

RESOLUTION NO. 2022-03

A RESOLUTION TO ANNEX CERTAIN LANDS OWNED BY ENVIRONMENTAL CONCERN INC., LOCATED ON THE NORTH SIDE OF BOUNDARY LANE AND CONSISTING OF 2.983 ACRES OF LAND, MORE OR LESS, INTO THE TOWN OF ST. MICHAELS AND TO PROVIDE FOR THE TERMS AND CONDITIONS OF THE ANNEXATION.

WHEREAS, the Commissioners of St. Michaels (the “COSM”) are authorized by the provisions of §4-401 *et. seq.* of the Local Government Article of the Maryland Annotated Code (the “Code”) to expand the municipal boundary of the Town of St. Michaels (“Town”) by annexing lands adjacent to it, and the COSM are desirous of annexing certain land located on the north side of Boundary Lane, and consisting of 2.983 acres of land, more or less, which land is a portion of the parcel that is shown and depicted as Parcel 1952 on Talbot County Tax Map 201 (hereinafter referred to as the “Annexation Property”). The Annexation Property is shown on a plat titled “ANNEXATION PLAT OF A PORTION OF THE LAND OF ENVIRONMENTAL CONCERN, INC. TAX MAP 201 PARCEL 1952 IN THE SECOND ELECTION DISTRICT TALBOT COUNTY, MARYLAND”, prepared by Fink, Whitten & Associates, LLC, dated December 7, 2020 (the “Annexation Plat”), which is Exhibit “A” to this Resolution. The Annexation Property is owned entirely by Environmental Concern Inc. (“EC”), and it has consented to the annexation.

EC is the owner of one hundred percent (100%) of the assessed value of the real property lying within the area to be annexed. There are no registered voters in Talbot County who reside on the Annexation Property, or any portion thereof.

The Annexation Property is adjacent to existing Town boundaries. If the Annexation Property is incorporated into the Town boundaries, no enclaves of non-Town land will be created.

NOW, THEREFORE, be it **RESOLVED**, by the Commissioners of St. Michaels:

Section 1. Modification of Town Boundaries. The corporate boundaries of the Town are hereby amended to include the addition of the Annexation Property, which is described on the Annexation Plat and is also described in a metes and bounds description prepared by Fink, Whitten & Associates, LLC entitled “DESCRIPTION OF ANNEXATION 2022 ENVIRONMENTAL CONCERN, INC. IN THE SECOND ELECTION DISTRICT TALBOT COUNTY, MARYLAND”, dated _____, 2022, which is Exhibit “B” to this Resolution.

Section 2. Application of Town Charter; Ordinances; and Taxes. Upon the effective date of this Resolution, the provisions of the Charter and Code of the Town of St. Michaels, and any local public laws enacted or to be enacted affecting the Town, shall be effective within the Annexation Property. The Annexation Property shall be subject to all applicable Town taxes, unless otherwise exempt.

45 Section 3. Annexation Plan. EC has prepared an Annexation Plan with regard to the
46 Annexation Property (the “Plan”). The Plan is Exhibit “C” to this Resolution but is not a
47 part hereof and the COSM reserve the right to amend the Plan prior to the final enactment
48 of this Resolution in the manner provided in §4-415 of the Local Government Article of
49 the Code.

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51 Section 4. Zoning Classification. Concurrently with the introduction of this
52 Resolution, the COSM have introduced Ordinance No. ____ to apply a zoning
53 classification of R-1 Residential to the Annexation Property, consistent with the current
54 zoning of the portion of Parcel 1952 that is already within the Town. The proposed R-1
55 Residential zoning classification permits land uses that are substantially different from the
56 land uses allowed under the current Talbot County zoning classification and/or permits
57 development in a substantially higher density exceeding 50% of the density allowed under
58 the current Talbot County zoning classification applicable to the Annexation Property. In
59 accordance with §4-416 of the Local Government Article of the Code, if Talbot County
60 expressly approves, the COSM can place the annexed land in zoning classification that
61 allow different land uses and/or allows a substantially higher density exceeding 50% of the
62 density allowed under the current Talbot County zoning classification. The classification
63 of the Annexation Property in the R-1 Residential zoning district is contingent upon the
64 COSM receiving the express consent of the County prior to the effective date of Ordinance
65 _____. If Ordinance No. _____ is not enacted before the effective date of this Resolution, or,
66 if as enacted, it contains provisions that are deemed unacceptable to the EC, EC shall be
67 free to withdraw its consent to the annexation by written notice delivered to the COSM
68 before the effective date of this Resolution, and this Resolution shall become null and void.

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70 Section 5. Incorporation of Certain Exhibits. Exhibits A and B are incorporated into
71 this Resolution and made a part of it.

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73 Section 6. Public Hearing and Public Notice. The COSM shall conduct a public
74 hearing on this Resolution and upon Ordinance No. ____ on _____, _____,
75 2022 at ____ p.m. Prior to the hearing, the COSM shall arrange for the publication of a
76 legally sufficient notice of the hearing in *The Star Democrat* for two times at not less than
77 weekly intervals, the date of publication of the last such notice to be at least 15 days prior
78 to the date of the hearing. In addition, on the date of the first publication of the notice of
79 the hearing, the COSM shall notify the following persons or agencies of the hearing and
80 shall provide them with a photocopy of the legal notice and this Resolution, including
81 Exhibits:

- 82 (a) the Talbot County Council;
- 83 (b) the Talbot County Planning and Zoning Commission;
- 84 (c) the Department of State Planning; and
- 85 (d) the Critical Area Commission for the Chesapeake and Atlantic Coastal
86 Bays.

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88 Section 7. Annexation Expenses. EC shall reimburse the COSM for all expenses
89 incurred by the COSM in connection with the annexation of the Annexation Property.
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91 Section 8. Registration of Boundaries. Within ten (10) days of the effective date of
92 this Resolution, in accordance with the provisions of §4-414 of the Local Government
93 Article of the Code, the COSM or other Town designee, shall promptly cause a copy of
94 the resolution with the new municipal boundaries to be sent to:

- 95 (a) the Town Clerk;
- 96 (b) the Clerk of the Circuit Court for Talbot County, Maryland; and
- 97 (c) the Maryland Department of Legislative Services.

98 Pursuant to §4-414(b) of the Local Government Article of the Code, each such official or
99 agency shall keep this Resolution with the new boundaries on record and make it
100 available for public inspection during regular business hours.

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102 Section 9. Effective Date. This Resolution shall become effective 45 days after final
103 enactment unless a petition for referendum has been filed prior thereto in accordance with
104 §4-408 of the Local Government Article of the Code. This Resolution shall be deemed
105 “finally enacted” on the date on which the President of the COSM signs it.

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108 **Dupont** -
109 **Harrod** -
110 **Breimhurst** -
111 **Khalil** -
112 **Bibb** -

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115 **I hereby certify that the above Resolution was passed by a yea and nay vote of the**
116 **Commissioners of St. Michaels this _____ day of _____, 2022.**

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122 **Robert Straebel, Town Administrator**
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APPROVED:

Date: _____
_____ **Michael E. Bibb, President**

EFFECTIVE DATE: _____, 2022.