

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

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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.

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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 Follo 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 Follo 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,

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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

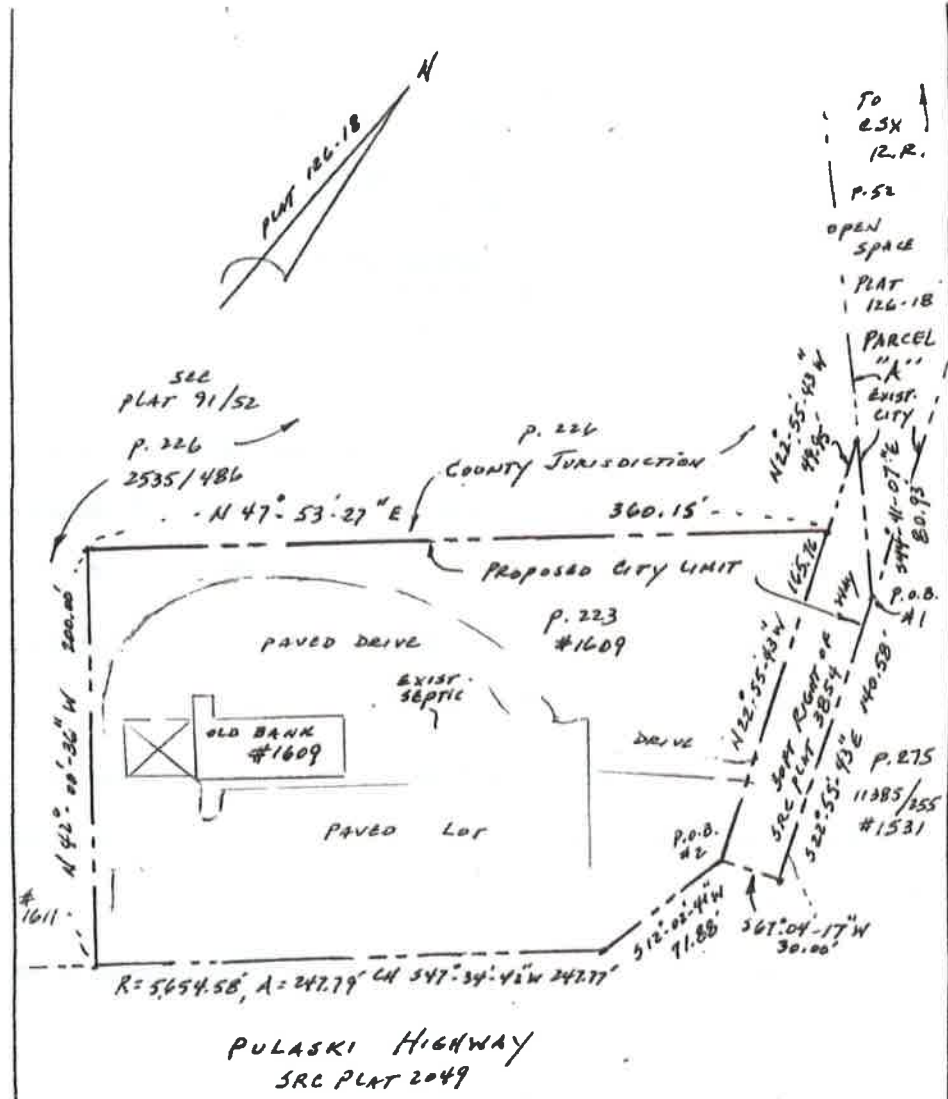
and running thence along U.S. 40 Pulaski Highway by a curve to the right having a radius of 5,654.58 and arc length of 247.79 feet and a chord with bearing and distance of South 47 degrees 34 minutes 42 seconds West 247.77 feet,

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.



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PULASKI HIGHWAY
SRC PLAT 2049

#1609 PULASKI HIGHWAY
HAVRE DE GRACE, MD. 21078

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.

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

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


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 410-938-1304 FAX 410-938-6480	
		SCALE: 1" = 60'	DATE: 11-14-23
DRAWN: JW		JOB: 7915	

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

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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

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(Annexation)**

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).

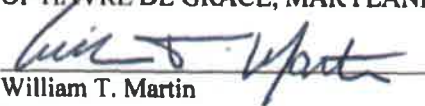
NOW THEREFORE, it is this 20th day of November, 2023 determined, decided and resolved by the Mayor and City Council:

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.

Resolution No. 2023-21

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

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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



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(Annexation)**

Resolution No. 2023-21

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HAVRE de GRACE, MARYLAND**

**6TH ELECTION DISTRICT
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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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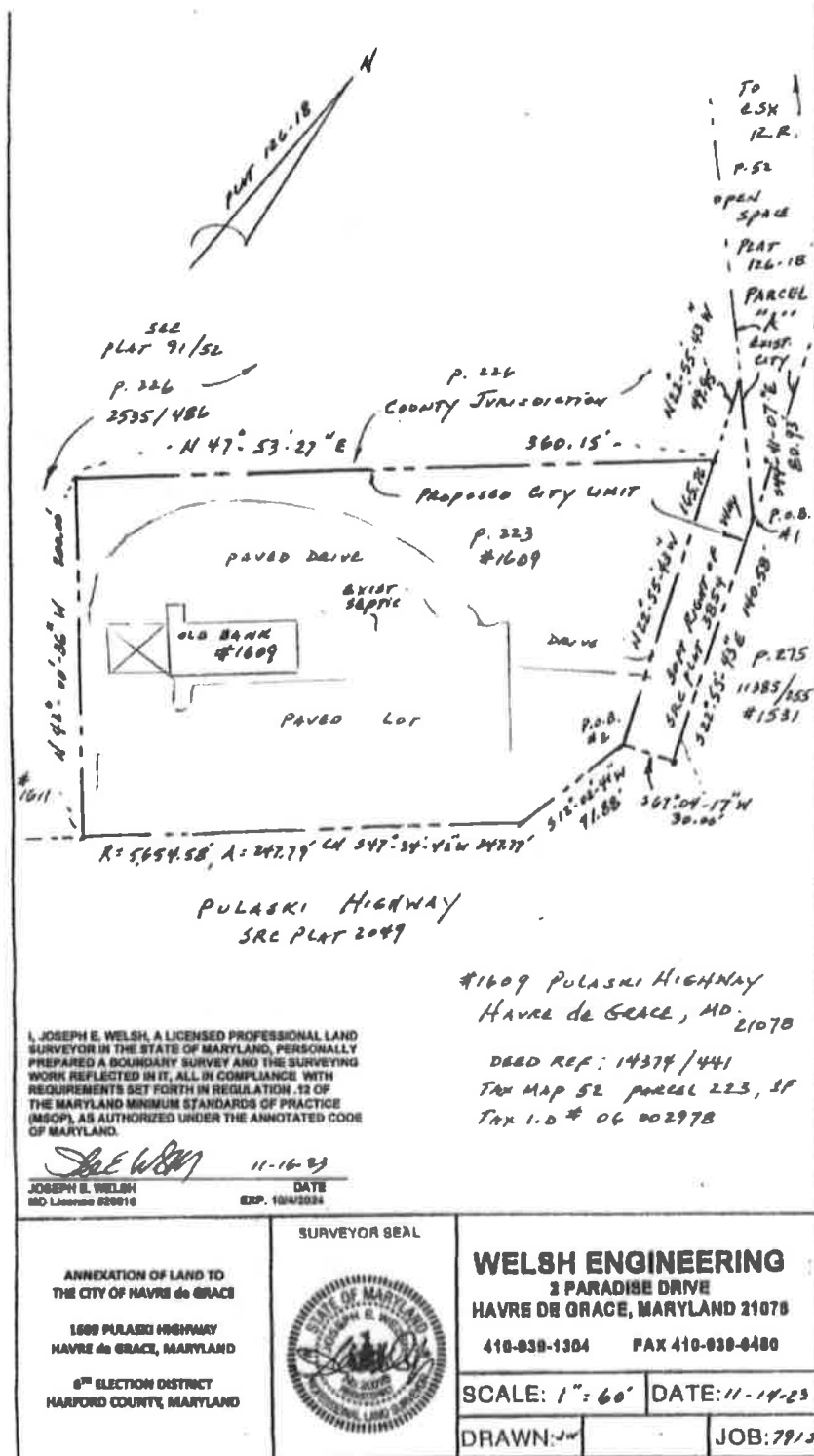


**Resolution No. 2023-21
A. Ishak – 11/15/2023**

**Charter Resolution No. 299
A. Ishak – 11/15/2023**

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Resolution No. 2023-21



Resolution No. 2023-21
A. Ishak - 11/15/2023

Charter Resolution No. 299
A. Ishak - 11/15/2023

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.