

1 **CITY COUNCIL OF THE CITY OF ANNAPOLIS**

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3 **RESOLUTION NO. R-23-04Revised**

4  
5 **Introduced by Mayor Moyer**  
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8  
9 **A RESOLUTION concerning**

10  
11 **Annexation of Bowen Property**

12  
13 **FOR** the purpose of annexing into the boundaries of the City of Annapolis certain  
14 property which is contiguous to the existing boundary of the City and is located to  
15 the south of Aris T. Allen Boulevard, and matters generally related to said  
16 annexation.  
17

18 **WHEREAS,** Orville L. Bowen and Dorothy K. Bowen, the owners of the property  
19 hereinafter described, and Aris Allen Boulevard, LLC, the contract  
20 purchaser of said property, on **October 14, 2004** requested the Annapolis  
21 City Council to consider annexation of said property to the lands included  
22 within the corporate limits of the City of Annapolis; and  
23

24 **WHEREAS,** as required by section 19(b)(1) of Article 23A of the Annotated Code of  
25 Maryland, the consent for the proposal has been received from not less  
26 than 25 percent of the persons who reside in the area to be annexed and  
27 who are registered as voters in Anne Arundel County elections (no persons  
28 currently reside on the property to be annexed) and from the owners of not  
29 less than 25 percent of the assessed valuation of the real property located  
30 in the area to be annexed (Petitioners Orville L. Bowen and Dorothy K.  
31 Bowen are the sole owners of the property); and  
32

33 **WHEREAS,** on **November 8, 2004**, the Annapolis City Council conducted a preliminary  
34 review on this petition as required by Section 2.52.040 of the Code of the  
35 City of Annapolis and the petition was referred to the Departments of  
36 Finance, Public Works, and Planning and Zoning to provide the necessary  
37 information for proper consideration of the petition; and  
38

39 **WHEREAS,** the Annapolis City Council conducted a public hearing on this request on  
40 **March 23, 2005**, at which time the Council heard a staff report presented  
41 by the Director of Planning and Zoning and the report of the Planning  
42 Commission and received the Findings of Fact and Recommendations of  
43 the Planning Commission dated **February 17, 2005**, together with a  
44 Memorandum from the Planning and Zoning Director to the Planning  
45 Commission dated **January 13, 2005**; 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  
4

5 **WHEREAS,** the Annapolis City Council has considered the standards for the approval  
6 of the Annexation request as set forth in Section 2.52.070 of the Code of  
7 the City of Annapolis and finds as follows:  
8

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 proposed  
11 to be annexed or of the surrounding areas of the City and of the County;  
12

13 2. The annexation will not be injurious to the use and enjoyment of other property in  
14 the immediate vicinity nor substantially diminish and impair property values within the  
15 neighborhood;  
16

17 3. The annexation is in conformance with the plans of general development of the City  
18 and of the County;  
19

20 4. Acceptable and reasonable steps are being or will be taken to provide adequate  
21 municipal services;  
22

23 5. The annexation will not precipitate environmental degradation;  
24

25 6. The annexation will generate revenue at least equal to the anticipated cost of  
26 providing municipal services; and  
27

28 **WHEREAS,** the said property is presently designated as designated as suitable for low  
29 density residential uses under the Annapolis Neck Small Area Plan,  
30 adopted March 17, 2003 by the Anne Arundel County Council by Bill No.  
31 83-02, and a portion of said property carries a Critical Area Zoning  
32 classification of Resource Conservation Area (RCA) under the zoning  
33 regulations of Anne Arundel County; and  
34

35 **WHEREAS,** the applicant requests a zoning classification of R1-B ~~R1-A~~, Single-Family  
36 Residence District and a Critical Area Zoning classification of Resource  
37 Conservation Area (RCA) for the property, which request has been  
38 addressed by the City Council in considering Ordinance O-34-04.  
39

40 **NOW THEREFORE BE IT RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that the  
41 hereinafter described property be, and it is hereby, annexed to the lands and properties  
42 heretofore included within the boundaries of the City of Annapolis, and it hereafter shall be

1 generally subject to the provisions of the Charter and Code of the City of Annapolis, said  
2 property being more particularly described as follows:  
3  
4

5 **METES AND BOUNDS DESCRIPTION**  
6 **TO ACCOMPANY**  
7 **ARIS T. ALLEN, LLC ANNEXATION PETITION INTO**  
8 **THE CITY OF ANNAPOLIS**  
9 **PROPOSED ANNEXATION PARCEL**  
10

11  
12 BEGINNING FOR THE SAME AT A POINT ON THE SOUTH SIDE OF THE MARSH AT THE HEAD  
13 OF CHURCH CREEK AND NEAR THE SOUTHERNMOST BOUNDARY OF THE PROPERTY OF ORVILLE  
14 L. BOWEN, (SEE 4496/825), SAID POINT BEING ALSO IN THE NORTH 36° 10' 45" EAST, 198.00 FT.  
15 LINE DESCRIBED IN THE CITY OF ANNAPOLIS BOUNDARY DESCRIPTION, EFFECTIVE 10/23/03,  
16 SAID POINT OF BEGINNING BEING LOCATED NORTH 36° 10' 45" EAST, 56.45 FT. AS MEASURED  
17 ALONG SAID 198.00 FT. LINE FROM THE BEGINNING THEREOF. THENCE FROM THE POINT OF  
18 BEGINNING SO FIXED AND WITH ALL COURSES REFERRED TO THE CITY OF ANNAPOLIS GRID  
19 NORTH 36° 10' 45" EAST, 141.55 FT. TO A POINT; THENCE, LEAVING SAID POINT SO FIXED AND  
20 BINDING ON THE BOUNDARY OF THE AFORESAID ORVILLE L. BOWEN, THE FOLLOWING THREE  
21 COURSES AND DISTANCES:

22 (1) NORTH 18° 47' 28" EAST, 144.81 FT. TO AN IRON PIPE FOUND,

23 (2) NORTH 47° 44' 22" EAST, 123.77 FT. TO A POINT, AND

24 (3) NORTH 70° 16' 33" EAST, 438.68 FT. TO A CONCRETE MONUMENT FOUND;

25 THENCE, LEAVING SAID CONCRETE MONUMENT SO FIXED AND STILL BINDING ON THE LANDS OF  
26 BOWEN AND THE LANDS OF DAVID SHAPIRO (SEE 2063/46), SOUTH 72° 59' 43" EAST, 231.45 FT. AT  
27 A COMMON CORNER OF THE SUBDIVISION OF BYWATER ESTATES, SECTION II, (SEE PLAT BOOK  
28 44/21);

29 THENCE WITH THE LINES OF SUBDIVISION OF BYWATER ESTATES SECTION 3 AS SHOWN ON THE  
30 PLAT RECORDED IN PLAT BOOK 63 PAGE 30 AND SECTION 2 IN PLAT BOOK 44 AT PAGE 21,  
31 NORTH 13° 39' 40" EAST, 857.66 FT. TO A PIPE, SOUTH 78° 41' 40" EAST, 620.76 FT. TO A PIPE  
32 FOUND AT A CORNER OF THE 18.8 ACRE SURVEY MADE FOR JOHN R. RAWLINGS BY J. REVELL  
33 CARR IN JANUARY, 1937; THENCE NORTH 70° 51' 11" EAST, 8.41 FT. TO THE BEGINNING OF THE  
34 NORTH 37° 34' EAST 595.0 FT. LINE OF THE PRESENT CITY BOUNDARY; THENCE WITH THE NORTH  
35 BOUNDARY OF THE OUTLINES OF THE SUBDIVISION OF BAYTOWNE VILLAGE SECTION 5,  
36 RECORDED IN PLAT BOOK 64 AT PAGE 50, NORTH 37° 08' 36" EAST, 597.32 FT. TO A POINT;

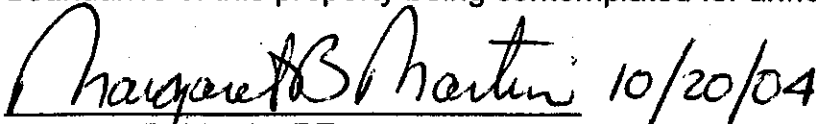
37 THENCE LEAVING SAID SUBDIVISION, NORTH 56° 37' 40" WEST, 418.55 FT. TO A POINT ON THE 8TH  
38 LINE OF THAT PARCEL OF LAND DESCRIBED IN THE CONVEYANCE FROM RUTH BRYANT AND  
39 ALBERT BRYANT, HER HUSBAND TO ALFRED J. DANIELS AND EDITH D. DANIELS, HIS WIFE, AND  
40 BLANCHE MCFADDEN, WIDOW, BY DEED DATED AUGUST 8, 1960, RECORDED AMONG THE LAND  
41 RECORDS OF ANNE ARUNDEL COUNTY, MARYLAND, IN LIBER 1413 AT FOLIO 142; THENCE  
42 RUNNING ALONG PART OF THE 8TH LINE OF THE ABOVE MENTIONED CONVEYANCE AND  
43 REFERRING TO CITY OF ANNAPOLIS GRID SYSTEM, SOUTH 35° 36' 16" WEST 164.44 FT.; THENCE  
44 LEAVING SAID 8TH LINE OF SAID CONVEYANCE AND RUNNING ALONG THE SOUTHERLY  
45 RIGHT-OF-WAY LINE FOR MARYLAND ROUTE 665 AS SHOWN ON SRC PLATS #52195 AND #50406,  
46 AND REFERRING TO CITY OF ANNAPOLIS GRID THE FOLLOWING COURSE AND DISTANCE; NORTH  
47 01° 56' 52" WEST, 5.87 FT. TO A POINT ON THE 8TH OR SOUTH 02° 16' 55" EAST, 30.84 FT. LINE OF  
48 THAT PARCEL OF LAND DESCRIBED IN THE CONVEYANCE FROM EDITH C. DANIELS, WIDOW, AND

1 BLANCHE WHITLEY, (FORMERLY BLANCHE MCFADDEN) TO ARUNDEL LAND & DEVELOPMENT CO.,  
2 INC. BY DEED DATED MARCH 17, 1988 AND RECORDED AMONG THE LAND RECORDS OF ANNE  
3 ARUNDEL COUNTY, MARYLAND IN LIBER 4567 AT FOLIO 396; THENCE RUNNING ALONG THE 9TH,  
4 1ST, 2ND, 3RD, AND PART OF THE 4TH LINES OF THE ABOVE MENTIONED CONVEYANCE AND  
5 REFERRING TO CITY OF ANNAPOLIS GRID SYSTEM, SOUTH 36° 13' 55" WEST, 272.91 FT.; THENCE  
6 SOUTH 75° 47' 25" WEST, 163.69 FT.; THENCE NORTH 77° 15' 25" WEST, 156.01 FT.; THENCE SOUTH  
7 67° 44' 05" WEST 210.09 FT.; THENCE SOUTH 55° 27' 05" WEST, 141.23 FT. TO A POINT ON THE 5TH  
8 LINE OF THAT PARCEL OF LAND DESCRIBED IN THE CONVEYANCE FROM RUTH BRYANT AND  
9 ALBERT BRYANT, HER HUSBAND TO ALFRED J. DANIELS AND EDITH D. DANIELS, HIS WIFE, AND  
10 BLANCHE MCFADDEN, WIDOW, BY DEED DATED AUGUST 8, 1960, RECORDED AMONG THE LAND  
11 RECORDS OF ANNE ARUNDEL COUNTY, MARYLAND, IN LIBER 1413 AT FOLIO 142; THENCE SOUTH  
12 07° 18' 30" WEST, 16.52 FT.; THENCE SOUTH 68° 16' 20" WEST 147.50 FT.; THENCE NORTH 88° 56'  
13 40" WEST, 127.00 FT.; THENCE SOUTH 29° 31' 10" WEST, 168.64 FT.; THENCE SOUTH 17° 25' 50"  
14 EAST, 227.10 FT.; THENCE SOUTH 05° 30' 10" WEST, 115.48 FT.; THENCE SOUTH 89° 44' 10" EAST,  
15 8.18 FT. TO INTERSECT THE BOUNDARY LINE OF THE AFOREMENTIONED ORVILLE L. BOWEN,  
16 THENCE BINDING ON THE BOUNDARY OF SAID ORVILLE L. BOWEN THE FOLLOWING FIVE  
17 COURSES AND DISTANCES:

- 18 1. SOUTH 05° 32' 42" WEST, 228.56 FT.; THENCE
- 19 2. SOUTH 70° 31' 20" WEST, 157.34 FT.; THENCE
- 20 3. SOUTH 73° 35' 27" WEST, 215.40 FT.; THENCE
- 21 4. SOUTH 48° 17' 43" WEST, 231.48 FT. TO THE SOUTH SIDE OF THE MARSH AT THE HEAD OF  
22 CHURCH CREEK; THENCE RUNNING ACROSS SAID MARSH AND BINDING ON THE BOUNDARY OF  
23 SAID ORVILLE L. BOWEN
- 24 5. SOUTH 05° 21' 57" EAST, 281.72 FT. TO THE POINT OF BEGINNING. CONTAINING 19.2391  
25 ACRES OF LAND, MORE OR LESS, WITHIN THE BOUNDS OF THIS DESCRIPTION AS PREPARED IN  
26 THE OFFICE OF C.D. MEEKINS & ASSOCIATES, INC., CONSULTING ENGINEERS AND SURVEYORS,  
27 SEPTEMBER, 2004  
28 BEING A PART OF THAT CONVEYANCE FROM DAVID SHAPIRO AND BETTY K. SHAPIRO, HIS WIFE,  
29 ET AL, TO ORVILLE L. BOWEN AND DOROTHY K. BOWEN, HIS WIFE, BY DEED DATED THE 12TH  
30 DAY OF NOVEMBER, 1987 AND RECORDED AMONG THE LAND RECORDS OF ANNE ARUNDEL  
31 COUNTY IN BOOK 4496, PAGE 825.

32  
33 CONTAINING 19.2391 acres of land more or less, within the bounds of this description,  
34 according to a survey and plat by C. D. Meekins & Associates, Inc., Consulting Engineers  
35 and Surveyors, dated September 16, 2004.  
36

37  
38 I hereby certify that the above metes and bounds description accurately reflects the  
39 boundaries of this property being contemplated for annexation.  
40

41  10/20/04

42 Margaret B. Martin, PE  
43 Director of Public Works  
44 City of Annapolis  
45  
46

1 **AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that the said  
2 property will be placed upon the tax rolls of the City of Annapolis immediately upon the  
3 effective date of this annexation, and the owner thereof shall be liable for real estate taxes  
4 as provided by Maryland law levied for the fiscal year during which this Resolution is  
5 effective, prorated from the effective date.  
6

7 **AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that subject to  
8 the following conditions, the Bowen Property annexation is hereby approved:  
9

10 1. ~~Existing storm water management facilities, street lights, roads and curbs are to~~  
11 ~~remain privately owned and maintained.~~

12  
13 2. ~~Refuse collection is the responsibility of the City, subject to a Hold Harmless~~  
14 ~~Agreement executed by the City and the property owners who are applicants to the~~  
15 ~~annexation petition.~~

16  
17 3. ~~The property owners shall be responsible for all costs associated with the extension~~  
18 ~~of water and sewer services to the site, including tap fees, connection charges, capital~~  
19 ~~facility capital assessment charges and inspection fees.~~

20  
21 4. ~~Prior to the issuance of any permits, and subject to the approval of the Department~~  
22 ~~of Public Works, the owners of the Properties shall submit to the City a water capital~~  
23 ~~facilities impact charge in the amount of \_\_\_\_\_ dollars per residential unit as~~  
24 ~~determined by the Department of Public Works. This impact charge is in addition to all~~  
25 ~~fees and charges customarily levied by the City of Annapolis.~~

26  
27 1. The developer/ property owner shall be responsible for all costs associated with the  
28 extension of utility mains, the water distribution system, the wastewater collection system,  
29 possibly an additional pump station, tap fees, connection charges, capital facility fees,  
30 capital assessment charges and construction inspection fees. All infrastructure shall be  
31 constructed in accordance with the City's Standard Specifications and Details.

32 2. The developer/ property owner shall be responsible for all costs associated with the  
33 construction of all internal roadways, curb and gutters, storm drain systems and stormwater  
34 management facilities. All, but the latter shall be owned and maintained by the City.  
35 Stormwater management facilities shall be owned and maintained by the developer/  
36 property owner. The developer/ property owner shall be responsible for all costs associated  
37 with any capacity increase to existing roadways should said increase be required by the  
38 City. All infrastructure shall be constructed in accordance with the City's Standard  
39 Specifications and Details.

40 3. The developer/ property owner shall be responsible for all costs associated with the  
41 construction of sidewalks throughout the development. Sidewalks shall be maintained by  
42 adjacent property owners. All sidewalks shall be constructed in accordance with the City's  
43 Standard Specifications and Details.

- 1 4. The developer/ property owner shall be responsible for all costs associated with the  
2 construction of traffic signals and signs associated with the property. Said signals and  
3 signs shall be designed and constructed in accordance with the Manual on Uniform Traffic  
4 Control Devices.
- 5 5. The developer/ property owner shall be responsible for all costs associated with the  
6 construction of street lighting for the property. All street lighting shall be approved for style,  
7 type and luminosity and shall be selected from models offered for lease by BGE. Street  
8 lighting maintenance is handled by lease agreement between the City and BGE.
- 9 6. All property right-of-ways shall be constructed in accordance with the City's Standard  
10 Specifications and Details, shall be made public and shall be deeded to the City prior to the  
11 release of the infrastructure maintenance bond.
- 12 7. All infrastructure improvements shall be bonded for the full cost of the improvements. After  
13 the infrastructure has been accepted by the Department of Public Works, the bond shall be  
14 reduced to a one year maintenance bond.
- 15 8. The City will not be responsible for infrastructure maintenance and/or repair during  
16 construction, specifically, snow and solid waste (refuse, yard waste recycling and recycling)  
17 removal until final and complete infrastructure inspection, acceptance of deeds and at  
18 release of maintenance bond.
- 19 9.
- 20 10. At the time of development, the City will require an assessment of its capacity to deliver  
21 adequate municipal services. Equipment and staffing levels, as applicable, in the following  
22 areas need to be considered: engineering review services, property data management and  
23 mapping services, infrastructure inspection services, water meter reading and sewer  
24 preventive maintenance, Miss Utilities underground utility location service, roadway  
25 maintenance, storm drain maintenance, traffic control and maintenance, administrative  
26 services and fleet maintenance support services and solid waste management services.
- 27 10. When developed, principal access to the site shall be from Yawl Road through the Oxford  
28 Landing subdivision. Yawl Road is an existing public right of way which terminates at the  
29 eastern boundary of the Bowen property. No direct access to the site shall be allowed from  
30 Aris T. Allen Boulevard.
- 31 11. The proposed relief road is expected to cut across the property to connect with Aris T. Allen  
32 Boulevard. The developer will transfer the land needed for the relief road right-of-way and  
33 make an equitable contribution to the cost of construction of the relief road as finally agreed  
34 upon between the County and the various developers that expect to construct projects  
35 within the Forest Drive corridor. When constructed, the relief road may be employed to  
36 provide a secondary point of access to this property.
- 37 12. The portion of the site currently designated as OS, Open Space, under Anne Arundel  
38 County zoning, shall be subject to a conservation easement which shall be recorded prior  
39 to the review of any development plans for the site and shall be administered by the  
40 Annapolis Conservancy Board.
- 41 13. The zoning designation of the property shall be amended to R1A, Single-family Residence  
42 District.
- 43
- 44

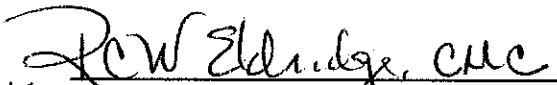
1 **AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that the 1998  
2 Annapolis Comprehensive Plan shall be amended to reflect the annexation of the Bowen  
3 Property and the zoning designation as designated by Ordinance O-34-04.  
4

5 **AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that this  
6 Resolution shall become effective upon the forty fifth day following the date of its passage,  
7 provided no Petition for Referendum has been properly filed according to law.  
8

9 **ADOPTED** this 11<sup>th</sup> day of April, 2005.

10  
11  
12 **ATTEST:**

**THE ANNAPOLIS CITY COUNCIL**

13  
14   
15 For Deborah Heinbuch, MMC  
16 **City Clerk**  
17

18  
19  
20 **BY:**   
**ELLEN O. MOYER, MAYOR**

**Effective Date: May 25, 2005**