

CITY COUNCIL

READ FILE COVER SHEET

Subject: **Charter Resolution 298 concerning the Annexation of
1419 Chapel Road**

(Public Hearing)

Date: **11/27/2023**

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 January 2, 2024**
- In Confidential File Drawer

Approve:

Johnny Boker Yes No No Comment
Comment: _____

Casi Boyer Yes No No Comment
Comment: _____

Vicki Jones 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: _____

Note: N/A

34 **WHEREAS**, the land subject to this annexation resolution is eligible for annexation since
35 the land is contiguous and adjoining the existing corporate boundaries of the City, and the
36 annexation will not create an unincorporated area as it is bounded on all sides by: (i) property
37 presently within the corporate limits of the City; (ii) real property proposed to be within the
38 corporate limits of the City as a result of the proposed annexation; or (iii) any combination of such
39 properties; and
40

41 **WHEREAS**, the owners of not less than twenty-five percent (25%) of the assessed value
42 of the real property to be annexed and at least 25% of the registered voters who are residents in
43 the area to be annexed consent to the annexation, and therefore the annexation meets the
44 requirements of Section 4-404 of the Local Government Article of the Annotated Code of
45 Maryland; and
46

47 **WHEREAS**, the Mayor and City Council of Havre de Grace, Maryland has adopted an
48 Annexation Plan for the Property on the same date which is known as City Council Calendar
49 Resolution No. 2023-20 and which is the subject to this Charter Resolution, and
50

51 **WHEREAS**, The Mayor and City Council of Havre de Grace, Maryland has determined
52 that the annexation of the 15,725 sq. ft. of land more or less consisting of the parcel located on the
53 north side of the westbound lane of Chapel Road as more specifically defined herein is in the best
54 interest of the health and welfare of the citizens of Havre de Grace and consistent with the City’s
55 Comprehensive Plan.
56

57 **NOW THEREFORE BE IT RESOLVED, ORDAINED, AND ENACTED BY THE**
58 **MAYOR AND CITY COUNCIL OF HAVRE DE GRACE, MARYLAND AS FOLLOWS:**
59

60 SECTION 1. The Appendix to the Charter of the Mayor and City Council of Havre de
61 Grace, Maryland is hereby amended to add a new Subsection A.39, The First 2023 Addition to the
62 City Boundaries as set forth in the legal description attached hereto as **Exhibit A** and incorporated
63 by reference herein. (“Property”).
64

65 SECTION 2. The Mayor and City Council of Havre de Grace, Maryland and the requisite
66 owners of the properties hereby annexed agree that the conditions and circumstances applicable to
67 the change in the boundaries of the City of Havre de Grace caused by this annexation and to the
68 property within the area hereby annexed are as provided in the applicable Charter provisions, laws
69 and ordinances of the State of Maryland and the City of Havre de Grace, except as follows:
70

71 (a) The Property is currently given a County zoning destination of R2 on the official
72 zoning maps of Harford County. The zoning designation in the City that the Mayor and City
73 Council shall assign to the Property is R1 as defined in the Havre de Grace Zoning Code.
74

75 (b) City water and sewer is already servicing this Property and after the annexation is
76 final, the property will be charged generally applicable rates and pursuant to conditions generally
77 applicable to other City-owned properties within the corporate boundaries of the City of Havre de
78 Grace. The cost to construct any upgrades to facilities necessary to provide water and sewer
79 service to the Property shall be paid according to the laws, rules, regulations and policies,

80 specifications, standards and approvals (including state and county, if any), existing or required at
81 the time of construction, including any applicable capital cost recovery charges, annexation
82 agreements, public works agreements, or recoupment agreements authorized under the Annexation
83 Resolution, and in accordance with the Annexation Plan adopted under Calendar Resolution 2023-
84 20 attached hereto and marked **Exhibit B**.

85
86 (c) The Mayor and City Council of Havre de Grace, Maryland acknowledge that a legal
87 description of the Property has been prepared by a professional engineer and reviewed by the City.
88

89 (d) The terms and conditions of this Charter Resolution are consistent with the
90 Annexation Policy of the Mayor and City Council of Havre de Grace, Maryland established by
91 City Code Section 20 (“Annexation Policy”), a copy of which is attached hereto as **Exhibit C**.
92

93 SECTION 3. AND BE IT FURTHER RESOLVED that, promptly after the introduction
94 and first reading of this Charter Resolution by the Mayor and City Council of Havre de Grace,
95 Maryland, the Director of Administration shall create a public notice, briefly and accurately
96 describing the proposed change and the conditions and circumstances applicable. The aforesaid
97 notice shall be published two (2) times at not less than weekly intervals in a newspaper or
98 newspapers of general circulation in the City of Havre de Grace and the area to be annexed, as the
99 area to be annexed is less than 25 acres. The aforesaid public notice shall state a time, not less
100 than fifteen (15) days after the second (2nd) publication thereof and not less than 30 days after the
101 Annexation Plan described in Calendar Resolution 2023-20 is approved, provided to the regional
102 and national planning agencies, and the place within the City of Havre de Grace at which a public
103 hearing shall be held to consider public comment to consider this Charter Resolution. The public
104 hearing may be continued or rescheduled in accordance with the requirements set forth in Local
105 Government Article of the Annotated Code of Maryland. Immediately upon the first publication
106 of the specified public notice, a copy of the public notice and other relevant documents shall be
107 provided to the Harford County Council, the Harford County Executive, the Director of the
108 Harford County Department of Planning and Zoning, the Planning Commission of the City of
109 Havre de Grace, and to any other regional or state planning agency having jurisdiction over the
110 property.
111

112 SECTION 4. AND BE IT FURTHER RESOLVED that, this Charter Resolution shall
113 become effective forty-five (45) days after its enactment by the Mayor and City Council of Havre
114 de Grace, Maryland, provided that after the public hearing this Charter Resolution is read and
115 passed by an affirmative vote of a majority of the Council members present at a second reading of
116 the Charter Resolution at a regular City Council meeting after the conclusion of the public hearing
117 and any continuation thereof as prescribed by the Local Government Article Section 4-407 of the
118 Annotated Code of Maryland (as amended) and also provided that a proper petition for referendum
119 calling for an election related to the annexation is not filed as permitted by law.
120

121 SECTION 5. AND BE IT FURTHER RESOLVED that, if any section, subsection,
122 paragraph, sentence, clause, phrase or word of this Resolution or its application to any person or
123 circumstances is held invalid by any court of competent jurisdiction, the remaining sections,
124 subsections, paragraphs, sentences, clauses, phrases, and words of this Resolution, or the

**CHARTER Resolution No. 298
(Annexation)**

125 application of the provision to other persons or circumstances then in effect, shall continue in full
126 force and effect.

127
128 SECTION 6. AND BE IT FURTHER RESOLVED, by the Mayor and City Council of
129 Havre de Grace, Maryland, that the Director of Planning shall promptly register the original and
130 the new corporate boundaries of the City of Havre de Grace with the Clerk of the Circuit Court of
131 Harford County and the Department of Legislative Reference for the State of Maryland when this
132 Resolution takes effect.

133
134 SECTION 7. AND BE IT FURTHER RESOLVED, by the City Council of Havre de
135 Grace, Maryland that the Mayor is authorized to enter into an Annexation Agreement and/or Public
136 Works Agreement with the recommendation of the Director of Planning Director of the
137 Department of Public Works, and after for legal sufficiency by the City Attorney, to implement
138 the purposes of this Charter Resolution and the Annexation Plan.

139
140 Introduced by the City Council and attested the Director of Administration this 20th day of
141 November, 2023.

142
143
144 ATTEST: THE MAYOR AND CITY COUNCIL
145 OF HAVRE DE GRACE, MARYLAND

146
147 _____
148 Stephen J. Gamatoria William T. Martin
149 Director of Administration Mayor

150
151
152 Introduced: 11/20/2023
153 Public Hearing
154 Second Reading:
155 Adoption/Enactment:
156 Adopted/Effective Date (45 days after enactment if no referendum):

157
158 Attachments:
159 Exhibit A – Property Description
160 Exhibit B – Resolution 2023-20 – Annexation Plan
161 Exhibit C – City Code Section 20 – Annexation Policy

Exhibit A

Property Description of Land

To be Annexed into the City of Havre de Grace

1419 Chapel Road

Consisting of 15,725 Square Feet More or Less

Beginning for the same at a point on the northerly side of the road leading from Havre de Grace to Wesleyan Chapel, known as Chapel Road distant fifteen feet northwesterly from the southwesterly corner of the lot heretofore conveyed by deed from G. Arnold Pfaffenbach to William Ellsworth Fletcher and Minnie L. Fletcher, his wife, dated July 14, 1951 and recorded among the Land Records of Harford County in Liber G.R.G. 359, Folio 508; and running thence parallel with the westerly line of said lot conveyed by deed to William Ellsworth Fletcher and Minnie L. Fletcher, his wife, as aforesaid North 7° 05' East 185 feet to a point; thence parallel with the northerly side of Chapel Road North 82° 50' West 85 feet to a point; thence parallel with the aforesaid lot heretofore conveyed by deed from G. Arnold Pfaffenbach to William Ellsworth Fletcher and Minnie L. Fletcher, his wife, South 7° 05' West 185 feet to the northerly side of Chapel Road, thence with the northerly side of Chapel Road South 82° 50' East 85 feet to the place of beginning.

Exhibit B

Resolution No. 2023-20

CITY COUNCIL
OF
HAVRE DE GRACE, MARYLAND

RESOLUTION NO. 2023-20

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 THE PROPERTY KNOWN AS 1419 CHAPEL ROAD CONSISTING OF A TOTAL OF 15,725 SQUARE FEET MORE OR LESS

WHEREAS, the Mayor and City Council of Havre de Grace ("City") seeks to annex certain Property located at 1419 Chapel Road, consisting of 15,725 sq. ft. more or less, and adopt this Annexation Plan in furtherance of the proposed Charter Resolution for Annexation ("Charter Resolution" or "Annexation Resolution"); and

WHEREAS, the property to be annexed consists of 15,725, sq. ft. more or less located on the north side of Chapel Road westbound, 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 will not create an enclave;

WHEREAS, the annexation is consistent with the Municipal Growth Element of the City's 2010 Comprehensive Plan, and specifically the annexation of properties on a case-by-case basis along Chapel Road between Tydings Road and Shawnee Brooke Drive;

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 1419 CHAPEL ROAD FOR A TOTAL OF 15,725 sq. ft. MORE OR LESS

1. Introduction. The property proposed to be annexed in this Plan is a residential lot situated along the north side of the westbound lane of Chapel Road at the entrance to the residential community known as Gracecroft (although it is not formerly part of Gracecroft, having been in place prior to the establishment of that development). For

1

Resolution No. 2023-20

A. Ishak – 11/15/2023

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(Annexation)**

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identification purposes, the Property being annexed consists of one parcel known as 1419 Chapel Road, with the total land area being 15,725 sq. ft., more or less, (the "Property"). The Property to be annexed is reflected on the property description and survey attached as **Exhibit A** and is more particularly described in the following deed filed among the Land Records of Harford County:

1419 Chapel Road, Tax Map 44, Grid 3F, Parcel 246, Account ID No. 06-005667, and described in a Deed dated April 7, 2017 and recorded among the Land Records of Harford County, Maryland, in Liber/Book 12343, folio/page 432, from Dennis M. Moore and Marilee F. Moore to Christopher Skelley and Iris Skelley, husband and wife.

2. Current Conditions. Currently there is one residence located on the Property and two resident voters. The Property to be annexed is serviced by City water and sewer and currently has a private trash service. The property owner has requested the proposed annexation of the Property.
3. Current Zoning. The Property is currently zoned R2 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 use as an owner-occupied single-family residence.
5. Proposed Zoning. Proposed zoning for the Property will be R1. No amendment to the City's zoning code will be required for the continued use as currently proposed. 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 that any public easements to be dedicated to the City for purposes of access to any portion of the public water/sewer line which may run through or along the annexed Property may be required. The current annexation plan shall be reviewed for anticipated infrastructure needs. As for water and sewer capacity, the City currently has the water and sewer capacity for this the Property and the owner will be required to pay for all required connection and capital cost recovery fees set forth in the City Code for any new connections. In addition, 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 or building permit is approved for such subsequent development of the property, water and sewer capacity for increased or new demand and use remain uncommitted and not guaranteed. Water and/or sewer line upgrades for future increased use must be paid by the owner of the parcel 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

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(Annexation)**

Resolution No. 2023-20

upgrades, 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 Agreement, and/or Public Works Agreement, or separate agreements for capital cost recoupment that may be recorded among the Land Record for Harford County. After the effective date of the annexation, the water and sewer charges will be commensurate with the fees charged to citizens of Havre de Grace which will be prorated from the effective date through the end of the first quarterly billing cycle.

7. Trash Removal. Once annexed, the Property will be serviced by the City's trash removal services and will be charged for all applicable for the tipping fee on the quarterly water/sewer bill.
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 to the current single family residential use. 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.
11. EMS. EMS protection shall be provided to the Property by the Havre de Grace Ambulance Corps, Inc. and Harford County Emergency Services 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. The municipal services contemplated by this Annexation shall be provided at such time as the Annexation Resolution (Charter Resolution) becomes final after the time for referendum has expired.

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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 the 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 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 Resolution).

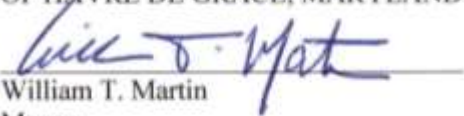
NOW THEREFORE, it is this 20th day of November, 2023 determined, decided and resolved by the Mayor and City Council:

1. To adopt the Annexation Plan set forth herein.
2. To introduce the Charter Resolution (Annexation Resolution) at the November 20, 2023 City Council meeting;
3. To hold a hearing on the Charter Resolution (Annexation Resolution) on January 2, 2024 at 7 p.m.

ADOPTED by the City Council of Havre de Grace, Maryland this 20th day of November, 2023.

ATTEST:


Stephen J. Gamatoria
Director of Administration

THE MAYOR AND CITY COUNCIL
OF HAVRE DE GRACE, MARYLAND

William T. Martin
Mayor

Introduced: 11/20/2023
Passed/Adopted: 11/20/2023
Effective Date: 11/22/2023

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

Exhibit A

Property Description of Land

To be Annexed into the City of Havre de Grace

1419 Chapel Road

Consisting of 15,725 Square Feet More or Less

Beginning for the same at a point on the northerly side of the road leading from Havre de Grace to Wesleyan Chapel, known as Chapel Road distant fifteen feet northwesterly from the southwesterly corner of the lot heretofore conveyed by deed from G. Arnold Pfaffenbach to William Ellsworth Fletcher and Minnie L. Fletcher, his wife, dated July 14, 1951 and recorded among the Land Records of Harford County in Liber G.R.G. 359, Folio 508; and running thence parallel with the westerly line of said lot conveyed by deed to William Ellsworth Fletcher and Minnie L. Fletcher, his wife, as aforesaid North 7° 05' East 185 feet to a point; thence parallel with the northerly side of Chapel Road North 82° 50' West 85 feet to a point; thence parallel with the aforesaid lot heretofore conveyed by deed from G. Arnold Pfaffenbach to William Ellsworth Fletcher and Minnie L. Fletcher, his wife, South 7° 05' West 185 feet to the northerly side of Chapel Road, thence with the northerly side of Chapel Road South 82° 50' East 85 feet to the place of beginning.

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.