

1 CITY COUNCIL
2 OF
3 HAVRE DE GRACE, MARYLAND
4
5 ANNEXATION RESOLUTION NO. 291
6

7 Introduced by _____ Council Member Ringsaker
8

9 **A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF HAVRE DE**
10 **GRACE, MARYLAND, ADOPTED PURSUANT TO THE AUTHORITY OF**
11 **THE MARYLAND CONSTITUTION, ARTICLE XI-E AND THE**
12 **PROVISIONS OF THE ANNOTATED CODE OF MARYLAND, LOCAL**
13 **GOVERNMENT ARTICLE SUBTITLE 3: AMENDMENT OR REPEAL OF**
14 **CHARTER, AND SUBTITLE 4: ANNEXATION AUTHORIZING THE**
15 **LEGISLATIVE BODY OF A MUNICIPALITY TO ANNEX PROPERTY**
16 **EXTENDING THE BOUNDARIES OF THE MUNICIPALITY BY**
17 **RESOLUTION TO AMEND THE CITY CHARTER, SPECIFICALLY**
18 **APPENDIX A OF THE HAVRE DE GRACE CHARTER BY ADDING**
19 **“SUBSECTION A.37 THE FIRST 2022 ADDITION TO THE CITY**
20 **BOUNDARIES,” ALONG WITH THE LEGAL DESCRIPTION OF THE**
21 **ACRES OF LAND WHICH WILL ENLARGE THE BOUNDARIES OF THE**
22 **CITY OF HAVRE DE GRACE TO INCLUDE THE LANDS OF MILES**
23 **LAMPSON LOCATED NORTHWEST OF PULASKI HIGHWAY AND THE**
24 **CSX RAIL LINE AT 1535 PULASKI HIGHWAY AND CONSISTING OF**
25 **22.684 ACRES MORE OR LESS**

26
27 **WHEREAS**, the land subject to this annexation resolution is eligible for annexation since
28 the land is contiguous and adjoining the existing corporate boundaries of the City, and the
29 annexation will not create an unincorporated area as it is bounded on all sides by: (i) property
30 presently within the corporate limits of the City; (ii) real property proposed to be within the
31 corporate limits of the City as a result of the proposed annexation; or (iii) any combination of such
32 properties; and

33 **WHEREAS**, the owners of not less than twenty-five percent (25%) of the assessed value
34 of the real property to be annexed consent to the annexation, and there are no resident voters on
35 the land being annexed and therefore the annexation meets the requirements of Section 4-404 of
36 the Local Government Article of the Annotated Code of Maryland; and

37 **WHEREAS**, The Mayor and City Council of Havre de Grace, Maryland have adopted an
38 Annexation Plan for the Property simultaneously herewith subject to this Annexation Resolution
39 pursuant to City Council Resolution No. 2022-07; and

40 **WHEREAS**, The Mayor and City Council of Havre de Grace, Maryland have determined
41 that the annexation of the 22.684 acres of land more or less consisting of the Lands of Miles
42 Lampson, located northwest of Pulaski Highway/Route 40 and the CSX rail line at 1535 Pulaski
43 Highway as more specifically defined herein is in the best interest of the health and welfare of the
44 citizens of Havre de Grace and consistent with the City’s Comprehensive Plan.

45 **NOW THEREFORE BE IT RESOLVED, ORDAINED, AND ENACTED BY THE**
46 **MAYOR AND CITY COUNCIL OF HAVRE DE GRACE, MARYLAND AS FOLLOWS:**

47 SECTION 1. The Appendix to the Charter of the Mayor and City Council of Havre de
48 Grace, Maryland is hereby amended to add a new Subsection A.37 The First 2022 Addition to
49 the City Boundaries to read as set forth in the legal description attached hereto as Exhibit A and
50 incorporated by reference herein. (“Property”).

51 SECTION 2. The Mayor and City Council of Havre de Grace, Maryland and the requisite
52 owners of the properties hereby annexed agree that the conditions and circumstances applicable to
53 the change in the boundaries of the City of Havre de Grace caused by this annexation and to the
54 property within the area hereby annexed are as provided in the applicable Charter provisions, laws
55 and ordinances of the State of Maryland and the City of Havre de Grace, except as follows:

56 (a) The Property is currently given a County zoning destination of GI-General
57 Industrial on the official zoning maps of Harford County. The zoning designation in the City that
58 the Mayor and City Council shall assign to the Property is **R-Residential** as defined in the Havre
59 de Grace Zoning Ordinance.

60 (b) City water and sewer service shall be provided to the Property hereby annexed at
61 generally applicable rates and pursuant to conditions generally applicable to other City-owned
62 properties within the corporate boundaries of the City of Havre de Grace at such time the Mayor
63 and City Council of Havre de Grace approve development of the Property. The cost to construct
64 any facilities necessary to provide water and sewer service to the Property shall be paid according
65 to the laws, rules, regulations and policies, specifications, standards and approvals (including state
66 and county, if any), existing or required at the time of construction, including any applicable
67 Annexation Agreements or recoupment agreements authorized under the Annexation Resolution,
68 and in accordance with the Annexation Plan adopted under Resolution 2022-___ attached hereto
69 and marked Exhibit B.

70 (c) The Mayor and City Council of Havre de Grace, Maryland acknowledge that a legal
71 description of the Property has been prepared by a professional engineer and reviewed by the City.

72 (d) The terms and conditions of this Resolution are consistent with the Annexation
73 Policy of the Mayor and City Council of Havre de Grace, Maryland established by City Code
74 Section 20 (“Annexation Policy”), a copy of which is attached hereto as Exhibit C.

75 SECTION 3. **AND BE IT FURTHER RESOLVED** that, promptly after the introduction
76 and first reading of this Resolution by the Mayor and City Council of Havre de Grace, Maryland,
77 the Director of Administration shall create a public notice, briefly and accurately describing the
78 proposed change and the conditions and circumstances applicable. The aforesaid notice shall be

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79 published two (2) times at not less than weekly intervals in a newspaper or newspapers of general
80 circulation in the City of Havre de Grace and the area to be annexed, as the area to be annexed is
81 less than 25 acres. The aforesaid public notice shall state a time, not less than fifteen (15) days
82 after the second (2nd) publication thereof and not less than 30 days after the Annexation Plan
83 Resolution 2022-07 is approved, provided to the regional and national planning agencies, and the
84 place within the City of Havre de Grace at which a public hearing shall be held to consider public
85 comment to consider this Resolution. The public hearing may be continued or rescheduled in
86 accordance with the requirements set forth in Local Government Article of the Annotated Code of
87 Maryland. Immediately upon the first publication of the specified public notice, a copy of the
88 public notice and other relevant documents shall be provided to the Harford County Council, the
89 Harford County Executive, the Director of the Harford County Department of Planning and
90 Zoning, the Planning Commission of the City of Havre de Grace, and to any other regional or state
91 planning agency having jurisdiction over the property, including the Executive Director of the
92 Baltimore Metropolitan Council.

93 SECTION 4. AND BE IT FURTHER RESOLVED that this Annexation Resolution shall
94 become effective forty-five (45) days after its enactment by the Mayor and City Council of Havre
95 de Grace, Maryland, provided this Resolution is read and passed by an affirmative vote of a
96 majority of the Council members present at a second reading of the Resolution at a regular City
97 Council meeting after the conclusion of the public hearing and any continuation thereof as
98 prescribed by the Local Government Article Section 4-407 of the Annotated Code of Maryland (as
99 amended) and also provided that a proper petition for referendum calling for an election related to
100 the annexation is not filed as permitted by law.

101 SECTION 5. AND BE IT FURTHER RESOLVED that, if any section, subsection,
102 paragraph, sentence, clause, phrase or word of this Resolution or its application to any person or
103 circumstances is held invalid by any court of competent jurisdiction, the remaining sections,
104 subsections, paragraphs, sentences, clauses, phrases, and words of this Resolution, or the
105 application of the provision to other persons or circumstances then in effect, shall continue in full
106 force and effect.

107 SECTION 6. AND BE IT FURTHER RESOLVED, by the Mayor and City Council of
108 Havre de Grace, Maryland, that the Director of Planning shall promptly register the original and
109 the new corporate boundaries of the City of Havre de Grace with the Clerk of the Circuit Court of
110 Harford County and the Department of Legislative Reference for the State of Maryland when this
111 Resolution takes effect.

112 SECTION 7. AND BE IT FURTHER RESOLVED, by the City Council of Havre de
113 Grace, Maryland that the Mayor is authorized to enter into an Annexation Agreement and/or Public
114 Works Agreement with the recommendation of the Director of Planning, the Director of the
115 Department of Public Works, and after for legal sufficiency by the City Attorney, to implement
116 the purposes of this Annexation Resolution and the Annexation Plan.

117 Introduced by the City Council and attested by the Director of Administration this 7th day of
118 March, 2022.

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ATTEST:

THE MAYOR AND CITY COUNCIL
OF HAVRE DE GRACE, MARYLAND

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Stephen J. Gamatoria
Director of Administration

William T. Martin
Mayor

129 Introduced: 3/7/2022
130 Public Hearing 4/18/2022
131 Enacted:
132 Adopted/Effective Date (45 days):

133 Attachments:

- 134 Exhibit A -- Property Description
- 135 Exhibit B – Resolution 2022-07- Annexation Plan
- 136 Exhibit C – City Code Section 20 – Annexation Policy

Public Hearing

EXHIBIT A

**March 4, 2022
BSLS #21164**

LAND OF MILES L. LAMPSON

**Tax Map# 52-Parcel# 54
Sixth Election District
Harford County, Maryland
#1535 Pulaski Highway, Havre de Grace, Maryland 21078-2203**

ZONING DESCRIPTION – 22.684 acres of land more or less, being all that tract of land that was described in a deed from Margaret A. Lampson Failla to Miles L. Lampson and recorded in the Land Records of Harford County, Maryland in Liber C.G.H. 2457, folio 1048; The tract being known as #1535 Pulaski Highway and being more particularly described as follows:

BEGINNING for the same at a point at the end of the South 52 degree 12 minute 10 second West 665.88 foot line of Open Space as shown on a plat titled "Final Plat Seventy-Three-Open Space, Bulle Rock," and recorded in the Plat Records of Harford County, Maryland in Liber J.J.R. 206, folio 2; Thence reversely on the aforementioned plat the following two courses and distances:

1. North 52 degrees 12 minutes 18 seconds East 665.88 feet to a point,
2. North 30 degrees 42 minutes 19 seconds East 183.12 feet to a point at the end of the North 41 degree 09 minute 57 second West 156.02 foot line as shown on a plat titled "Revised Lots 36-42-Final Plat Two-Section II-Phase II, The Woods of Bayview" and recorded in the Plat Records of Harford County, Maryland in Liber C.G.H. 91, folio 47; Thence binding on The Woods of Bayview the following course and distance:

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LAND OF LAMPSON
March 4, 2022**

3. South 53 degrees 59 minutes 02 seconds East 947.55 feet to a point at the end of the North 43 degree 27 minute 44 second West 19.23 foot line as shown on a plat titled "Final Plat One-Section II-Phase II, The Woods of Bayview" and recorded in the Land Records of Harford County, Maryland in Liber C.G.H. 90, folio 79. Thence binding of the Woods of Bayview the following course and distance;
4. South 56 degrees 16 minutes 49 seconds East 19.23 feet (As Revised in accordance with survey of "The Woods of Bayview") to a point on the Northerly right-of-way line of the CSX Railroad; Thence binding on the aforementioned CSX right-of-way line the following course and distance;
5. Binding on a curve to the right with a radius of 8546.42 feet for an arc distance of 1011.54 feet; Said curve being subtended by a chord bearing South 34° 19' 31" West 1010.94 feet to a point at the end of the South 78 degree 46 minute 43 second East 7.16 foot line as shown on a plat titled "Final Plat Seventy-Four-Open Space, Bulle Rock and recorded in the Plat Records of Harford County, Maryland in Liber J.J.R. 206, folio 3; Thence binding on Bulle Rock the following fifteen courses and distances;
6. North 78 degrees 46 minutes 35 seconds West 7.16 feet to a point,
7. North 49 degrees 09 minutes 08 seconds West 30.46 feet to a point,
8. North 53 degrees 11 minutes 51 seconds West 36.51 feet to a point,
9. North 53 degrees 59 minutes 28 seconds West 46.14 feet to a point,
10. North 50 degrees 39 minutes 33 seconds West 88.45 feet to a point,

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LAND OF LAMPSON
March 4, 2022**

11. North 59 degrees 29 minutes 42 seconds West 58.08 feet to a point,
12. North 66 degrees 30 minutes 23 seconds West 29.44 feet to a point,
13. South 83 degrees 33 minutes 08 seconds West 24.04 feet to a point,
14. North 63 degrees 58 minutes 16 seconds West 25.35 feet to a point;
15. North 75 degrees 50 minutes 30 seconds West 27.40 feet to a point,
16. North 86 degrees 03 minutes 55 seconds West 27.87 feet to a point,
17. North 43 degrees 21 minutes 53 seconds West 19.53 feet to a point,
18. North 44 degrees 14 minutes 50 seconds East 111.40 feet to a point,
19. North 45 degrees 16 minutes 19 seconds West 321.21 feet to a point,
20. North 44 degrees 20 minutes 58 seconds West 465.01 feet to the beginning hereof;

**CONTAINING 22.684 ACRES OF LAND MORE OR LESS.
SURVEY DATUM ABOVE IS BASED ON THE MARYLAND STATE
COORDINATE SYSTEM N.A.D. '83 (2011) .**

EXHIBIT B

Resolution No. 2022-07

CITY COUNCIL
OF
HAVRE DE GRACE, MARYLAND

RESOLUTION NO. 2022-07

Introduced by _____ Council Member Ringsaker

A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE, MARYLAND, ADOPTED PURSUANT TO THE AUTHORITY OF THE MARYLAND CONSTITUTION ARTICLE XI-E AND THE PROVISIONS OF THE ANNOTATED CODE OF MARYLAND, LOCAL GOVERNMENT ARTICLE SECTION 4-405, AND CITY CHARTER SECTION 34 ADOPTING AN ANNEXATION PLAN FOR THE LANDS OF MILES LAMPSON LOCATED NORTHWEST OF PULASKI HIGHWAY KNOWN AS 1535 PULASKI HIGHWAY FOR A TOTAL OF 22.684 ACRES MORE OR LESS

WHEREAS, the Mayor and City Council of Havre de Grace ("City") seeks to annex certain Property known as the Lands of Miles Lampson, 1535 Pulaski Highway/Route 40, consisting of 22.684 acres more or less, and adopt this Annexation Plan in furtherance of a proposed Charter Resolution for Annexation; and

WHEREAS, the properties to be annexed consists of 22.684 acres more or less located northwest of Pulaski Highway owned by the Estate of Miles Landrum Lampson, situated and lying in the Sixth Election District of Harford County, Maryland as set forth more fully below; and

WHEREAS, the property is adjacent to properties already within the municipal limits of the City, and;

WHEREAS, the annexation is consistent with the City's Comprehensive Plan, and specifically the Municipal Growth Element and City expansion along Route 40;

NOW THEREFORE, the Mayor and City Council adopt the following Annexation Plan for the properties, as defined herein:

THE ANNEXATION PLAN FOR LANDS OF MILES LAMPSON LOCATED NORTHWEST OF PULASKI HIGHWAY KNOWN AS 1535 PULASKI HIGHWAY FOR A TOTAL OF 22.684 ACRES MORE OR LESS

1. Introduction. The properties proposed to be annexed in this Plan are situated along Pulaski Highway (Route 40) at the western side of Route 40 and the CSX railroad line. For identification purposes, the Property being annexed consists of one parcel known as 1535 Pulaski Highway, with the total acreage being 22.684 acres, more or less, (the "Property"). The Parcel to be annexed is reflected on the tax map attached as Exhibit

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A and is more particularly described in the following deed filed among the Land Records of Harford County:

1535 Pulaski Highway, Tax Map 52, Parcel 54, Account ID No. 06-004814, and described in a Deed dated November 13, 1996 and recorded among the Land Records of Harford County, Maryland, in Liber/Book 2457, folio/page 1048, from Margaret Anne Lampson Failla, to Miles Landrum Lampson

2. Current Conditions. Currently there is one uninhabited house located on the Property and no resident voters. The Property to be annexed is not serviced by City water or sewer. The Property is serviced by private well and septic systems. A large portion of the property is vacant and undeveloped. The property owner has requested the proposed annexation of the Property.
3. Current Zoning. The Property is currently zoned GI/General Industrial district on the official zoning maps of Harford County.
4. Future Proposed Use. The owner of the Property has indicated that it intends to develop the property into 29 residential lots.
5. Proposed Zoning. Proposed zoning for the Property will be R-1 Residential District. Amendment to the City's zoning code will not be required for the proposed use. The proposed zoning is also consistent with the Comprehensive Plan for the City of Havre de Grace and uses of adjoining property.
6. Public Facilities. There is currently no requirement that the land subject to this Annexation Plan be set aside for a school site, water or sewer treatment facilities, libraries, recreation, or fire, EMS or police departments, except for construction of a public sewer and/or water line and any public easements to be dedicated to the City for purposes of access any portion of the public water/sewer line which may run through or along the annexed Property. The current annexation plan shall be reviewed for anticipated infrastructure needs. As for water and sewer capacity, the City estimates that it currently has the water and sewer capacity for the Property. However, infrastructure improvements for water pressure and volume of delivery may be required depending on future development plans and will be separately considered at that time. Until a site plan is approved, water and sewer capacity remain uncommitted and not guaranteed. Water and/or sewer lines must be extended to the respective parcels at the property owner's expense, and any recorded recoupments will need to be collected prior to such connections. If there are any additional required infrastructure improvements, including but not limited to water and sewer capacity or distribution, they shall all be paid for by the owner/developers of the property along with required bonding for performance and maintenance. The owners/developers of the Property shall be charged the standard capital cost recovery charges, user benefit fees and all other fees and charges associated with connection to the City's water and sewer systems. Water and Sewer service rates shall be charged at the generally applicable rates and pursuant to the conditions generally applied by the City. The Property may be subject to recoupment agreements or cost recovery charges for water and sewer as may be authorized by City ordinances, the Annexation Resolution, Annexation

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Agreement, and/or Public Works Agreement, or separate agreements for capital cost recoupment that may be recorded among the Land Record for Harford County.

7. Trash Removal. The Property will be serviced by City trash removal.
8. Fire Protection. Fire protection shall continue to be provided to the Property by the Susquehanna Hose Company, Inc. pursuant to conditions applicable to the other Property within the corporate boundaries of the City.
9. Schools – Library – Recreation. The scope of the development on the Property is limited to no more than 30 residential units. As such, no recreation element is required, and no additional school or library expansions will be needed as a result of the proposed annexation.
10. Real Property Taxes. The Property shall be taxed by the City at generally applicable rates. If the land is subject to an abatement request due to an enterprise zone designation and/or extensive recoupment fees, or initial abatement of taxes as part of the annexation resolution approved by City Council, and if a request for an abatement is made, the City acknowledges that it would consider such a request in accordance with applicable law so long as the terms of this Annexation Plan have otherwise been complied with by the owners and developers and such request is approved by the City Council as part of the Annexation Resolution.
11. EMS. EMS protection shall be provided to the Property by the Havre de Grace Ambulance Corps, Inc. pursuant to the conditions applicable to other Property within the corporate boundaries of the City of Havre de Grace.
12. Police. Police protection shall be provided to the Property by the Havre de Grace Police Department pursuant to the conditions to other Property within the corporate boundaries of the City of Havre de Grace.
13. Timing of Municipal Services. Municipal services shall be provided at the time of construction/development of the Property and prior to the issuance of any new use and occupancy permit, or if already occupied and in use, at such time as the Annexation Resolution becomes final after the time for referendum has expired.
14. Annexation Agreement and Public Works Agreement. The City and the owners/developers of the Property or any of the individual parcels agree to enter into an Annexation Agreement and/or Public Works Agreements detailing the terms of this Annexation Plan and any other appropriate conditions, if required by the City prior to any development. The provisions of this Annexation Plan are to be considered minimum requirements and additional requirements or more stringent requirements may be added and addressed in an Annexation Agreement and/or Public Works Agreements, or as otherwise provide in the Annexation Resolution.

NOW THEREFORE, it is this 7th day of March, 2022 determined, decided and resolved by the Mayor and City Council:

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(Charter Amendment)**


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1. To adopt the Annexation Plan set forth herein.
2. To introduce the Annexation Resolution at the March 7, 2022 City Council meeting;
3. To hold a hearing on the Annexation Resolution on April 18, 2022 at 7 PM.

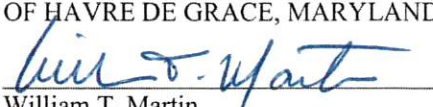
ADOPTED by the City Council of Havre de Grace, Maryland this 7th day of March, 2022.

SIGNED by the Mayor and attested by the Director of Administration this 8th day of March, 2022.

ATTEST:



Stephen J. Gamatoria
Director of Administration

THE MAYOR AND CITY COUNCIL
OF HAVRE DE GRACE, MARYLAND


William T. Martin
Mayor

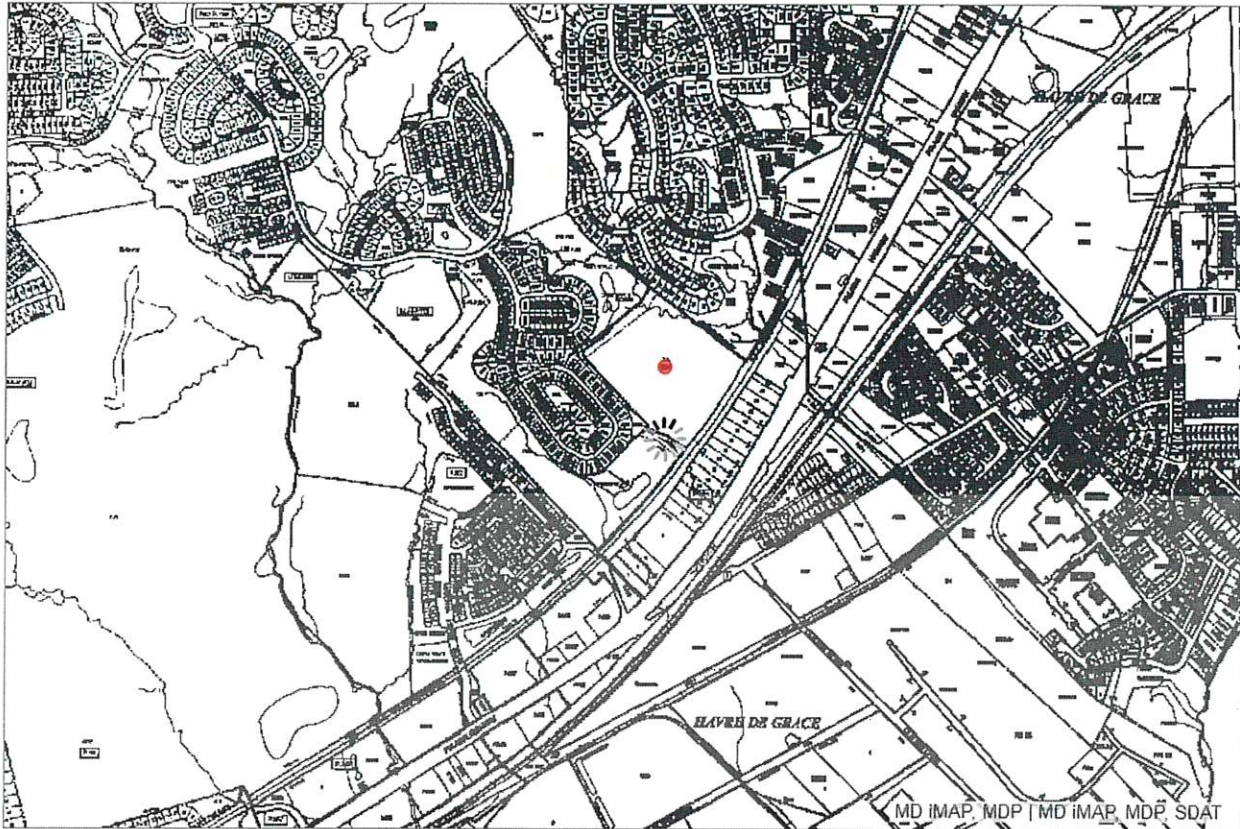
Introduced: 3/7/022
Passed/Adopted: 3/7/2022
Effective Date: 3/8/2022

Resolution 2022-07 - Exhibit A

Harford County

[New Search](#)

District: **06** Account Number: **004814**



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net.

Property maps provided courtesy of the Maryland Department of Planning.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at <http://planning.maryland.gov/Pages/OurProducts/OurProducts.aspx>.



EXHIBIT C

§ 20-1. Policy.

The following principles shall govern annexation:

- A. The City Council may consider and act upon a petition for the annexation of land contiguous and adjacent to the corporate limits of the City in order to promote the health, safety, welfare, and economic development of the City.
- B. The annexation may be appropriate when it promotes coordinated planning for the area surrounding the land proposed for annexation, and where it is consistent with the plans for the present and future development of the City, and where it will not result in isolated development inconsistent with surrounding land uses.
- C. The annexation must contribute to the realization and/or furtherance of the goals and objectives of the Comprehensive Plan and any other corridor or small area plan.
- D. The location relative to existing public facilities and a review of the City's ability to provide public facilities to serve the annexation area.
- E. The development of relevant conditions for the protection and benefit of the residents of the City.
- F. The annexation will not result in an adverse fiscal impact upon the City.
- G. Upon approval of an annexation petition by the City Council, the petitioner shall not be permitted to amend or to otherwise change the terms of the annexation petition.