

## RESOLUTION NO. 2014-02

A RESOLUTION TO ENLARGE THE CORPORATE BOUNDARIES OF THE TOWN OF NEW MARKET, MARYLAND (THE "TOWN" OR "TOWN OF NEW MARKET") BY EXTENDING THE CORPORATE LIMITS OF THE TOWN AND IN SO DOING TO REPEAL AND RE-ENACT WITH AMENDMENTS ARTICLE II, ENTITLED "CONTINUATION OF CORPORATION; CORPORATE LIMITS", SECTION 23-4, ENTITLED "CORPORATE LIMITS", OF THE CHARTER OF THE TOWN OF NEW MARKET; TO PROVIDE FOR THE ANNEXATION OF 262.4080 ACRES OF LAND, MORE OR LESS, ON THE NORTHWESTERN BOUNDARY OF THE TOWN AND ZONING THE PROPERTY TO BE ANNEXED TO THE R-2 (MEDIUM DENSITY RESIDENTIAL) ZONING CLASSIFICATION THAT PERMITS A PDD - PLANNED DEVELOPMENT DISTRICT FLOATING ZONE DESIGNATION.

WHEREAS, the two (2) contiguous parcels of land to be annexed contain in the aggregate 262.4080 acres as described on EXHIBIT A attached hereto and incorporated herein (herein referred to as the "**Property**"); and

WHEREAS, the two (2) parcels of land comprising the Property are owned respectively by Justron, LLC (the "**Smith Property**") and Charlyn, LLC (the "**Cline Property**") (collectively the "**Property Owners**"), and the respective contract purchasers of the Property are MS Justron Farm, LLC, a Maryland limited liability company, and MS Charlyn Farm, LLC, a Maryland limited liability company; and

WHEREAS, the fee simple owners of not less than twenty-five percent (25%) of the assessed valuation of the Property to be annexed have consented to the annexation of the Property into the Town; and

WHEREAS, not less than twenty-five percent (25%) of the persons who reside in the area to be annexed and who are registered as voters in County elections in the precinct or precincts in which the territory to be annexed is located consent to the annexation of the Property into the Town; and

WHEREAS, the Mayor and Council of The Town of New Market (the "**Mayor and Council**") propose annexation of the Property described in this Resolution in accordance with §§ 4-401, *et seq.*, of the Local Government Article of the Annotated Code of Maryland; and

WHEREAS, the Mayor and Council propose that the Property be zoned to the Town's R-2 (Medium Density Residential) zoning classification that permits a PDD - Planned Development District floating zone designation; and

WHEREAS, The Mayor, as the presiding officer of the Town, introduced this Resolution to approve the annexation of the Property into the Town and to classify the Property in the Town's R-2 (Medium Density Residential) zoning classification, at a public meeting of the Mayor and Council of The Town of New Market on February 18, 2014; and

RECEIVED FEB 18 2014  
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 RECEIVED FEB 18 2014

FREDERICK COUNTY CIRCUIT COURT (Land Records) SKD 10100, p. 0129, MSA\_CE61\_9946. Date available 06/27/2014. Printed 08/15/2014.

WHEREAS, pursuant to publication of notice, in accordance with § 4-406 of the Local Government Article of the Annotated Code of Maryland, a public hearing was conducted in the Town on April 10, 2014 to receive public comment and upon completion of the public hearing, the public record was closed to further public comment; and

WHEREAS, the Town Planning Commission reviewed the proposed annexation and R-2 (Medium Density Residential) zoning of the Property (that permits a PDD – Planned Development District floating zone designation) and has recommended to the Mayor and Council approval of this Resolution; and

WHEREAS, the Mayor and Council, upon consideration of all public comments and written testimony, have determined the following:

- A) This Resolution and all procedures for consideration of this Resolution by the Town conform to the applicable requirements of §§ 4-401, *et seq.*, of the Local Government Article of the Annotated Code of Maryland and all other applicable laws; and
- B) The Property is contiguous and adjoining to the existing corporate boundaries of the Town and is a logical extension of the corporate boundaries and is consistent with the systematic expansion of the Town limits as set forth in the Town's 2005 Master Plan, as amended and supplemented (the "**New Market Master Plan**"), and the Town's Municipal Growth Element and Water Resources Element Amendments to the New Market Master Plan; and
- C) Annexation of the Property will not create any unincorporated area which is bounded on all sides by real property presently within the corporate limits of the Town, real property proposed to be within the Town, or any combination thereof (i.e., enclave); and
- D) Annexation of the Property and classification in the Town's R-2 (Medium Density Residential) zoning district (that permits a PDD – Planned Development District floating zone designation) is considered to be in the public interest, convenience and welfare of the citizens of the Town.

**NOW THEREFORE, BE IT RESOLVED**, that the corporate limits of The Town of New Market shall include all property lying within the following boundaries:

See attached **EXHIBIT A**.

**BE IT RESOLVED, ENACTED AND ORDAINED**, by the Mayor and Council of The Town of New Market, that the boundaries of the Town as provided in the Charter of The Town of New Market, be amended to include the above-described Property, and the Town Engineer shall so amend the description of the corporate limits to include all the Property more particularly described in **EXHIBIT A**.

**BE IT FURTHER RESOLVED, ENACTED AND ORDAINED**, that the persons residing on the Property and the Property are included for all purposes and subject to the Charter and Ordinances of the Town in said area as if the Property had been originally or subsequently included within the boundaries of the Town, EXCEPT as set forth to the contrary in the conditions applying to this annexation, as hereinafter set forth.

The conditions of this annexation are as follows:

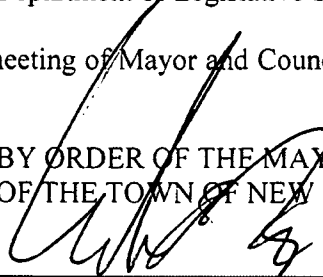
1. The Property Owners shall pay the costs of any required advertising of this Resolution.
2. Municipal ad valorem real estate taxes shall be imposed on the Property as of the effective date of this Resolution.
3. The Property is hereby zoned by the Town, by the adoption of this Resolution, as R-2 (Medium Density Residential) (that permits a PDD – Planned Development District floating zone designation).

**BE IT FURTHER RESOLVED, ENACTED AND ORDAINED**, that this annexation shall become effective forty-five (45) days after the passage of this Resolution unless a proper petition for referendum, pursuant to §§ 4-408, 4-409, or 4-410 of the Local Government Article of the Annotated Code of Maryland, is presented to the Mayor within said forty-five (45)-day period.

**AND BE IT FURTHER RESOLVED**, that upon the effective date of this Resolution, the Mayor, as the President of the Town Council of New Market, Maryland, shall promptly register the original boundaries and new boundaries of the Town with the Clerk of the Frederick County Circuit Court and with the Maryland Department of Legislative Services.

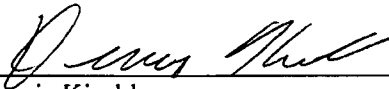
**INTRODUCED** at a regular meeting of Mayor and Council of The Town of New Market on February 18, 2014.

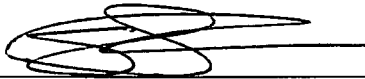
BY ORDER OF THE MAYOR AND COUNCIL  
OF THE TOWN OF NEW MARKET

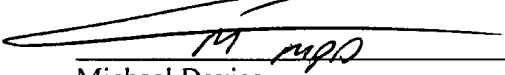
  
Winslow F. Burhans, III, Mayor

  
Rita Mueller

  
Lawrence Romanelli

  
\_\_\_\_\_  
Dennis Kimble

  
\_\_\_\_\_  
Shannon Rossman

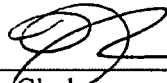
  
\_\_\_\_\_  
Michael Davies

INTRODUCED: February 18, 2014

ENACTED: April 10, 2014

EFFECTIVE: May 25, 2014

ATTEST:

  
\_\_\_\_\_  
Town Clerk

**EXHIBIT A**

Metes and Bounds Survey Description of the Property

**BOUNDARY DESCRIPTION**  
**Justron, LLC Parcel**

**BEING** a parcel of land in the 9<sup>th</sup> Election district of Frederick County, Maryland consisting of those lands granted and conveyed from William Franklin Smith to Justron, LLC by Confirmatory Deed dated August 25, 2004 and recorded among the aforesaid Land Records in Liber 4821 at Folio 395, and being more particularly described as follows in the Maryland State Grid NAD 83/91 horizontal datum as now surveyed:

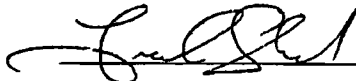
**BEGINNING** at a railroad spike found in the approximate centerline of the paving of Boyers Mill Road, 60-foot wide public right-of-way, at the end of an extension of the South 79°06'56" East, 230.24 foot line of a plat entitled "Section One – White's Wilderness" dated May 22, 1974 and recorded among the Land Records of Frederick County, Maryland in Plat Book 10 at Page 147, thence from said beginning point so described running with and binding on part of the outline of said plat the following two (2) courses and distances:

1. North 80°04'36" West, passing over a monument found 26.85 feet from the beginning thereof, a total of 257.50 feet to a monument found, thence
2. South 00°42'38" East, 177.10 feet to a monument, thence running with and binding on the Third, or North 00°27'30" East, 207.00 feet line of that parcel of land granted and conveyed from Boyers Mill Associates Limited Partnership to David A. Bowman and Sherriann G. Bowman by Deed dated October 29, 1968 and recorded among the aforesaid Land Records in Liber 793 at Folio 334, and running with and binding on the Second, or North 00°27'30" East, 207.00 feet line of that parcel of land granted and conveyed by Connie A. Baldwin to Connie A. Baldwin and David R. Baldwin by Deed dated May 6, 2012 and recorded among the aforesaid Land Records in Liber 7833 at Folio 084, the following course and distance:
3. South 00°28'29" East, passing over a T-Bar found distant 206.88 feet from the beginning thereof, a total of 413.65 feet to an iron rod and cap (LSA 21103) found, thence running with and binding on part of the outline of that parcel of land granted and conveyed from Ronald A. Grenier to Dorothy A. Grenier by Deed dated November 30, 2001 and recorded among the aforesaid Land Records in Liber 3033 at Folio 475 the following two (2) courses and distances:
4. North 80°57'33" West, 37.98 feet to a point, thence
5. South 00°50'06" East, 125.07 feet to an iron pipe found on the northern line of Lot 6 of a Plat entitled "Revised Subdivision Plat of Boyers Mill Heights" dated November 20, 1959 and recorded among the aforesaid Land records in Plat Book 3 at Page 176, thence running with and binding on part of the outline of said Plat the following course and distance:

6. North 79°59'28" West, 120.08 feet to an iron pipe, thence running with and binding on part of the outline of a Plat entitled "Section One – Woodworth Estates" dated February 1973 and recorded among the aforesaid Land Records in Plat Book 9 at Page 132 the following course and distance:
7. North 80°23'34" West, 232.27 feet to an iron rod and cap (R.F. Gauss 9963) found , thence running with and binding on part of the outline of a Plat entitled "Combined Preliminary/Final Plat and Addition Plat – Section One Lots 2, 3, & 4 – Woodworth Estates" dated April 1984 and recorded among the aforesaid Land Records in Plat Book 31 at Page 118, the following two (2) courses and distances:
8. North 80°24'34" West, 657.84 feet to a stone found, thence
9. North 80°16'00" West, 794.09 feet to an iron pipe found, thence running with and binding on part of the outline of a Plat entitled "Addition Plat – SEJ, LLC Parcel One Addition To SEJ, LLC Parcel 2" dated December 2007 and recorded among the aforesaid Land Records in Plat Book 85 at Page 87 the following course and distance:
10. North 04°23'02" East, 521.62 feet to a T-Bar found, thence running with and binding part of the outline of a Plat entitled "Preliminary Condominium Staging Plat Phase 1 Stages 1 Thru 39 – Signature Club At Greenview Condominium" dated March 2005 and recorded among the aforesaid Land Records in Plat Book 80 at Page 54 the following course and distance:
11. North 07°31'12" West, 1371.10 feet to a T-Bar found, thence running with and binding on the outline of those lands granted and conveyed by Liber 4655 at Folio 680, the following course and distance:
12. North 86°19'56" East, 1759.39 feet to a point in the approximate centerline of the paving of the aforementioned Boyers Mill Road, thence partially running with Boyers Mill Road and with part of the outline of that land granted and conveyed from Charles R. Cline, Jr. and Evelyn M. Cline to Charlyn, LLC by Confirmatory Deed dated June 3, 2004 and recorded among the Land Records of Frederick County, Maryland in Liber 4655 at Folio 680, the following course and distance
13. South 20°37'17" East, passing over a railroad spike found at a distance of 573.80 feet from the beginning thereof, a total of 574.90 feet to a point in the bed of Boyers Mill Road, thence running with Boyers Mill Road
14. South 20°12'54" East, passing over a railroad spike found at a distance of 0.58 feet from the beginning thereof a total of 87.65 feet to a railroad spike found, thence

15. South 17°59'03" East, 476.76 feet to an iron rod with cap (LSA 21103) found, thence
16. South 15°22'09" East, 180.52 feet to a magnetic nail found, thence
17. South 11°09'32" East, 94.15 feet to an iron rod found, thence
18. South 02°45'51" West, 113.91 feet to a railroad spike found, thence
19. South 01°47'49" East, 176.10 feet to the place of beginning, containing 3,985,387 square feet, or 91.4919 acres of land, more or less.

The undersigned, being a licensed surveyor, personally prepared or was in responsible charge of the preparation of this metes and bounds description, the accompanying sketch and the survey work reflected in it, and is in compliance with the requirements set forth in COMAR Title 09, Subtitle 13, Chapter 06, Regulation .12 of the Minimum Practice for Land Surveyors, as to the establishment of easement lines.



10-10-12

Bowman Consulting Group  
 By: Tristan Stewart  
 Professional Land Surveyor  
 Maryland Registration No. 21306  
 License Renewal Date: 06/26/14

Date:



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**BOUNDARY DESCRIPTION**  
**Charlyn, LLC Parcel**

**BEING** a parcel of land in the 9<sup>th</sup> Election district of Frederick County, Maryland consisting of those lands granted and conveyed from Charles R. Cline, Jr. and Evelyn M. Cline to Charlyn, LLC by Confirmatory Deed dated June 3, 2004 and recorded among the Land Records of Frederick County, Maryland in Liber 4655 at Folio 680, and being more particularly described as follows in the Maryland State Grid NAD 83/91 horizontal datum as now surveyed:

**BEGINNING** at a railroad spike found in the approximate centerline of the paving of Boyers Mill Road, 60-foot wide public right-of-way, thence partially running with Boyers Mill Road and with part of the outline of that land granted and conveyed from Lillian C. Blentlinger to Lillian C. Blentlinger LLC by Deed dated September 17, 2003 and recorded among the aforesaid Land Records in Liber 4118 at Folio 115, the following course and distance:

1. South 19°46'37" East, 944.01 feet to an iron rod with cap (LSA 21103) found on the outline of a Plat entitled Combined Preliminary/Final and Addition Plat Section II – Lots 201 and 202 – Cline Parcel 'A' to Lot 201 – Cline Parcel 'B' to Lot 202 – Blentlinger Farms" dated April 18, 1994 and recorded among the aforesaid Land Records in Plat Book 56 at Page 77 , thence running with and binding on part of the outline of said Plat the following three (3) courses and distances:
2. South 67°14'03" West, 36.40 feet to a point in the approximate centerline of the paving of Boyers Mill Road, thence
3. 82.97 feet along the arc of a curve to the right having a radius of 900.00 feet and an interior angle of 05°16'55", and having a chord bearing and distance of South 02°13'59" East, 82.94 feet to a point, thence leaving the approximate centerline of Boyers Mill road and running
4. South 77°36'19" East, 72.48 feet to an iron rod found, thence running with and binding on part of the outline of those lands granted and conveyed from Lewis H. Cutsail and Linda V. Cheng to Lewis H. Cutsail and Linda C. Cutsail by Deed dated February 26, 2003 and recorded among the aforesaid Land Records in Liber 3693 at folio 673, the following course and distance:
5. South 08°53'19" West, 247.97 feet to a point, thence leaving said parcel of land granted and conveyed in Liber 3693 at Folio 673, crossing Boyers Mill Road and running with and binding on that parcel of land granted and conveyed from Charles R. Cline, Jr., Evelyn M. Cline, Charles R. Cline, III and Barbara Sue Cline to Charles R. Cline, III and Barbara Sue Cline by Deed dated May 7, 2009 and recorded among the aforesaid Land Records in Liber 7319 at folio 259, the following three (3) courses and distances:

6. South 89°29'57" West, 358.35 feet to an iron rod with cap (8644) found, thence
7. South 14°26'52" East, 341.64 feet to an iron rod with cap (8644) found, thence
8. South 84°56'56" East, 240.99 feet to a railroad spike found in the approximate centerline of the paving of Boyers Mill road, thence running with said centerline the following two (2) courses and distances:
9. 125.31 feet along the arc of a curve to the right having a radius of 1900.52 feet and in interior angle of 03°46'40", and a chord bearing and distance of South 06°52'30" West, 125.29 feet to a point, thence
10. South 08°46'47" West, 172.01 feet to a railroad spike found, thence leaving Boyers Mill Road and running with the outline of that parcel of land granted and conveyed from Charles R. Cline, Jr. and Evelyn M. Cline to Patricia Ann Nash by Deed dated June 28, 1993 and recorded among the aforesaid Land Records in Liber 1903 at Folio 296 the following three courses and distances:
11. North 81°02'45" West, 237.19 feet to an iron rod with cap (LSA 21103) found, thence
12. South 07°29'57" West, 258.46 feet to an iron rod found, thence
13. South 82°31'09" East, 0.75 feet to a point, thence leaving said parcel of land granted and conveyed in Liber 1903 at Folio 296 and running with and binding on part of the outline of that parcel of land saved and excepted from the aforementioned Confirmatory Deed recorded in Liber 4655 at Folio 680
14. South 07°28'51" West, 194.78 feet to an iron rod found, thence
15. South 81°33'54" East, 228.59 feet to a point in the approximate centerline of the paving of Boyers Mill Road, thence running with said centerline the following course and distance:
16. 83.41 feet along the arc of a curve to the left with a radius of 413.42 feet and an interior angle of 11°33'36", and having a chord bearing and distance of South 04°21'52" East, 83.27 feet to a railroad spike found, thence leaving said centerline of Boyers Mill Road and running to an iron rod and cap (LSA 21103) found at the beginning of the North 80°30'30" East, 265.01 feet line of that parcel of land granted and conveyed from Eugene Francis Kehl and Candace Lynn Kehl to Terry Biddinger by Deed dated July 29, 1985 and recorded among the aforesaid Land Records in Liber 1292 at folio 199, the following course and distance:
17. North 72°45'37" East, 22.57 feet to an iron rod with cap (LSA 21103) found, thence running reversely with and binding on part of the outline of said parcel of land

granted and conveyed in Liber 1292 at folio 199 the following three (3) courses and distances:

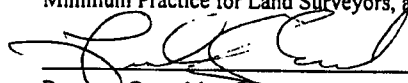
18. South 15°59'32" East, 60.14 feet to an iron rod with cap (LSA 21103) found, thence
19. South 21°14'31" East, 246.73 feet to a point, thence
20. South 87°28'00" East, passing over an iron pipe distant 0.83 feet from the beginning thereof, a total of 205.00 feet to an axle found, thence running with and binding on part of the outline of a plat entitled "Combined Preliminary/Final Plat Section I Lots 4-5-6-7 Elliott Subdivision" dated August 9, 1977 and recorded among the aforesaid Land Records in Liber 17 at Page 144, the following three (3) courses and distances:
  21. South 88°00'07" East, 485.02 feet to an axle found, thence
  22. South 23°19'42" East, 789.18 feet to an axle found, thence
  23. South 58°52'28" East, 73.14 feet to a bolt found at the southwesternmost corner of that parcel of land granted and conveyed by Richard R. Burgee, Personal Representative of the Estate of Fred John Archibald to Audubon society of Central Maryland, Inc. by deed dated June 27, 2001 and recorded among the aforesaid Land Records in Liber 2900 at folio 759, thence running reversely with and binding on the Eleventh (North 59°19'57" West, 574.90 feet) and part of the Tenth lines of those lands granted and conveyed from Kettler Land-New Market Limited Partnership to The Town of New Market by Deed dated September 4, 1990 and recorded among the aforesaid Land Records in Liber 2102 at Folio 391, said lines being also the Fortieth and Thirty-Ninth lines of the Corporate Boundary of the Town of New Market, Maryland as published in a Resolution of the Mayor and Council of the Town of New Market and recorded December 16, 1987 among the aforesaid Land Records in Liber 1462 at Folio 141 the following two (2) courses and distances:
    24. South 59°29'08" East, 574.90 feet to an iron rod with cap (LSA 21103) found, thence
    25. South 13°34'40" East, 258.45 feet to a point, thence leaving said Corporate Limits of the Town of New Market, Maryland and running with and binding on part of the outline of a Plat entitled "Section Three – New Market Farms" dated May 25, 1973 and recorded among the aforesaid Land Records in Plat Book 9 at Page 49, the following three (3) courses and distances:
      26. South 68°09'36" West, 237.85 feet to a point, thence
      27. South 61°15'24" West, passing over a T-Bar found 371.84 feet from the beginning thereof, a total of 372.90 feet to a point, thence

28. North 73°12'47" West, 39.92 feet to a T-Bar found, thence running with and binding on part of the outline of a Plat entitled "Section One – New Market Farms" dated May 18, 1973 and recorded among the aforesaid Land Records in Plat Book 9 at Page 47, the following two (2) courses and distances:
29. South 67°46'44" West, 391.03 feet to an iron rod with cap (LSA 21103) found, thence
30. South 76°14'23" West, passing over a T-Bar found 169.77 feet from the beginning thereof, a total of 492.17 feet to a point in the bed of Boyers Mill Road, thence running with Boyers Mill Road and running with and binding on part of the outline of those lands granted and conveyed from William Franklin Smith to Justron, LLC by Confirmatory Deed dated August 25, 2004 and recorded among the aforesaid Land Records in Liber 4821 at Folio 395, the following course and distance:
31. North 20°37'17" West, 572.92 feet to a point in the bed of Boyers Mill Road, thence departing said Boyers Mill Road and continuing to run with and bind on part of the aforementioned outline of those lands granted and conveyed by Liber 4821 at Folio 395, the following course and distance:
32. South 86°19'56" West, 1759.39 feet to feet to a T-Bar found, thence running with and binding part of the outline of a Plat entitled "Preliminary Condominium Staging Plat Phase 1 Stages 1 Thru 39 – Signature Club At Greenview Condominium" dated March 2005 and recorded among the aforesaid Land Records in Plat Book 80 at Page 54 the following course and distance:
33. North 07°58'22" West, 2172.73 feet to a monument found distant 1.82 feet south of an iron rod and cap (LSA 21103) found, thence running with and binding on part of the outline of a Plat entitled "Final Plat Lots 164-173 & Lots 203-206 & Lots 258-278 & Lots 295-310 & Lots 315-327 – Eaglehead Summerfield Division" dated May 1989 and recorded among the aforesaid Land Records in Plat Book 43 at Page 197 and with part of the outline of a Plat entitled "Combined Preliminary/Final Plat Resubdivision of Lot 278 – Plat Ten- Plat Book 43, Plat 197 – Eaglehead Summerfield Division" dated August 1994 and recorded among the aforesaid Land Records in Plat Book 51 at Page 10, the following two (2) courses and distances:
34. North 36°09'42" East, 497.69 feet to an iron rod with cap (LSA 21103) found, thence
35. North 18°45'38" East, passing over a monument found 154.22 feet from the beginning thereof, a total of 354.74 feet to an iron rod with cap (LSA 21103) found, thence running with and binding on part of a Plat entitled "Addition Plat/Correction Plat Lot 1-B Addition to Lot 1-A (Parcel "A") and Lot 1-A Addition to Lot 1-B (Parcel "B") – Longview" dated February, 2001 and recorded among the aforesaid Land Records in Plat Book 70 at Page 89 and with part of the outline of a Plat entitled "Final Plat Parcel "N" 'School Site' – Eaglehead Summerfield Division"

dated February, 1989 and recorded among the aforesaid Land Records in Plat Book 42 at Page 39, the following three (3) courses and distances:

36. South 70°17'09" East, 760.83 feet to an iron pipe found, thence
37. North 24°35'39" East, passing over iron pipes found 275.62 feet and 284.71 feet from the beginning thereof, a total of 438.52 feet to an iron rod with cap (LSA 21103) found, thence
38. North 21°53'16" East, passing over an iron rod with cap (PLS411) found 113.59 feet from the beginning thereof, a total of 1188.93 feet to the place of beginning, containing 7,445,106 square feet, or 170.9161 acres of land, more or less.

The undersigned, being a licensed surveyor, personally prepared or was in responsible charge of the preparation of this metes and bounds description and the survey work reflected in it, and is in compliance with the requirements set forth in COMAR Title 09, Subtitle 13, Chapter 06, Regulation .12 of the Minimum Practice for Land Surveyors, as to the establishment of easement lines.



Bowman Consulting Group  
 By: Tristan Stewart  
 Professional Land Surveyor  
 Maryland Registration No. 21306  
 License Renewal Date: 06/26/14

10-10-12  
 Date:



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Town of New Market  
 PO Box 27  
 New Market, MD 21774