

# CITY COUNCIL

## READ FILE COVER SHEET

Subject: **Charter Resolution concerning Annexation of  
1633 Pulaski Highway**

**(Public Hearing)**

Date: **9/8/2022**

**Notice:** Any comments made after 5:00 p.m. on the Thursday before the Council Meeting will not be seen in the agenda packet.

Purpose:

- FYI
- Read and Comment as Needed**
- Action Required by November 7, 2022**
- In Confidential File Drawer

Approve:

Casi Boyer

Yes

No

No Comment

Comment: \_\_\_\_\_

Dave Martin

Yes

No

No Comment

Comment: \_\_\_\_\_

Jim Ringsaker

Yes

No

No Comment

Comment: \_\_\_\_\_

Jason Robertson

Yes

No

No Comment

Comment: \_\_\_\_\_

Tammy Lynn

Schneegas

Yes

No

No Comment

Comment: \_\_\_\_\_

Carolyn Zinner

Yes

No

No Comment

Comment: \_\_\_\_\_

Note: N/A

CITY COUNCIL  
OF  
HAVRE DE GRACE, MARYLAND

ANNEXATION (CHARTER) RESOLUTION NO. 292

Introduced by Council President 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 SUBTITLE 3: AMENDMENT OR REPEAL OF CHARTER, AND SUBTITLE 4: ANNEXATION AUTHORIZING THE LEGISLATIVE BODY OF A MUNICIPALITY TO ANNEX PROPERTY EXTENDING THE BOUNDARIES OF THE MUNICIPALITY BY RESOLUTION TO AMEND THE CITY CHARTER, SPECIFICALLY APPENDIX A OF THE HAVRE DE GRACE CHARTER BY ADDING “SUBSECTION A.38 THE SECOND 2022 ADDITION TO THE CITY BOUNDARIES,” ALONG WITH THE LEGAL DESCRIPTION OF THE ACRES OF LAND WHICH WILL ENLARGE THE BOUNDARIES OF THE CITY OF HAVRE DE GRACE TO INCLUDE 1633 PULASKI HIGHWAY KNOWN CONSISTING OF A TOTAL OF 0.694 ACRES MORE OR LESS**

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

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

**WHEREAS**, The Mayor and City Council of Havre de Grace, Maryland have adopted an Annexation Plan for the Property simultaneously herewith subject to this Annexation Resolution pursuant to City Council calendar Resolution No. 2022-26; and

**WHEREAS**, The Mayor and City Council of Havre de Grace, Maryland have determined that the annexation of the 0.694 acres of land more or less consisting of the parcel located northwest of Pulaski Highway/Route 40 along the westbound lanes and southeast of the CSX rail line at 1633 Pulaski Highway as more specifically defined herein is in the best interest of the health and welfare of the citizens of Havre de Grace and consistent with the City’s Comprehensive Plan.

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

SECTION 1. The Appendix to the Charter of the Mayor and City Council of Havre de Grace, Maryland is hereby amended to add a new Subsection A.38 The Second 2022 Addition to the City Boundaries to read as set forth in the legal description attached hereto as **Exhibit A** and incorporated by reference herein. (“Property”).

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

(a) The Property is currently given a County zoning destination of CI-Commercial Industrial on the official zoning maps of Harford County. The zoning designation in the City that the Mayor and City Council shall assign to the Property is **C-Commercial** as defined in the Havre de Grace Zoning Code.

(b) City water and sewer service shall be provided to the Property hereby annexed at generally applicable rates and pursuant to conditions generally applicable to other City-owned properties within the corporate boundaries of the City of Havre de Grace at such time the City approves water and sewer connections to the Property upon payment of all applicable costs, fees, and bonds. The cost to construct any facilities necessary to provide water and sewer service to the Property shall be paid according to the laws, rules, regulations and policies, specifications, standards and approvals (including state and county, if any), existing or required at the time of construction, including any applicable capital cost recovery charges, annexation agreements, public works agreements, or recoupment agreements authorized under the Annexation Resolution, and in accordance with the Annexation Plan adopted under Resolution 2022-26 attached hereto and marked **Exhibit B**.

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

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

SECTION 3. **AND BE IT FURTHER RESOLVED** that, promptly after the introduction and first reading of this Resolution by the Mayor and City Council of Havre de Grace, Maryland, the Director of Administration shall create a public notice, briefly and accurately describing the

**Annexation Resolution No. 292  
(Charter Amendment)**

proposed change and the conditions and circumstances applicable. The aforesaid notice shall be published two (2) times at not less than weekly intervals in a newspaper or newspapers of general circulation in the City of Havre de Grace and the area to be annexed, as the area to be annexed is less than 25 acres. The aforesaid public notice shall state a time, not less than fifteen (15) days after the second (2<sup>nd</sup>) publication thereof and not less than 30 days after the Annexation Plan Resolution 2022-26 is approved, provided to the regional and national planning agencies, and the place within the City of Havre de Grace at which a public hearing shall be held to consider public comment to consider this Resolution. The public hearing may be continued or rescheduled in accordance with the requirements set forth in Local Government Article of the Annotated Code of Maryland. Immediately upon the first publication of the specified public notice, a copy of the public notice and other relevant documents shall be provided to the Harford County Council, the Harford County Executive, the Director of the Harford County Department of Planning and Zoning, the Planning Commission of the City of Havre de Grace, and to any other regional or state planning agency having jurisdiction over the property, including the Executive Director of the Baltimore Metropolitan Council.

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

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

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

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

**Annexation Resolution No. 292  
(Charter Amendment)**

Introduced by the City Council and attested the Director of Administration this 6th day of September, 2022.

ATTEST:

THE MAYOR AND CITY COUNCIL  
OF HAVRE DE GRACE, MARYLAND

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Stephen J. Gamatoria  
Director of Administration

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William T. Martin  
Mayor

Introduced: 9/6/2022  
Public Hearing 10/17/2022  
Enacted:  
Adopted/Effective Date (45 days):

Attachments:

Exhibit A -- Property Description  
Exhibit B – Resolution 2022-26 - Annexation Plan  
Exhibit C – City Code Section 20 – Annexation Policy

## Exhibit A



**PARTICULAR DESCRIPTION  
LAND TO BE ANNEXED INTO THE CITY OF HAVRE DE GRACE  
LOCATED: 1633 PULASKI HIGHWAY  
HAVRE DE GRACE, MARYLAND  
0.694 ACRES ±  
ELECTION DISTRICT No. 6, HARFORD COUNTY, MARYLAND**

Beginning for the same at end of the 3<sup>rd</sup> or South 42°08' West 150.5 foot line of that tract or parcel of land conveyed a deed dated February 11, 1947 from Maurice G. Steele and Minor P. Steele, his wife, to Arthur S. Wilson and Beatrice B. Wilson, his wife, and recorded among the Land Records of Harford County in Liber G.R.G. 303, folio 204, at the intersection with the northerly Right-of-Way Line of Pulaski Highway (U.S. Route 40), as shown on State Roads Commission Plat No. 2049 as conveyed by a deed dated November 29, 1935 from Wilton Greenway to State Roads Commission and recorded among the aforesaid Land Records in Liber S.W.C. 239, folio 144. Thence, leaving said northerly Right-of-Way and running and binding reversely on the said 3<sup>rd</sup> line and the 2<sup>nd</sup> line to Wilson, with all courses of this description referenced to the Maryland Coordinate System NAD 83/2011, the following three courses:

1. **North 42°08'27" West** passing over ¾" iron pipe found at 2.24 feet for a total distance of **152.54** feet to a ¼" rebar inside of a ¾" iron pipe found,
2. **North 54°39'33" East 200.00** feet to the beginning of the 3<sup>rd</sup> or Southeasterly 150 foot line of that tract or parcel of land conveyed by a deed dated October 2, 1939 from Frederick Lee Cobourn and Annie H. Cobourn, his wife, to Walter F. Forwood and recorded among the aforesaid Land Records in Liber G.C.B. 257, folio 329. Thence, running and binding on said 3<sup>rd</sup> line to Forwood, the following course:
3. **South 42°40'10" East 149.89** feet to the said northern Right-of-Way Line of Pulaski Highway. Thence, running and binding thereon, the following course:
4. **201.09** feet along the arc of a non-tangent curve to the right having a radius of 5,654.58 feet and subtended by a chord South 53°51'19" West 201.08 feet, to the place of beginning hereof; containing **0.694** acres of land, more or less, as surveyed by Joseph Thompson Associates, LLC in July 2022.

Being all of that tract or parcel of land conveyed by a deed dated June 11, 2002 from William M. Baker and Shirley J. Baker, his wife, to Brian J. Trees and Cherie R. Trees, his wife, and recorded among the Land Records of Harford County, Maryland in Liber J.J.R. 4015, folio 249.

Subject to Drainage, Slopes, and Stream Easements as shown on State Roads Commission Plat No. 2049.




Subject to a Deed of Easement dated August 8, 2006 from Brian J. Trees and Cherie R. Trees to The Mayor and City Council of Havre de Grace, Maryland and recorded among the Land Records of Harford County in Liber J.J.R. 6996, folio 119.

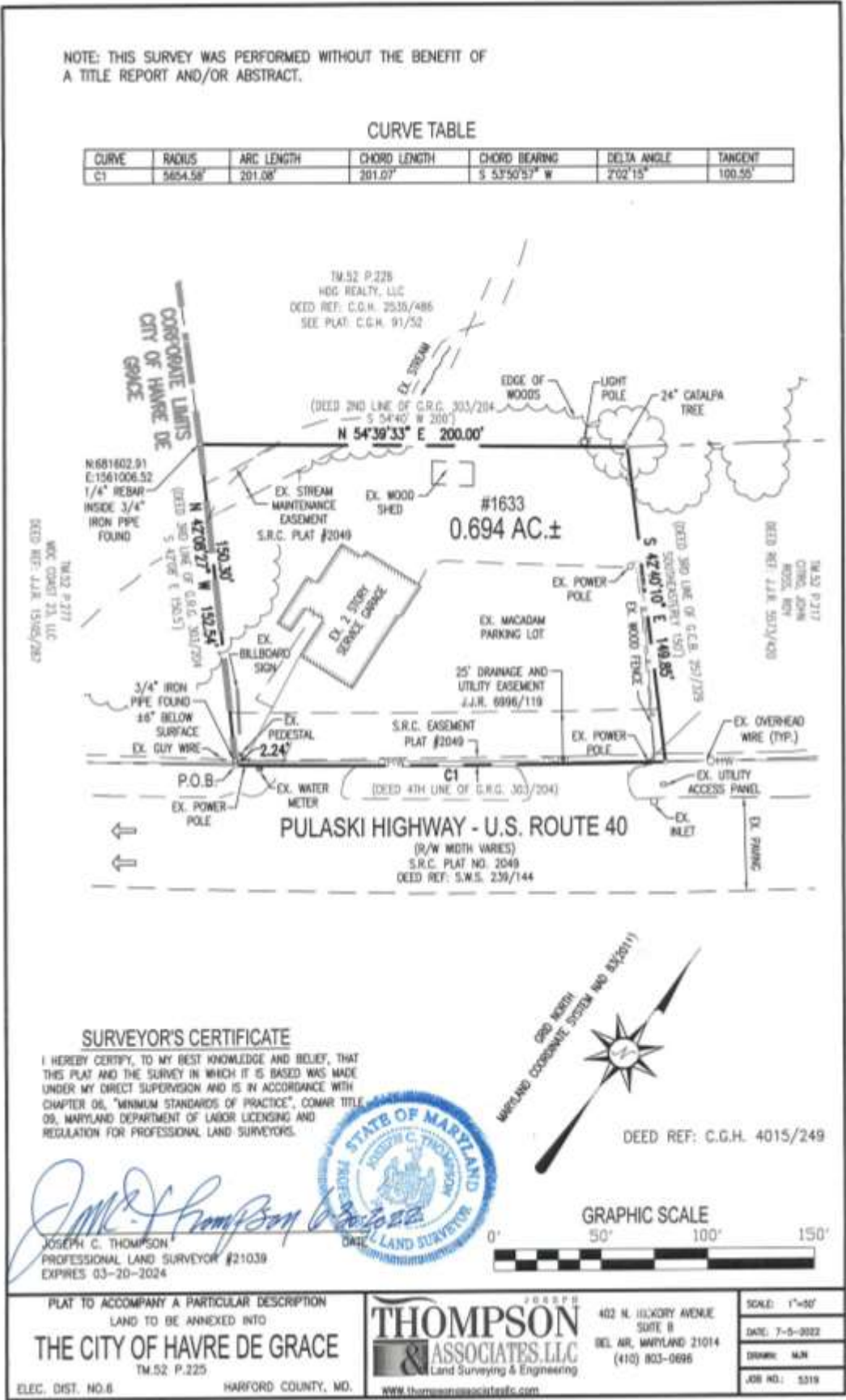
More particularly being shown on a plat entitled "Plat to Accompany a Particular Description, Land to be Annexed into the City of Havre de Grace", attached hereto and made a part hereof.

**THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND/OR ABSTRACT.**

I hereby certify that this description and survey was prepared by me or under my direct supervision on June 30, 2022 and is in accordance with the Minimum Standards of Practice for Professional Land Surveyors in the State of Maryland.

  
\_\_\_\_\_  
Joseph C. Thompson L.S. 21039  
Expires 03-20-2024







## Exhibit B

Resolution No. 2022-26

CITY COUNCIL  
OF  
HAVRE DE GRACE, MARYLAND

RESOLUTION NO. 2022-26

Introduced by \_\_\_\_\_ Council President 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 1633 PULASKI HIGHWAY KNOWN CONSISTING OF A TOTAL OF 0.694 ACRES MORE OR LESS**

**WHEREAS**, the Mayor and City Council of Havre de Grace ("City") seeks to annex certain Property located at 1633 Pulaski Highway/Route 40, consisting of 0.694 acres more or less, and adopt this Annexation Plan in furtherance of the proposed Charter Resolution for Annexation ("Annexation Resolution" or "Charter Amendment"); and

**WHEREAS**, the property to be annexed consists of 0.694 acres more or less located northwest of the westbound lanes of Pulaski Highway, 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 property 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 property, as defined herein:

**THE ANNEXATION PLAN FOR ONE PARCEL OF LAND LOCATED AT 1633 PULASKI HIGHWAY FOR A TOTAL OF 0.694 ACRES MORE OR LESS**

1. **Introduction.** The property proposed to be annexed in this Plan is situated along Pulaski Highway (Route 40) along the westbound lanes of Route 40 and southeast of the CSX railroad line. For identification purposes, the Property being annexed consists of one parcel known as 1633 Pulaski Highway, with the total acreage being 0.694 acres, more or less, (the "Property"). The Parcel to be annexed is reflected on the property

**Resolution No. 2022-26**

description and survey attached as **Exhibit A** and is more particularly described in the following deed filed among the Land Records of Harford County:

1633 Pulaski Highway, Tax Map 52, Grid 2E, Parcel 225, Account ID No. 06-008445, and described in a Deed dated June 11, 2002 and recorded among the Land Records of Harford County, Maryland, in Liber/Book4015, folio/page 249, from William M. Baker and Shirley J. Baker, his wife, to Brian J. Trees and Cherie R. Trees, his wife.

2. Current Conditions. Currently there is one operating business 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. The property owner has requested the proposed annexation of the Property.
3. Current Zoning. The Property is currently zoned CI/Commercial 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 continue the current used car sale and repair business currently operating on the Property.
5. Proposed Zoning. Proposed zoning for the Property will be C-Commercial District. No amendment to the City's zoning code will not be required for the continued use. The use is also consistent with the Comprehensive Plan for the City of Havre de Grace and uses of adjoining properties.
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

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be subject to recoupment agreements or cost recovery charges for water and sewer as may be authorized by City ordinances, the Annexation Resolution, Annexation 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 private commercial 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 other properties within the corporate boundaries of the City and properties outside of the municipal limits.
9. Schools – Library – Recreation. The scope of the development on the Property is limited the current business operation. 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 properties within the corporate boundaries of the City and properties outside of the municipal limits.
12. Police. Police protection shall be provided to the Property by the Havre de Grace Police Department pursuant to the conditions to other properties within the corporate boundaries of the City and properties outside of the municipal limits in accordance with current mutual aid agreements and policies with the County and neighboring municipalities.
13. Timing of Municipal Services. Municipal services shall be provided at such time as the Annexation Resolution (Charter Amendment) becomes final after the time for referendum has expired.
14. Annexation Agreement and Public Works Agreement. The Mayor is authorized to enter into an Annexation Agreement and/or Public Works Agreement with and the owners/developers of the Property detailing the terms of this Annexation Plan and any other appropriate conditions, if required by City based on recommendations by the Director of the Department of Planning, the Director of the Department of Public Works and/or the City Attorney prior to any development or connections to City water

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(Charter Amendment)**

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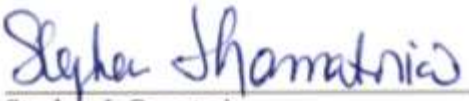
and sewer. The provisions of this Annexation Plan are to be considered minimum requirements and additional requirements (including capital cost recovery fees) or more stringent requirements which may be added and addressed in an Annexation Agreement and/or Public Works Agreement, or both, or as otherwise provided in the Annexation Resolution (Charter Amendment).

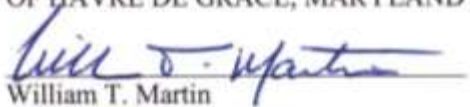
**NOW THEREFORE**, it is this 6th day of September, 2022 determined, decided and resolved by the Mayor and City Council:

1. To adopt the Annexation Plan set forth herein.
2. To introduce the Annexation Resolution (Charter Amendment) at the September 6, 2022 City Council meeting;
3. To hold a hearing on the Annexation Resolution (Charter Amendment) on October 17, 2022 at 7 p.m.

ADOPTED by the City Council of Havre de Grace, Maryland this 6<sup>th</sup> day of September, 2022.

ATTEST:

  
Stephen J. Gamatoria  
Director of Administration

THE MAYOR AND CITY COUNCIL  
OF HAVRE DE GRACE, MARYLAND  
  
William T. Martin  
Mayor

Introduced: 9/6/2022

Passed/Adopted: 9/6/2022

Effective Date: 9/7/2022

Note: Once approved by City Council, this calendar Resolution is to be attached as Exhibit B to the Annexation Resolution referenced herein.

## 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.

### § 20-2. Procedures.

The following procedures shall govern annexation and the zoning of land so annexed:

- A. Petition filing contents. A petition for annexation, prepared in compliance with § 4-404 of the Local Government Article of the Annotated Code of Maryland. The petition shall be signed by the owner of the property and any contract purchaser(s) and shall be filed with the Director of Administration, together with 10 hard copies, one digital format copy of the petition and a nonrefundable fee as established by resolution of the City Council. The City may require additional copies to be provided to the City at its discretion. The petition shall include the following:
  - (1) Descriptive data.
    - (a) A legal description of the property with metes and bounds.
    - (b) Name and address of all members, stockholders, partners, or other individuals having a legal or equitable interest in the entity that owns an interest in the property.
    - (c) The names and addresses of all persons residing in the area to be annexed.
  - (2) Exhibit showing:

§ 20-2

§ 20-2

- (a) The legal boundaries of the property, to include complete parcels and all property lines in order to eliminate noncontiguous land that may be annexed in the future.
  - (b) The existing land use conditions surrounding the subject property.
  - (c) Existing Harford County zoning and the petitioner's proposed City zoning.
  - (d) A property tax map.
  - (e) An aerial photographic map at an appropriate scale.
  - (f) Topographic map of the property at an appropriate scale.
  - (g) Existing public facilities and improvements.
  - (h) Existing reserved or public areas.
- (3) Certification that each owner of real property, both within the area of the proposed annexation and contiguous to the annexation area, has either executed the petition or has been sent by certified mail and first-class mail to the address listed in the assessments records, within 10 days prior to filing of the petition, a summary in a format provided by the City.
- (4) The petitioner(s) shall submit a concept plan for the proposed annexation area if future public roads are contemplated and/or significant infrastructure improvements will be necessary to service the area to be annexed. The concept plan shall include the following:
- (a) The boundary of the area to be annexed.
  - (b) The general location of each proposed land use on the property and the percentage of the whole for each use. General location of land uses may be shown as irregular graphic shapes depicting the approximate size and relationship to adjacent land uses.
  - (c) A table listing proposed densities and land use by type, including the area of each.
  - (d) The density of residential development, the maximum and minimum lot sizes, and the anticipated square footage of commercial and industrial buildings.
  - (e) Existing and proposed arterial and collector streets adjoining (where applicable) and their relationship to the principal land uses on the site.
  - (f) Existing and proposed major utility lines or facilities and their relationship to the principal land uses on the site.
  - (g) Contour lines at a maximum of five-foot intervals.

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- (h) Sensitive environmental features on the site and contiguous to the property, as available from current Harford County or other pertinent geographic information system (GIS) databases. These features shall include streams, wetlands, other waterbodies and floodplains.
  - (5) Description of municipal services that may need to be upgraded, initiated, or extended, together with a recommendation regarding the priority for accomplishing the improvements and a recommendation as to possible sources of funding and recoupment for any capital improvements.
  - (6) Fiscal impact of the proposed project.
  - (7) Description of any unique characteristics such as historical, archaeological, institutional, etc., situated in the area to be annexed, with an analysis of how these characteristics would be impacted by annexation.
  - (8) A detailed statement as to whether the land uses and densities permitted under the proposed City zoning classification and the land uses for the annexed area and densities permitted under the current Harford County zoning classification are, or are not, substantially different as that term is defined in § 4-416 of the Local Government Article of the Annotated Code of Maryland.
- B. Community Informational Meeting (CIM). Within 45 days prior to the petition filing date, the petitioner shall hold a CIM. This meeting will be facilitated by the property owner, developer or their representative and held at a public location (library, City Hall, etc.) adequate to serve the expected turnout of residents. The meeting shall be advertised by a posting on the property or properties at each public road frontage. The City shall advertise the date of the CIM upon notification by the property owner, developer, or their representative. At a minimum, all documents included in the petitioner's filing shall be made available for review at the CIM. The City will provide copies of all documents on the City's website. Within 45 calendar days after the CIM, the developer shall submit a list of attendees and a transcript prepared by a court reporter of the meeting.
- C. Petition preliminary review. Within 90 days following the date of the filing of a petition and all required attachments, the Director of Planning shall conduct a preliminary review of the petition with the petitioner(s), or the petitioner's representative, and the Director of the Department of Public Works. Prior to beginning the review, the Department of Planning shall inform the petitioner(s), in writing, of the date when the petition and all required attachments have been provided and accepted. Based upon this review, the Director of Planning may direct the petitioner to submit additional information within a thirty-day period or to take other reasonable steps with regard to the petition, including:
- (1) Supplementation of the information required to be submitted in the petition.
  - (2) Provision for a study by an independent consultant selected by the City and the petitioner to evaluate the information submitted in support of the petition and to determine the fiscal impact of the annexation on the City.

§ 20-2

§ 20-2

- (3) Provision for any other studies necessary for the proper consideration of the petition.
  - (4) Additional mailing, posting, or advertising notice requirements.
- D. Petition review by Planning Commission.
- (1) Upon completion of the review, the Director of Planning shall forward the petition package to the Planning Commission for review at the next scheduled Planning Commission meeting. The Director shall advertise the agenda of the Planning Commission on the City webpage. The petitioner shall supply 10 copies and one digital-format copy of the completed petition package to the Director of Planning prior to this submittal.
  - (2) The Planning Commission will review the petition for annexation and take public comment during its scheduled meeting.
  - (3) The Planning Commission shall submit its recommendation to the City Council within 60 days of the Planning Commission meeting.
- E. Payment for processing and review.
- (1) The petitioner shall be responsible for payment for all studies required by the Director of Planning and reimbursement of all staff and attorney time necessary for review of the petition and all studies.
  - (2) City staff shall keep an accounting of their time spent on the annexation review reflecting the hourly rate of each employee established by the City.
- F. Adoption of annexation plan. Consistent with § 4-415 of the Local Government Article of the Annotated Code of Maryland, the City Council shall adopt an annexation plan which shall be open to public review and discussion at a public hearing.
- G. Public hearing.
- (1) When the petitioner has complied with the requirements as specified by the Director of Planning following the review and the annexation petition has been prepared and distributed, the City Council shall introduce an annexation resolution and conduct a public hearing with regard to the proposed annexation at the time and place as shall be established by it.
  - (2) The hearing shall be conducted and a record of the proceedings shall be preserved in a manner as the City Council prescribes.
  - (3) A description of the annexation and a notice of the time and place of the hearing shall be published as specified in § 4-406 of the Local Government Article of the Annotated Code of Maryland.
  - (4) At the hearing, the recommendation of any board, commission, or agency shall be considered as evidence.



§ 20-2

§ 20-3

- H. Conditions. In acting favorably with regard to the petition, the City Council may include in its resolution such conditions and restrictions as are deemed necessary for the protection of the public interest, economic development, furtherance of the health, safety, and welfare of the residents of the City and to secure compliance with any relevant legal standards or requirements.
- I. Annexation agreement.
- (1) The City Council may, prior to voting on the resolution, enter into an annexation agreement with persons and entities that are petitioners in the annexation petition. Only those petitioners that agree to be responsible to the City for performance of contractual or financial commitments, or that promise community benefits, are required to be a party to the agreement.
  - (2) The City Council shall hold a public hearing on the proposed agreement prior to the City's final approval and execution of the agreement and before taking a vote on the annexation resolution. The copies of the proposed agreement shall be made available to the public at City Hall no later than 10 calendar days prior to the public hearing.
  - (3) The effective date of the agreement shall be the date that the approval of the annexation resolution by the City Council becomes final. Upon the annexation resolution becoming final, the agreement shall be binding upon the parties thereto, their heirs, successors, grantees, and assigns.
  - (4) The annexation agreement shall be recorded by the City in the land records of Harford County, Maryland, within 30 days of the date the annexation resolution becomes final.
- J. Zoning. In acting favorably with regard to the petition, the City Council shall designate the zoning classification of the annexed land as provided for in this Chapter and in other applicable laws, ordinances, regulations, and procedures related to zoning of annexed land.
- K. Approval or rejection.
- (1) No property shall be annexed except by a favorable vote of a majority of the members of the City Council.
  - (2) The City Council may reject the petition for any reason. The City Council is not required to make any finding of fact in the event it rejects the petition.
- L. Other applicable law. This procedure is in addition to any other provisions of the City Charter and Code of the City of Havre de Grace and of the Annotated Code of Maryland that govern annexation and the development of land.

**§ 20-3. Legislative authority.**

- A. The Mayor and City may legislatively initiate an annexation proposal in accordance with the State Land Use Article § 4-403.

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- B. Before an annexation resolution is introduced, the Mayor and City Council shall obtain consent from:
- (1) At least 25% of the registered voters who are residents in the area to be annexed; and
  - (2) The owners of at least 25% of the assessed valuation of the real property in the area to be annexed.
- C. The annexation resolution:
- (1) Shall describe by a survey of courses and distances the exact area to be annexed;
  - (2) May also describe by landmarks and other well-known terms the exact area to be annexed; and
  - (3) Shall contain a complete and detailed description of the conditions and circumstances that apply to:
    - (a) The change in boundaries; and
    - (b) The residents and property in the area to be annexed.
- D. The annexation proposal shall be consistent with the City's Comprehensive Plan, Municipal Growth Element and § 20-1 of this chapter.