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CITY COUNCIL OF THE CITY OF ANNAPOLIS

RESOLUTION NO. R-13-02 Amended

Introduced by Alderman Hoyle

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A RESOLUTION concerning

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Arundel Land and Development Co., Inc. Property Annexation

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FOR the purpose of annexing into the boundaries of the City of Annapolis certain property fronting Aris T. Allen Boulevard to the north and east, undeveloped residentially zoned land to the west, undeveloped residentially zoned land to the south and east and to the south and west, contiguous to the existing boundary of the City of Annapolis.

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WHEREAS, Arundel Land and Development Co., Inc. is the owner of the property hereinafter described and have requested the Annapolis City Council to consider annexation of the said property to the lands included within the corporate limits of the City of Annapolis, and there are no persons residing within the area proposed for annexation; and

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WHEREAS, the signature of the said petition for annexation has been verified, and it has been ascertained that the person initiating said petition is owner of not less than twenty-five percentum (25%) of the assessed valuation of the real property located in the area to be annexed; and

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WHEREAS, there are no persons who reside in the area to be annexed; and

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WHEREAS, the Annapolis City Council conducted a preliminary review on this petition on April 8, 2002, at which time the Council considered the requirements of Section 2.52.040 of the Code of the City of Annapolis and directed the applicant to work with the Public Works and Planning and Zoning Departments to provide the necessary studies for proper consideration of this Petition; and

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WHEREAS, the Annapolis City Council conducted a public hearing on this request on February 24, 2003, at which time the Council heard a staff report presented by the Director of Planning and Zoning and the report of the Planning Commission and received the Findings of Fact and Recommendations of the Planning Commission dated December 20, 2002, together with a Memorandum from the Planning and Zoning Director to the Planning Commission dated October 30, 2002; and during which hearing testimony

1 was taken from the applicant and counsel, members of the general public
2 were afforded the opportunity to offer testimony and documentary evidence
3 was submitted and received; and
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5 **WHEREAS,** the Annapolis City Council has considered the standards for the approval of
6 the Annexation request as set forth in Section 2.52.070 of the Code of the
7 City of Annapolis and finds as follows:
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- 9 1. The annexation will enhance and will not be detrimental to or endanger the public
10 health, safety, morals, convenience or general welfare of the citizens of the area
11 proposed to be annexed or of the surrounding areas of the City and of the County;
- 12 2. The annexation will not be injurious to the use and enjoyment of other property in
13 the immediate vicinity nor substantially diminish and impair property values within
14 the neighborhood;
- 15 3. The annexation is in conformance with the plans of general development of the City
16 and of the County;
- 17 4. Acceptable and reasonable steps are being or will be taken to provide adequate
18 municipal services;
- 19 5. The annexation will not precipitate environmental degradation;
- 20 6. The annexation will generate revenue at least equal to the anticipated cost of
21 providing municipal services.
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23 **WHEREAS,** the said property is presently designated as suitable for low density
24 residential uses which allows two (2) dwelling units per acre under the 1997
25 Anne Arundel County General Development Plan.
26

27 **WHEREAS,** the applicant requests a zoning classification of R1-A, Single-Family
28 Residence District for the property, which request has been addressed by
29 the City Council in considering Ordinance O-17-02.
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31 **NOW THEREFORE BE IT RESOLVED** this 10th day of March, 2003, by the Annapolis City
32 Council that the hereinafter described property be, and it is hereby, annexed to the lands
33 and properties heretofore included within the boundaries of the City of Annapolis, and it
34 hereafter shall be generally subject to the provisions of the Charter and Code of the City
35 of Annapolis, said property being more particularly described as follows:
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METES AND BOUNDS DESCRIPTION
TO ACCOMPANY
ARUNDEL LAND AND DEVELOPMENT CO., INC. PROPERTY
ANNEXATION PETITION INTO THE CITY OF ANNAPOLIS

BEGINNING for the same at a point at the end of the 8th Line of that parcel of land described in the conveyance from Alfred J. Daniels and wife to Blanche McFadden by deed dated August 8, 1960, recorded among the Land Records of Anne Arundel County, Maryland, in Liber 1413 at Folio 142, thence running along the first, second, third, fourth and part of the fifth lines of the above mentioned conveyance and referring the courses of the description to the Maryland State Grid Meridian-

1. South 75 degrees, 33 minutes, 37 seconds West, 163.69 feet; thence

2. North 77 degrees, 29 minutes, 13 seconds West, 156.01 feet; thence

3. South 67 degrees, 30 minutes, 17 seconds West, 210.09 feet; thence

4. South 55 degrees, 13 minutes, 17 seconds West, 143.30 feet, and North 7 degrees, 18 minutes, 27 seconds East, 337.94 feet, to a point, said point being on the southerly side of Md. Rt. 665 (relocated Patuxent Blvd.) as shown on State Highway Administration Right-of-Way Plat #50406; thence

5. leaving the fifth line of the above mentioned conveyance and running along the southerly side of Md. Rt. 665 as shown on the above mentioned Right-of-Way Plat #50406 northerly along the arc of a curve to the right having a radius of 2,468.8247 feet for an arc distance of 528.42 feet; said curve having a chord of North 81 degrees, 35 minutes, 11 seconds East, 527.41 feet; thence

6. continuing along the said southerly side of Md. Rt. 665, North 87 degrees; 43 minutes, 5 seconds East, 218.02 feet and South 2 degrees, 16 minutes, 55 seconds East, 30.84 feet, to a point on the 8th line of the above mentioned conveyance; thence

7. leaving the said southerly side of Md. Rt. 665 and running along part of the 8th line of the above mentioned conveyance South 36 degrees, 0 minutes, 7 seconds West, 272.91 feet, to the point beginning-

CONTAINING approximately 4.113 acres of ground more or less as determined from deed information only and not by actual field-run survey:

BEGINNING for the same at a point at the end of the 8th line of that parcel of land described in the conveyance from Alfred J. Daniels and wife to Blanche McFadden by deed

1 dated August 8, 1960, recorded among the Land Records of Anne Arundel County,
2 Maryland in Liber 1413 at Folio 142, thence running along the first, second, third, fourth
3 and part of the fifth lines of the abovementioned conveyance and referring the courses of
4 this description to the Datum of the City of Annapolis:

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6 1. South 75°47'25" West, 163.69 feet to a point, thence

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8 2. North 77°15'25" West, 156.01 feet to a point, thence

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10 3. South 67°44'05" West, 210.09 feet to a point, thence

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12 4. South 55°27'05" West, 141.23 feet to a point, thence

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14 5. North 07°18'30" East, 337.94 feet to a point, said point being on the southerly side of
15 Md. Rt. 665 (relocated Patuxent Boulevard) as shown on State Highway Administration
16 Right-of-Way Plat #50406, thence leaving the fifth line of the abovementioned conveyance
17 and running along the southerly side of Md. Rt. 665 as shown on the abovementioned
18 Right-of-Way Plat #50406

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20 6. 527.18 feet along the arc of a curve deflecting to the right having a radius of 2,468.8247
21 feet and a chord bearing and distance of North 81°56'06" East, 526.18 feet, thence
22 continuing along the said southerly side of Md. Rt. 665

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24 7. North 88°03'08" East, 218.02 feet to a point, thence

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26 8. South 01°56'52" East, 30.84 feet to a point on the 8th line of the abovementioned
27 conveyance, thence leaving the said southerly side of Md. Rt. 665 and running along part
28 of the 8th line of the abovementioned conveyance

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30 9. South 36°13'55" West, 272.91, to the point of beginning

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32 CONTAINING 179,180 square feet or 4.1134 acres of land more or less as
33 determined from deed information only and not by actual field-run survey.

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35 **BEING** or intended to be that parcel of land described in a conveyance from Edith
36 C. Daniels, widow and Blanche Whitley, formerly Blanche McFadden, by deed dated March
37 17, 1988, recorded among the Land Records of Anne Arundel County, Maryland in Liber
38 4567 at Folio 396.

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40 **AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that the said
41 property will be placed upon the tax rolls of the City of Annapolis immediately upon the
42 effective date of this annexation, and the owner thereof shall be liable for real estate taxes

1 as provided by Maryland law levied for the fiscal year during which this Resolution is
2 effective, prorated from the effective date.

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4 **AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that subject to
5 the following conditions, the Arundel Land and Development Co., Inc. property annexation
6 is hereby approved:

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8 ~~4. Prior to the issuance of any permits, and subject to the approval of the Department
9 of Public Works, the developer of the Property shall submit to the City a water
10 capital facilities impact charge in the amount of _____ Dollars per residential
11 unit or the equivalent non-residential unit as determined by the Department of Public
12 Works. This impact charge is in addition to all fees and charges customarily levied
13 by the City of Annapolis.~~

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15 1. The developer/property owner shall be responsible for all costs associated with the
16 extension of water and sewer services to the site, including tap fees, capital facility
17 connection charges, capital facility assessment charges and inspection fees. The
18 developer will be required to extend and pay for the required sewer and water
19 mains.

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21 2. Stormwater facilities, roads, curbs, etc. that are to be owned and maintained by the
22 City shall be constructed in accordance with City standards for right-of-way width
23 and other construction details. The developer will be required to pay all costs
24 associated with the construction.

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26 3. Street lighting, if City owned and maintained, shall meet City standards and
27 specifications. Street lighting will not be taken over by the City until the project is
28 complete and one year's operating and maintenance cost is paid in advance.

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30 4. Any rights-of-way to become public must be deeded to the City.

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32 5. The City will not be responsible for maintenance and snow removal until final
33 inspection and receipt of deeds.

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35 6. The proposed relief road is expected to cut across the Arundel Land and
36 Development property to connect with Aris T. Allen Boulevard. The developer will
37 transfer the land needed for the relief road right-of-way and make an equitable
38 contribution to the cost of construction of the relief road as finally agreed upon
39 between the County and the various developers that expect to construct projects
40 within the Forest Drive corridor.

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1 7. Only one point of access shall be allowed to the site from Aris T. Allen Boulevard.
2 This access point shall be the relief road right-of-way.
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4 **AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that the 1998
5 Annapolis Comprehensive Plan shall be amended to reflect the annexation of the Arundel
6 Land and Development Co., Inc. property and the zoning designation as designated by
7 Ordinance O-17-02.
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9 **AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that this
10 Resolution shall become effective upon the forty-fifth day following the date of its passage,
11 provided no Petition for Referendum has been properly filed according to law.
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13 **ADOPTED** this 10th day of March, 2003.

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15 **ATTEST:**

THE ANNAPOLIS CITY COUNCIL

16
17 *Deborah Heinbuch*
18 Deborah Heinbuch, CMC/AE
19 City Clerk
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23 **BY:** *Ellen O. Moyer*
24 ELLEN O. MOYER, MAYOR
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29 **Effective Date:** April 24, 2003
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EXPLANATION:

Redlining indicates matter added to existing law.
~~Strike Out indicates matter deleted from existing law.~~
Underlining and redlining indicate amendments.