

Introduced – March 13, 2024
Public Hearing –
Adopted –
Enacted -

RESOLUTION NO. 2024-01

A RESOLUTION TO ANNEX CERTAIN LANDS OWNED BY THE COMMISSIONERS OF ST. MICHAELS, LOCATED ON BOUNDARY LANE, TOGETHER WITH A PORTION OF CERTAIN REAL PROPERTY OWNED BY THE STATE OF MARYLAND ABUTTING THE TOWN-OWNED PROPERTY TO THE EAST, AND A PORTION OF THE RIGHT OF WAY OF BOUNDARY LANE ABUTTING SAID TOWN-OWNED PROPERTY TO THE SOUTH, COLLECTIVELY COMPROMISING 4.633 ACRES OF LAND, MORE OR LESS, INTO THE TOWN OF ST. MICHAELS.

WHEREAS, the Commissioners of St. Michaels (“the Town”) is authorized by the provisions of §4-401 *et. seq.* of the Local Government Article of the Maryland Annotated Code to expand the municipal boundary of the Town by annexing lands contiguous to and adjoining it, and

WHEREAS, by virtue of a deed from Environmental Concern Inc. to the Town, dated September 28, 2023 and recorded among the Land Records of Talbot County at Liber 3076, Folio 201, the Town owns the real property known as 201 Boundary Lane (“the Property”), more particularly described as Parcel 1952, Grid SM, Tax Map 201; and

WHEREAS, the Town wishes to annex that portion of the Property not heretofore within its boundaries, together with a portion of the Boundary Lane right-of-way and a portion of certain property belonging to the State of Maryland, collectively comprising 4.633 acres, (the “Annexation Area”), shown on a plat titled “ANNEXATION PLAT OF A PORTION OF THE LAND OF THE COMMISSIONERS OF ST. MICHAELS, TAX MAP 201, 1952, AND A PORTION OF THE LAND OF STATE OF MARYLAND AND A PORTION OF BOUNDARY LANE, IN THE SECOND ELECTION DISTRICT TALBOT COUNTY, MARYLAND” (the “Annexation Plat”), prepared by Fink, Whitten & Associates, LLC, dated December 7, 2023, Exhibit A to this Resolution; and

WHEREAS, the Annexation Area is described by metes and bounds in a description prepared by Fink, Whitten & Associates, LLC entitled “DESCRIPTION OF ANNEXATION 2024 THE COMMISSIONERS OF ST. MICHAELS AND A PORTION OF THE LAND OF STATE OF MARYLAND AND A PORTION OF BOUNDARY LANE IN THE SECOND ELECTION DISTRICT TALBOT COUNTY, MARYLAND”, dated December 7, 2023, Exhibit B to this Resolution.

WHEREAS, the Town is the owner of one hundred percent (100%) of the parcels with assessed value within the Annexation Area and there are no persons residing on the Annexation Area; and

WHEREAS, the Annexation Area is contiguous to and adjoining the Town’s existing boundaries and the annexation thereof will not create an enclave of unincorporated land.

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 Annexation Area.

Section 2. Zoning Classification. Concurrently with the introduction of this Resolution, the Town has introduced Ordinance No. ____ to apply a zoning classification of R-1 Residential to the Annexation Area, consistent with the current zoning of the portion of Boundary Lane Property that is already within the Town. The proposed R-1 Residential zoning classification permits land uses that are substantially different from the land uses allowed under the current Talbot County zoning classification and/or permits development in a substantially higher density exceeding 50% of the density allowed under the current Talbot County zoning classification applicable to the Annexation Property and therefore, pursuant to §4-416 of the Local Government Article of the Code, the classification of the Annexation Property in the R-1 Residential zoning district is contingent upon the consent of Talbot County prior to the effective date of Ordinance No. 555.

Section 3. Public Hearing and Public Notice. The Town has conducted a public hearing on this Resolution and upon Ordinance No. ____ on _____, 2024. Prior to the hearing, legally sufficient notice was published twice in *The Star Democrat* at intervals greater than one week, with the last publication occurring at least 15 days prior to the date of the hearing. In addition, the Town notified the following entities of the hearing and provided them with a copy of the legal notice and this Resolution, including its Exhibits:

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

Section 4. Annexation Plan. The Town has by Resolution No. ____ adopted an annexation plan for the Annexation Area and has provided the Maryland Department of Planning at least thirty days prior to the hearing on this Resolution.

Section 5. Registration of Boundaries. Within ten (10) days of the effective date of this Resolution, in accordance with the provisions of §4-414 of the Local Government Article of the Code, the Town shall promptly cause a copy of the Resolution with the new municipal boundaries to be sent to the Clerk of the Circuit Court for Talbot County, Maryland and the Maryland Department of Legislative Services.

Section 6. Effective Date. This Resolution shall become effective 45 days after final enactment unless a petition for referendum has been filed prior thereto in accordance with §4-408 of the Local Government Article of the Code. In the event of such a petition, the Resolution shall become effective as of the date on which the results of a referendum election decided in favor of the annexation are certified. Should the voters in a referendum election reject the annexation, this Resolution shall be null and void upon the certification of said results. This Resolution shall be deemed “finally enacted” on the date on which the President of the Commissioners of St. Michaels signs it.

THIS RESOLUTION 2024-01 WAS PASSED by the following vote of the Commissioners of St. Michaels on the ____ day of _____, 2024.

Breimhurst ____ yea ____ nay

Mercier ____ yea ____ nay

Harrod ____ yea ____ nay

Whittington ____ yea ____ nay

I HEREBY CERTIFY that the above Resolution was passed by a yea and nay vote of the Commissioners of St. Michaels on this ____ day of _____, 2024.

ATTEST:

THE COMMISSIONERS OF ST.
MICHAELS

Kristen Payne , Town Clerk

By _____
David H. Breimhurst, President