of Cecil County in Liber WLB 816, folio 568, as more particularly described in a deed by Jesse R. Coulson, Esther E. Coulson and Michael Duffy to James Duffy dated May 23, 1870 as recorded among the land records of Cecil County in Liber DS 4, folio 03, the two following courses;

30) North $48^{\circ}28'07''$ West 143.60 feet,

31) South $33^{\circ}31'57''$ West 45.73 feet to intersect the aforesaid second course of the Corporate Limits of the Town of Port Deposit as described in Article II, Section 201 of the Charter of the Town of Port Deposit at a point lying North $46^{\circ}43'58''$ West approximately 4170 feet from a point in the former location of Jacob Tome Memorial Highway lying $\frac{1}{4}$ mile northeast from the center of North Main Street, Maryland Route 222. Thence, binding reversely on a part of said second course, and running through and across Tract No. 2 of those tracts or parcels of land conveyed by Edgar Penny Hopkins, Jr., et al to Bailey Harbold Enterprises, LLC by a deed dated January 23, 2003 as recorded among the land records of Cecil County in Liber WLB 1304, folio 021,

32) North $46^{\circ}43'58''$ West 200.23 feet to intersect the fourth course of that tract or parcel of land conveyed by Edgar P. Hopkins to William P. Stewart by a deed dated October 15, 1976 as recorded among the land records of Cecil County in Liber WAS 368, folio 395 at a point lying South $83^{\circ}56'55''$ East 61.49 feet from a $\frac{1}{2}$ " iron pipe heretofore set on said fourth course. Thence, binding reversely on a part of the fourth, third and a part of the second courses of said parcel, the three following courses;

33) South $83^{\circ}56'55''$ East 55.40 feet,

34) North $01^{\circ}39'09''$ East 100.21 feet,

35) North $84^{\circ}00'06''$ West, passing over, at 117.41 feet, a $\frac{1}{2}$ " iron pipe heretofore set and, continuing, for a total distance of 179.06 feet to intersect the aforesaid second course of the Corporate Limits of the Town of Port Deposit as described in Article II, Section 201 of the Charter of the Town of Port Deposit. Thence, again binding thereon,

51) North $46^{\circ}43'58''$ West 32.89 feet to the point of beginning hereof.

CONTAINING 44.9515 acres (1958087 square feet) of land, more or less.

BEING all or parts of the following, combined;

- 1) all of that tract or parcel of land conveyed by Malcolm C. Owens and Monolyne A. Gaddy, Personal Representatives of the Estate of Malcolm W. Owens to Robert W. Owens, Estella B. Lockett, Albert T. Owens, Sr., Malcolm C. Owens, Monolyne A. Gaddy and John Owens by a deed dated November 29, 1994 as recorded among the land records of Cecil County in Liber NDS 521, folio 128 (Tax Parcel 0047)
- 2) all of that tract or parcel of land conveyed by Edgar P. Hopkins and Gertrude B. Hopkins to Albert T. Owens by a deed dated December 30, 1967 as recorded among the land records of Cecil County in Liber WAS 220, folio 54 (Tax Parcel 0071)
- 3) a part of that 0.8111 acre tract or parcel of land described in Exhibit C in a deed by BH Bedrock LLC to Old Schoolhouse Drive, LLC dated April 17, 2020 as recorded among the land records of Cecil County in Liber CMN 4590, folio 001 (part of Tax Parcel 0244)
- 4) a part of that tract or parcel of land designated as Parcel B and described in Exhibit B in a deed by BH Bedrock LLC to Race Street PD, LLC dated April 17, 2020 as recorded among the land records of Cecil County in Liber CMN 4590, folio 001 (part of Tax Parcel 0249)
- 5) a part of that tract or parcel of land designated as Parcel A and described in Exhibit A in a deed by BH Bedrock LLC to Rock Run Road, LLC dated April 17, 2020 as recorded among the land records of Cecil County in Liber CMN 4590, folio 001 (part of Tax Parcel 0032)
- 6) a part of that tract or parcel of land conveyed by Edgar P. Hopkins to the Town of Port Deposit by an Indenture Agreement dated September 2, 1981 as recorded among the land records of Cecil County in Liber NDS 73, folio 199 (parts of Tax Parcel 0060)

THIS PARTICULAR DESCRIPTION was prepared under the responsible charge of Vincent X. Nohe, a Professional Land Surveyor in the State of Maryland and in accordance with the Minimum Standards of Practice for Land Surveyors of the Code of Maryland Regulation (09.13.06.12). My current license expires August 8, 2024.