

RESOLUTION NO. 2024-03

(REMSBERG PARK ANNEXATION)

A RESOLUTION TO CHANGE THE BOUNDARIES OF THE TOWN OF MIDDLETOWN BY ANNEXING INTO THE CORPORATE LIMITS OF THE TOWN OF 94.49 ACRES OF REAL PROPERTY, MORE OR LESS, UPON THE INTIATION OF THIS RESOLUTION BY THE BURGESS AND COMMISSIONERS OF MIDDLETOWN (“TOWN”).

WHEREAS, the Town, currently owns and desires to have certain property consisting of 94.49 acres of real property, more or less, and more commonly known as Remsberg Park (hereinafter referred to as “the Property”) to be annexed into and made a part of the Town of Middletown, Maryland; and

WHEREAS, pursuant to Md. Annotated Code, *Local Gov't*, §4-403, an Annexation Resolution may be initiated by the municipal legislative body of a municipality;

WHEREAS, the Property is depicted on a Plat entitled “Remsberg Park Annexation”, a copy of which is attached hereto and incorporated herein as **Exhibit A** and is more fully described on a metes and bounds description attached hereto and incorporated by reference herein as **Exhibit B**; and

WHEREAS, it has been ascertained that the Town is the owner of over 25% of the assessed valuation of the Property to be annexed (but the Property currently is not within the boundaries of the Town of Middletown) and that there are no persons residing in the area to be annexed; and

WHEREAS, the Property is adjacent to and contiguous with the existing corporate limits of the Town and its annexation will not create any unincorporated area completely surrounded by land currently within the corporate limits of the Town.

NOW, THEREFORE, BE IT RESOLVED by the Burgess and Commissioners of the Town of Middletown as follows:

SECTION I: The boundaries of the Town are hereby enlarged by including within the corporate boundary of the Town all that real property consisting of 94.49 acres, as depicted on a Plat attached hereto as **Exhibit A** and which is more fully described by metes and bounds in **Exhibit B**; and the description of the boundary of the Town in the Charter of the Town of Middletown is amended to include the Property annexed in this Resolution.

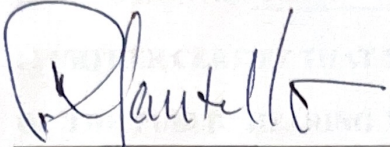
SECTION II: Except as otherwise provided in this Resolution, the Property and any persons now or in the future residing thereon, if any, shall be subject to the provisions of the Charter and applicable laws, ordinances and regulations of the Town.

SECTION III: Upon annexation, the Property shall be zoned "Open Space District" (OS), under the Zoning Ordinance of the Town.

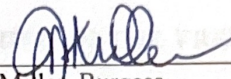
SECTION IV: This Resolution shall become effective forty-five (45) days following the date of its enactment.

ENACTED this 10th day of June, 2024 by the Burgess and Commissioners of the Town of Middletown.


ATTEST:

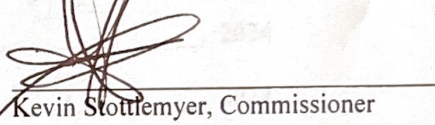

Town Administrator
Paul Mantello

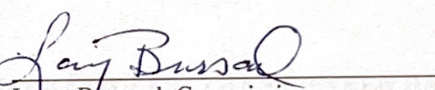
**BURGESS AND COMMISSIONERS
TOWN OF MIDDLETOWN**

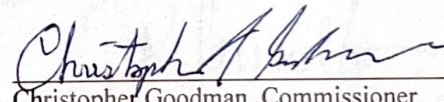

John Miller, Burgess


Jennifer Falcinelli, Commissioner


Rick Dietrick, Commissioner


Kevin Stottfemyer, Commissioner


Larry Bussard, Commissioner


Christopher Goodman, Commissioner

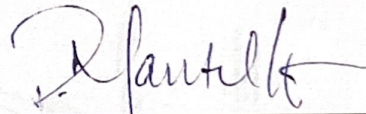
EXHIBITS A AND B ARE PART OF THIS RESOLUTION

I HEREBY CERTIFY THAT A PUBLIC HEARING WAS HELD ON THIS RESOLUTION NO. 2024-03 ON THE 6th DAY OF June, 2024.

I FURTHER CERTIFY THAT NOTICE OF THE TIME, DATE, PLACE AND PURPOSE OF THE PUBLIC HEARING WAS PUBLISHED IN THE FREDERICK NEWS-POST NEWSPAPER ON THE FOLLOWING DATES:

April 23rd, 2024
April 30th, 2024
May 7th, 2024
May 14th, 2024

THE PUBLIC HEARING WAS HELD NOT LESS THAN FIFTEEN DAYS AFTER THE LAST PUBLICATION OF NOTICE.



Town Administrator

Date: June 10th, 2024



April 1, 2024

Description for Remsberg Park to be Annexed into the Town of Middletown.

Situate along the south side of Holter Road approximately 500 feet southeastward from its intersection with Walnut Pond Court, Election District No. 3, Frederick County, Maryland and being more particularly described in accordance with a survey by Frederick, Seibert and Associates, Inc. dated March 1, 2024 as follows:

Beginning at a rebar and cap found on the southern dedicated right of way line of Holter Road and being the northwest corner of Lot 3, Section IV, Remsberg Subdivision recorded at Plat Book 50, page 2 among the Land Records of Frederick County, Maryland, thence running with said right of way line with corrected bearings to match Maryland Grid North NAD 83 S53°02'07"E 722.54 feet to a point, thence with a curve to the left having a radius of 855.45 feet, an arc length of 51.43 feet, and a chord bearing and distance of S54°45'27"E 51.42 feet to a rebar found at the northwestern most corner of lands now or formerly of Dwight & Lydia Hutchinson (Deed Book 4918, page 772), thence with Hutchinson S16°13'40"E 69.26 feet to a point, thence S09°18'45"W 432.24 feet to a rebar found, thence S20°03'45"W 504.18 feet to a point, thence N63°37'12"W 20.46 feet to a rebar and cap found, thence S20°00'47"W 396.00 feet to a point, thence N85°27'03"W 240.42 feet to a point, thence S19°35'01"W 122.56 feet to a point, thence S10°22'07"E 553.27 feet to a point, thence S67°44'32"E 285.84 feet to a point, thence S79°58'10"E 430.74 feet to a point, thence N00°23'25"E 783.14 feet to a point, thence N85°27'03"W 472.98 feet to a rebar and cap found, thence N20°03'45"E 888.71 feet to a point, thence N09°18'45"E 438.65 feet to a point, thence N16°13'39"W 51.02 feet to a point on the southern dedicated right of way line of Holter Road and being the northwest corner of Lot 2, Side B, Section IV, Remsberg Subdivision recorded at Plat Book 48, page 71 among the Land Records of Frederick County, Maryland, thence running with said right of way line with a curve to the left having a radius of 835.49 feet, an arc length of 67.08 feet and a chord bearing and distance of S60°43'56"E 67.06 feet to a point, thence S63°00'20"E 66.96 feet to a point, thence S67°34'58"E 72.11 feet to a point, thence S70°55'32"E 157.77 feet to a point, thence S74°16'05"E 109.69 feet to a point, thence S73°56'24"E 107.36 feet to a point, thence with a curve to the right having a radius of 1,960.00 feet, an arc length of 252.51 feet and a chord bearing and distance of S61°24'52"E 252.34 feet to a point, thence with a compound curve to the right having a radius of 360.00 feet an arc length of 84.02 feet and a chord bearing and distance of S51°02'14"E 83.83 feet to a point, thence with a compound curve to the right having a radius of 1,750.00 feet, an arc length of 211.46 feet and a chord bearing and distance of S40°53'21"E 211.33 feet to a point, thence S37°25'39"E 344.47 feet to a rebar found, thence S37°26'16"E 271.89 feet to a point, thence S37°25'33"E 185.25 feet to a point, thence leaving Holter Road and running along lands now or formerly of Johanna R. Allen (Deed Book 12063, page 244) S53°54'56"W 406.87 feet to a point, thence S12°52'38"W 154.29 feet to a point, thence S69°15'33"W 511.50 feet to a rebar found, thence S84°55'59"W 396.00 feet to a point, thence S00°21'40"E 482.63 feet to a rebar and cap found, thence N79°55'11"W 577.50 feet to a rebar found, thence N69°42'47"W 206.25 feet to a rebar and cap found, thence along lands now or formerly of Adrian and Peggy Remsberg (Deed Book 976, page 863) N63°34'29"W 1,115.14 feet to a rebar found, thence along lands now or formerly of James and Barbara Remsberg (Deed Book 994, page 288) and James and Kimberly Remsberg (Deed Book 3207, page 88) N23°20'29"E 1,152.22 feet to a rebar and cap found, thence continuing along James and Kimberly Remsberg and along lands now or formerly of Daniel and Tresha Remsberg (Deed Book 3207, page 94) N35°57'37"W 209.30 feet to a rebar and cap found, thence continuing along Daniel and Tresha Remsberg N27°54'00"E 463.36 feet to a point, thence S82°44'19"W 219.76 feet to a rebar and cap found, thence along lands now or formerly of the Burgess and Commissioners of Middletown (Deed Book 2187, page 1185) N24°09'06"W 117.96 feet to

FSA, INC.

 GREENCASTLE, PA
 20 W. Baltimore Street
 Greencastle, PA 17225
 717.597.1007

 HAGERSTOWN, MD
 128 S. Potomac Street
 Hagerstown, MD 21740
 301.791.3650

 CARLISLE, PA
 101 N. Hanover Street
 Carlisle, Pa 17013
 717.701.8111

a rebar found, thence along lands now or formerly of Joseph B. Sadler and Vesna Stanoyevitch (Deed Book 6640, page 456) N70°02'22"E 47.55 feet to a rebar found, thence N59°02'27"E 658.73 feet to a to the place of beginning;

Containing 94.49 acres of land more or less.

Subject to the conditions and restrictions shown on the following Plats of Record:

Farm Lot Transfer Plat, Lot 2 – Section IV, Remsberg Subdivision recorded at Plat Book 48, page 71.

Farm Lot Transfer Plat, Lot 1 – Section IV, Remsberg Subdivision recorded at Plat Book 49, page 82.

Combined Preliminary/Final and Addition Plat Lot 3, Section IV, Remsberg Subdivision recorded at Plat Book 50, page 2.

Outlot Plat, Outlot A – Section IV, Remsberg Subdivision recorded at Plat Book 63, page 85.

Correction Plat, Remsberg Subdivision, Section 4, P/O Lot 1 & 2 Addition to Outlot A recorded at Plat Book 95, page 8.

Addition Plat, Remsberg Subdivision – Section IV, Lot 2 Addition to Lot 3 recorded at Plat Book 109, page 87.

Also being subject to any and all other easements or rights of way of record and applicable thereto.

Said lands being all of the lands conveyed by Locvale Hollow Limited Partnership to Burgess and Commissioners of Middletown by deed dated June 25, 1998 and recorded in Deed Book 2438, page 55 and all of the lands conveyed by J. Homer Remsberg, Jr. and Marcia E. Remsberg to the Burgess and Commissioners of Middletown by deed dated January 31, 2005 and recorded in Deed Book 5113, page 95 and all of the lands conveyed by Locvale Hollow Limited Partnership and J. Homer Remsburg and Marcia E. Remsberg to the Burgess and Commissioners of Middletown recorded in Deed Book 5113, page 100 all among the Land Records of Frederick County, Maryland.

