

**Exhibit A.** City of Havre de Grace Planning Department Letter Dated February 27, 2026, Re: The Green Properties – The Legacies – Revised Final FCP-2026, Approving “Revised Forest Conservation Plan – Remaining Lands of Green – Partial Subdivision of the Green Property – City of Havre de Grace, MD”



**Exhibit B.** “Revised Forest Conservation Plan – Remaining Lands of Green – Partial Subdivision of the Green Property – City of Havre de Grace, MD” dated 04/24/2024, revised 02/04/2026

**Exhibit C. CITY COUNCIL OF HAVRE DE GRACE, MARYLAND RESOLUTION NO. 2020- 16 (as Amended) including Single Concept Plan and Staff Report**

CITY COUNCIL  
OF  
HAVRE DE GRACE, MARYLAND

RESOLUTION NO. 2020-16  
(as Amended)

Introduced by \_\_\_\_\_ Council Member Ringsaker

**A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE, MARYLAND, PURSUANT TO ARTICLE XI-E OF THE MARYLAND CONSTITUTION, THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AND CITY CHARTER SECTIONS 33 AND 34 TO APPROVE A SINGLE CONCEPT PLAN FOR THE GREEN, IANNIELLO AND PATRONE PROPERTIES AS REQUIRED BY ANNEXATION RESOLUTION 277 (AS AMENDED)**

**WHEREAS**, the City Council adopted Annexation Resolution 277 (as amended) on April 21, 2014, which became effective on June 5, 2014 (“AR 277” or “Annexation Resolution”), assigning the Residential Business RB zoning designation (“RB Zoning”) to the Green, Ianniello and Patrone properties (“Property”), subject to certain conditions; and

**WHEREAS**, pursuant to Section 2 of the Annexation Resolution, all zoning designations are provided on the condition that prior to the submission of any site plan for the Property, the owners/developers shall have previously submitted a concept plan for the Property to the Mayor and City Council for approval by the Mayor and City Council by resolution.” (“Concept Plan”); and

**WHEREAS**, the “single concept plan shall show proposed uses with not less than one-quarter of the property use for open space, and the remaining balance of the Property distributed between residential uses and business uses, with no more than two-thirds (2/3) of the remaining balance devoted to either one use”; and

**WHEREAS**, the single Concept Plan shall also show a 5-acre public park to be dedicated to the City, an extension and construction of the Lower Susquehanna Heritage Greenway Trail, and a road network connecting to the Scenic Manor subdivision; and

**WHEREAS**, the owners of the respective properties jointly submitted a single Concept Plan to the Director of Planning on or about March 10, 2020 for review by the Department of Planning; and

**WHEREAS**, the Director of Planning issued a Staff Report dated July 14, 2020 and made a presentation to the City Council on July 20, 2020 recommending approval of the Concept

Plan on the terms and conditions set forth therein and noting that all AR 277 conditions had been met; and

**WHEREAS**, the City Council held a public work session on July 27, 2020 to consider concerns raised by one of the property owners; and

**WHEREAS**, after consideration of the concerns raised, the City Council requested further review of certain issues; and

**WHEREAS**, the City Council voted to approve the Concept Plan at a Council Meeting on August 3, 2020, based on the recommendation of the Director of Planning and the City Attorney that the requirements of AR277 had been met, as well as the apparent agreement among the parties; and

**WHEREAS**, unknown to the City Council at the time of the August 3, 2020 Council meeting, one of the properties known as Sion Hill had been sold to a third party prior to the Council vote, and the Council wanted additional time to consider the legal effect of this change in ownership; and

**WHEREAS**, at the Council meeting on August 17, 2020, the Council unanimously approved a motion for reconsideration of this Resolution 2020-16, and then immediately tabled consideration of this Resolution 2020-16 to a later date to allow for further review by the City Attorney, Director of Planning, and the parties due to the change in ownership; and

**WHEREAS**, the respective parties, including the new owner of Sion Hill, revised the Concept Plan, which has been modified (“Modified Concept Plan”) (Exhibit A) and submitted to the City to reflect a survey of the Sion Hill property (Exhibit B) and a realignment of certain proposed public roads solely to account for the surveyed property lines of Sion Hill, and the changed access point of Road C to Bulle Rock Parkway due to wetland issues, and

**WHEREAS**, the new owner of Sion Hill has now joined with the other owners in submitting a single Concept Plan to the City Council for approval pursuant to the terms of Annexation Resolution 277 (as amended); and

**WHEREAS**, based on review of the Modified Concept Plan and the recommendation of the Director of Planning and City Attorney, the Council is satisfied that the conditions for the Concept Plan set forth in AR 277 have been met, and the parties now have a path forward to develop their respective properties.

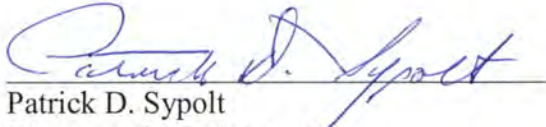
**NOW THEREFORE**, it is determined, decided, and resolved by the City Council that the Modified Concept Plan for the Green/Ianniello/Patrone properties as amended November 2, 2020 is hereby approved.

ADOPTED by the City Council of Havre de Grace, Maryland this 2<sup>nd</sup> day of November, 2020.

SIGNED by the Mayor and attested by the Director of Administration this 16<sup>th</sup> day of November, 2020.

ATTEST:

THE MAYOR AND CITY COUNCIL  
OF HAVRE DE GRACE, MARYLAND

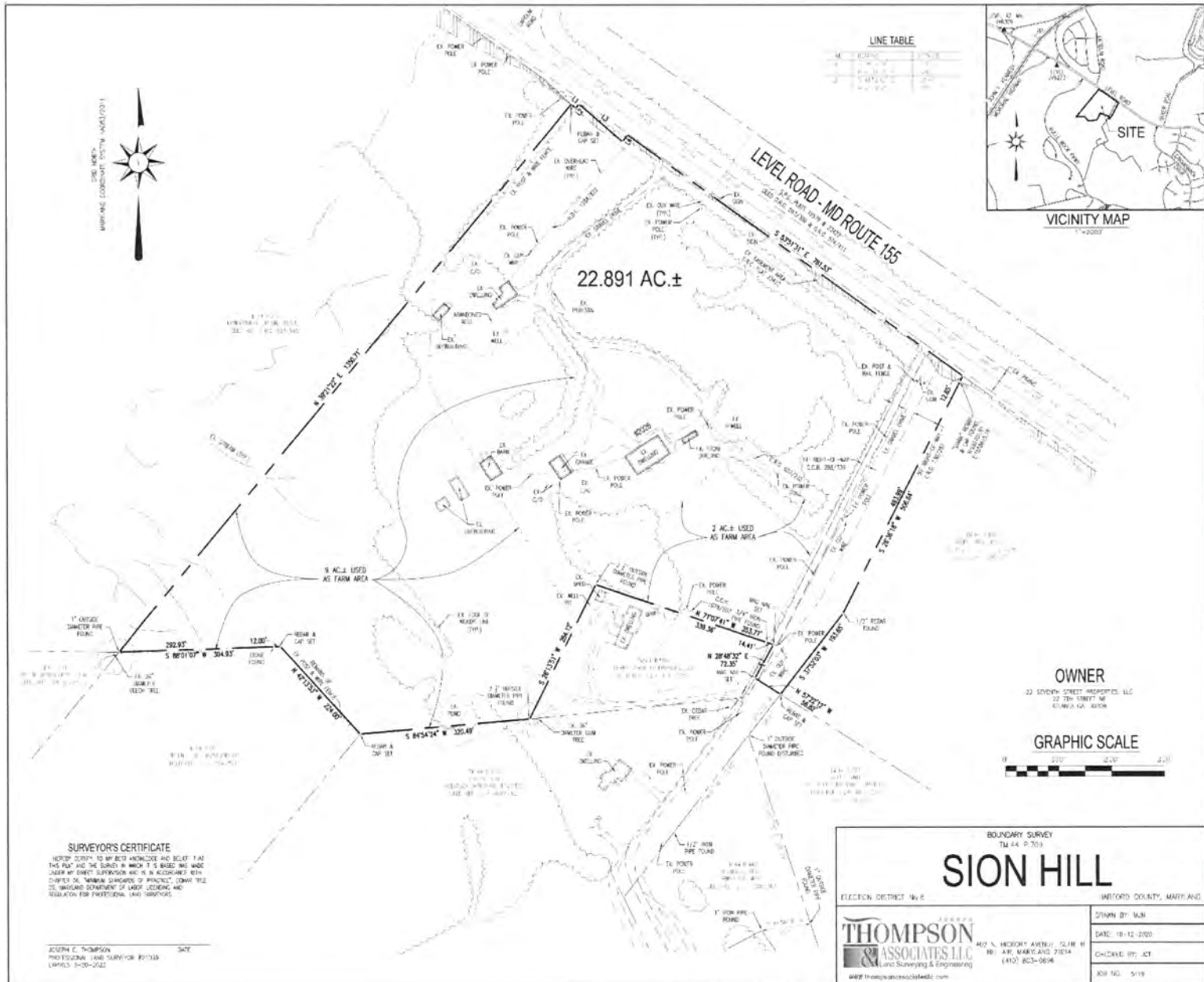
  
Patrick D. Sypolt  
Director of Administration

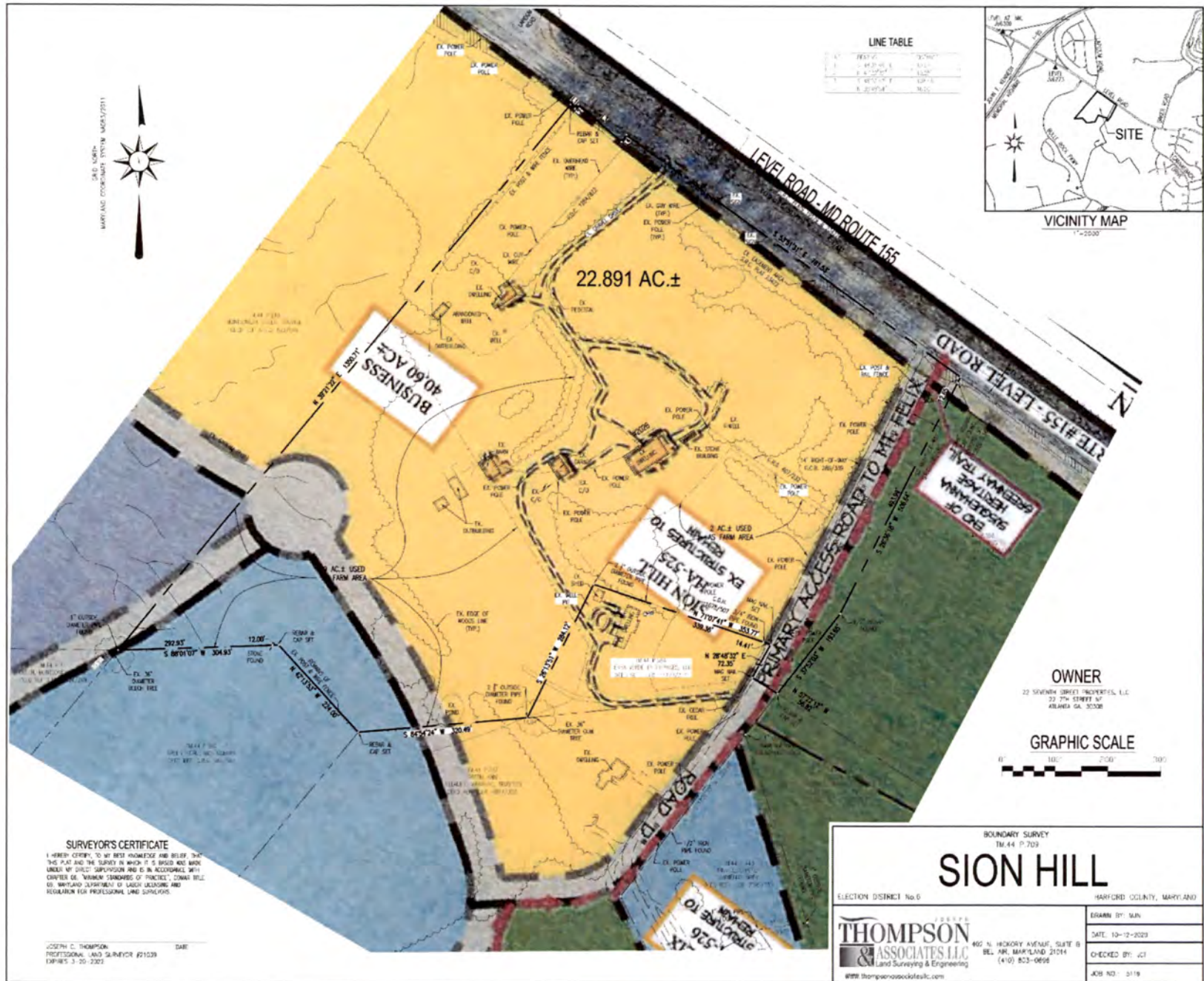
  
William T. Martin  
Mayor

Introduced:	08/03/2020
Passed/Adopted:	08/03/2020
Reconsideration:	08/17/2020
Tabled:	08/17/2020
Removed from Table:	11/02/2020
Reconsideration Denied:	11/02/2020
Motion to Amend:	11/02/2020
Passed/Adopted as Amended:	11/02/2020
Effective Date:	11/16/2020



# Exhibit B







CITY COUNCIL  
OF  
HAVRE DE GRACE, MARYLAND

RESOLUTION NO. 2020-16

Introduced by \_\_\_\_\_ Council Member Ringsaker

**A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE, MARYLAND, PURSUANT TO ARTICLE XI-E OF THE MARYLAND CONSTITUTION, THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AND CITY CHARTER SECTIONS 33 AND 34 TO APPROVE A SINGLE CONCEPT PLAN FOR THE GREEN, IANNIELLO AND PATRONE PROPERTIES AS REQUIRED BY ANNEXATION RESOLUTION 277 (AS AMENDED)**

**WHEREAS**, the City Council adopted Annexation Resolution 277 (as amended) on April 21, 2014, which became effective on June 5, 2014 (“AR 277” or “Annexation Resolution”), assigning the Residential Business RB zoning designation (“RB Zoning”) to the Green, Ianniello and Patrone properties (“Property”), subject to certain conditions; and

**WHEREAS**, pursuant to Section 2 of the Annexation Resolution, all zoning designations are provided on the condition that prior to the submission of any site plan for the Property, the owners/developers shall have previously submitted a concept plan for the Property to the Mayor and City Council for approval by the Mayor and City Council by resolution.” (“Concept Plan”); and

**WHEREAS**, the “single concept plan shall show proposed uses with not less than one-quarter of the property use for open space, and the remaining balance of the Property distributed between residential uses and business uses, with no more than two-thirds (2/3) of the remaining balance devoted to either one use”; and

**WHEREAS**, the single Concept Plan shall also show a 5-acre public park to be dedicated to the City, an extension and construction of the Lower Susquehanna Heritage Greenway Trail, and a road network connecting to the Scenic Manor subdivision; and

**WHEREAS**, the owners of the respective properties jointly submitted a single Concept Plan to the Director of Planning on or about March 10, 2020 for review by the Department of Planning; and

**WHEREAS**, the Director of Planning issued a Staff Report dated July 14, 2020 and made a presentation to the City Council on July 20, 2020 recommending approval of the Concept

Plan on the terms and conditions set forth therein and noting that all AR 277 conditions had been met; and

**WHEREAS**, the City Council held a public work session on July 27, 2020 to consider concerns raised by one of the property owners; and

**WHEREAS**, after consideration of the concerns raised, the City Council requested the Staff Report be amended to address certain issues; and

**WHEREAS**, the Staff Report was amended on July 29, 2020 to reflect the Council’s deliberations in addressing those issues (“Amended Staff Report”) (Attached as Exhibit A); and

**WHEREAS**, based on review of Concept Plan and the Amended Staff Report, the Council is satisfied that the conditions for the Concept Plan set forth in AR 277 have been met, and the parties now have a path forward to develop their respective properties.


**NOW THEREFORE**, it is determined, decided, and resolved by the Mayor and City Council that the Concept Plan for the Green/Ianniello/Patrone properties dated March 10, 2020 is hereby approved.

ADOPTED by the City Council of Havre de Grace, Maryland this 3<sup>rd</sup> day of August, 2020.

SIGNED by the Mayor and Attested by the Director of Administration this 4<sup>th</sup> day of August, 2020.

ATTEST:

THE MAYOR AND CITY COUNCIL  
OF HAVRE DE GRACE, MARYLAND

  
Patrick D. Sypolt  
Director of Administration

  
William T. Martin  
Mayor

Introduced: 08/03/2020

Passed/Adopted: 08/03/2020

Effective Date: 08/03/2020



# Exhibit A

## City of Havre de Grace

711 PENNINGTON AVENUE, HAVRE DE GRACE, MARYLAND 21078

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July 31, 2020

### REVISED DEPARTMENT OF PLANNING STAFF REPORT

**PERMIT NO.** 20200249

**PROJECT:** Green-Ianniello-Patrone Single Concept Plan

**APPLICANTS/OWNERS:**

Owner	Tax ID	Legal Description	Acreage	Parcel
Estate of Charlotte Patrone	6006108	1715 Chapel Road	4.21	238
Peter J. & Mary C. Ianniello	6003133	2000 Level Road	13.96	443
Tierra Verde Enterprises LLC	6003605	2000-D Level Road	1.59	584
Ann W. Green	6003737	2010 Level Road	110.55	237
Marianne Hellauer Schmitt Trustee	6078478	2026 Level Road	22.77	709
Ann W. Green Trustee	6003729	Level Road	18.95	198
Montgomery C. M. Green et al	6003664	Off W S Level Road	15.01	697
Montgomery C. M. Green	6003710	S S Route 155	13.54	311
Montgomery M. Green Trustee	6003702	W S Level Road	33.32	<del>333</del>

P. 210  
SPG 9/8/2020

**LOCATION:** South side of Level Road (MD Route 155) and east side of Bulle Rock Parkway  
Tax Map: 602 / Parcel: 1504

**ACREAGE:** 233.9+/- acres total

**ZONING:** RB/Residential Business District

**DATE FILED:** March 18, 2020

**PUBLIC MEETINGS:** Planning Commission: 5/19/2020  
Mayor and City Council: 7/20/2020

**1. APPLICANTS' REQUEST:**

Approval of Single Concept Plan ("Concept Plan") by Mayor and City Council in accordance with the requirements of Annexation Resolution No. 277 ("AR277" or "Annexation Resolution"). The Concept Plan and a copy of AR277 are attached to this Staff Report (Attachments 1 and 2).

For the purposes of this Staff Report, all those parcels not owned by Ianniello or Patrone shall be known collectively as the "Green Property".

**2. ZONING & ADJACENT USES:**

The subject parcels are all zoned RB/Residential District as shown on the enclosed copy of the Zoning Map. The undeveloped parcels on the west side of Bulle Rock Parkway are zoned MOE/Mixed Office Employment District and are not subject to the single concept plan requirement under AR277. The single-family dwellings within Bulle Rock on the west side of the Parkway are zoned R1/Urban Residential District. The Scenic Manor single-family residential subdivision abuts the Patrone and Green Properties to the south and is zoned R1. The Grace Harbour subdivision abuts the Green Property to the east and is zoned R1 and R2. The Grace Harbour subdivision contains a mixture of single-family dwellings, townhomes and condominiums. The parcels on the north side of Level Road are outside the City and are owned by the Arundel Corporation (Vulcan Materials). The parcels are zoned R1/Urban Residential District under county zoning. The Vulcan Materials quarrying operation is located on parcels adjacent to those fronting Level Road. The Susquehanna Hills subdivision, also outside the City limits, is located on the west side of Lapidum Road and is similarly zoned R1 under county zoning. Attached to this report is a copy of the zoning map showing the surrounding area (Attachment 3).

**3. EXISTING LAND USE & ENVIRONMENTAL FEATURES:**

The Green Property comprises 171.2+/- acres of the overall tract and is currently an active farming operation with pastures and cropland. The property is improved with five (5) dwellings and various agricultural accessory building such as barns and silos. The historic dwelling known as Sion Hill (HA-25) is located on the Green Property and will be discussed in further detail later in this report. The Green Property has several thousand feet of road frontage along Level Road and Bulle Rock Parkway. Access to the property is currently from Level Road, with farm lanes accessing Bulle Rock Parkway. Attached to this report are 2019 aerial photos of the Green Property (Attachment 4A-C).

There are environmentally sensitive areas located on the Green Property in the form of streams and associated non-tidal wetlands that are part of the Swan Creek Watershed. Development of the property would be subject to the State's 25-foot buffer required along streams and non-tidal wetlands. Any proposed disturbance to these areas may require the issuance of approvals and permits by the Maryland Department of the Environment (MDE) or the Army Corps of Engineers (ACOE). No mapped 100-Year Floodplain is present on the Green Property. In addition, there are approximately 52+/- acres of mature forest on the Green Property. The

topography of the Green Property ranges from gently to moderately sloping, which is typical in this area of the county. It is important to note that 50 acres of the Green Property are encumbered by a Maryland Environmental Trust (MET) easement. Attached to this report is a topography map with tributaries shown (Attachment 5).

The Ianniello Property is approximately 13.96+/- acres and is the location of the Mount Felix Winery and vineyard. The subject property is improved with the historic dwelling known as Mount Felix (HA-526) which will be discussed in further detail later in this report. There are also several outbuildings associated with the winery. Access to the Ianniello Property is by way of a 50-foot right-of-way from Level Road. Attached to this report are 2019 aerial photos of the Ianniello Property (Attachment 6A-B).

Currently, there does not appear to be any environmentally sensitive areas on the Ianniello Property. However, there are tributaries adjacent to the Ianniello Property and portions of the property are underlain with potentially hydric soils, which may indicate the presence of non-tidal wetlands. Further analysis will be required prior to the submission of site and/or preliminary subdivision plans. While no forest is present on the Ianniello Property, there are several mature trees throughout and landscaping around the dwelling. The topography of the property is gently to moderately sloping, with steep slopes of approximately 15 to 20%, especially adjacent to the historic dwelling. Attached to this report is a topography map with tributaries shown (Attachment 7A-B).

The Patrone Property is approximately 4.21+/- acres in size and is accessed by way of a driveway from Chapel Road. The Patrone Property is improved with three dwellings. The remainder of the property is open lawn and mature forest. Currently, there does not appear to be any environmentally sensitive areas on the Patrone Property. However, there are tributaries adjacent to the Patrone Property and portions of the property are underlain with potentially hydric soils, which may indicate the presence of non-tidal wetlands. Further analysis will be required prior to the submission of site and/or preliminary subdivision plans. Approximately 2.9+/- acres of the property consists of mature forest. The topography of the property is flat to gently sloping. Attached to this report are 2019 aerial photos of the Patrone Property and a topography map (Attachment 8A-B & 9).

The development of these properties will be subject to the Forest Conservation requirements of Chapter 81 of the City Code. The developers of the respective properties will be required to submit separate Forest Stand Delineation (FSD) and Forest Conservation Plan (FCP) for each property prior to submission of any site or preliminary subdivision plans. Environmental features, such as streams, non-tidal wetlands and steep slopes, and existing forest must be shown on the FSD and quantified.

#### **4. LAND USE & COMPREHENSIVE PLAN ANALYSIS:**

The Concept Plan involves nine (9) parcels that are all zoned RB/Residential Business District. The parcels were annexed after the last update to the Comprehensive Plan ("Plan"). In the Plan, the parcels were discussed within the Municipal Growth Element section, which the state

requires in all municipal comprehensive plans. The proposed development is consistent with the Comprehensive Plan and the Municipal Growth Element.

The parcels comprising the Concept Plan were identified as being within a Phased Growth Area in the Plan. The Plan offered the following considerations regarding land use for the relevant parcels at the time of its writing in 2011:

*“Immediately east of the I-95 Interchange parcels (Barker/Abel Annexation, which is currently in City limits) are three parcels owned by the Green family which will abut Bulle Rock Parkway. It is recommended that these parcels be considered for employment uses, if future annexation by the property owner is requested. It is desired that any future development at this location be of a scale and layout that is sensitive to the adjoining Sion Hill National Register Historic Landmark and the Maryland Environmental Trust (MET) conservation parcel. This site should be of a transitional nature between the proposed Employment/Industrial uses directly adjacent to the I-95 Interchange and Sion Hill. A new zoning classification may be necessary to ensure that an appropriate scale of development is achieved. Industrial and retail uses are not recommended at this location. Alignment of Bulle Rock Parkway with Lapidum Road is also desired.”*

The parcels were subsequently zoned RB/Residential Business District upon annexation into the City. The district provides the most flexibility in permitted residential and commercial uses. Although the City desired employment/industrial uses for the parcels prior to annexation, they are now better suited for residential development due to changing trends in employment and significantly diminished demand for office and retail space. There is currently demand for new single-family residential housing, as evidenced by the pace of construction and buildout of the adjacent Scenic Manor development. The Concept Plan does, however, build in flexibility for incorporating a mix of commercial and institutional uses, with 40.6+/- acres of business use proposed along Level Road and Bulle Rock Parkway. In addition, the Green family has designated an additional 28.67+/- acres as “To Be Determined”, which will allow further flexibility to adapt to inevitable market changes and potentially compliment the development of other lands in the area.

## **5. HISTORIC CONTEXT & PRESERVATION:**

The properties annexed under AR277 are unique in that they include two of the remaining examples of large manor estates that surrounded Havre de Grace following the Revolutionary War. As noted on the Concept Plan, the historic structures known as Mount Felix and Sion Hill are intended to be preserved and protected during the development of the properties. Future development of the properties must also consider context sensitive preservation of not only the historic buildings, but the surrounding property and viewsheds.

Sion Hill, the only National Historic Landmark in Harford County, is significant to the nation’s history due to its association with the Rodgers family. The “Father of the American Navy”, Commodore John Rodgers, called Sion Hill his home along with generations of Rodgers descendants. The development of the surrounding property must be designed in a manner that protects the historic structures, their context and viewsheds. The development also presents a

unique opportunity to integrate the past with the present in a complimentary manner while also providing educational and interpretive potential through adaptive reuse strategies.

The City's current Comprehensive Plan offers the following information related to protection of the historic resources of Sion Hill (HA-525) and Mount Felix (HA-526). Attached to this report is additional background information concerning Sion Hill (Attachment 10).

**1). From the Comprehensive Plan, Chapter 3, The Plan narrative description:**

*“Sion Hill is a National Register Historic Landmark, which is the highest recognition that can be applied to any historic structure in the United States. The significance of this structure does not hinge only on the time period in which it was built and its architectural elements, but the significance of the family who inhabited it and their relationship to Revolutionary History, the War of 1812, and later military history. **Maintaining the grounds around Sion Hill and Mount Felix (which is the structure that is located on the rise in the middle of the farm fields, and is also historically significant) is important in terms of preserving the context of these structures and the visual beauty of this entrance into the City. Future use as passive or active open space of the grounds is desired, with a careful preservation of historic structures.**” (p. 3-29)*

**2). From the Comprehensive Plan, Chapter 9, Historic Preservation, Historic Preservation for Rural Properties:**

*“New development is occurring in the outlying rural areas that surround the City. Once grand estates are now becoming residential neighborhoods due to growing population demands and increased development pressures in areas where public infrastructure, such as public water and sewer, already exists. This Comprehensive Plan accommodates growth through annexation of the surrounding large farm tracts. **However, preservation of the historic manor houses with some surrounding acreage (to set historic structures apart from newer homes) is greatly desired during the subdivision and development process.**” (p. 9-11)*

*“Protection of the historic manor houses is important, as they include some excellent examples of various periods in history and are the visible remnants of historically significant families both locally and, in some cases, nationally. Many of these structures have been documented (as denoted by HA, meaning Harford, and a sequence number), and are part of the inventory of historic structures compiled by the Maryland Historical Trust. One structure, Sion Hill, is a National Historic Landmark, the highest designation of historical importance, because of the significance of the various family members in relation to national history.” (p. 9-12)*

*“It is imperative that elected City officials and staff representatives work with the individual property owners during future annexation processes to preserve the important historic assets located on the remaining tracts.” (p. 9-12)*

*“It is also desirable to have outbuildings and some of the land surrounding the main manor housed preserved, so that the original historic setting or context can remain.” (p. 9-16)*

*“It is a policy as outlined in this Comprehensive Plan that the historic resources of these manor houses be preserved. In return for these preservation measures, new development designed to complement the historic resources could be allowed on the remaining acreage. The result would allow for the preservation of historic properties, while allowing additional development opportunities.” (p. 9-16)*

## **6. ANNEXATION CONDITIONS AND REQUIREMENTS:**

The subject parcels were annexed into the City’s corporate limits in 2013 under AR277. The overall tract, consisting of nine (9) parcels, contains 233.9+/- acres based on State Department of Assessments and Annexation records. However, the total acreage of the subject parcels is 244.37+/- acres based on the metes and bounds description included in the Annexation Plan.

AR277 placed certain conditions and requirements on the development of the subject properties. The conditions and requirements were condensed for brevity and included below. The Department of Planning has provided commentary concerning each condition or requirement.

- a. *All zoning designations are provided on the condition that prior to the submission of any site plan for the property, the owner/developers shall have previously submitted a concept plan for the property to the Mayor and City Council for approval by the Mayor and City Council by resolution.*

The parties have jointly submitted a Concept Plan for consideration by the Mayor and City Council. The Concept Plan was forwarded to the Planning Commission for review and comment. The Commission’s comments are attached to this Staff Report (Attachment 11).

- b. *The Concept Plan shall show proposed uses.*

The Concept Plan shows a general distribution of land uses and road network that will serve the future development of the subject properties. Land uses include residential, commercial and open space.

- c. *Not less than one quarter of the property used for open space.*

Based on the 244.37+/- acres, the development of the overall tract requires a total of 61.1 acres of open space. A total of 50 acres of the Green Property is encumbered by a Maryland Environmental Trust Easement (MET). The 50-acre MET easement can be counted towards the open space requirement per a written opinion by a former City Attorney dated December 6, 2018 (Attachment 12). The Concept Plan also proposes a 5-acre park in accordance with another requirement of the Annexation Resolution.

In addition, the Annexation Resolution requires the construction of a 6-foot wide paved trail as part of an extension of the Lower Susquehanna Greenway that will connect Level Road to Chapel Road. The trail is shown conceptually on the plan; however, the final alignment of the trail will be determined during detailed engineering and site design. The

acreage of the trail will be counted towards the open space requirement. It is likely that additional open space areas will be necessary to meet the total 61.1-acre requirement, which can be achieved through the development of other amenities such as pocket parks, that should be provided throughout the community in a coordinated fashion.

- d. *Remaining balance of the property distributed between residential uses and business uses, with no more than two-thirds (2/3) of the remaining balance devoted to either one use.*

The allocation of the respective uses amongst the parcels must be determined by a private agreement by the property owners. If the property owners cannot agree upon an allocation, then the requirement would be applied to each of the annexed parcels. The Department of Planning recommends that this requirement be removed. In 2013, the City Council relied on certain assumptions regarding development of these properties and the University of Maryland-Upper Chesapeake Health (UM-UCH) property located on the west side of Bulle Rock Parkway. The demand for commercial space has significantly diminished since 2013, and the future development of the UM-UCH property is unknown at this time. Therefore, it is the opinion of the Department of Planning that the market should determine the appropriate uses for the subject property. Further, the RB zoning of the subject property allows for maximum flexibility in both residential and commercial uses.

- e. *On the property there shall be “dedicated” to the City a public park five (5) acres in size, exclusive of any area used for parking or stormwater management.*

A 5-acre centrally located park is shown on the Concept Plan. The park must be available for public use and dedicated to the City upon construction of Road ‘C’. Prior to the City accepting the park, a Phase I Environmental Assessment shall be performed by the developer(s) and submitted to the City.

The park shall be graded in a manner that allows for passive recreation. The grading plan for the park shall be approved by the Director of Public Works. The existing structures shown within the 5-acre open space area on the plan shall be demolished by the developer and all debris and material removed from the site prior to dedication. Alternatively, the City may consider a lease agreement request to rehabilitate the structures for adaptive reuse with uses that benefit and are open to the public.

- f. *The public park area may be used to partially satisfy the requirements that one quarter of the property be used for open space.*

See Subsection c above.

- g. *There shall be constructed and dedicated for use by the public, an extension of the Lower Susquehanna Greenway trail by a six-foot wide paved trail that will connect to Level Road to the closest point the property comes Chapel Road. The construction and dedication of the trail connection may be used to partially satisfy the requirement that one quarter of the property be used for open space.*

See Subsection c above.

- h. The road network across the property must reflect a public road connection into the Scenic Manor subdivision allowing for traffic to make access from Scenic Manor to Bulle Rock Parkway.*

The plan demonstrates a road connection to Scenic Manor Drive as well as three other connections to Bulle Rock Parkway. Final alignments will be determined at the time of engineering and design.

- i. Any site plan submitted by any owner must be consistent with the approved Concept Plan.*

The Department of Planning will review each site and preliminary subdivision plans to ensure consistency with the approved Concept Plan. The Planning Commission will also review each plan that is submitted. Certain uses may require review and approval by the Board of Appeals.

- j. The Patrone Property shall retain the right to access Chapel Road until such time an alternative public road access is provided through the Green Property.*

Until such time that an alternative public road access is provided through the Green Property as part of the overall development of the respective properties under the Concept Plan, the Patrone Property shall retain the right to access Chapel Road.

- k. The Ianniello development shall retain the right to access Route 155 utilizing their existing 50-foot easement until such time an alternative public road access is provided through the Green Property.*

Prior to the issuance of a Use and Occupancy Permit for any building on the Ianniello Property, a public road shall be constructed to serve the Ianniello development. The road shall be constructed to Harford County Road Code standards. A full movement access will not be supported at this intersection. The City will recommend to the State Highway Administration (SHA) that a right-in/right-out intersection be constructed. The City's preference is to encourage traffic to be routed to the signalized intersection of Bulle Rock Parkway and MD Route 155.

## **7. PROPOSED ROAD NETWORK, ACCESS & TRAFFIC**

The Concept Plan proposes an internal road network with five (5) access points to existing roads. All proposed roads will be required to be constructed to Harford County Road Code standards. The developer of each project will be required to submit a Traffic Impact Analysis (TIA) to the City for review and approval. The TIA must be prepared in accordance with the County TIA guidelines and approved prior to the submission of site or preliminary subdivision plans, unless the City has adopted specific TIA guidelines.

Access to Level Road (MD Route 155) will be in the location of the existing driveway that serves the Ianniello Property and Green Property (Road "D"). This access will be reviewed and approved by the State Highway Administration (SHA). The Departments of Public Works

and Planning will recommend to the State that the access be right-in/right-out only, as it is preferred that vehicles generally be directed to Bulle Rock Parkway and the controlled access intersection with Level Road. The design of Road “D” should consider the context sensitivity of Sion Hill, Mount Felix and the MET Easement.

As stated previously in this report, Scenic Manor Drive will be extended into the Green Property and connect to the internal road network (Road “A”). The developer shall design the road with consideration to traffic calming and safety. Road “A” is proposed to connect to Bulle Rock Parkway; however, an opportunity exists to connect Road “B” to Chapel Road at the existing 3-way intersection that will improve operational issues at the intersection. The City will initiate discussions with the owner of the property adjacent to the Bulle Rock water tower in order to facilitate the connection during the detailed design phase of the project. Road “B” will be required to be stubbed to the property line of Parcel 296.

There are two other connections proposed along Bulle Rock Parkway; one across from Monarchos Drive (Road “E”) and another approximately 1,000-feet southwest of the Parkway/Level Road intersection (Road “C”). Road “C” must be constructed as a collector road in accordance with Harford County Road Code standards. No residential units will be permitted to directly access Road “C” with driveways. The proposed traffic circle or roundabout shown on the Green Property shall be moved to the south adjacent to the proposed park.

Future site and preliminary subdivision plan submissions shall be generally consistent with the approved Concept Plan. The City acknowledges that road alignments may be adjusted during preliminary engineering and site design. Substantive changes to the road network may require the submission of a revised Concept Plan for review and approval by the Mayor and City Council.

## **8. WATER AND SEWER INFRASTRUCTURE**

The developers of the respective projects will be required to construct water and sewer infrastructure to serve their projects. Water and sewer will be extended from existing mains within the Scenic Manor subdivision. Temporary drainage and utility easements will be required across the Green Property in order to provide service to the Ianniello Property. The temporary easements must be executed between the respective parties and a copy of the executed document forwarded to the City within 90-days of the signing of the Single Concept Plan.

The Department of Public Works is currently performing a study of the water system to determine the necessary infrastructure to serve the entire tract. Significant infrastructure construction and improvements will be necessary to serve the Ianniello Property and the portions of the Green Property to the north and west of the Ianniello Property. At their discretion, the Director of Public Works may require the respective developers of each project to perform additional analysis to determine the phasing of infrastructure and timing of improvements. It is strongly recommended that the developers meet with the Director of

Public Work early in the development of these projects to discuss their proposals, construction timelines and the parameters of any required analyses.

## **9. SCHOOLS**

The development of the subject properties for residential uses will generate pupils that will attend Meadowvale Elementary School and the new Havre de Grace Middle-High School based on the Board of Education's current school districts.

## **10. RECOMMENDED CONDITIONS OF APPROVAL**

The Concept Plan was reviewed by the Departments of Planning and Public Works. The plan was also reviewed by the Planning Commission at a work session on May 19, 2020. Attached to this report is a memo outlining the Commission's recommendations to the Mayor and City Council (Attachment 9). It is important to note that the Commission's recommendations may differ or conflict with the recommendations of the Departments of Planning and Public Works.

The Department of Planning recommends approval of the Concept Plan subject to the conditions outlined below. The Departments of Planning and Public Works will recommend more specific conditions of approval to the Planning Commission, and Board of Appeals if applicable, at the time site and/or preliminary subdivision plans are submitted for formal review. The recommended conditions are as follows:

### **Department of Planning**

1. In acknowledging their agreement to the terms and conditions of approval of the Concept Plan by the Mayor and City Council, all parties shall sign the Concept Plan and return the original signed document to the Department of Planning within 30-days of approval.
2. A temporary drainage and utility easement is required across the Green Property to serve the Ianniello Property with water and sewer should the development of the Ianniello Property move forward first. The temporary easement is delineated on the Concept Plan. The easement must be fully executed by the parties and a copy of the executed easement agreement forwarded to the City within 90-days of approval of the Concept Plan.
3. The Department of Planning encourages the developers to utilize innovative concepts or incorporate New Urbanist or Traditional Neighborhood Design Principles (TND) in the design of their project. The Department of Planning may propose amendments to the zoning code necessary to accommodate innovative designs that will enhance the development; such as reduced front yard setbacks to encourage a "town" aesthetic and reduced parking requirements.
4. The density for any project that is not presently listed as a permitted or conditional use in the City Code will be addressed as part of the Department of Planning's review process prior to the submission of subdivision or site plans for review by the Board of Appeals and/or Planning Commission.

5. Landscaping plans are required for each project and must be approved by the Department of Planning. If the Mayor and City Council have not adopted a landscape ordinance prior to submission of site or preliminary subdivision plans, then the following requirements shall apply.
  - a. Street trees are required along each side of a public road at a spacing of one (1) tree per 30-feet for small trees, and 50-feet for large trees. Street trees shall be planted on residential and commercial lots and not within the right-of-way, except for trees along Road 'A' which may be within the right-of-way subject to approval by the Department of Public Works.
  - b. For Road 'A', trees may be planted in a center median in lieu of planting on both sides of the road if a median is proposed.
  - c. Tree species are subject to approval by the Department of Planning.
6. All streetlighting within the each development project shall be coordinated and consistent. Light poles shall utilize designs that are attractive and complimentary to the historic structures. All internal lighting within a project shall be designed so that lighting is shielded and directed down and away from adjacent properties. Dark-sky friendly lighting practices will be required in all projects.
7. Within 18-months of approval of the Concept Plan, the Green family or their developer shall complete a Phase I Environmental Assessment for the 5-acre area to be dedicated to the City as a public park. The area of the proposed park has historically been used for agricultural operations. If the Assessment determines that remediation of the 5-acres is necessary, then the Green family or their developer shall provide a cost estimate for the remediation to the City. A performance bond in an amount equal to the remediation costs shall be posted with the City. All remediation work shall be completed prior to the dedication of the park to the City. A Public Works Agreement (PWA) will be prepared by the City that shall be executed at the time of submission of the remediation bond. The PWA shall provide for the timing and expectation of improvements; including the demolition of existing structures, grading, stabilization and opening to public use. Alternatively, the Green family or their developer may recommend another location for the 5-acre public park subject to the City's approval.
8. The 5-acre public park must be dedicated in-fee to the City of Havre de Grace and accessible to the public by a public road prior to the issuance of a building permit for the 251<sup>st</sup> cumulative unit between the Green-Ianniello-Patrone properties. The park shall be graded in a manner that allows for passive recreation. The grading plan for the park shall be approved by the Director of Public Works. The existing structures shown within the 5-acre open space area on the plan shall be demolished by the developer and all debris and material removed from the site prior to dedication. Alternatively, the City may consider a

lease agreement request to rehabilitate the structures for adaptive reuse with uses that benefit and are open to the public.

9. The Department of Planning recommends that the Mayor and City Council consider removing the condition of AR277 that required the remaining balance of the property, after determining open space requirements, be distributed between residential uses and business uses, with no more than two-thirds (2/3) of the remaining balance devoted to either one use.
10. No commercial or institutional uses shall be permitted south of the intersection of Monarchos Drive and Bulle Rock Parkway.
11. The City supports the adaptive reuse of Sion Hill with uses that will respect the architecture and history of the dwelling and property. The architecture of any new commercial or multifamily residential buildings within 400-feet of Sion Hill, or within any area labeled as “Business” shall incorporate similar design elements and materials found on the historic dwelling.
12. The City prefers that Sion Hill, its contributing structures and context be permanently preserved through protective easements and covenants while still allowing for adaptive reuse. The Mayor and City Council may consider tax or other incentives to encourage the permanent preservation of the structure.
13. Architectural renderings of any proposed commercial or multifamily buildings shall be submitted to the Department of Planning for review and comment at the time a project is submitted for site plan review. The architecture of the buildings on the Ianniello Property shall incorporate similar design elements found on the historic Mount Felix; such as dormers, porticos and materials such as brick and stone.
14. The design of each development shall consider context sensitivity and viewsheds as they relate to the historic structures on each property.
15. Forest conservation easements and state wetland buffer shall not be located within any residential lots.
16. The Department of Planning encourages the developer of the Patrone Property to consider the establishment of a 20-foot landscaped buffer along the rear of the lots along Scenic Manor Drive. It is recommended that the existing vegetation be maintained within the buffer.
17. The Department of Planning recommends that a 20-foot landscaped buffer be established along Bulle Rock Parkway adjacent to any residential uses. It is recommended that a landscape berm be constructed along Bulle Rock Parkway. 20-foot buffer yards should be established between residential and commercial uses.
18. Construction traffic shall not utilize Scenic Manor Drive at any time during construction.

19. It is likely that rock blasting will be necessary for the development of these properties. If rock blasting is necessary, the developer shall only contract with a licensed blasting contractor. At least 24 hours prior to blasting, the developer or contractor shall notify the City and the HOA's of all adjacent communities.

## **Department of Public Works**

### Roads

1. A Traffic Impact Analysis (TIA) will be required prior to submission of site plans and/or preliminary subdivision plans. The intersections to be studied will be determined by the Departments of Planning and DPW in consultation with the Maryland State Highway Administration (SHA). The TIA shall be prepared in accordance with the County's Traffic Impact Analysis Guidelines, unless the City has adopted an adequate public facilities ordinance with specific guidelines.
2. The proposed roundabout shown on the plan shall be relocated adjacent to the park.
3. Road "C" must be constructed as a collector road in accordance with Harford County Road Code standards. No residential units will be permitted to directly access Road "C" with driveways.
4. The Department of Planning and DPW will not support a full movement road intersection at Road "D" and Maryland Route 155. The City will only support a right-in/right-out only road intersection at MD Route 155. The City will consider a limited number of right-in/right-out driveway entrances to serve future commercial uses along MD Route 155.
5. All roads shall be designed and constructed in accordance with the Harford County Road Code Volumes I and II and dedicated to the City upon completion. All roads shall be inspected by DPW or a consultant approved by the City and found to be in compliance with the Road Code and approved plans prior to acceptance by the City.
6. All intersections on Bulle Rock Parkway and Roads "A", "C", "D" and "E" as well as all public roads to be proposed in the site plans shall meet the Harford County Road Code requirements for stopping and intersection sight distance based on the posted speed limit and design speed limit (10-miles over posted speed).
7. A SHA Access Permit will be required for the intersection of Road "D" and Maryland Route 155.
8. The roundabout on Road "C" shall be designed in accordance with State Highway Design Standards for roundabouts.
9. The City desires to modify the intersection of Bulle Rock Parkway and Chapel Road to improve operations and safety at the intersection. Therefore, the City will require that Road

“B” be stubbed at the property line of Parcel 296 with the intention of the road connecting through to the intersection in the future. The City will consider alternative road alignments for Roads “A”, “B” and “C” during the review of the TIA’s for each development to achieve the most appropriate road network and intersection designs to serve the ultimate buildout of the Green-Ianniello-Patrone properties.

10. All internal driveways and parking areas within the Ianniello Property shall be owned and maintained by the property owner.
11. Upon obtaining final site plan approval and after all bonding requirements of the Public Works Agreement are met, the owner or developer of the Ianniello Property shall be permitted to construct Road D within the existing 50’ Right of Way Easement. If the State Highway Administration denies full access or restricts the intersection at the Level Road/Route 155 entrance to the Ianniello parcel to “right in/right out” movement at Road D, then the owner/developer of the Ianniello Property may design and construct that portion of Road “C” from Bulle Rock Parkway to the intersection with Road D at the public park. Any cost sharing or recoupment for costs associated with the construction of Road C will be documented in the Public Works Agreements for the development of parcels connecting to Road C.

#### Stormwater Management


1. Stormwater Management for any project shall be designed in accordance with the latest Maryland Department of the Environment (MDE) and City of Havre de Grace requirements and regulations.
2. DPW will consider innovative designs that reflect a more creative approach to stormwater management, such as Regenerative Stormwater Conveyance Systems (RSC). The Department will assist the engineer in obtaining the necessary MDE approvals for such designs.

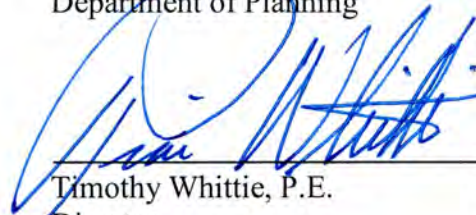
#### Water and Sewer Design

1. All water mains and sewer mains shall be designed in accordance with the Harford County Water and Sewer Design Guidelines and the Harford County Water and Sewer Standard Specifications and Details dated November 10, 2014.
2. All utility easements, including the proposed temporary drainage and utility easement, are subject to approval by the City. PWA’s must be prepared and executed for the construction of all temporary and permanent utilities. All proposed utilities shall be sized for capacity as determined by the Department of Planning and Department of Public Works based upon proposed uses of the properties consistent with the Concept Plan and any subsequently submitted site plans. No party may deny another party’s right to access the temporary or permanent drainage and utility easements as may be necessary to construct public water or sanitary sewer for the development of their respective parcels. .

3. DPW believes that there is presently adequate capacity in the existing water and sewer system for an additional 250 units. Once the 250 unit threshold has been reached between the development of the Green-Patrone and Ianniello properties, a capacity analysis study of the water and sewer distribution system, inclusive of sanitary pump and booster pump stations will be required.
4. For multi-floor apartments, the developer shall perform a flow test to determine what additional improvements to the system will be required to provide adequate domestic service and fire flow, such as booster pumps. The results must be submitted to DPW for review and approval. All required improvements shall be owned and maintained by the property owner.
5. Single-family and townhouse units shall be subject to one capital cost recovery charge per unit. For apartment buildings, the capital cost recovery fees will be calculated using the Commercial Water Fixture Count Application.
6. DPW will require that domestic water and fire meters and backflow preventers be located in the utility closet for each apartment building in lieu of a meter vault. The developer shall execute an agreement with the City granting access to inspect and repair the meters by City staff.
7. The Ianniello development shall utilize the existing sewer system located in Scenic Manor Drive. The utility easements associated with the construction of the sewer from Scenic Manor development to the Ianniello Property shall be deeded to the City. The City will own and maintain the sewer from Scenic Manor Drive to the property line of the Ianniello property.
8. An existing twelve (12) inch water main is located at the end of Scenic Manor Drive. The utility easements associated with the construction of the water line from Scenic Manor Road to the Ianniello property shall be dedicated to the City by special warranty deed. Once the water line is constructed and dedicated, City shall own and maintain the water line from Scenic Manor Drive to the property line of the Ianniello Property.
9. The existing water model required that the buildout of the Green Property will require a 12-inch water line to be constructed from MD Route 155 to the existing water line at Monarchos Drive that dead-ends at Bulle Rock Parkway. The model is presently being updated. If the study demonstrates that the connection will still be necessary, the City will require that a waterline be constructed from MD Route 155 along Road "D" and Road "E", and connect to the twelve (12) inch water line at Monarchos Drive.
10. Several improvements were recommended by a previous water model and sewer study that considered the buildout of the Green Property and the University of Maryland Medical System properties located on the north side of Bulle Rock Parkway. The improvements included upgrades to the pumps at Native Dancer and Bryan Road pump stations, construction of the 12-inch water line from MD Route 155 to Chapel Road, construction of a water tower, upgrades to the booster pumps at the Graceview tank, and replacement

of the water line from along MD Route 155 that serves the Lapidum tank. These improvements are not specifically required at this time, but are described herein for context as it relates to the ultimate buildout of developable properties near the I-95 and MD Route 155 interchange. The Department previously updated the sewer model for this area and is has engaged a consultant to update the water model. DPW will provide additional comments on required improvements once the developers provide more detailed information on total number of units and unit types.

  
\_\_\_\_\_  
Shane P. Grimm, AICP                      7-14-2020  
Deputy Director                              Date  
Department of Planning

  
\_\_\_\_\_  
Timothy Whittie, P.E.                      7-14-2020  
Director    Date  
Department of Public Works

SPG

cc: Mayor and City Council  
Patrick Sypolt, Director of Administration  
Steve Gamatoria, Chief of Staff  
April Ishak, City Attorney  
Tim Whittie P.E., Director, Public Works  
Marisa Willis, CFM, Planning Technician  
Jonathan Green, et al., Owner, Green Property  
Peter Ianniello  
Terrance Nolan, Attorney for Patrone Family



**ANNEXATION RESOLUTION NO. 277**  
**(AS AMENDED)**

**(Charter Amendment — First 2014 Annexation)**

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 WHICH AUTHORIZE THE LEGISLATIVE BODY OF A MUNICIPALITY TO ANNEX PROPERTY, IN THIS CASE PROPERTY BETWEEN CHAPEL ROAD AND LEVEL ROAD AND BY AMENDING THE CHARTER OF THE CITY; SPECIFICALLY APPENDIX A OF THE HAVRE DE GRACE CHARTER BY ADDING "SUBSECTION A.30 THE FIRST 2014 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 BY ANNEXING THE LAND OF ANN W. GREEN, MONTGOMERY C.M. GREEN, ELIZABETH WATTS GREEN, JOHN RODGERS MEIGS GREEN, R. JONATHAN M. GREEN, ANN W. GREEN & MARIANNE SCHMITT HELLAUER TRUSTEES, MONTGOMERY M. GREEN, TRUSTEE, MARIANNE SCHMITT HELLAUER TRUSTEE & 2003 R. JONATHAN M. GREEN SPINOFF TRUSTEE ("GREEN"), PETER J. IANNIELLO & MARY C. IANNIELLO ("IANNIELLO") AND CHARLOTTE PATRONE ("PATRONE") CONSISTING OF A TOTAL OF 244.372 ACRES OF LAND MORE OR LESS ADJOINING THE EXISTING CORPORATE BOUNDARIES OF THE CITY OF HAVRE DE GRACE.

WHEREAS, the requisite owners of the later described land herein have either petitioned for or consented to the annexation of their land into the corporate boundaries of the City of Havre de Grace ("City"); and

**ATTACHMENT 2**

WHEREAS, the land subject to this annexation resolution is eligible for annexation since the land is contiguous to and adjoining the existing corporate boundaries of the City, and the annexation will not create an unincorporated area 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 of the assessed value of the real property to be annexed have petitioned for or consented to the annexation and the signatures on the petitions or consents have been verified and the petitions or consents meets the requirements of Sections 4-403 and 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 previously adopted an Annexation Plan for the Property subject to this Annexation Resolution pursuant to City of Havre de Grace Resolution No. 2013-12 (Ianniello) and Resolution 2013-13 (Green/Patrone); and

WHEREAS, The Mayor and City Council of Havre de Grace, Maryland have determined that the annexation of the 244.372 acres of land more or less, including the land of Green, Patrone and Ianniello is in the best interest of the health and welfare of the citizens of Havre de Grace.

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.30 The First 2014 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 within the area hereby annexed is currently zoned Agricultural in Harford County. The zoning designation in the City that the Mayor and City Council shall assign to the Property is Residential Business RB. The Property shall be zoned RB as defined in the Havre de Grace Zoning Ordinance. Upon the expiration of the five year period of County land use authority after the

passage of the Annexation Resolution, as defined in Local Government Article of the Annotated Code of Maryland Section 4-416 or upon a waiver of this requirement obtained from the Harford County Council by the owners and/or the City, land use shall then be regulated by the City and not Harford County. Notwithstanding the above, should the City create an Agricultural zoning designation during the five year period, two parcels of Green listed in paragraph one (1) and three (3) in Resolution 2013-13, the Annexation Plan for the Green Property, which is attached hereto as part of exhibit B, may be given the City's proposed Agricultural zoning designation with the property owner's consent in lieu of the zoning designation RB. All zoning designations are provided on the condition that prior to the submission of any site plan for the Property, the owners/developers shall have previously submitted a concept plan for the Property to the Mayor and City Council for approval by the Mayor and City Council by resolution. The single concept plan shall show proposed uses with not less than one quarter of the Property used for open space, and the remaining balance of the Property distributed between residential uses and business uses, with no more than two-thirds (2/3) of the remaining balance devoted to either one use. In addition, on the Property there shall be dedicated to the City a public park, five (5) acres in size, exclusive of any area used for parking or storm water management, for use by the

public for leisure and relaxation, akin to Tydings Park in the City along Commerce Street (Public Park). The Public Park area may be used to partially satisfy the requirements that one quarter of the Property be used for open space. Furthermore, on the Property there shall be constructed and dedicated for use by the public an extension of the Lower Susquehanna Heritage Greenway Trail by a six foot wide paved trail that will connect Level Road to the closest point the Property comes to Chapel Road. The construction and dedication of the trail connection may be used to partially satisfy the requirement that one quarter of the Property be used for open space. The road network across the Property must reflect a public road connection into the Scenic Manor subdivision allowing for traffic to make access from Scenic Manor to Bulle Rock Parkway. Other requirements for public facilities will be addressed in the future public works agreement(s). Any site plan submitted by any owner must be consistent with the approved concept plan.

- (b) City water and sewer service shall be provided to the Property at generally applicable rates and pursuant to conditions generally applicable to other properties within the corporate boundaries of the City of Havre de Grace. 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 recoupment agreements, and in accordance with the Annexation Plans attached hereto and marked Exhibit B. In addition to constructing the on-site improvements that are required, the owners of the properties hereby annexed or their heirs, assigns or transferees shall at their own expense construct any off-site public water and sewer lines, and make any improvements to public roads and other facilities as may be required by the City to serve the properties hereby annexed, which lines, improvements and facilities must be approved by, and where appropriate, dedicated to the Mayor and City Council of Havre de Grace, Maryland in accordance with public works agreements to be entered into between the owners and the Mayor and City Council of Havre de Grace, Maryland and which public work agreements must be entered into prior to the submission of any concept plan or site plan for review by the Mayor and City Council. No site plan is authorized to be approved by the City or any City Director -- unless a public works agreement that addresses the construction of adequate public facilities and bonding for the development or construction shown on the plan, has been approved by the Mayor and City Council, and executed by the Mayor and the party seeking approval of the site plan. Annexation agreements addressing costs sharing or recoupment may be entered into by the parties and the Mayor and City Council after passage of this

annexation resolution. Any new recoupment agreement shall be authorized for consideration by the Mayor and City Council only for those facilities that have not yet been dedicated to the City, and which remain with the owner prior to the execution of the recoupment agreement by the City.

(c) The Mayor and City Council of Havre de Grace, Maryland acknowledge that the Petitioners have provided the Mayor and City Council of Havre de Grace, Maryland with a legal description of the Property by an exhibit prepared by their professional engineer.

(d) The terms and conditions of this Resolution shall supersede the Annexation Policy of the Mayor and City Council of Havre de Grace, Maryland established by Resolution 97-7 ("Annexation Policy"), a copy of which is attached hereto as Exhibit C to the extent the Annexation Policy is inconsistent with the terms and conditions of this Resolution.

**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 proposed change and the conditions and circumstances applicable. The aforesaid notice shall be published four (4) 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 greater than 25 acres. The aforesaid public notice shall state a time, not less than fifteen (15) days after the fourth (4<sup>th</sup>) publication thereof, a 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,

(a) For a ten (10) year period after passage of this Annexation Resolution the City is authorized to reduce the City's real property tax bill for each parcel of the Property as follows: year one through year ten -- one hundred percent reduction("ten year waiver period"). Thereafter the regular City real property tax rate shall apply. Notwithstanding the above, should any parcel of the Property be

the subject of a recorded subdivision plat, during the ten year waiver period, then upon the recordation of the plat, the subject parcel shall then be subject to the City's real property tax at the full rate.

**SECTION 5.** 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.

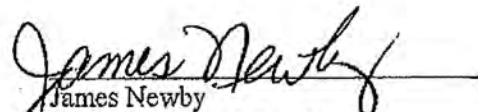
**SECTION 6.** AND BE IT FURTHER RESOLVED that, if any section, subsection, paragraph, sentence, clause, phrase or word of this Resolution or its application to any person or circumstances is held invalid by any court of competent jurisdiction, the remaining sections, subsections, paragraphs, sentences, clauses, phrases, and words of this Resolution, or the application of the provision

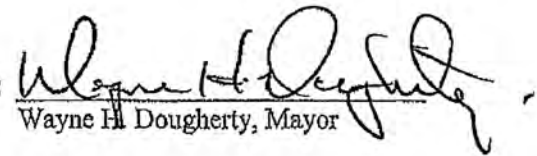
to other persons or circumstances then in effect, shall continue in full force and effect.

**SECTION 7.** 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.

ATTEST:

THE MAYOR AND CITY COUNCIL  
OF HAVRE DE GRACE, MARYLAND

  
James Newby  
Director of Administration

By:   
Wayne H. Dougherty, Mayor

Date Introduced:	December 2, 2013
Dates of Public Hearings:	January 21, 2014, February 3, 2014, April 7, 2014
Date of Second Reading and Adoption, Enacted:	April 21, 2014
Effective Date:	June 5, 2014

List of Exhibits

Exhibit A: Legal Description  
Exhibit B: Annexation Plan Resolution 2013-12 and 2013-13  
Exhibit C: Annexation Policy Resolution 97-7

Subsection A.30 The First 2014 Addition to the City Boundaries

The Corporate Boundaries of The City of Havre de Grace were enlarged to include those certain areas lying contiguous and adjacent to The City of Havre de Grace and are particularly described as follows:

BEGINNING for the same at a point at the intersection of the southeasterly right of way line of Bulle Rock Parkway, 60 feet wide, with the forty-first or South  $28^{\circ} 48' 58''$  West 787.24 foot line of the land described in Resolution No. 225 (Charter Amendment: 2000 Annexation 2<sup>nd</sup> Addition), as recorded among the Land Records of Harford County, Maryland in Charter Amendments of the City of Havre de Grace Liber 1, Page 119, said point also being at the end of the thirteenth or curve to the left with a radius of 720.00 feet and an arc length of 132.24 feet line of the first parcel described in Resolution No. 252 (Charter Amendment: 2006 Annexation), as recorded among the said Land Records in Charter Amendments of the City of Havre de Grace Liber 1, Page 320, said point also being in the northwesterly outline of the land conveyed by and described in a deed and covenant from Montgomery M. Green to Montgomery M. Green, Trustee, dated August 16, 1969 and recorded among the said Land Records in Liber 823, Page 545, thence binding on the said southeasterly right of way line, binding reversely on the thirteenth through ninth lines of the said Resolution No. 252, and binding on the northwesterly outline of the land described in the said deed, as now surveyed, with bearings referred to the Maryland Coordinate System (NAD'83/91), five courses, viz:

1. By a non-tangent curve to the right with a radius of 720.00 feet and an arc length of 132.24 feet, said curve being subtended by a chord bearing North  $66^{\circ} 48' 39''$  East 132.05 feet, to a point of tangency,
2. North  $72^{\circ} 04' 20''$  East 354.56 feet to a point of curvature,
3. By a tangent curve to the left with a radius of 591.72 feet and an arc length of 391.23 feet, said curve being subtended by a chord bearing North  $53^{\circ} 07' 51''$  East 384.15 feet, to a point of tangency,
4. North  $34^{\circ} 11' 22''$  East 199.61 feet, and
5. South  $89^{\circ} 49' 22''$  East 131.07 feet to a point and to intersect the southwesterly right of way line of Level Road, Maryland Route 155, thence binding thereon, and binding in part on the northeasterly outline of the land described in the first mentioned deed, in part on the northeasterly outline of the land conveyed by and described in a deed from Marianne Schmitt Hellauer, Trustee to Marianne Schmitt Hellauer, Trustee, dated June 1, 2004 and recorded among the aforesaid Land Records in Liber 7151, Folio 0351, and in part on the northeasterly outline of the land conveyed by and described in a deed from Ann W. Green, Personal Representative to Ann W. Green, dated February 20, 1995 and recorded among the aforesaid Land Records in Liber 7151, Folio 0336, in all, twelve courses, viz:
6. By a non-tangent curve to the right with a radius of 11425.16 feet and an arc length of 92.96 feet, said curve being subtended by a chord bearing South  $54^{\circ} 24' 56''$  East 92.96 feet, to a point of tangency,

Subsection A.30

Page 2 of 5

7. South  $54^{\circ} 33' 56''$  East 419.19 feet,
8. South  $45^{\circ} 44' 02''$  East 40.45 feet,
9. South  $48^{\circ} 41' 33''$  East 41.19 feet,
10. North  $41^{\circ} 26' 45''$  East 10.05 feet,
11. South  $48^{\circ} 58' 28''$  East 108.46 feet,
12. North  $35^{\circ} 44' 08''$  East 16.00 feet,
13. South  $53^{\circ} 43' 08''$  East 210.01 feet,
14. South  $52^{\circ} 45' 05''$  East 1287.45 feet,
15. North  $35^{\circ} 44' 07''$  East 7.00 feet,
16. By a non-tangent curve to the left with a radius of 1375.00 feet and an arc length of 291.16 feet, said curve being subtended by a chord bearing South  $58^{\circ} 59' 17''$  East 290.62 feet, and
17. By a non-tangent curve to the left with a radius of 2310.59 feet and an arc length of 225.53 feet, said curve being subtended by a chord bearing South  $58^{\circ} 41' 16''$  East 225.44 feet, to a point distant 20 feet northwesterly from the thirty-fourth or North  $45^{\circ} 27' 37''$  East 35.53 foot line of the land described in Resolution No. 138, Subsection A.8. The Third 1987 Addition to the City Boundaries, as recorded among the aforesaid Land Records in Charter Amendments of the City of Havre de Grace Liber 1, Page 35, thence leaving the said Level Road and running parallel to and 20 feet distant northwesterly from the southeasterly outline of the land conveyed by and described in the last mentioned deed and running parallel to and 20 feet distant northwesterly from the said thirty-fourth and the thirty-third lines of the said Subsection A.8,
18. South  $32^{\circ} 38' 56''$  West 835.51 feet, thence continuing to run parallel to and 20 feet distant southwesterly from the existing City Boundaries as described in the aforesaid Resolution No. 138 and in Resolution No. 143, Subsection A.10, The (First) 1995 Addition, as recorded among the aforesaid Land Records in Charter Amendments of the City of Havre de Grace Liber 1, Page 51, and running parallel to and 20 feet distant southwesterly from the northeasterly outline of the land conveyed by and described in a deed from Ann W. Green, Personal Representative of the Estate of Montgomery Meigs Green to Ann W. Green and Marianne Schmitt Hellauer, Trustees u/a Montgomery M. Green - Family Trust, dated November 13, 1995 and recorded among the aforesaid Land Records in Liber 4817, Folio 0302, three courses, viz:
19. South  $23^{\circ} 53' 41''$  East 656.11 feet,
20. South  $24^{\circ} 24' 01''$  East 929.41 feet, and
21. South  $13^{\circ} 21' 12''$  West 19.39 feet to a point and to intersect the southerly outline of the land conveyed by and described in the last mentioned deed and to intersect the third or North  $50^{\circ} 42' 40''$  East 1096.67 foot line of Resolution No. 243, Subsection A.22, The 2003 Addition to

Subsection  
A.30  
Page 3 of 5

The City Boundaries, as recorded among the aforesaid Land Records in Charter Amendments of the City of Havre de Grace Liber 1, Page 271, thence binding reversely on the third and second lines of the said Resolution No. 243, binding on the southeasterly and southwesterly outline of the land described in the last mentioned deed, and binding on the northwesterly and northeasterly outline of the land shown on the plats entitled "Final Plat One, Scenic Manor, Final Plat Two, Scenic Manor," and Final Plat Three, Scenic Manor" and recorded among the aforesaid Land Records in Plat Book 121, Folios 19, 18 and 20, respectively, two courses, viz:

22. South  $50^{\circ} 44' 10''$  West 1064.03 feet to a pin & cap set, and
23. North  $39^{\circ} 38' 02''$  West 804.77 feet to a point at the northeast corner of the land conveyed by and described in a deed from Charlotte Patrone, Personal Representative of the Estate of Elena Butler Patrone, to Charlotte Patrone, dated May 21, 1988 and recorded among the aforesaid Land Records in Liber 1477, Folio 0843, thence continuing to bind on the outline of the aforesaid Resolution No. 243 and binding on the easterly outline of the land described in the said deed,
24. South  $37^{\circ} 18' 21''$  West 956.04 feet to a point in or near the center of Chapel Road and to intersect the ninety-fourth or South  $71^{\circ} 13' 46''$  East 671.08 foot line of Resolution No. 178, The Second 1999 Addition, recorded among the aforesaid Land Records in Charter Amendments of the City of Havre de Grace Liber 1, Folio 82, thence running in the center of the said Chapel Road, binding on the southerly outline of the land described in the last mentioned deed, and binding reversely part of the said ninety-fourth and all of the ninety-third lines of the said resolution No. 178,
25. North  $71^{\circ} 13' 46''$  West 127.48 feet to a point at the end of the forty-ninth or South  $18^{\circ} 46' 14''$  West 25.00 foot line of the aforesaid Resolution No. 225, thence leaving the said Chapel Road and binding on the southerly and westerly outline of the land described in the last mentioned deed and binding reversely on the forty-ninth through forty-sixth lines of the said Resolution No. 225, four courses, viz:
26. North  $18^{\circ} 46' 14''$  East 25.00 feet,
27. By a non-tangent curve to the left with a radius of 1457.40 feet and an arc length of 160.03 feet, said curve being subtended by a chord bearing North  $74^{\circ} 22' 30''$  West 159.95 feet,
28. North  $54^{\circ} 36' 27''$  East 137.27 feet to a stone heretofore planted, and
29. North  $34^{\circ} 13' 29''$  West 32.60 feet to a stone heretofore planted at the southwest corner of the land described in the aforesaid Liber 4817, Folio 0302, thence binding reversely on part of the forty-fifth line of the aforesaid Resolution No. 225 and on the southwest side of the said deed,
30. North  $35^{\circ} 14' 15''$  West 876.81 feet to a point on the northeasterly right of way line of the aforesaid Bulle Rock Parkway and at the end of the third or tangent curve to the right with a radius of 1330.00 feet and an arc length of 613.08 feet line of the second parcel described in the

aforesaid Resolution No. 252, thence leaving the said forty-fifth line and binding reversely on the third and second lines of the said second parcel described in Resolution No. 252, and continuing to bind on the southwesterly outline of the land described in the aforesaid Liber 4817, Folio 0302, two courses, viz:

31. By a non-tangent curve to the left with a radius of 1330.00 feet and an arc length of 613.08 feet, said curve being subtended by a chord bearing North 35° 09' 38" West 607.67 feet, to a point of tangency, and
32. North 48° 21' 58" West 3.59 feet to a point and to intersect the aforesaid forty-fifth line of Resolution No. 225, thence binding reversely thereon for part of its distance and binding in part on the southwesterly outline of the land described in the aforesaid Liber 4817, Folio 0302, in part on the southwesterly outline of the land conveyed by and described in a deed from Montgomery C. M. Green and Ann W. Green, his wife to Montgomery C. M. Green, Elizabeth Watts Green, John Rodgers Meigs Green, and Montgomery M. Green, Trustees, dated December 27, 1974 and recorded among the aforesaid Land Records in Liber 964, Page 561, and in part binding on the southwesterly outline of the land conveyed by and described in a deed of distribution from Albert J. A. Young, Successor Trustee, to Montgomery C. M. Green, Elizabeth Watts Green, John Rodgers Meigs Green, and R. Jonathan M. Green, dated July 20, 2005 and recorded among the said Land Records in Liber 6224, Folio 0249, in all,
33. North 35° 14' 15" West 1701.08 feet to a point on the aforesaid easterly right of way line of Bulle Rock Parkway and at the end of the fourth or curve to the left with a radius of 870.00 feet and an arc length of 649.65 feet line of the third parcel described in Resolution No. 267 (Charter Amendment - First 2008 Annexation), (not recorded among the aforesaid Land Records), thence binding on the said right of way and binding reversely on the said fourth line, and in part binding on the southwesterly outline of the land conveyed by and described in the last mentioned deed of distribution and in part binding on the westerly outline of the land described in the first mentioned deed (823/545),
34. By a non-tangent curve to the right with a radius of 870.00 feet and an arc length of 649.65 feet, said curve being subtended by a chord bearing North 07° 19' 26" East 634.66 feet, to a point and to intersect the forty-third line of the aforesaid Resolution No. 225, thence continuing to bind on the said Bulle Rock Parkway and the northwesterly outline of the land described in the first mentioned deed, and binding reversely on the said forty-third line for part of its distance,
35. North 28° 42' 58" East 295.11 feet to a point at the end of the third or curve to the left with a radius of 720.00 feet and an arc length of 364.35 foot line of the second parcel described in the aforesaid Resolution No. 267, thence continuing to bind on the said Bulle Rock Parkway and binding reversely on the said third line,
36. By a tangent curve to the right with a radius of 720.00 feet and an arc length of 364.35 feet, said curve being subtended by a chord bearing North 43° 12' 47" East 360.48 feet, to a point and to intersect the forty-second line of the aforesaid Resolution No. 225, thence leaving the aforesaid Bulle Rock Parkway, binding reversely on part of the forty-second and forty-first lines of the aforesaid Resolution No. 225, and binding on the division line between the land described in the first mentioned deed and the land conveyed by and described in a deed from Michael E. Leaf, Trustee to Montgomery C. M. Green, Elizabeth Watts Green, John Rodgers

Subsection A.30  
Page 5 of 5

Meigs Green, and R. Jonathan M. Green, dated August 29, 2002 and recorded among the aforesaid Land Records in Liber 4122, Folio 0468, two courses, viz:

37. South  $61^{\circ} 02' 02''$  East 24.71 feet to a pin & cap set, and
38. North  $28^{\circ} 48' 58''$  East 41.49 feet to the place of beginning.

CONTAINING 244.372 acres of land, more or less.

BEING part of the land conveyed by and described in a deed and covenant from Montgomery M. Green to Montgomery M. Green, Trustee, dated August 16, 1969 and recorded among the Land Records of Harford County, Maryland in Liber 823, Page 545; BEING ALSO all of the land conveyed by and described in a deed of distribution from Albert J. A. Young, Successor Trustee, to Montgomery C. M. Green, Elizabeth Watts Green, John Rodgers Meigs Green, and R. Jonathan M. Green, dated July 20, 2005 and recorded among the said Land Records in Liber 6224, Folio 0249; BEING ALSO all of the land conveyed by and described in a deed from Montgomery M. Green and Ann W. Green, his wife to Montgomery C. M. Green, Elizabeth Watts Green, John Rodgers Meigs Green, and Montgomery M. Green, Trustee, dated December 27, 1974 and recorded among the said Land Records in Liber 964, Page 561; BEING ALSO all of the land conveyed by and described in a deed from Marianne Schmitt Hellauer, Trustee to Marianne Schmitt Hellauer, Trustee, dated June 1, 2004 and recorded among the said Land Records in Liber 7151, Folio 0351, BEING ALSO part of the land conveyed by and described in a deed from Ann W. Green, Personal Representative to Ann W. Green, dated February 20, 1995 and recorded among the said Land Records in Liber 7151, Folio 0336; BEING ALSO all of the land conveyed by and described in a deed from Cornelia L. Meigs to Ann W. Green, for life, and Montgomery M. Green, dated September 1, 1967 and recorded among the said Land Records in Liber 753, Page 266; BEING ALSO all of the land conveyed by and described in a deed from Peter J. Ianniello to Peter J. Ianniello and Mary C. Ianniello, dated November 9, 2006 and recorded among the said Land Records in Liber 7095, Folio 0363; BEING ALSO part of the land conveyed by and described in a deed from Ann W. Green, Personal Representative to Ann W. Green and Marianne Schmitt Hellauer, Trustees, dated November 13, 1995 and recorded among the said Land Records in Liber 4817, Folio 0302; BEING ALSO all of the land conveyed by and described in a deed from Michael E. Leaf, Trustee to Montgomery C. M. Green, Elizabeth Watts Green, John Rodgers Meigs Green, and R. Jonathan M. Green, dated August 29, 2002 and recorded among the said Land Records in Liber 4122, Folio 0468, BEING ALSO all of the land conveyed by and described in a deed from Charlotte Patrone, Personal Representative of the Estate of Elma Butler Patrone, to Charlotte Patrone, dated May 21, 1988 and recorded among the said Land Records in Liber 1477, Folio 0843.

(October 21, 2011)



RESOLUTION 2013 - 12

THE ANNEXATION PLAN FOR 13.96 ACRES, MORE OR LESS,  
ALONG LEVEL ROAD

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, ARTICLE 23A SECTION 19(O) WHICH REQUIRES THE LEGISLATIVE BODY OF A MUNICIPALITY SEEKING TO ANNEX PROPERTY AFTER OCTOBER 1, 2006 TO ADOPT AN ANNEXATION PLAN FOR THE SUBJECT PROPERTY, AND THAT THE ANNEXATION PLAN NOT BE PART OF THE ANNEXATION RESOLUTION.

WHEREAS, Peter J. Ianniello and Mary C. Ianniello ("Owner") have sought annexation of their land consisting of a total of 13.96 acres, more or less, as described in a deed dated June 15, 2004 and filed among the Land Records of Harford County at Liber No. 5428 Folio 0102 and also being described in a deed dated December 15, 2006 and filed among the Land Records of Harford County at Liber 7095 Folio 0363, said property assigned Harford County tax account number District 06 Account No. 003133; and

WHEREAS, the Owner's property is reflected on the attached plat marked Exhibit A and said property sits on the south side of Level Road; and

WHEREAS, the Mayor and City Council of Havre de Grace ("City") have received the annexation request for the annexation of properties along Level Road, Bulle Rock Parkway and Chapel Road which generally include the Green and Patrone properties; and

WHEREAS, the Owner now seeks to annex the Owner's property consisting of 13.96 acres, more or less into the City of Havre de Grace simultaneously with the the Green and Patrone properties, the Ianniello property as shown on the attached Exhibit A consisting of a total of 13.96 acres more or less.

NOW THEREFORE, the Mayor and City Council adopt the following Annexation Plan for the Owner's property.

THE ANNEXATION FOR 13.96 ACRES, MORE OR LESS,  
ALONG LEVEL ROAD

1. Introduction. The Property proposed to be annexed in this Plan is situated along Level Road. The entire area to be annexed is reflected on Exhibit A.

2. Current Conditions. Currently the Owner and their one adult child and two minor children reside on the Property. The Owner's property is improved with an historic house and unattached barn and buildings. The property is currently served by private water and sewer.

3. Current Zoning. The Owner's property is currently zoned Agricultural on the official zoning maps of Harford County. Currently a winery operation takes place on the property with a vineyard.

4. Future Proposed Use. The property is proposed to be changed to a more intensive residential use with a mix of retail business.

5. Proposed Zoning. All of the land that is subject to this Annexation Plan is proposed to be given the City zoning designation RB residential business with the caveat that prior to submission of any site plan for the property, the owner/developer shall submit a concept plan for approval of the Mayor and City Council and any site plan submitted must be consistent with the approved concept plan. The proposed zoning for the land subject to this Annexation Plan is consistent with the City's overall proposed land use already in effect for this area, pursuant to the Master Plan for Havre de Grace.

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 a water main line from the water main line on Rt. 155 to the water main line on Chapel Road. The current annexation shall be a cause 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 are required. Until the site plan is approved water and sewer capacity remain uncommitted. Sewer lines must be extended to the property. If there are any required infrastructure improvements, including but not limited to water and sewer capacity, they shall all be paid for by the owners/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 Owner's property may be subject to recoupment agreements for water and sewer.

7. Trash Removal. The same conditions, services, and rates applicable in the City pursuant to existing City Ordinances shall be charged to the property subject to this Plan.

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 properties within the corporate boundaries of the City.

9. Schools - Library - Recreation. None are required, as the scope of the development on the property is limited in size.

10. Real Property Taxes. The property shall be taxed by the City at generally applicable rates. If the land is potentially subject to an abatement request due to an enterprise zone designation, 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 Owner.

11. EMS. EMS protection shall be provided to the property by the Havre de Grace Ambulance Corps, Inc. pursuant to conditions applicable to other properties 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 properties within the corporate boundaries of the City of Havre de Grace.

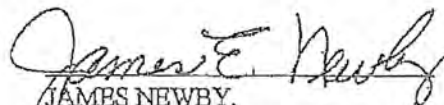
13. Timing of Municipal Services. Municipal services shall be provided at the time of construction/development of the property and prior to the issuance of any new use and occupancy permit.

14. Annexation Agreement. The City and the owners/developers of the property agree to enter into an Annexation Agreement and/or a Public Works Agreement detailing the terms of this Annexation Plan and any other appropriate conditions, if required by the City. The provisions of this Annexation Plan are to be considered minimum requirements, and additional requirements or more stringent requirements may be added.

ENACTED this 16<sup>th</sup> day of September, 2013.

ATTEST:

THE MAYOR AND CITY COUNCIL  
OF HAVRE DE GRACE, MARYLAND

  
JAMES NEWBY,  
DEPUTY DIRECTOR OF ADMINISTRATION

  
WAYNE H. DOUGHERTY, MAYOR

Introduced: 9/16/13

Adopted: 9/16/13

RESOLUTION 2013 - 13

THE ANNEXATION PLAN FOR 227.628 ACRES, MORE OR LESS,  
ALONG LEVEL ROAD, BULLE ROCK PARKWAY AND CHAPEL ROAD

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, ARTICLE 23A SECTION 19(O) WHICH REQUIRES THE LEGISLATIVE BODY OF A MUNICIPALITY SEEKING TO ANNEX PROPERTY AFTER OCTOBER 1, 2006 TO ADOPT AN ANNEXATION PLAN FOR THE SUBJECT PROPERTY, AND THAT THE ANNEXATION PLAN NOT BE PART OF THE ANNEXATION RESOLUTION.

WHEREAS, Ann W. Green, Mary Ann Schmitt Hellauer, Montgomery C.M. Green, Elizabeth Watts Green, John Rodgers Meigs Green and R. Jonathan M. Green ("Owners") have sought annexation their land and that of Charlotte Patrone consisting of a total of 227.628 acres, more or less, partially described in eight deeds as follows:

1. Deed dated June 1, 2004, recorded among the Land Records in Liber JJR No. 7151, folio 351, from the 1999 Ann W. Green Irrevocable Property Trust, unto Marianne Schmitt Hellauer, as Trustee of the 2003 R. Jonathan M. Green Descendant's Spin-Off Trust, as shown on Harford County tax map 44 parcel 709 Account I.D. district 06, Account No. 078478, 22.77 acres; and
2. Deed dated September 1, 1967, recorded among the Land Records of Harford County, Maryland (the "Land Records") in Liber GRG No. 753, folio 266, from Cornelia L. Meigs, unto Ann W. Green, as shown on Harford County tax map 44 parcel 584 Account I.D. district 06, Account No. 003605, 1.59 acres; and
3. Deed dated February 20, 1995, recorded among the Land Records in Liber JJR No. 7151, folio 336, from the Estate of Montgomery Meigs Green, unto Ann W. Green, as shown on Harford County tax map 44 parcel 198 Account I.D. district 06, Account No. 003729, 18.95 acres; and
4. Deed dated November 13, 1995, recorded among the Land Records in Liber JJR No. 4817, folio 302, from the Estate of Montgomery Meigs Green, unto Ann W. Green and Marianne Schmitt Hellauer, as Trustees of the Green Family Trust, as shown on Harford County tax map 44 parcel 237 Account I.D. district 06, Account No. 003737, 110.55 acres; and
5. Deed dated December 27, 1974, recorded among the Land Records in Liber HDC No. 964, folio 561, from Montgomery M. Green and Ann W. Green, unto Montgomery C. M. Green,

John Rodgers Meigs Green, Elizabeth Watts Green and Montgomery M. Green, as Trustee, as shown on Harford County tax map 44 parcel 697 Account I.D. district - 06, Account No. 003664, 15.01 acres; and

6. Deed of Distribution dated July 20, 2005, recorded among the Land Records in Liber JJR No. 6224, folio 249, from Albert J.A. Young, as Successor Trustee of a Trust created under a Deed by Montgomery M. Green, unto Montgomery C.M. Green, Elizabeth Watts Green, John Rodgers Meigs Green, and R. Jonathan M. Green, as shown on Harford County tax map 44 parcel 311 Account I.D. district 06, Account No. 003710, 13.54 acres; and

7. Deed and Covenant dated August 16, 1969, recorded among the Land Records in Liber GRG No. 823, folio 545, from Montgomery M. Green, unto Montgomery C.M. Green, Elizabeth Watts Green, John Rodgers Meigs Green, and R. Jonathan Green, as shown on Harford County tax map 44 parcel 210 Account I.D. district 06, Account Nos. 062903 and 003702; and

8. Deed dated May 21, 1988, recorded among the Land Records in Liber CGH No. 1477, folio 843, from the Estate of Elma Butler Patrone, unto Charlotte Patrone, as shown on Harford County tax map 44 parcel 238 Account I.D. district 06, Account No. 006108.

All of the above parcels shall hereinafter be referred to collectively as the "Property."

WHEREAS, the Property is reflected on the attached plat marked Exhibit A and said property sits on the south side of Level Road; and

WHEREAS, the Mayor and City Council of Havre de Grace ("City") had previously annexed properties along the south side of the roadway known as Level Road and along Bulle Rock Parkway as appears in the Havre de Grace City Charter Attachment 1 appendix A.27. The First 2006 Addition to the City Boundaries and A.28 the First 2008 Addition to the City Boundaries; and

WHEREAS, the Owner now seeks to annex the Property consisting of 223.418 acres of its property, more or less into the City of Havre de Grace simultaneously with the land of Charlotte Patrone consisting of 4.21 acres more or less as shown on the attached Exhibit A for a total of 227.628 acres more or less.

NOW THEREFORE, the Mayor and City Council adopt the following Annexation Plan for the Property.

**THE ANNEXATION FOR 227.628 ACRES, MORE OR LESS,  
ALONG LEVEL ROAD, BULLE ROCK PARKWAY AND CHAPEL ROAD**

1. Introduction. The Property proposed to be annexed in this Plan is situated along Level Road and Chapel Road. For identification purposes, a total of nine (9) lots described in eight deeds, but with nine tax account numbers for a total of 227.628 acres, more or less is being considered. The entire area to be annexed is reflected on Exhibit A.

2. Current Conditions. Currently several tenants reside on the property of Charlotte Patrone and Jonathan Green and his wife and family and his mother and several tenants reside on their property. The Green parcel is improved with an historic residence and several unattached farm houses and attendant barns and farm buildings. The Patrone property is improved with a residential building. The Property is currently served by private water and sewer.

3. Current Zoning. The Property is currently zoned Agricultural on the official zoning maps of Harford County.

4. Future Proposed Use. Major changes to the buildings on the Property as planned at this time, however, the specific uses permitted by law therein may change.

5. Proposed Zoning. All of the land that is subject to this Annexation Plan is proposed to be given the City zoning designation RB residential business with the caveat that prior to submission of any site plan for the property, the owner/developer shall submit a concept plan for approval of the Mayor and City Council and any site plan submitted must be consistent with the approved concept plan. The proposed zoning for the land subject to this Annexation Plan is consistent with the City's overall proposed land use already in effect for this area, pursuant to the Master Plan for Havre de Grace

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 a water main line from the water main line on Rt. 155 to the water main line on Chapel Road. The current annexation shall be a cause 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 are required. Until the site plan is approved water and sewer capacity remain uncommitted. Sewer lines must be extended to the property. If there are any required infrastructure improvements, including but not limited to water and sewer capacity, they shall all be paid for by the owners/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 subject property may be subject to recoupment agreements for water and sewer.

7. Trash Removal. The same conditions, services, and rates applicable in the City pursuant to existing City Ordinances shall be charged to the property subject to this Plan.

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 properties within the corporate boundaries of the City.

9. Schools -- Library -- Recreation. None are required, as the scope of the development on the property is relatively limited in size.

10. Real Property Taxes. The property shall be taxed by the City at generally applicable rates. If the land is potentially subject to an abatement request due to an enterprise zone designation, 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 Owner.

11. EMS. EMS protection shall be provided to the property by the Havre de Grace Ambulance Corps, Inc. pursuant to conditions applicable to other properties 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 properties within the corporate boundaries of the City of Havre de Grace.

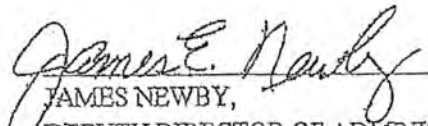
13. Timing of Municipal Services. Municipal services shall be provided at the time of construction/development of the property and prior to the issuance of any new use and occupancy permit.

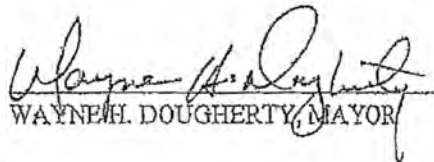
14. Annexation Agreement. The City and the owners/developers of the property agree to enter into an Annexation Agreement and/or a Public Works Agreement detailing the terms of this Annexation Plan and any other appropriate conditions, if required by the City. The provisions of this Annexation Plan are to be considered minimum requirements, and additional requirements or more stringent requirements may be added.

ENACTED this 16<sup>th</sup> day of September, 2013.

ATTEST:

THE MAYOR AND CITY COUNCIL  
OF HAVRE DE GRACE, MARYLAND

  
JAMES NEWBY,  
DEPUTY DIRECTOR OF ADMINISTRATION

  
WAYNE H. DOUGHERTY, MAYOR

Introduced: 9/16/13  
Adopted: 9/16/13

RESOLUTION NO. 97-7

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE,  
MARYLAND ESTABLISHING AND ADOPTING A POLICY ON ANNEXATION

WHEREAS, The Mayor and City Council of Havre de Grace, Maryland adopted an update of the City's Comprehensive Plan on May 6, 1996; and,

WHEREAS, the Comprehensive Plan established a vision for the orderly growth and development of the City of Havre de Grace; and,

WHEREAS, the annexation of land adjacent to the City of Havre de Grace was part of the vision for the orderly growth and development of the City of Havre de Grace as described in Chapters 3 and 4 of the Comprehensive Plan; and,

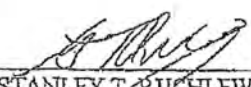
WHEREAS, further guidance was needed to ensure orderly growth and development occurs in the areas to be annexed by the City.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE, MARYLAND THAT:

1. An Annexation Policy consistent with the Comprehensive Plan's vision is hereby established and adopted by the Mayor and City Council of Havre de Grace, Maryland;
2. Said adopted Annexation Policy shall be attached as Exhibit A to this Resolution; and
3. Said Annexation Policy shall be effective as of the date of this Resolution's passage.

ATTEST:

THE MAYOR AND CITY COUNCIL  
OF HAVRE DE GRACE, MARYLAND

  
STANLEY T. RUCHEWICZ, DIRECTOR  
DEPARTMENT OF PLANNING

  
PHILIP J. BARKER, MAYOR

DATE: 8/18/97

## ANNEXATION POLICY

It is the Annexation Policy of the Mayor and City Council of Havre de Grace, Maryland to:

1. Consider all annexation requests which meet the legal criteria of the State of Maryland under Article 23A, Section 19 of the Annotated Code of Maryland and all guidelines established by the Mayor and City Council for annexation, including consistency with the City's Comprehensive Plan.
2. Encourage the annexation of all areas contiguous to the City which would eliminate the appearance or creation of enclaves. This is not to be interpreted as giving this type of annexation priority over areas which are contiguous but do not appear to be creating or eliminating enclaves.
3. Give priority to annexation requests which will increase the City's commercial or industrial base and generate employment opportunities for the residents of City.
4. Grant an abatement of City real property taxes for areas to be annexed, on a case by case basis, up to the difference between the combined City and County property taxes for a property located in the City and those taxes that would be paid to the County if the property remained solely in the County until such time that:
  - a. Water and sewer service is available for connection at the annexed property, or
  - b. One of the following activities has occurred:
    - 1) In cases of annexation where the land will remain a single parcel, the abatement shall cease when any development or construction permit is issued for other than an accessory activity or structure in support of the existing land use on the property.
    - 2) In cases of annexation where a subdivision of land will occur, the abatement shall cease when the final subdivision plat is approved by the Planning Commission.
5. Connect all areas to be annexed to City water and sewer service upon its availability at the property as a condition of annexation.

6. Require all applicants seeking annexation to complete a Request for Annexation application, which includes all of the legal requirements placed on annexation requests by Article 23A, Section 19 and the items described on the Annexation Checklist described in the Comprehensive Plan, and review said application for consistency with the Comprehensive Plan. The Annexation Checklist shall not be generally applicable to single lot annexations of less than 2 acres.

7. Advise applicants for annexation to the west of the current City boundary, and within the following designated Service Boundary Areas, that when development commences on the property proposed to be annexed, they or subsequent owners of said property shall be required to participate in a cost-sharing program to cover the costs of providing a right-of-way for and the construction of the proposed western arterial as well as upgrading the City's water and sewer facilities to allow for access and water and sewer services to their annexed property and any other foreseeable annexation sites.

a. This cost-share program may include the contribution of land, money or a combination of both to accomplish the construction of the western arterial and the upgrading of the necessary water and sewer facilities, such as, but not limited to, main water and sewer plant expansions, new pumping stations or upgrade of existing ones, new storage facilities, and new transmission lines which exceed the necessary capacity for the proposed project to allow for subsequent annexation opportunities beyond the property. These are above the conditions normally established in the City's Public Works Agreement.

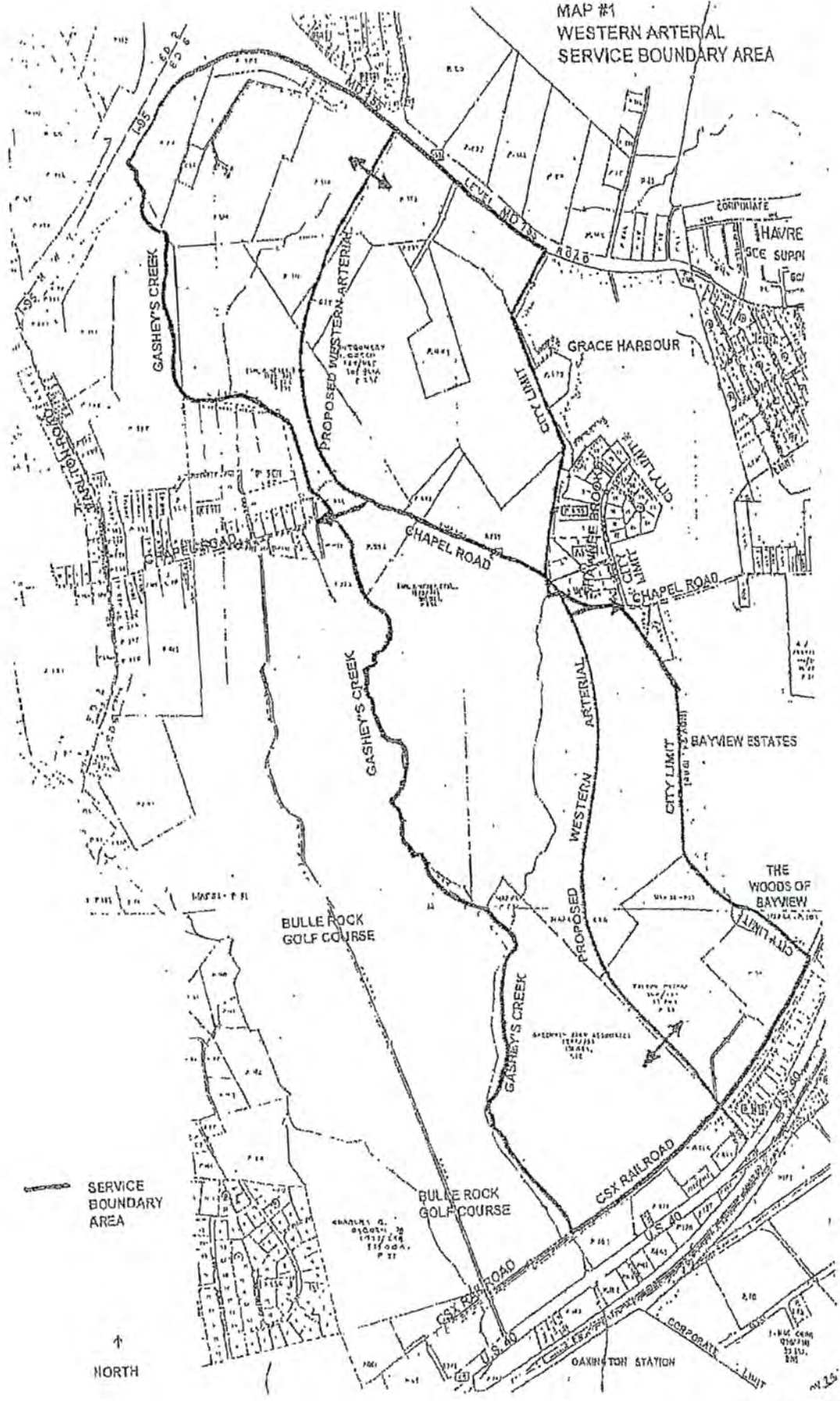
b. Service Boundary Areas

1) Western Arterial - Gashey's Creek, CSX Railroad, existing City limits and I-95/MD 155 (See attached Map #1).

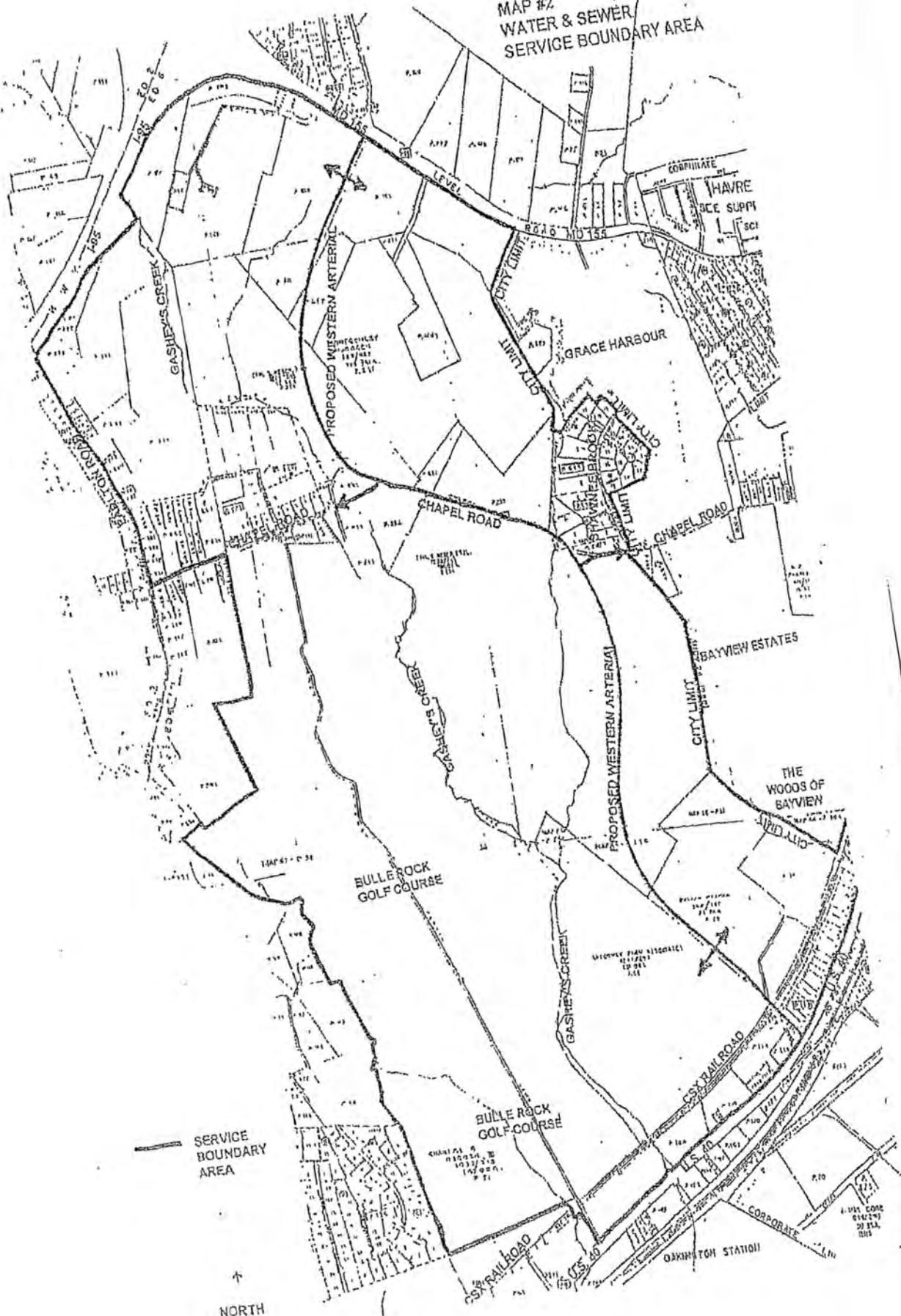
2) Water and Sewer - Same as Western Arterial Service Boundary Area plus Bulle Rock golf course, Shawnee Brooke, properties on the west side of Route 40 and development along Chapel and Earleton Roads (See attached Map #2).

Adopted 08/18/97

MAP #1  
WESTERN ARTERIAL  
SERVICE BOUNDARY AREA



MAP #2  
WATER & SEWER  
SERVICE BOUNDARY AREA



SERVICE  
BOUNDARY  
AREA

NORTH

RESOLUTION NO. 2013-16  
AS AMENDED

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE PURSUANT TO THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND SECTION 5-204(d) AND CITY CHARTER SECTION 34 AUTHORIZING AN EXTENSION OF THE FRANCHISE AGREEMENT FOR COMCAST.

WHEREAS, Comcast sought the use of the City's rights of way to conduct its business within the City; and

WHEREAS, the parties entered into a Franchise Agreement dated September 22, 1998 for a term of fifteen (15) years to allow for such use; and

WHEREAS, the City Code Chapter 38 permits a franchise fee of 3% to be charged to Comcast by the City; and


WHEREAS, the parties' agreement requires a public hearing before the term can be extended by another agreement.

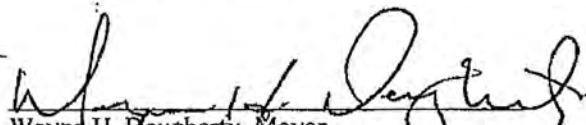
NOW THEREFORE be it resolved, decided and determined that:

1. The Mayor is authorized to sign a First Amendment to Franchise Agreement in substantial form to the agreement attached hereto as Exhibit A.

Witness/Attest:

THE MAYOR AND CITY COUNCIL  
OF HAVRE DE GRACE, MARYLAND

  
Patrick Sypolt, Interim  
Director Administration

  
Wayne H. Dougherty, Mayor

Public Hearing : November 18, 2013

Date Enacted: December 3, 2013

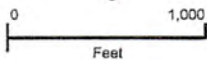
12/3  
waiting on  
signed agreement  
per Patrick.  
~~attach~~  
attach to  
Resolution.



# Zoning Map

**ATTACHMENT 3**

Printed: Jun 03, 2020



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