

CITY COUNCIL
OF
HAVRE DE GRACE, MARYLAND

CHARTER RESOLUTION NO. 299
(ANNEXATION)

Introduced by _____ Council Member Schneegas _____

A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE, MARYLAND, ADOPTED PURSUANT TO THE AUTHORITY OF THE MARYLAND CONSTITUTION, ARTICLE XI-E AND THE PROVISIONS OF THE ANNOTATED CODE OF MARYLAND, LOCAL GOVERNMENT ARTICLE SUBTITLE 3: AMENDMENT OR REPEAL OF CHARTER, AND SUBTITLE 4: ANNEXATION AUTHORIZING THE LEGISLATIVE BODY OF A MUNICIPALITY TO ANNEX PROPERTY EXTENDING THE BOUNDARIES OF THE MUNICIPALITY BY RESOLUTION TO AMEND THE CITY CHARTER, SPECIFICALLY APPENDIX A OF THE HAVRE DE GRACE CHARTER BY ADDING “SUBSECTION A.39 THE SECOND 2023 ADDITION TO THE CITY BOUNDARIES,” ALONG WITH THE LEGAL DESCRIPTION OF THE ACRES OF LAND WHICH WILL ENLARGE THE BOUNDARIES OF THE CITY OF HAVRE DE GRACE TO INCLUDE THE PROPERTY KNOWN AS 1609 PULASKI HIGHWAY PLUS A PORTION OF THE 30-FOOT-WIDE RIGHT-OF-WAY CONSISTING OF A TOTAL OF 1.59 ACRES MORE OR LESS

On: 11/20/2023

at: 7:00 p.m.

Charter Amendment Resolution introduced, read first time, ordered posted and public hearing scheduled.

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Charter Amendment Resolution having been published according to the Charter, a public hearing was held on January 2, 2024 at 7:07 p.m., and concluded on January 2, 2024 at 7:08 p.m.

**CHARTER Resolution No. 299
(Annexation)**

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

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

WHEREAS, the Mayor and City Council of Havre de Grace, Maryland has adopted an Annexation Plan for the Property on the same date which is known as City Council Calendar Resolution No. 2023-21 and which is the subject to this Charter Resolution, and

WHEREAS, The Mayor and City Council of Havre de Grace, Maryland has determined that the annexation of 1.59 acres more or less consisting of the parcel and State Road right-of-way located on the north side of the westbound lane of Pulaski Highway (shown on State Road Plat 3854) as more specifically defined herein is in the best interest of the health and welfare of the citizens of Havre de Grace and consistent with the City’s Comprehensive Plan.

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

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

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

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

(b) The Property is not currently being serviced by City water and sewer. After the annexation is final, the Property will be charged generally applicable rates and pursuant to conditions generally applicable to other City-owned properties within the corporate boundaries of the City of Havre de Grace. By undertaking this annexation, the City is not agreeing to make or pay for any upgrades to public facilities that may be needed to develop the currently unoccupied

property. The cost to construct any upgrades to facilities necessary to provide water and sewer service to the Property shall be paid by the owner or developer 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 site plan or subdivision approval, including any applicable capital cost recovery charges then in effect, annexation agreements allocating responsibility for construction costs, public works agreements, or recoupment agreements authorized under this Charter Resolution and the Annexation Plan adopted under Calendar Resolution 2023-21 attached hereto and marked **Exhibit B**.

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

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

SECTION 3. AND BE IT FURTHER RESOLVED that, promptly after the introduction and first reading of this Charter 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 two (2) times at not less than weekly intervals in a newspaper or newspapers of general circulation in the City of Havre de Grace and the area to be annexed, as the area to be annexed is less than 25 acres. The aforesaid public notice shall state a time, not less than fifteen (15) days after the second (2nd) publication thereof and not less than 30 days after the Annexation Plan described in Calendar Resolution 2023-21 is approved, provided to the regional and national planning agencies, and the place within the City of Havre de Grace at which a public hearing shall be held to consider public comment to consider this Charter 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.

SECTION 4. AND BE IT FURTHER RESOLVED that, this Charter Resolution shall become effective forty-five (45) days after its enactment by the Mayor and City Council of Havre de Grace, Maryland, provided that after the public hearing this Charter Resolution is read and passed by an affirmative vote of a majority of the Council members present at a second reading of the Charter 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.

**CHARTER Resolution No. 299
(Annexation)**

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

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

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

Introduced by the City Council the 20th day of November, 2023.

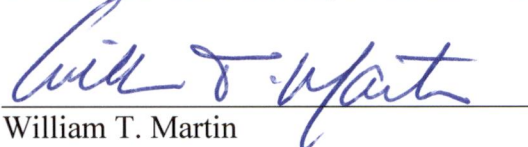
Attested by the Director of Administration this 17th day of January, 2024.

ATTEST:

THE MAYOR AND CITY COUNCIL
OF HAVRE DE GRACE, MARYLAND



Stephen J. Gamatoria
Director of Administration



William T. Martin
Mayor

Introduced: 11/20/2023
Public Hearing 1/2/2024
Second Reading/Enacted: 1/16/2024
Adopted/Effective Date (45 days after enactment if no referendum): 3/1/2024

Attachments:

- Exhibit A – Property Description
- Exhibit B – Resolution 2023-21 – Annexation Plan
- Exhibit C – City Code Section 20 – Annexation Policy

Exhibit A

**ANNEXATION OF LAND TO
THE CITY OF HAVRE DE GRACE**

**ROAD ADJOINING THE LAND AT
1609 PULASKI HIGHWAY
HAVRE de GRACE, MARYLAND**

**6TH ELECTION DISTRICT
HARFORD COUNTY, MARYLAND**

BEGINNING FOR THE SAME at a point at the southeasterly corner of a parcel located in the City of Havre de Grace labelled "Open Space, Parcel A" as shown on a plat of Greenway Farms, Revised Final Plat One Phase One as recorded in the Land Records of Harford County in Plat Book 126 Folio 18, said point having coordinates of North 682,181.21 East 1,561,691.58, and leaving said point and running thence with the easterly side of a 30 ft. right-of-way with bearings based upon the plat

South 22 degrees 55 minutes 43 seconds East 140.58 feet, thence crossing the 30 ft. right-of-way as shown on State Road Plat 3854

South 67 degrees 04 minutes 17 seconds West 30.00 feet, thence with the westerly side of the 30ft. right-of-way and with the former bank side,

North 22 degrees 55 minutes 43 seconds West 165.76 feet to the Northeast corner of the land of the former bank as described in a deed dated Dec. 15, 2020 from Cecil Bank to 2612 Laurel Bush Road LLC as recorded in the Land Records of Harford County in Liber 14374 Folio 441 and running with the 30 ft. right-of-way

North 22 degrees 55 minutes 43 seconds West 49.95 feet to a point on the current City limits and thence with the City limit South 44 degrees 41 minutes 07 seconds East 80.93 feet, to the point of beginning,

Containing 5,343.75 square feet, 0.1227 acre acres as shown on the attached drawing and based on a survey by Welsh Engineering. The annexed land is the 30 ft. lane East and North of the former bank site, a.k.a. 1609 Pulaski Highway



ANNEXATION OF LAND TO
THE CITY OF HAVRE DE GRACE

1609 PULASKI HIGHWAY
HAVRE de GRACE, MARYLAND

6TH ELECTION DISTRICT
HARFORD COUNTY, MARYLAND

BEGINNING AT A POINT on the City Limits of the City of Havre de Grace at a point on the westerly side of a 30 foot right-of-way that adjoins the land known as 1609 Pulaski Highway, said point of beginning being shown on State Road Plat 3854 and leaving said point and running

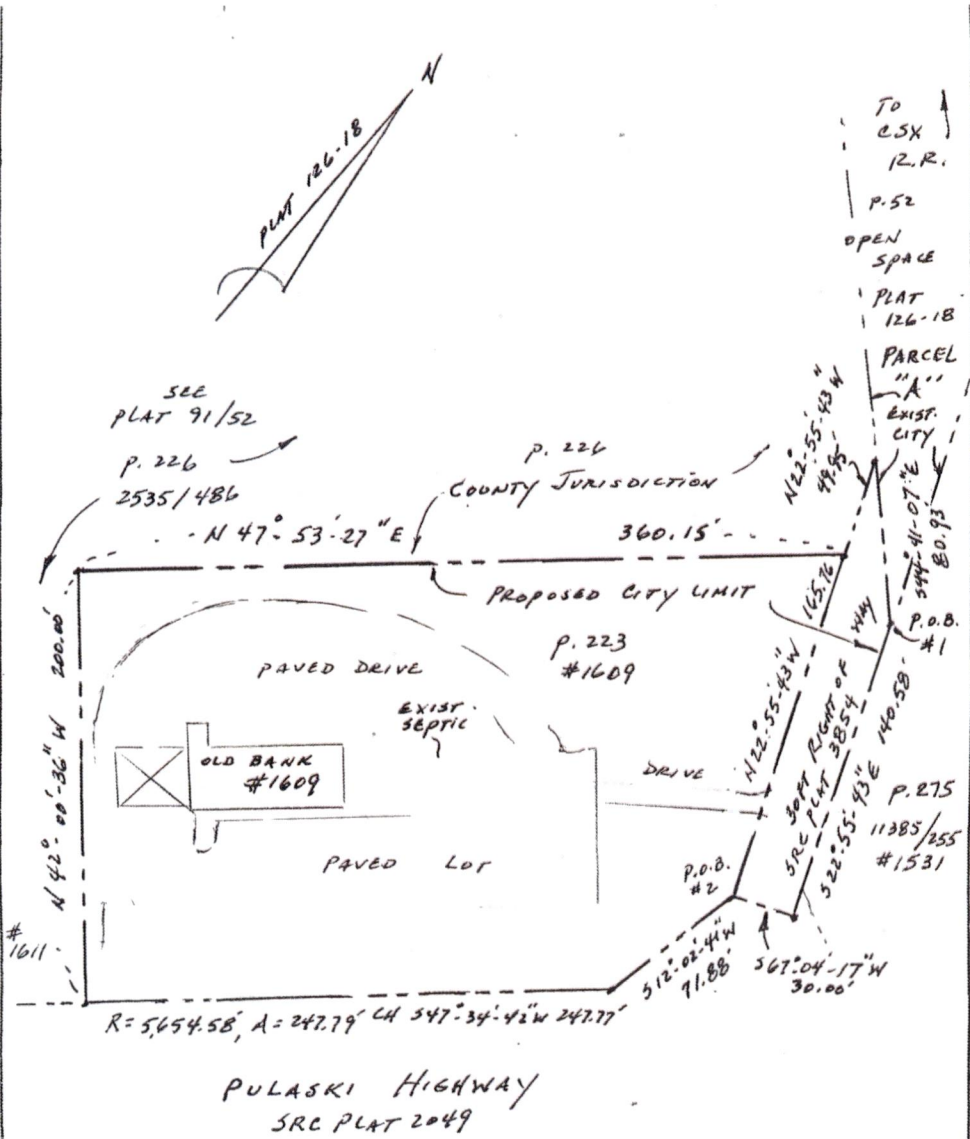
South 12 degrees 02 minutes 41 seconds West 71.88 feet to a point on the northerly right-of-way of the through road of Pulaski Highway as shown on State Road Plat 2049

and running thence along U.S. 40 Pulaski Highway by a curve to the right having a radius of 5,654.58 and arc length of 247.79 feet and a chord with bearing and distance of South 47 degrees 34 minutes 42 seconds West 247.77 feet,

thence leaving Pulaski Highway and running North 42 degrees 00 minutes 36 seconds West 200.00 feet

North 47 degrees 53 minutes 27 seconds East 360.15 feet to a point on old 30 foot right-of-way and running with the 30 ft. right-of-way along the City Limits of the City of Havre de Grace South 22 degrees 55 minutes 43 seconds East 165.76 feet to the point of beginning, containing 1.4735 acres.





#1609 PULASKI HIGHWAY
HAVRE DE GRACE, MD. 21078

DEED REF: 14374/441
TAX MAP 52 PARCEL 223, 3F
TAX I.D # 06 002978

I, JOSEPH E. WELSH, A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF MARYLAND, PERSONALLY PREPARED A BOUNDARY SURVEY AND THE SURVEYING WORK REFLECTED IN IT, ALL IN COMPLIANCE WITH REQUIREMENTS SET FORTH IN REGULATION .12 OF THE MARYLAND MINIMUM STANDARDS OF PRACTICE (MSOP), AS AUTHORIZED UNDER THE ANNOTATED CODE OF MARYLAND.

Joseph E. Welsh 11-16-23
JOSEPH E. WELSH DATE
MD License #20016 EXP. 10/4/2024

<p>ANNEXATION OF LAND TO THE CITY OF HAVRE DE GRACE</p> <p>1609 PULASKI HIGHWAY HAVRE DE GRACE, MARYLAND</p> <p>6TH ELECTION DISTRICT HARFORD COUNTY, MARYLAND</p>	<p>SURVEYOR SEAL</p>	<p>WELSH ENGINEERING 2 PARADISE DRIVE HAVRE DE GRACE, MARYLAND 21078 410-939-1304 FAX 410-939-6480</p> <p>SCALE: 1" = 60' DATE: 11-14-23</p> <p>DRAWN: JW JOB: 7915</p>
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Exhibit B

Resolution No. 2023-21

CITY COUNCIL
OF
HAVRE DE GRACE, MARYLAND

RESOLUTION NO. 2023-21

Introduced by _____ Council President Ringsaker

A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE, MARYLAND, ADOPTED PURSUANT TO THE AUTHORITY OF THE MARYLAND CONSTITUTION ARTICLE XI-E AND THE PROVISIONS OF THE ANNOTATED CODE OF MARYLAND, LOCAL GOVERNMENT ARTICLE SECTION 4-405, AND CITY CHARTER SECTION 34 ADOPTING AN ANNEXATION PLAN FOR THE PROPERTY KNOWN AS 1609 PULASKI HIGHWAY PLUS A PORTION OF THE 30-FOOT-WIDE RIGHT-OF-WAY CONSISTING OF A TOTAL OF 1.59 ACRES MORE OR LESS

WHEREAS, the Mayor and City Council of Havre de Grace (“City”) seeks to annex certain Property located at 1609 Pulaski Highway plus a portion of the 30-foot-wide right-of-way consisting of 1.59 acres more or less (“Property”), and adopt this Annexation Plan in furtherance of the proposed Charter Resolution for Annexation (“Charter Resolution” or “Annexation Resolution”); and

WHEREAS, the property to be annexed consists of 1.59 acres ft. more or less located on the north side of the westbound lane of Pulaski Highway, situated and lying in the Sixth Election District of Harford County, Maryland as set forth more fully below; and

WHEREAS, the Property is adjacent to property already within the municipal limits of the City, and the annexation will not create an enclave;

WHEREAS, the annexation is consistent with the Municipal Growth Element of the City’s 2010 Comprehensive Plan, and specifically the Municipal Growth Element and City expansion along Pulaski Highway/Route 40;

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

THE ANNEXATION PLAN FOR ONE PARCEL OF LAND LOCATED AT 1609 PULASKI HIGHWAY PLUS A PORTION OF THE 30-FOOT-WIDE RIGHT-OF-WAY CONSISTING OF A TOTAL OF 1.59 ACRES MORE OR LESS

Resolution No. 2023-21

1. Introduction. The property proposed to be annexed in this Plan is a commercial lot situated along the north side of the westbound lane of Pulaski Highway with an unoccupied building that was formerly a bank. For identification purposes, the Property being annexed consists of one parcel known as 1609 Pulaski Highway, with the total land area being 1.478 acres more or less together with a portion of the adjacent 30-foot-wide State Highway right-of-way consisting of 0.112 acres more or less. The Property to be annexed is reflected on the property description and survey attached as **Exhibit A** and is more particularly described in the following deed filed among the Land Records of Harford County:

1609 Pulaski Highway, Tax Map 52, Grid 1F, Parcel 223, Account ID No. 06-002978, and described in a Deed dated December 15, 2020 and recorded among the Land Records of Harford County, Maryland, in Liber/Book 14374, folio/page 441, from Columbian Bank FSB to 2612 Laurel Bush Road LLC.

2. Current Conditions. Currently there is one unoccupied commercial office building located on the Property and no resident voters are present. The Property to be annexed is not serviced by City water or sewer. The Property is serviced by County water and private septic systems. The property owner has requested the proposed annexation of the Property.
3. Current Zoning. The Property is currently zoned Commercial Industrial district on the official zoning maps of Harford County.
4. Future Proposed Use. The owner of the Property has indicated that it intends to continue the commercial use of the property and will be submitting a site plan on proposed development.
5. Proposed Zoning. Proposed zoning for the Property will be C-Commercial. No amendment to the City's zoning code will be required for the proposed use. The proposed use is also consistent with the Comprehensive Plan for the City of Havre de Grace and uses of nearby properties.
6. Public Facilities. There is currently no requirement that the land subject to this Annexation Plan be set aside for a school site, water or sewer treatment facilities, libraries, recreation, or fire, EMS or police departments, although construction of a public sewer and/or water line may be required and/or public easements may need to be dedicated to the City by the owner for purposes of access to any portion of the public water/sewer line which may run through or along the annexed Property. The current annexation plan shall be reviewed for anticipated infrastructure needs. As for water and sewer capacity, the City estimates that it currently has the water and sewer capacity for the Property. However, infrastructure improvements for water pressure and volume of delivery may be required and will be separately considered at the time of site plan approval. ***Until a site plan is approved, water and sewer capacity remain uncommitted and not guaranteed.*** Water and/or sewer lines must be extended to the respective parcels at the property owner's expense, and any recorded recoupments will need to be

Resolution No. 2023-21

collected prior to such connections. If there are any additional required infrastructure improvements, including but not limited to increased water and sewer capacity or distribution, they shall all be paid for by the owner/developers of the property along with required bonding for performance and maintenance. The owners/developers of the Property shall be charged the standard capital cost recovery charges, user benefit fees and all other fees and charges associated with connection to the City's water and sewer systems. Water and Sewer service rates shall be charged at the generally applicable rates and pursuant to the conditions generally applied by the City. The Property may be subject to recoupment agreements or cost recovery charges for water and sewer as may be authorized by City ordinances, the Annexation Resolution, Annexation Agreement, and/or Public Works Agreement, or separate agreements for capital cost recoupment that may be recorded among the Land Record for Harford County.

7. Trash Removal. Once annexed, the Property will be serviced by private commercial trash removal services and will not be billed for the City trash removal services.
8. Fire Protection. Fire protection shall continue to be provided to the Property by the Susquehanna Hose Company, Inc. pursuant to conditions applicable to other properties within the corporate boundaries of the City and properties outside of the municipal limits.
9. Schools – Library – Recreation. The scope of the development on the Property is limited to commercial use. As such, no recreation element is required, and no additional school or library expansions will be needed as a result of the proposed annexation.
10. Real Property Taxes. The Property shall be taxed by the City at generally applicable rates. If the land is subject to an abatement request due to an enterprise zone designation
11. EMS. EMS protection shall be provided to the Property by the Havre de Grace Ambulance Corps, Inc. and Harford County Emergency Services pursuant to the conditions applicable to other properties within the corporate boundaries of the City and properties outside of the municipal limits.
12. Police. Police protection shall be provided to the Property by the Havre de Grace Police Department pursuant to the conditions to other properties within the corporate boundaries of the City and properties outside of the municipal limits in accordance with current mutual aid agreements and policies with the County and neighboring municipalities.
13. Timing of Municipal Services. Municipal services shall be provided at such time as the Annexation Resolution (Charter Resolution) becomes final after the time for referendum has expired.
14. Annexation Agreement and Public Works Agreement. The Mayor is authorized to enter into an Annexation Agreement and/or Public Works Agreement with and the owners/developers of the Property detailing the terms of this Annexation Plan and any

Resolution No. 2023-21

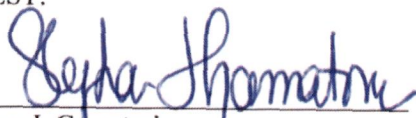
other appropriate conditions, if required by the City based on recommendations by the Director of the Department of Planning, the Director of the Department of Public Works and/or the City Attorney prior to any development or connections to City water and sewer. The provisions of this Annexation Plan are to be considered minimum requirements and additional requirements (including capital cost recovery fees) or more stringent requirements which may be added and addressed in an Annexation Agreement and/or Public Works Agreement, or both, or as otherwise provided in the Annexation Resolution (Charter Resolution).

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

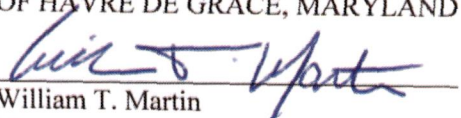
1. To adopt the Annexation Plan set forth herein.
2. To introduce the Charter Resolution (Annexation Resolution) at the November 20, 2023 City Council meeting;
3. To hold a hearing on the Charter Resolution (Annexation Resolution) on January 2, 2024 at 7 p.m.

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

ATTEST:



 Stephen J. Gamatoria
 Director of Administration

THE MAYOR AND CITY COUNCIL
 OF HAVRE DE GRACE, MARYLAND


 William T. Martin
 Mayor

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

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

Exhibit A

**ANNEXATION OF LAND TO
THE CITY OF HAVRE DE GRACE**

**ROAD ADJOINING THE LAND AT
1609 PULASKI HIGHWAY
HAVRE de GRACE, MARYLAND**

**6TH ELECTION DISTRICT
HARFORD COUNTY, MARYLAND**

BEGINNING FOR THE SAME at a point at the southeasterly corner of a parcel located in the City of Havre de Grace labelled "Open Space, Parcel A" as shown on a plat of Greenway Farms, Revised Final Plat One Phase One as recorded in the Land Records of Harford County in Plat Book 126 Folio 18, said point having coordinates of North 682,181.21 East 1,561,691.58, and leaving said point and running thence with the easterly side of a 30 ft. right-of-way with bearings based upon the plat

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**CHARTER Resolution No. 299
(Annexation)**

Resolution No. 2023-21

Containing 5,343.75 square feet, 0.1227 acre acres as shown on the attached drawing and based on a survey by Welsh Engineering. The annexed land is the 30 ft. lane East and North of the former bank site, a.k.a. 1609 Pulaski Highway



Resolution No. 2023-21

ANNEXATION OF LAND TO
THE CITY OF HAVRE DE GRACE

1609 PULASKI HIGHWAY
HAVRE de GRACE, MARYLAND

6TH ELECTION DISTRICT
HARFORD COUNTY, MARYLAND

BEGINNING AT A POINT on the City Limits of the City of Havre de Grace at a point on the westerly side of a 30 foot right-of-way that adjoins the land known as 1609 Pulaski Highway, said point of beginning being shown on State Road Plat 3854 and leaving said point and running South 12 degrees 02 minutes 41 seconds West 71.88 feet to a point on the northerly right-of-way of the through road of Pulaski Highway as shown on State Road Plat 2049

and running thence along U.S. 40 Pulaski Highway by a curve to the right having a radius of 5,654.58 and arc length of 247.79 feet and a chord with bearing and distance of South 47 degrees 34 minutes 42 seconds West 247.77 feet,

thence leaving Pulaski Highway and running North 42 degrees 00 minutes 36 seconds West 200.00 feet

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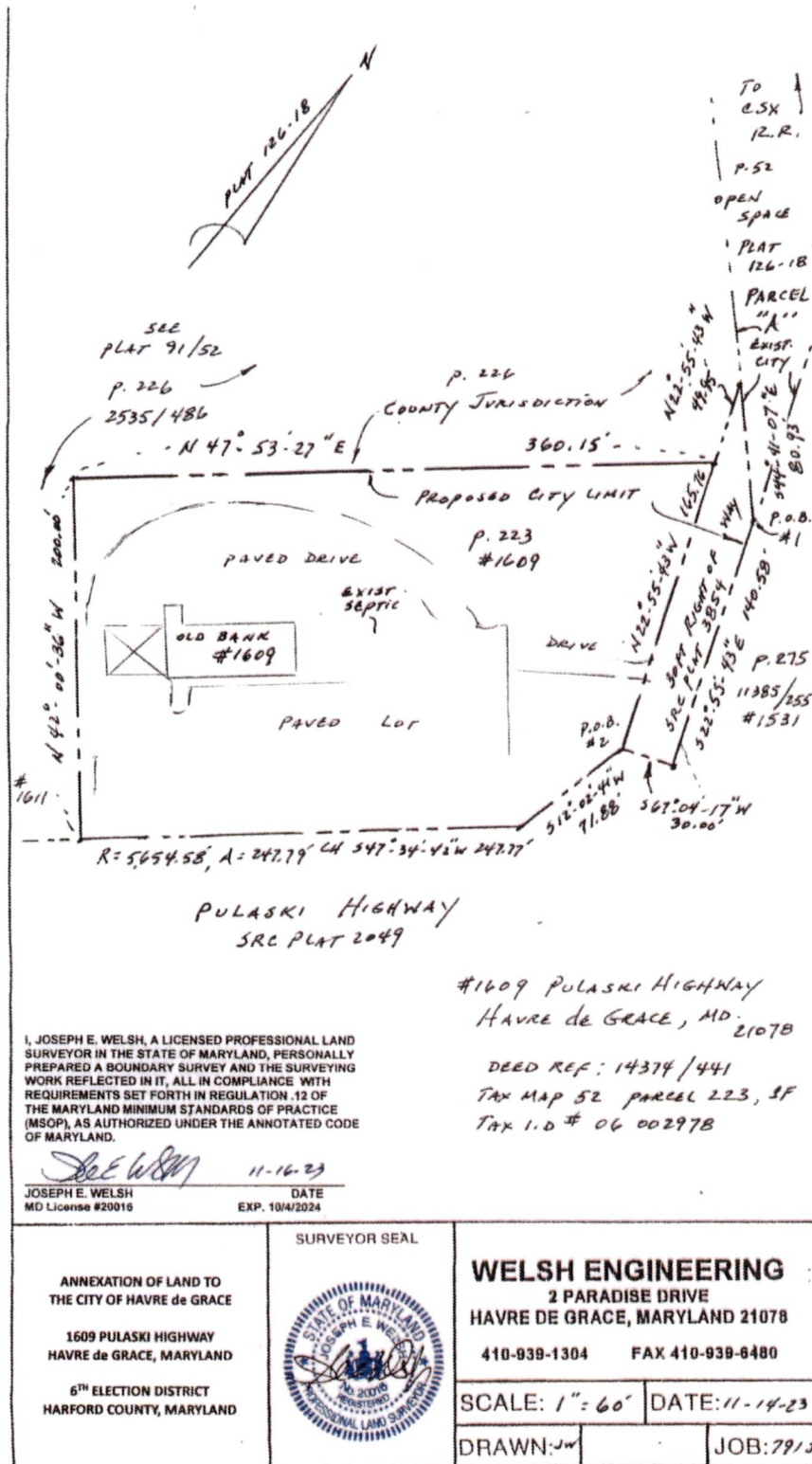


Exhibit C

§ 20-1. Policy.

The following principles shall govern annexation:

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



Maryland DEPARTMENT OF PLANNING

December 20, 2023

The Honorable William T. Martin
City of Havre de Grace
711 Pennington Avenue
Havre de Grace, MD, 21078

Re: 1609 Pulaski Highway Annexation (Resolution 2023-21)

Dear Mayor Martin:

Thank you for providing the Maryland Department of Planning (MDP) with information pertaining to the 1609 Pulaski Highway annexation. MDP has reviewed your submission and offers the following comments for consideration.

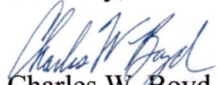
As you are aware, §4-416(b) of the Local Government Article specifies that the new zoning for the annexed land cannot be substantially different from the existing county zoning, without the express consent of the Harford County Council. In reviewing this annexation request, it is the Department's view that the proposed Havre de Grace Commercial (C) zoning appears to not be substantially different from the current county Commercial Industrial District (CI) zoning from a use perspective, as both zoning districts allow for similar uses. In addition, the Havre de Grace zoning appears to not allow substantially higher density than the current county zoning, as they both permit a similar intensity of commercial development. MDP recommends that the Havre de Grace confer with Harford County to confirm consistency of zoning, as provided in §4-416 of the Local Government Article. Please see MDP's attached Annexation Review for further details of our analysis.

The property proposed for annexation is currently located in a county-certified Priority Funding Area (PFA). Based on MDP's review of the annexation, the proposed zoning, and the county's Master Water & Sewer Plan, the subject property will remain designated as a PFA upon annexation. The property is zoned for employment uses and is designated as S-1/W-1 (Existing Service). Upon the effective date of Resolution 2023-21 and once MDP has received official notification of the annexation from the Department of Legislative Services, MDP will confirm that no changes have occurred since our initial review and affirm the Municipal PFA eligibility of the property. If Havre de Grace does not want the annexation parcel to be considered for designation as a Municipal PFA, then the city should notify MDP prior to the effective date of the annexation.

Enclosed you will find important information concerning post annexation notification and participation in the Census Bureau's Boundary and Annexation Survey. Havre de Grace should follow the appropriate procedures so that the annexed property is legally established as part of the incorporated municipality. To expedite MDP's updating of the PFA status, please send Brooks Phelps a copy of the notification transmitted to the Department of Legislative Services.

If you desire further assistance please contact the Central Maryland Regional Planner, Brooks Phelps, at brooks.phelps@maryland.gov.

Sincerely,



Charles W. Boyd, AICP
Assistant Secretary for Planning Services

cc: Timothy Bourcier, Planning Director, City of Havre de Grace
Shane P. Grimm, Planning & Zoning Director, Harford County
Joe Griffiths, Manager Local Assistance and Training
Susan Llareus, Planner Supervisor/Regional Planner for Maryland Capital Region
Brooks Phelps, Regional Planner for Central Maryland

Attachments: Maryland Department of Planning Annexation Review
Municipal Reporting Responsibilities Following Annexation
Municipal Charter or Annexation Resolution Reposition Form

Annexation Review
1609 Pulaski Highway plus 30' Wide ROW

Municipality	Havre de Grace
Name of Annexation	1609 Pulaski Highway plus 30' Wide ROW
Resolution Number	Res. No. 299
Size of Parcels	1.59 Acres
Is the property contiguous in accordance with Section 4-401?	No
Public Hearing Date	1/2/2024
Current County Zoning	
Existing Density	

Purpose of the Current County Zoning District

Commercial Industrial District (CI) - Industrial, office, and business for moderate use of a moderate scale and intensity (Section 267-60).

Permitted Use in the Current County Zoning District

The zoning allows for a variety of uses, including but not limited to Retail Trade/Services, Motor Vehicles, Industrial, and Residential (Transient Housing),

Proposed Municipal Zoning

Purpose of the Proposed Municipal Zoning District

C- Commercial district - The Havre de Grace does not include a purpose statement for the Commercial District, but it appears that the annexation and rezoning to the municipal district upon annexation will continue the existing use or may be the first step in redevelopment of the site.

Permitted Use in the Proposed Municipal Zoning District

The zoning allows for offices, retail businesses, restaurants, hotels, auto repair and service centers, and manufacturing, among others.

Are the permitted uses in the proposed municipal zoning similar to those in the county zoning? Yes

The owner of the property intends to develop the property under the commercial use district allowances and is planning to submit a site plan.

Is the permitted density in the proposed municipal zoning similar to density permitted in the county zoning? Yes

It appears that the intensity of development allowed in both CI and C zones is very similar.

County waiver recommended? No

As the proposed municipal zoning would not permit substantially different uses or density from the existing county zoning, a waiver is not recommended at this time, although the Maryland Department of Planning recommends that the city confirm this with Harford County.

Issues of State interest:

Havre de Grace should contact the State Highway Administration regarding the annexation of the adjacent right of way.

Is the property in a Designated Growth Area? Yes

Per the 2010 Havre de Grace comprehensive plan: "Primary considerations for growth are additional commercial parcels along US 40. New commercial expansion and redevelopment of existing underutilized parcels is desired to make a cohesive corridor for service, retail, medical, and office uses." This parcel is included on the growth areas map in the 2003/2010 Havre de Grace comprehensive plan. (Figure 3.10, parcel 4).

Is the property eligible to become a Priority Funding Area? Yes

The property is currently a county PFA and will become a municipal PFA area after annexation. The property is within the Havre de Grace municipal growth area, is designated as S-1/W-1 (Existing Service) in the Harford County Water and Sewer Plan, and is zoned for employment use.

Maryland Department of Planning Reviewer:

Date Submitted: 11/28/2023



MUNICIPAL REPORTING RESPONSIBILITIES FOLLOWING ANNEXATION

State Municipal Reporting Responsibilities

There are state law municipal reporting responsibilities requiring the municipality to promptly submit certain information after an annexation is approved:

1. The Local Government Article, section § 4-414, Annotated Code of Maryland, requires that municipalities send a copy of the annexation resolution with the new boundaries to the Maryland Department of Legislative Services if an annexation is approved. Please copy the Maryland Department of Planning so that we are aware of the approved annexation boundaries.

The copy of the annexation resolution, along with the Municipal Charter Or Annexation Resolution Reposition Form (below), with the new boundaries shall be sent within 10 days after the resolution takes effect to:

State Department of Legislative Services
Legislative Division
90 State Circle
Annapolis, Maryland 21401

2. State law requires that upon annexation approval, the chief executive and administrative officer of a municipality that has annexed property forward the annexation resolution and map with the new boundary to the local municipal clerk, Clerk of the Court in the county or counties in which the municipal corporation is located and, for those municipalities in Montgomery and Prince George's County, to the Maryland-National Capital Park and Planning Commission.

Census Bureau Boundary and Annexation Survey

To ensure that persons residing on annexed land are counted as part of the municipal population, the U.S. Census Bureau periodically mails to all municipal corporations a Boundary and Annexation Survey (BAS).

Following an annexation, no immediate action is required. The Census Bureau will notify the person who has been identified by the municipality as the contact person by mail and/or e-mail. Municipalities may submit boundary corrections or changes through the Bureau's free Partnership software. In the past, the U.S. Census Bureau mailed out the BAS survey on a varying schedule based on the population size of the incorporated town. The Mayor or other municipal officials must complete the BAS, update the maps and certify that the boundary shown reflects the legal corporate limits as of January 1 of the survey year. Boundary information must be returned to the Census Bureau by March 1st of the survey year to be properly recorded for the Census Bureau's annual population estimates and American Community Survey products.

The purpose of the Survey is to obtain the most accurate boundary information, including boundary changes due to annexations, detachments, mergers, or other reasons. These boundary changes are incorporated into the Census Bureau's files and used for tabulating Census data. The BAS information is used to provide an appropriate record for reporting the results of the decennial and economic censuses, and annual surveys such as the Population Estimates Program and the American Community Survey.

Maryland Department of Planning can assist municipalities in updating their boundary information. Questions regarding the Census Bureau's Boundary and Annexation Survey or assistance in submitting the BAS may be referred to Alfred Sundara at the Maryland Department of Planning at 410-767-4002 or alfred.sundara@maryland.gov.

Additional information about the Census Bureau's BAS program is available at the following link <https://www.census.gov/programs-surveys/bas.html>

MUNICIPAL CHARTER OR ANNEXATION RESOLUTION REPOSITION FORM

Section 4-109 of the Local Government Article of the Annotated Code of Maryland requires municipal officials to deposit certain municipal documents with the Department of Legislative Services. Please use this registration form for each resolution that alters the charter or the boundaries of your municipal corporation. Complete a separate form for each resolution, and mail the entire text of the resolution, along with this form to:

Georganne Carter, Legislative Counsel
Municipal Resolution Reposition
Department of Legislative Services
90 State Circle
Annapolis, MD 21401-1991

_____	_____
Municipal Corporation	County(ies)

Name and Title of Official Submitting this Resolution	
_____	_____
Address	Phone
_____	_____
_____	Date of Submitting this Resolution*
_____	_____
Resolution Number	Date Enacted by Legislative Body
_____	_____
	Effective Date**

1) *For an annexation resolution*, state the charter section (e.g., boundary description section, appendix) that is amended _____ OR state the charter section (e.g., general powers section) pursuant to which the property is annexed _____. (*Enclose a copy of the metes and bounds description of the complete boundaries of your municipal corporation that includes the newly annexed property, including the number of acres and the point of beginning coordinates for the newly annexed property.*)

For a charter resolution, state whether the entire charter is repealed and a new charter is adopted _____ OR state the specific section(s) that is added, repealed, renumbered, or repealed and reenacted with amendments _____.

2) Number of votes cast by the legislative body for _____ and against _____ this resolution.

3) Will this resolution be petitioned to referendum? _____

If "yes", date of the referendum election (if known) _____.

* *A resolution should be submitted to the Department of Legislative Services **10 days after the effective date** of the resolution (§ 4-109(b) of the Local Government Article). Generally, provided that a resolution is not petitioned to referendum, the effective date for a charter resolution is 50 days after enactment (§ 4-304(c) of the Local Government Article), and for an annexation resolution is no earlier than 45 days after enactment (§ 4-407 of the Local Government Article).*



City of Havre de Grace

711 PENNINGTON AVENUE, HAVRE DE GRACE, MARYLAND 21078
WWW.HAVREDEGRACEMD.COM

410- 939-1800
410- 575-7043

November 28, 2023

Rebecca Flora, AICP, Secretary
Maryland Department of Planning
301 W. Preston Street, Suite 1101
Baltimore, Maryland 21201

RE: Annexation Resolution No. 299
1609 Pulaski Highway plus 30' Wide Right-of-Way
Havre de Grace, MD 20178

Dear Ms. Flora:

The Havre de Grace City Council is considering the annexation of 1609 Pulaski Highway plus a portion of the 30 foot right-of-way consisting of approximately 1.59 acres of land in total. Accompanying this letter is a copy of the Annexation Resolution, legal description of the property, and location map for your review and comment. The property is currently zoned CI/Commercial Industrial District by Harford County. The City proposes to zone the property C/Commercial District as defined in the Havre de Grace Zoning Code. The City Council passed Resolution 2023-21 (The Annexation Plan) for the subject property on November 20, 2023. This information is sent to you in accordance with the requirements set forth in the Annotated Code of Maryland, Local Government § 4-415(f), entitled "Annexation Plan".

A public hearing will be held on January 2, 2024 at the City Council Chambers of the City of Havre de Grace, 711 Pennington Avenue. If you would like to provide comments on the proposed annexation, please provide your comments in writing by December 19, 2023 which is two weeks prior to the hearing date. If you have immediate questions regarding this matter, please contact me at 410-939-1800 or via email at diannek@havredegracemd.com. Thank you in advance for your consideration.

Sincerely,

Dianne Klair,
Senior Planner
Department of Planning

Cc: Stephen Gamatoria, Director of Administration
April Ishak, Esq., City Attorney
Timothy Bourcier, Director of Department of Planning
Tamara Brinkman, Administrative Assistant

CITY COUNCIL
OF
HAVRE DE GRACE, MARYLAND

RESOLUTION NO. 2023-21

Introduced by _____ Council President Ringsaker

A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE, MARYLAND, ADOPTED PURSUANT TO THE AUTHORITY OF THE MARYLAND CONSTITUTION ARTICLE XI-E AND THE PROVISIONS OF THE ANNOTATED CODE OF MARYLAND, LOCAL GOVERNMENT ARTICLE SECTION 4-405, AND CITY CHARTER SECTION 34 ADOPTING AN ANNEXATION PLAN FOR THE PROPERTY KNOWN AS 1609 PULASKI HIGHWAY PLUS A PORTION OF THE 30-FOOT-WIDE RIGHT-OF-WAY CONSISTING OF A TOTAL OF 1.59 ACRES MORE OR LESS

WHEREAS, the Mayor and City Council of Havre de Grace (“City”) seeks to annex certain Property located at 1609 Pulaski Highway plus a portion of the 30-foot-wide right-of-way consisting of 1.59 acres more or less (“Property”), and adopt this Annexation Plan in furtherance of the proposed Charter Resolution for Annexation (“Charter Resolution” or “Annexation Resolution”); and

WHEREAS, the property to be annexed consists of 1.59 acres ft. more or less located on the north side of the westbound lane of Pulaski Highway, situated and lying in the Sixth Election District of Harford County, Maryland as set forth more fully below; and

WHEREAS, the Property is adjacent to property already within the municipal limits of the City, and the annexation will not create an enclave;

WHEREAS, the annexation is consistent with the Municipal Growth Element of the City’s 2010 Comprehensive Plan, and specifically the Municipal Growth Element and City expansion along Pulaski Highway/Route 40;

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

THE ANNEXATION PLAN FOR ONE PARCEL OF LAND LOCATED AT 1609 PULASKI HIGHWAY PLUS A PORTION OF THE 30-FOOT-WIDE RIGHT-OF-WAY CONSISTING OF A TOTAL OF 1.59 ACRES MORE OR LESS

Resolution No. 2023-21

1. Introduction. The property proposed to be annexed in this Plan is a commercial lot situated along the north side of the westbound lane of Pulaski Highway with an unoccupied building that was formerly a bank. For identification purposes, the Property being annexed consists of one parcel known as 1609 Pulaski Highway, with the total land area being 1.478 acres more or less together with a portion of the adjacent 30-foot-wide State Highway right-of-way consisting of 0.112 acres more or less. The Property to be annexed is reflected on the property description and survey attached as **Exhibit A** and is more particularly described in the following deed filed among the Land Records of Harford County:

1609 Pulaski Highway, Tax Map 52, Grid 1F, Parcel 223, Account ID No. 06-002978, and described in a Deed dated December 15, 2020 and recorded among the Land Records of Harford County, Maryland, in Liber/Book 14374, folio/page 441, from Columbian Bank FSB to 2612 Laurel Bush Road LLC.

2. Current Conditions. Currently there is one unoccupied commercial office building located on the Property and no resident voters are present. The Property to be annexed is not serviced by City water or sewer. The Property is serviced by County water and private septic systems. The property owner has requested the proposed annexation of the Property.
3. Current Zoning. The Property is currently zoned Commercial Industrial district on the official zoning maps of Harford County.
4. Future Proposed Use. The owner of the Property has indicated that it intends to continue the commercial use of the property and will be submitting a site plan on proposed development.
5. Proposed Zoning. Proposed zoning for the Property will be C-Commercial. No amendment to the City's zoning code will be required for the proposed use. The proposed use is also consistent with the Comprehensive Plan for the City of Havre de Grace and uses of nearby properties.
6. Public Facilities. There is currently no requirement that the land subject to this Annexation Plan be set aside for a school site, water or sewer treatment facilities, libraries, recreation, or fire, EMS or police departments, although construction of a public sewer and/or water line may be required and/or public easements may need to be dedicated to the City by the owner for purposes of access to any portion of the public water/sewer line which may run through or along the annexed Property. The current annexation plan shall be reviewed for anticipated infrastructure needs. As for water and sewer capacity, the City estimates that it currently has the water and sewer capacity for the Property. However, infrastructure improvements for water pressure and volume of delivery may be required and will be separately considered at the time of site plan approval. ***Until a site plan is approved, water and sewer capacity remain uncommitted and not guaranteed.*** Water and/or sewer lines must be extended to the respective parcels at the property owner's expense, and any recorded recoupments will need to be

collected prior to such connections. If there are any additional required infrastructure improvements, including but not limited to increased water and sewer capacity or distribution, they shall all be paid for by the owner/developers of the property along with required bonding for performance and maintenance. The owners/developers of the Property shall be charged the standard capital cost recovery charges, user benefit fees and all other fees and charges associated with connection to the City's water and sewer systems. Water and Sewer service rates shall be charged at the generally applicable rates and pursuant to the conditions generally applied by the City. The Property may be subject to recoupment agreements or cost recovery charges for water and sewer as may be authorized by City ordinances, the Annexation Resolution, Annexation Agreement, and/or Public Works Agreement, or separate agreements for capital cost recoupment that may be recorded among the Land Record for Harford County.

7. Trash Removal. Once annexed, the Property will be serviced by private commercial trash removal services and will not be billed for the City trash removal services.
8. Fire Protection. Fire protection shall continue to be provided to the Property by the Susquehanna Hose Company, Inc. pursuant to conditions applicable to other properties within the corporate boundaries of the City and properties outside of the municipal limits.
9. Schools – Library – Recreation. The scope of the development on the Property is limited to commercial use. As such, no recreation element is required, and no additional school or library expansions will be needed as a result of the proposed annexation.
10. Real Property Taxes. The Property shall be taxed by the City at generally applicable rates. If the land is subject to an abatement request due to an enterprise zone designation
11. EMS. EMS protection shall be provided to the Property by the Havre de Grace Ambulance Corps, Inc. and Harford County Emergency Services pursuant to the conditions applicable to other properties within the corporate boundaries of the City and properties outside of the municipal limits.
12. Police. Police protection shall be provided to the Property by the Havre de Grace Police Department pursuant to the conditions to other properties within the corporate boundaries of the City and properties outside of the municipal limits in accordance with current mutual aid agreements and policies with the County and neighboring municipalities.
13. Timing of Municipal Services. Municipal services shall be provided at such time as the Annexation Resolution (Charter Resolution) becomes final after the time for referendum has expired.
14. Annexation Agreement and Public Works Agreement. The Mayor is authorized to enter into an Annexation Agreement and/or Public Works Agreement with and the owners/developers of the Property detailing the terms of this Annexation Plan and any

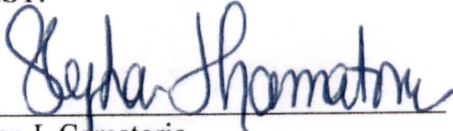
other appropriate conditions, if required by the City based on recommendations by the Director of the Department of Planning, the Director of the Department of Public Works and/or the City Attorney prior to any development or connections to City water and sewer. The provisions of this Annexation Plan are to be considered minimum requirements and additional requirements (including capital cost recovery fees) or more stringent requirements which may be added and addressed in an Annexation Agreement and/or Public Works Agreement, or both, or as otherwise provided in the Annexation Resolution (Charter Resolution).

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

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

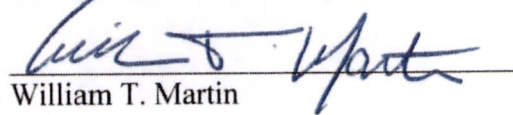
ADOPTED by the City Council of Havre de Grace, Maryland this 20th day of November, 2023.

ATTEST:



Stephen J. Gamatoria
Director of Administration

THE MAYOR AND CITY COUNCIL
OF HAVRE DE GRACE, MARYLAND



William T. Martin
Mayor

Introduced: 11/20/2023

Passed/Adopted: 11/20/2023

Effective Date: 11/22/2023

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

Exhibit A

**ANNEXATION OF LAND TO
THE CITY OF HAVRE DE GRACE**

**ROAD ADJOINING THE LAND AT
1609 PULASKI HIGHWAY
HAVRE de GRACE, MARYLAND**

**6TH ELECTION DISTRICT
HARFORD COUNTY, MARYLAND**

BEGINNING FOR THE SAME at a point at the southeasterly corner of a parcel located in the City of Havre de Grace labelled "Open Space, Parcel A" as shown on a plat of Greenway Farms, Revised Final Plat One Phase One as recorded in the Land Records of Harford County in Plat Book 126 Folio 18, said point having coordinates of North 682,181.21 East 1,561,691.58, and leaving said point and running thence with the easterly side of a 30 ft. right-of-way with bearings based upon the plat

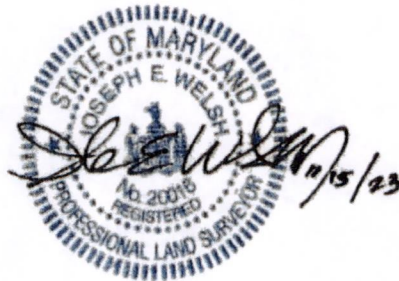
South 22 degrees 55 minutes 43 seconds East 140.58 feet, thence crossing the 30 ft. right-of-way as shown on State Road Plat 3854

South 67 degrees 04 minutes 17 seconds West 30.00 feet, thence with the westerly side of the 30ft. right-of-way and with the former bank side,

North 22 degrees 55 minutes 43 seconds West 165.76 feet to the Northeast corner of the land of the former bank as described in a deed dated Dec. 15, 2020 from Cecil Bank to 2612 Laurel Bush Road LLC as recorded in the Land Records of Harford County in Liber 14374 Folio 441 and running with the 30 ft. right-of-way

North 22 degrees 55 minutes 43 seconds West 49.95 feet to a point on the current City limits and thence with the City limit South 44 degrees 41 minutes 07 seconds East 80.93 feet, to the point of beginning,

Containing 5,343.75 square feet, 0.1227 acre acres as shown on the attached drawing and based on a survey by Welsh Engineering. The annexed land is the 30 ft. lane East and North of the former bank site, a.k.a. 1609 Pulaski Highway



**ANNEXATION OF LAND TO
THE CITY OF HAVRE DE GRACE**

**1609 PULASKI HIGHWAY
HAVRE de GRACE, MARYLAND**

**6TH ELECTION DISTRICT
HARFORD COUNTY, MARYLAND**

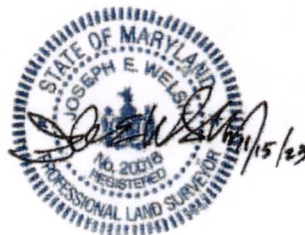
BEGINNING AT A POINT on the City Limits of the City of Havre de Grace at a point on the westerly side of a 30 foot right-of-way that adjoins the land known as 1609 Pulaski Highway, said point of beginning being shown on State Road Plat 3854 and leaving said point and running

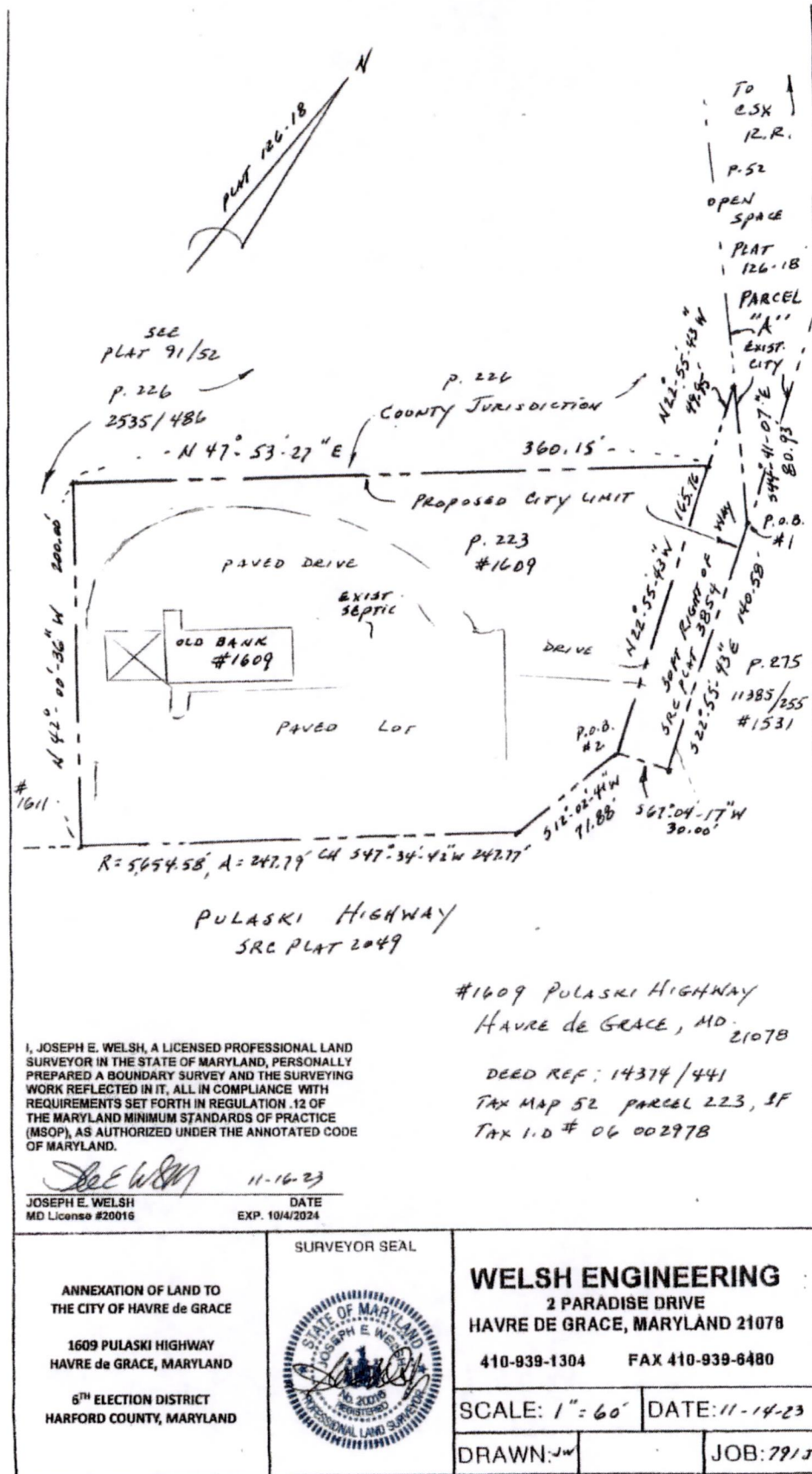
South 12 degrees 02 minutes 41 seconds West 71.88 feet to a point on the northerly right-of-way of the through road of Pulaski Highway as shown on State Road Plat 2049

and running thence along U.S. 40 Pulaski Highway by a curve to the right having a radius of 5,654.58 and arc length of 247.79 feet and a chord with bearing and distance of South 47 degrees 34 minutes 42 seconds West 247.77 feet,

thence leaving Pulaski Highway and running North 42 degrees 00 minutes 36 seconds West 200.00 feet

North 47 degrees 53 minutes 27 seconds East 360.15 feet to a point on old 30 foot right-of-way and running with the 30 ft. right-of-way along the City Limits of the City of Havre de Grace South 22 degrees 55 minutes 43 seconds East 165.76 feet to the point of beginning, containing 1.4735 acres.





I, JOSEPH E. WELSH, A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF MARYLAND, PERSONALLY PREPARED A BOUNDARY SURVEY AND THE SURVEYING WORK REFLECTED IN IT, ALL IN COMPLIANCE WITH REQUIREMENTS SET FORTH IN REGULATION .12 OF THE MARYLAND MINIMUM STANDARDS OF PRACTICE (MSOP), AS AUTHORIZED UNDER THE ANNOTATED CODE OF MARYLAND.

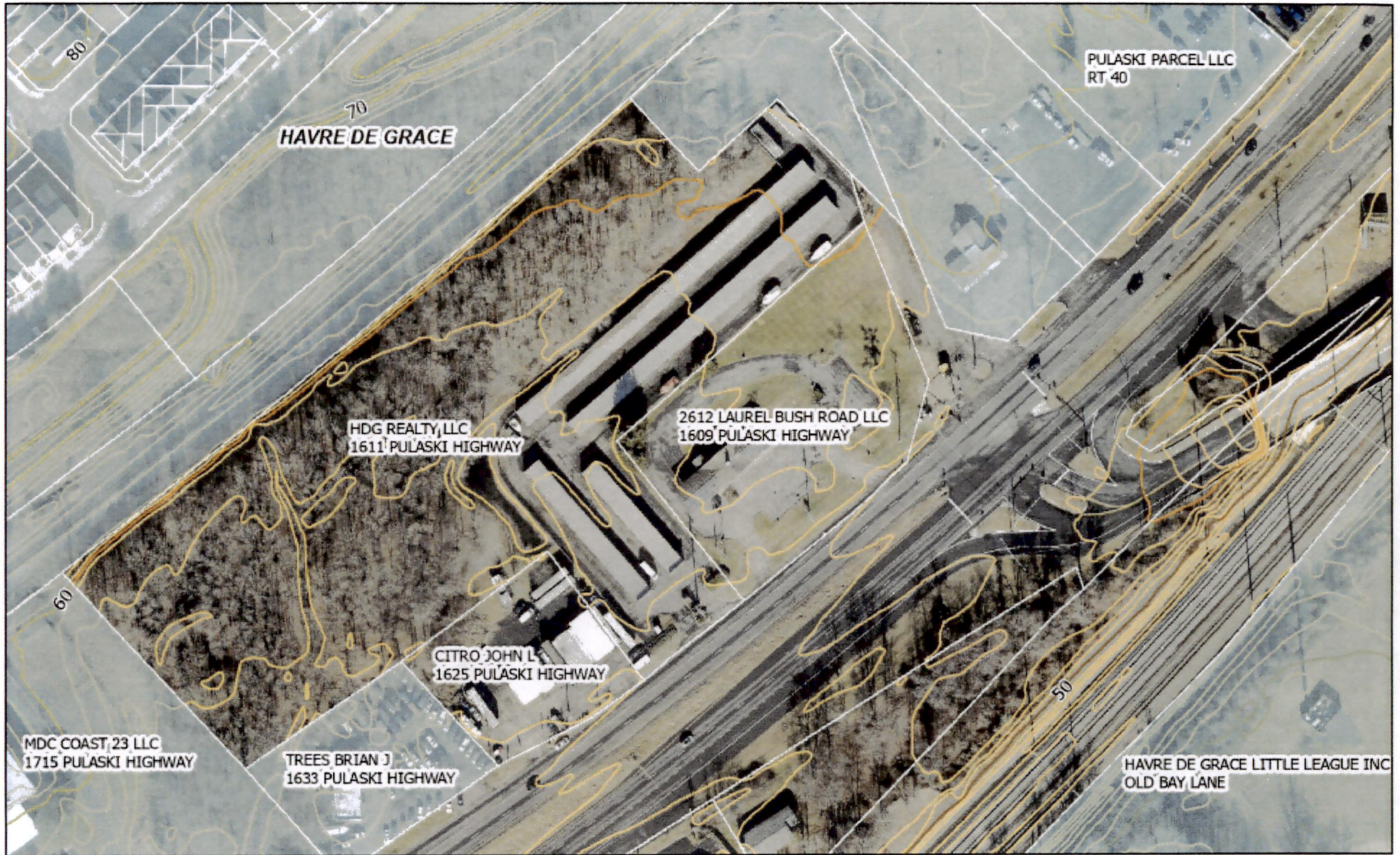
Joe E. Welsh 11-16-23
 JOSEPH E. WELSH DATE
 MD License #20016 EXP. 10/4/2024

#1609 PULASKI HIGHWAY
 HAVRE DE GRACE, MD. 21078

DEED REF: 14374/441
 TAX MAP 52 PARCEL 223, 3F
 TAX I.D # 06 002978

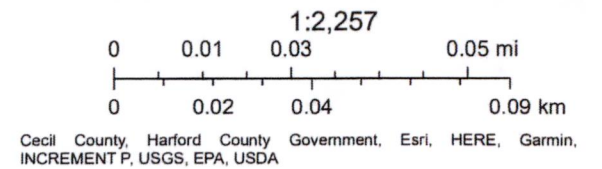
ANNEXATION OF LAND TO THE CITY OF HAVRE DE GRACE 1609 PULASKI HIGHWAY HAVRE DE GRACE, MARYLAND 6 TH ELECTION DISTRICT HARFORD COUNTY, MARYLAND	SURVEYOR SEAL 	WELSH ENGINEERING 2 PARADISE DRIVE HAVRE DE GRACE, MARYLAND 21078 410-939-1304 FAX 410-939-6480	
		SCALE: 1" = 60'	DATE: 11-14-23
DRAWN: JW		JOB: 791J	

1609 Pulaski Highway - Annexation Resolution No. 299



11/27/2023, 2:55:03 PM

- 2' Intermediate Contours
- 10' Index Contours
- 20' Index Contours
- 50' Index Contours
- Municipal Boundaries
- HAVRE DE GRACE
- Cadastral (IN WHITE)
- Harford County Boundary
- Cadastral Labels





City of Havre de Grace

711 PENNINGTON AVENUE, HAVRE DE GRACE, MARYLAND 21078

WWW.HAVREDEGRACEMD.COM

410- 939-1800

410- 575-7043

November 28, 2023

Shane Grimm, AICP, Planning Director
Harford County Government
Department of Planning and Zoning
220 South Main Street
Bel Air, Maryland 21014

RE: Annexation Resolution No. 299
1609 Pulaski Highway plus 30' Wide Right-of-Way
Havre de Grace, MD 20178

Dear Mr. Grimm:

The Havre de Grace City Council is considering the annexation of 1609 Pulaski Highway plus a portion of the 30 foot right-of-way consisting of approximately 1.59 acres of land in total. Accompanying this letter is a copy of the Annexation Resolution, legal description of the property, and location map for your review and comment. The property is currently zoned CI/Commercial Industrial District by Harford County. The City proposes to zone the property C/Commercial District as defined in the Havre de Grace Zoning Code. The City Council passed Resolution 2023-21 (The Annexation Plan) for the subject property on November 20, 2023. This information is sent to you in accordance with the requirements set forth in the Annotated Code of Maryland, Local Government § 4-415(f), entitled "Annexation Plan".

A public hearing will be held on January 2, 2024 at the City Council Chambers of the City of Havre de Grace, 711 Pennington Avenue. If you would like to provide comments on the proposed annexation, please provide your comments in writing by December 19, 2023 which is two weeks prior to the hearing date. If you have immediate questions regarding this matter, please contact me at 410-939-1800 or via email at diannek@havredegracemd.com. Thank you in advance for your consideration.

Sincerely,

Dianne Klair,
Senior Planner
Department of Planning

Cc: Stephen Gamatoria, Director of Administration
April Ishak, Esq., City Attorney
Timothy Bourcier, Director of Department of Planning
Tamara Brinkman, Administrative Assistant

CITY COUNCIL
OF
HAVRE DE GRACE, MARYLAND

RESOLUTION NO. 2023-21

Introduced by _____ Council President Ringsaker

A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE, MARYLAND, ADOPTED PURSUANT TO THE AUTHORITY OF THE MARYLAND CONSTITUTION ARTICLE XI-E AND THE PROVISIONS OF THE ANNOTATED CODE OF MARYLAND, LOCAL GOVERNMENT ARTICLE SECTION 4-405, AND CITY CHARTER SECTION 34 ADOPTING AN ANNEXATION PLAN FOR THE PROPERTY KNOWN AS 1609 PULASKI HIGHWAY PLUS A PORTION OF THE 30-FOOT-WIDE RIGHT-OF-WAY CONSISTING OF A TOTAL OF 1.59 ACRES MORE OR LESS

WHEREAS, the Mayor and City Council of Havre de Grace (“City”) seeks to annex certain Property located at 1609 Pulaski Highway plus a portion of the 30-foot-wide right-of-way consisting of 1.59 acres more or less (“Property”), and adopt this Annexation Plan in furtherance of the proposed Charter Resolution for Annexation (“Charter Resolution” or “Annexation Resolution”); and

WHEREAS, the property to be annexed consists of 1.59 acres ft. more or less located on the north side of the westbound lane of Pulaski Highway, situated and lying in the Sixth Election District of Harford County, Maryland as set forth more fully below; and

WHEREAS, the Property is adjacent to property already within the municipal limits of the City, and the annexation will not create an enclave;

WHEREAS, the annexation is consistent with the Municipal Growth Element of the City’s 2010 Comprehensive Plan, and specifically the Municipal Growth Element and City expansion along Pulaski Highway/Route 40;

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

THE ANNEXATION PLAN FOR ONE PARCEL OF LAND LOCATED AT 1609 PULASKI HIGHWAY PLUS A PORTION OF THE 30-FOOT-WIDE RIGHT-OF-WAY CONSISTING OF A TOTAL OF 1.59 ACRES MORE OR LESS

1. Introduction. The property proposed to be annexed in this Plan is a commercial lot situated along the north side of the westbound lane of Pulaski Highway with an unoccupied building that was formerly a bank. For identification purposes, the Property being annexed consists of one parcel known as 1609 Pulaski Highway, with the total land area being 1.478 acres more or less together with a portion of the adjacent 30-foot-wide State Highway right-of-way consisting of 0.112 acres more or less. The Property to be annexed is reflected on the property description and survey attached as **Exhibit A** and is more particularly described in the following deed filed among the Land Records of Harford County:

1609 Pulaski Highway, Tax Map 52, Grid 1F, Parcel 223, Account ID No. 06-002978, and described in a Deed dated December 15, 2020 and recorded among the Land Records of Harford County, Maryland, in Liber/Book 14374, folio/page 441, from Columbian Bank FSB to 2612 Laurel Bush Road LLC.
2. Current Conditions. Currently there is one unoccupied commercial office building located on the Property and no resident voters are present. The Property to be annexed is not serviced by City water or sewer. The Property is serviced by County water and private septic systems. The property owner has requested the proposed annexation of the Property.
3. Current Zoning. The Property is currently zoned Commercial Industrial district on the official zoning maps of Harford County.
4. Future Proposed Use. The owner of the Property has indicated that it intends to continue the commercial use of the property and will be submitting a site plan on proposed development.
5. Proposed Zoning. Proposed zoning for the Property will be C-Commercial. No amendment to the City's zoning code will be required for the proposed use. The proposed use is also consistent with the Comprehensive Plan for the City of Havre de Grace and uses of nearby properties.
6. Public Facilities. There is currently no requirement that the land subject to this Annexation Plan be set aside for a school site, water or sewer treatment facilities, libraries, recreation, or fire, EMS or police departments, although construction of a public sewer and/or water line may be required and/or public easements may need to be dedicated to the City by the owner for purposes of access to any portion of the public water/sewer line which may run through or along the annexed Property. The current annexation plan shall be reviewed for anticipated infrastructure needs. As for water and sewer capacity, the City estimates that it currently has the water and sewer capacity for the Property. However, infrastructure improvements for water pressure and volume of delivery may be required and will be separately considered at the time of site plan approval. ***Until a site plan is approved, water and sewer capacity remain uncommitted and not guaranteed.*** Water and/or sewer lines must be extended to the respective parcels at the property owner's expense, and any recorded recoupments will need to be

collected prior to such connections. If there are any additional required infrastructure improvements, including but not limited to increased water and sewer capacity or distribution, they shall all be paid for by the owner/developers of the property along with required bonding for performance and maintenance. The owners/developers of the Property shall be charged the standard capital cost recovery charges, user benefit fees and all other fees and charges associated with connection to the City's water and sewer systems. Water and Sewer service rates shall be charged at the generally applicable rates and pursuant to the conditions generally applied by the City. The Property may be subject to recoupment agreements or cost recovery charges for water and sewer as may be authorized by City ordinances, the Annexation Resolution, Annexation Agreement, and/or Public Works Agreement, or separate agreements for capital cost recoupment that may be recorded among the Land Record for Harford County.

7. Trash Removal. Once annexed, the Property will be serviced by private commercial trash removal services and will not be billed for the City trash removal services.
8. Fire Protection. Fire protection shall continue to be provided to the Property by the Susquehanna Hose Company, Inc. pursuant to conditions applicable to other properties within the corporate boundaries of the City and properties outside of the municipal limits.
9. Schools – Library – Recreation. The scope of the development on the Property is limited to commercial use. As such, no recreation element is required, and no additional school or library expansions will be needed as a result of the proposed annexation.
10. Real Property Taxes. The Property shall be taxed by the City at generally applicable rates. If the land is subject to an abatement request due to an enterprise zone designation
11. EMS. EMS protection shall be provided to the Property by the Havre de Grace Ambulance Corps, Inc. and Harford County Emergency Services pursuant to the conditions applicable to other properties within the corporate boundaries of the City and properties outside of the municipal limits.
12. Police. Police protection shall be provided to the Property by the Havre de Grace Police Department pursuant to the conditions to other properties within the corporate boundaries of the City and properties outside of the municipal limits in accordance with current mutual aid agreements and policies with the County and neighboring municipalities.
13. Timing of Municipal Services. Municipal services shall be provided at such time as the Annexation Resolution (Charter Resolution) becomes final after the time for referendum has expired.
14. Annexation Agreement and Public Works Agreement. The Mayor is authorized to enter into an Annexation Agreement and/or Public Works Agreement with and the owners/developers of the Property detailing the terms of this Annexation Plan and any

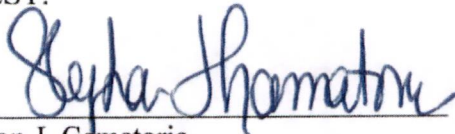
other appropriate conditions, if required by the City based on recommendations by the Director of the Department of Planning, the Director of the Department of Public Works and/or the City Attorney prior to any development or connections to City water and sewer. The provisions of this Annexation Plan are to be considered minimum requirements and additional requirements (including capital cost recovery fees) or more stringent requirements which may be added and addressed in an Annexation Agreement and/or Public Works Agreement, or both, or as otherwise provided in the Annexation Resolution (Charter Resolution).

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

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

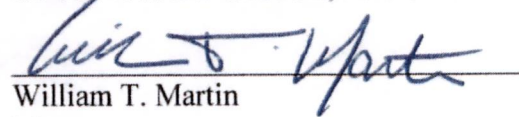
ADOPTED by the City Council of Havre de Grace, Maryland this 20th day of November, 2023.

ATTEST:



Stephen J. Gamatoria
Director of Administration

THE MAYOR AND CITY COUNCIL
OF HAVRE DE GRACE, MARYLAND



William T. Martin
Mayor

Introduced: 11/20/2023

Passed/Adopted: 11/20/2023

Effective Date: 11/22/2023

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

Exhibit A

**ANNEXATION OF LAND TO
THE CITY OF HAVRE DE GRACE**

**ROAD ADJOINING THE LAND AT
1609 PULASKI HIGHWAY
HAVRE de GRACE, MARYLAND**

**6TH ELECTION DISTRICT
HARFORD COUNTY, MARYLAND**

BEGINNING FOR THE SAME at a point at the southeasterly corner of a parcel located in the City of Havre de Grace labelled "Open Space, Parcel A" as shown on a plat of Greenway Farms, Revised Final Plat One Phase One as recorded in the Land Records of Harford County in Plat Book 126 Folio 18, said point having coordinates of North 682,181.21 East 1,561,691.58, and leaving said point and running thence with the easterly side of a 30 ft. right-of-way with bearings based upon the plat

South 22 degrees 55 minutes 43 seconds East 140.58 feet, thence crossing the 30 ft. right-of-way as shown on State Road Plat 3854

South 67 degrees 04 minutes 17 seconds West 30.00 feet, thence with the westerly side of the 30ft. right-of-way and with the former bank side,

North 22 degrees 55 minutes 43 seconds West 165.76 feet to the Northeast corner of the land of the former bank as described in a deed dated Dec. 15, 2020 from Cecil Bank to 2612 Laurel Bush Road LLC as recorded in the Land Records of Harford County in Liber 14374 Folio 441 and running with the 30 ft. right-of-way

North 22 degrees 55 minutes 43 seconds West 49.95 feet to a point on the current City limits and thence with the City limit South 44 degrees 41 minutes 07 seconds East 80.93 feet, to the point of beginning,

Containing 5,343.75 square feet, 0.1227 acre acres as shown on the attached drawing and based on a survey by Welsh Engineering. The annexed land is the 30 ft. lane East and North of the former bank site, a.k.a. 1609 Pulaski Highway



**ANNEXATION OF LAND TO
THE CITY OF HAVRE DE GRACE**

**1609 PULASKI HIGHWAY
HAVRE de GRACE, MARYLAND**

**6TH ELECTION DISTRICT
HARFORD COUNTY, MARYLAND**

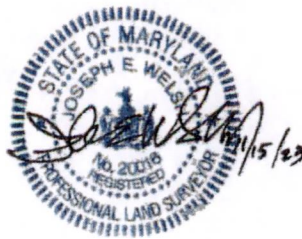
BEGINNING AT A POINT on the City Limits of the City of Havre de Grace at a point on the westerly side of a 30 foot right-of-way that adjoins the land known as 1609 Pulaski Highway, said point of beginning being shown on State Road Plat 3854 and leaving said point and running

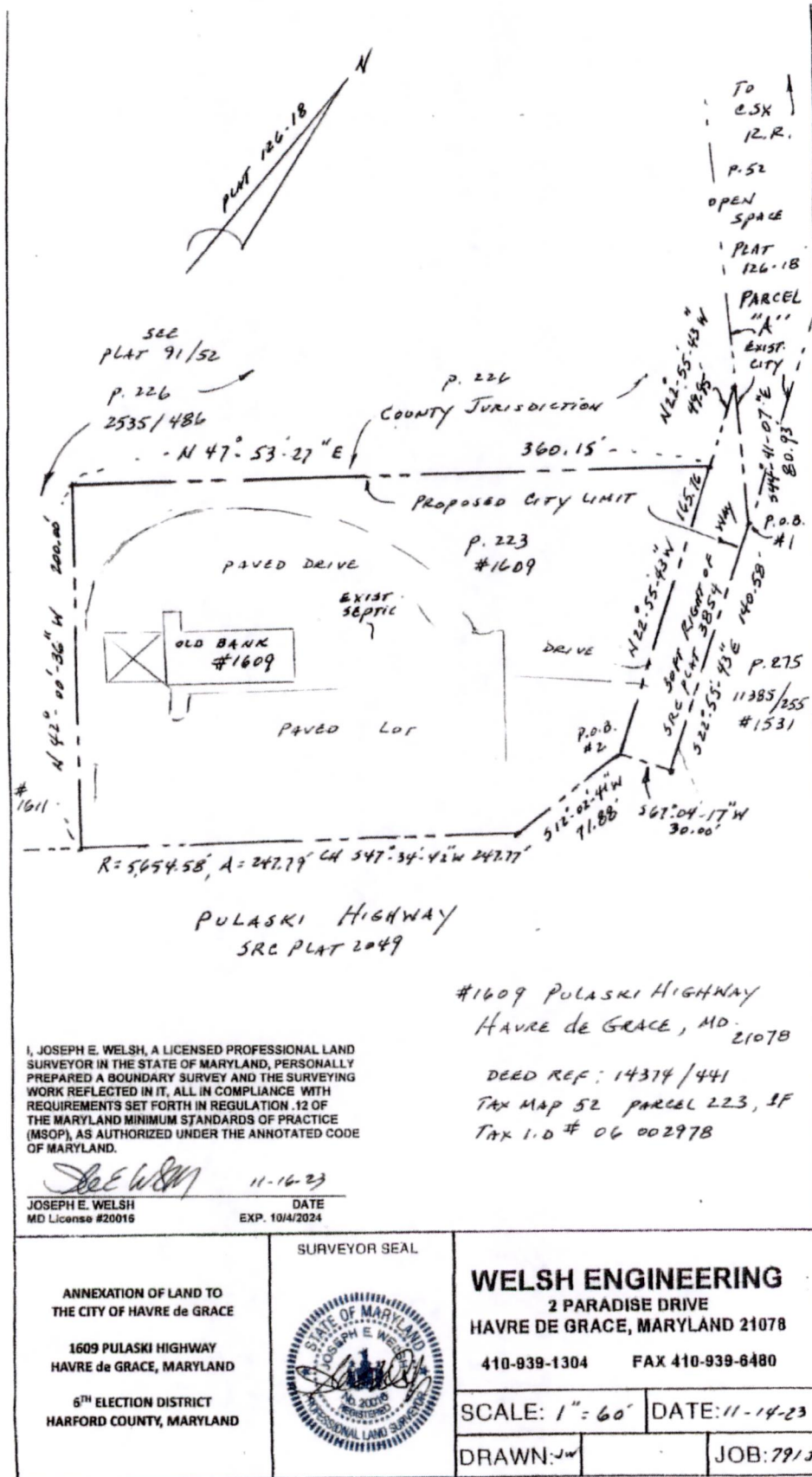
South 12 degrees 02 minutes 41 seconds West 71.88 feet to a point on the northerly right-of-way of the through road of Pulaski Highway as shown on State Road Plat 2049

and running thence along U.S. 40 Pulaski Highway by a curve to the right having a radius of 5,654.58 and arc length of 247.79 feet and a chord with bearing and distance of South 47 degrees 34 minutes 42 seconds West 247.77 feet,

thence leaving Pulaski Highway and running North 42 degrees 00 minutes 36 seconds West 200.00 feet

North 47 degrees 53 minutes 27 seconds East 360.15 feet to a point on old 30 foot right-of-way and running with the 30 ft. right-of-way along the City Limits of the City of Havre de Grace South 22 degrees 55 minutes 43 seconds East 165.76 feet to the point of beginning, containing 1.4735 acres.





I, JOSEPH E. WELSH, A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF MARYLAND, PERSONALLY PREPARED A BOUNDARY SURVEY AND THE SURVEYING WORK REFLECTED IN IT, ALL IN COMPLIANCE WITH REQUIREMENTS SET FORTH IN REGULATION .12 OF THE MARYLAND MINIMUM STANDARDS OF PRACTICE (MSOP), AS AUTHORIZED UNDER THE ANNOTATED CODE OF MARYLAND.

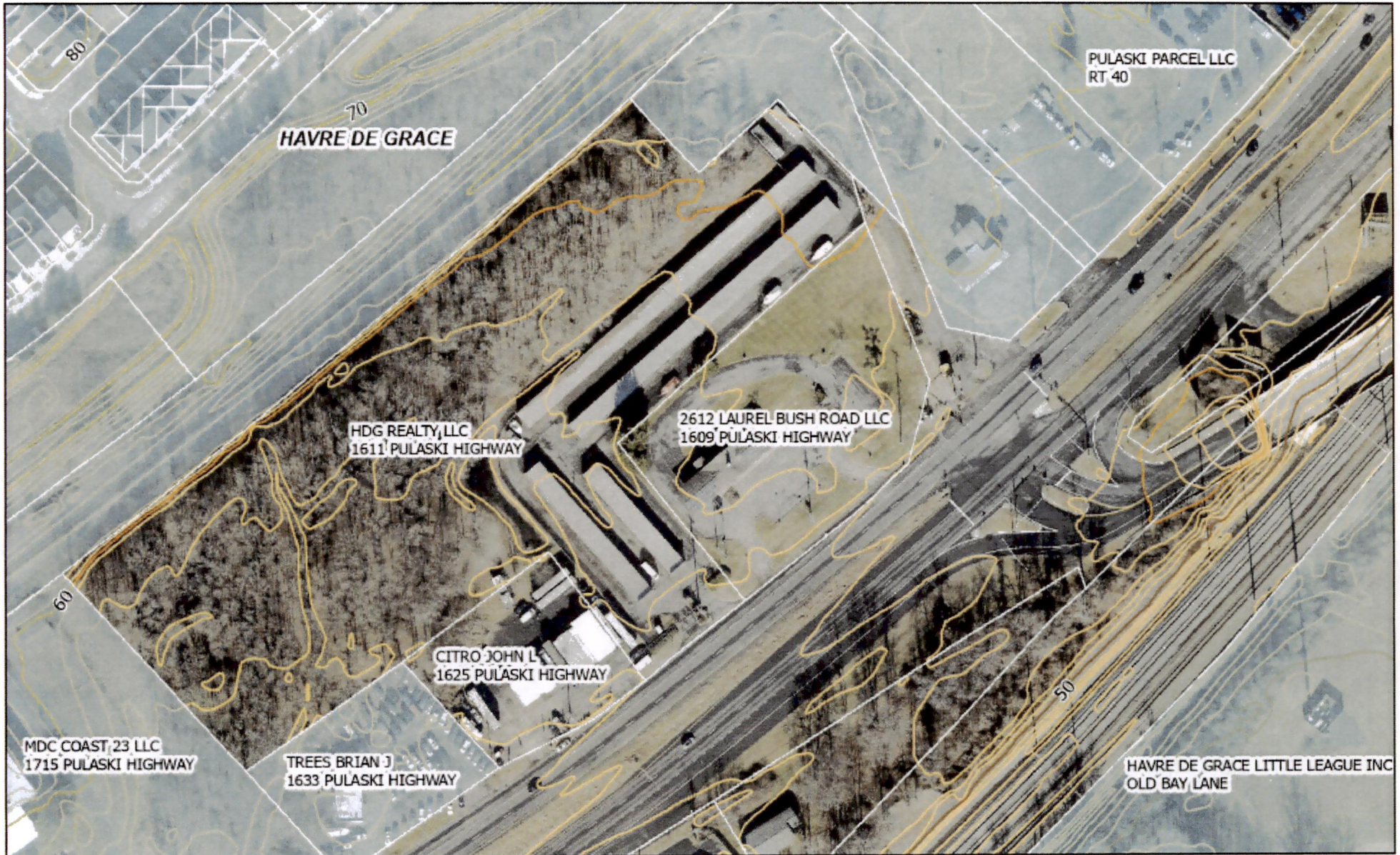
Joseph E. Welsh 11-16-23
 JOSEPH E. WELSH DATE
 MD License #20015 EXP. 10/4/2024

#1609 PULASKI HIGHWAY
 HAVRE DE GRACE, MD. 21078

DEED REF: 14374/441
 TAX MAP 52 PARCEL 223, 3F
 TAX I.D # 06 002978

ANNEXATION OF LAND TO THE CITY OF HAVRE DE GRACE 1609 PULASKI HIGHWAY HAVRE DE GRACE, MARYLAND 6 TH ELECTION DISTRICT HARFORD COUNTY, MARYLAND	SURVEYOR SEAL 	WELSH ENGINEERING 2 PARADISE DRIVE HAVRE DE GRACE, MARYLAND 21078 410-939-1304 FAX 410-939-6480	
		SCALE: 1" = 60'	DATE: 11-14-23
DRAWN: JW		JOB: 7915	

1609 Pulaski Highway - Annexation Resolution No. 299



11/27/2023, 2:55:03 PM

- 2' Intermediate Contours
- 10' Index Contours
- 20' Index Contours
- 50' Index Contours
- Municipal Boundaries
- HAVRE DE GRACE
- Cadastral (IN WHITE)
- Harford County Boundary
- Cadastral Labels

