

Waterways Discussions – 01/12/2016 and 02/09/2016  
COSM Discussion – 01/27/2016 and continued  
Adopted – 02/10/2016  
Enacted – 02/10/2016

## RESOLUTION 2016-01

**A RESOLUTION OF THE COMMISSIONERS OF ST. MICHAELS TO DECLARE LANDS HEREIN DESCRIBED AS “BACK CREEK PARK”; DESIGNATE A PORTION OF “BACK CREEK PARK” AND ADJACENT PUBLIC RIGHT-OF-WAYS OR USES OF LAND, HEREIN DESCRIBED, AS A “WATERMEN’S HERITAGE PARK” IN THE TOWN OF ST. MICHAELS; AND THE AREA DESIGNATED SHALL BE HEREBY NAMED “BACK CREEK PARK AND WATERMEN’S HERITAGE AREA” IN THE TOWN OF ST. MICHAELS.**

WHEREAS, the State of Maryland holds title to State tidal wetlands in a proprietary capacity, in trust for the benefit of the people of Maryland; and

WHEREAS, subject to reasonable regulations, the owners of land bounding on navigable water are entitled to make certain improvements into the water in front of the land to preserve access to the navigable water or protect the shore against erosion, and after an improvement has been constructed, the improvement is thereafter considered the property of the owner of land to which the improvement is attached; and

WHEREAS, the Commissioners of St. Michaels (the “Commissioners”), a municipal corporation, has been delegated certain police powers pursuant to the Maryland Annotated Code, Local Government Code, Division II, and Land Use Article, Division II to govern the placement of improvements within its waters, and the right to control the use and development of riparian property including the ability to zone and regulate submerged land; and

WHEREAS, Chapter 333 Waterways Management and Chapter 340 Zoning of the St. Michaels Town Code dictates the use of waters and lands in the Town of St. Michaels; and

WHEREAS, Chapter 333 Waterways Management of the St. Michaels Town Code defines a “Watermen’s Heritage Park” as, a designation granted by the Commissioners of St. Michaels in recognition and appreciation of the historic contribution of Talbot County watermen to the character and development of the Town of St. Michaels and their continued efforts to preserve the culture and a way of life indigenous to the Chesapeake Bay. “Watermen’s Heritage Park” shall only be designated on public lands adjacent to Other Waters of the Town.

WHEREAS, the State Highway Administration (SHA) and the Commissioners of St. Michaels entered into a permit use agreement for the properties herein described, effective the 12<sup>th</sup> day of June, 2001; and

WHEREAS, in 2012, the State of Maryland declared the watermen as an endangered Maryland icon; and

WHEREAS, the Commissioners feel it is important to encourage and sustain the working culture and economy that comes with our historic working waterfronts in the Town of St. Michaels; and

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WHEREAS, the Commissioners feel it is important to officially name the area affectionately known as Back Creek Park; and

WHEREAS, the Commissioners have determined the watermen’s use of lands and waters is vital to residents and visitors in St. Michaels; and

WHEREAS, the Waterways Management Advisory Board has determined that the San Domingo Creek area (also known as Back Creek) and West Chew Avenue area of St. Michaels is an appropriate location for the designation of a Watermen’s Heritage Park; and

WHEREAS, the designation of a Watermen’s Heritage Park and the preservation of a working waterfront culture in the Town of St. Michaels is found consistent with the 2015 Comprehensive Plan, as adopted; and

WHEREAS, the 2015 Comprehensive Plan Chapter 8 Goal 8.6, as adopted, seeks to continue to explore opportunities to preserve the working Watermen’s heritage associated with St. Michaels; and

WHEREAS, the Commissioners and other appointed official bodies of the town shall work jointly to design the park and determine appropriate demonstrations of a Watermen’s Heritage Park; and

NOW THEREFORE BE IT RESOLVED, the Commissioners of St. Michaels designate property owned by State Highway Administration (SHA) with written use agreements given to the Town of St. Michaels along West Chew Avenue, fifty feet (50’-0”) of 301 West Chew Avenue (Tax Map 0201, Grid 000SM, Parcel 1921), the right-of-way of West Chew Avenue from Tilden to the shoreline of San Domingo Creek, and piers located on or near West Chew Avenue and San Domingo Creek as a “Watermen’s Heritage Park” in the Town of St. Michaels; and

BE IT FURTHER RESOLVED, the Commissioners hereby name the entire land of 301 West Chew Avenue (Tax Map 0201, Grid 000SM, Parcel 1921) and 500 Tilden Street (Tax Map 0201, Grid 000SM, Parcel 1920) officially as “Back Creek Park”; and

BE IT FURTHER RESOLVED, the Commissioners hereby name the area herein described as “Back Creek Park and Watermen’s Heritage Area” in the Town of St. Michaels; and

BE IT FURTHER RESOLVED, that the Town shall lease the slips on the Town-owned dock at the foot of West Chew Avenue to Watermen with an active Maryland Commercial Fisheries License to berth their vessels and offload catch; and

BE IT FURTHER RESOLVED, that Joanne Clark, President of the Commissioners of St. Michaels, is authorized and empowered to execute any and all documents required for submission of the application;

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AND BE IT FURTHER RESOLVED, that this Resolution shall take effect upon the date of its adoption.

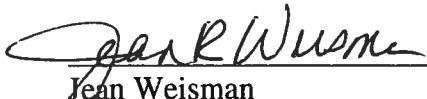
THIS RESOLUTION 2016-01 HAVING BEEN PASSED by the following yea and nay vote of the Commissioners of St. Michaels on this date, 10<sup>th</sup> day of February, 2016.

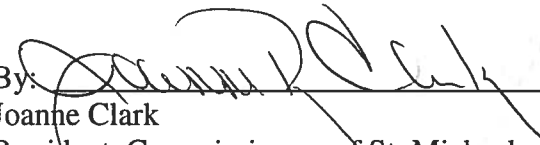
Borders	-	_yea__
Clark	-	_yea__
Harrod	-	_yea__
Myers	-	_yea__
Winton	-	_yea__

I HEREBY CERTIFY that Resolution 2016-01 was passed by a yea and nay vote of the Commissioners of St. Michaels on 10<sup>th</sup> day of February, 2016.

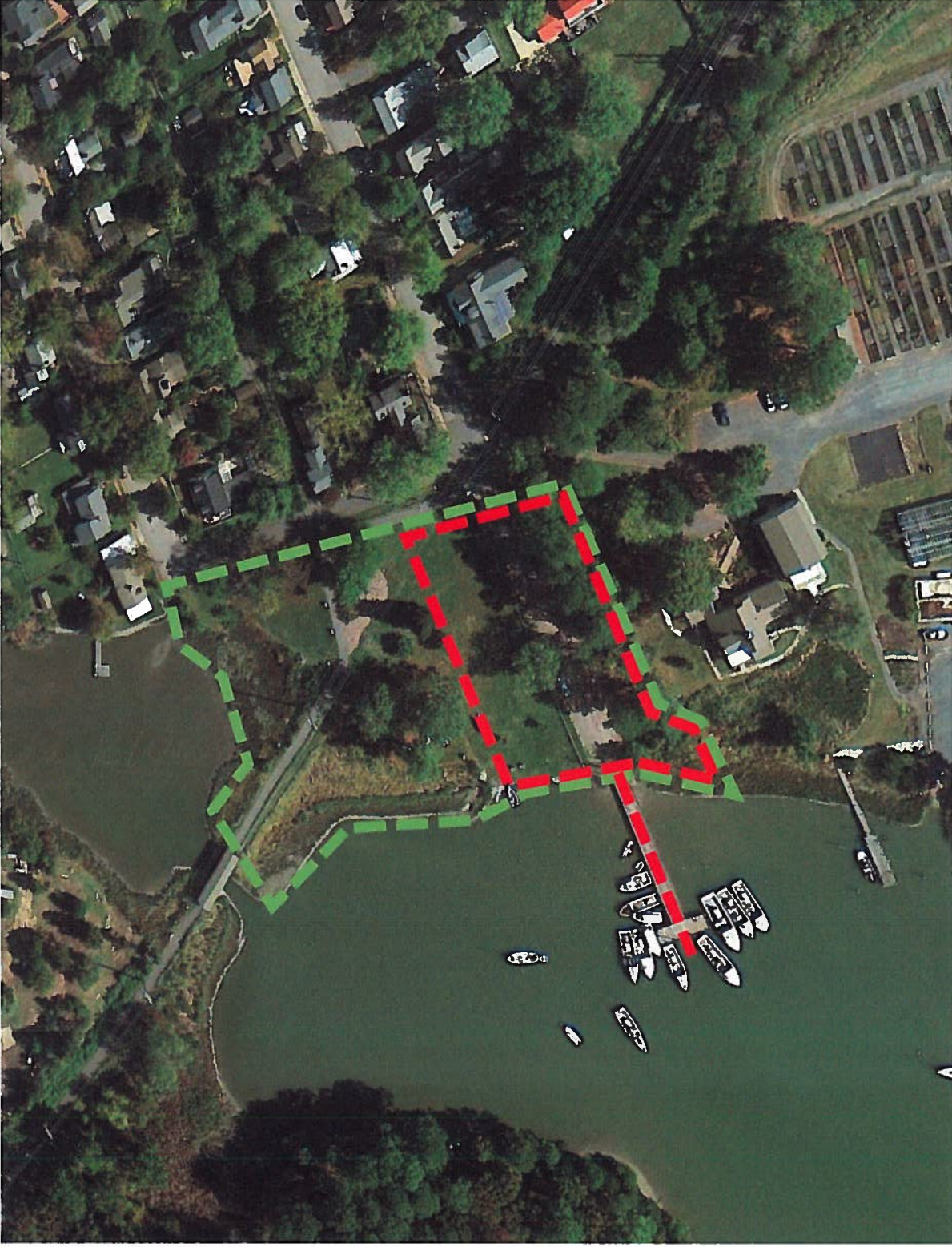
ATTEST:

THE COMMISSIONERS OF ST. MICHAELS

  
\_\_\_\_\_  
Jean Weisman  
Town Clerk/Manager

By:  (SEAL)  
\_\_\_\_\_  
Joanne Clark  
President, Commissioners of St. Michaels

# Back Creek Park



■ Back Creek Park

■ Watermen's Heritage Designation