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2 **..Title**

3 **Public Water Access at the Wells Cove Inlet in Eastport** – For the purpose of ensuring  
4 the public can walk along the Wells Cove waterfront and enter the water to use small  
5 watercraft such as kayaks and paddleboards at the Wells Cove inlet.

6 **..Body**

7 **CITY COUNCIL OF THE**  
8 **City of Annapolis**

9  
10 **Resolution 43-23**

11  
12 **Introduced by: Alderman Savidge**  
13 **Co-sponsored by: Alds. Arnett, Gay**

14  
15 **A RESOLUTION** concerning

16  
17 **Public Water Access at the Wells Cove Inlet in Eastport**

18  
19 **FOR** the purpose of ensuring the public can walk along the Wells Cove waterfront and  
20 enter the water to use small watercraft such as kayaks and paddleboards at the Wells  
21 Cove inlet.

22  
23  
24 **WHEREAS,** Eastport, located on a peninsula, is surrounded by water on three sides,  
25 namely Spa Creek, the Severn River, and the Chesapeake Bay and water  
26 access plays a vital role in the neighborhood's maritime heritage identity  
27 and lifestyle; and

28  
29 **WHEREAS,** Although Eastport's waterfront is surrounded by numerous public and  
30 private marinas, boatyards and docking facilities, those businesses, along  
31 with waterfront private residential property, limit public access to water for  
32 Eastport residents; and

33  
34 **WHEREAS,** In 1986, the Annapolis City Council approved Resolution 22-86 authorizing  
35 six residential units at the end of Boucher Avenue, now known as Blue  
36 Heron Cove Condominium Association, and setting numerous conditions,  
37 including "a 4 foot wide path for public access to the open space and  
38 waterfront areas, made of oyster shell or similar nonpaved material" and  
39 that it "shall be located between Boucher Avenue and Wells Cove"; and

40  
41 **WHEREAS,** Blue Heron Cove Condominium closed off public access to the water at  
42 Wells Cove, an Eastport inlet, along their private property and as a result,  
43 two Annapolis residents sued the condominium and the City for rights to  
44 access the water; and

**Explanation:**

~~Strikethrough~~ indicates matter stricken from existing law.  
Underlining indicates copyediting or reformatting of existing law  
Underlining & red indicate new matter added to the code.

1  
2 **WHEREAS,** Anne Arundel County Circuit Court Judge Elizabeth S. Morris ruled on  
3 April 5, 2023, in the lawsuit Jessica L. Pachler, et al. v. City of Annapolis,  
4 that Maryland case law provides clear guidance that an easement as written  
5 in the 1986 Resolution 22-86 "provides both (1) a right-of-way to the water  
6 and (2) a right to 'access' the water"; and  
7

8 **WHEREAS,** Judge Morris further ruled that the public has an "independent right to  
9 access the headwaters for Wells Cove through the Path," which was  
10 required in Resolution 22-86 and included in 1992 land records of Anne  
11 Arundel County; and  
12

13 **WHEREAS,** The public is allowed to enter the water while an appeal of Judge Morris'  
14 decision in Jessica L Pachler v. City of Annapolis moves through the  
15 Anne Arundel County Circuit Court due to Judge Morris denying an  
16 emergency Motion for Stay to block water access to Wells Cove; and  
17

18 **WHEREAS,** The Eastport Civic Association, in an April 17, 2023 letter to Mayor  
19 Buckley and members of the Annapolis City Council, asks the City "to  
20 request the deed for this (Wells Cove waterfront walkway) land area and  
21 public right of way as soon as possible" because the 1992 Wells Cove  
22 agreed states that "such lands (are) to be deeded to the City of Annapolis  
23 upon request."  
24

25  
26 **NOW, THEREFORE,**

27 **BE IT RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that:

- 28 1. The City Manager request the deed for this land area and public right of way;  
29 2. A sign be added at the entrance to the public right informing the public of this  
30 public water access point; and  
31 3. The City Manager direct the Harbor Master not to allow boats or other  
32 impediments to public access to the water at Wells Cove per Title 15 § 04,  
33 Management of City Waters.  
34

35 **AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that  
36 this resolution shall take effect upon passage.  
37  
38  
39

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