L'BER 0108 PAGE 01

No. 91-42

SUBJ: 1991 Bond Sale
Award of Public
Facilities Bond

COUNTY COMMISSIONERS OF ST. MARY'S COUNTY
RESOLUTION NO. R-91-42

A RESOLUTION of County Commissioners of St. Mary's County providing for the award of Six Million Twenty Thousand Dollars ($6,020,000) aggregate principal amount of general obligation bonds designated Public Facilities Bonds of 1991, authorized to be issued pursuant to Resolution No. R-91-40 passed on November 12, 1991; fixing the interest rates payable upon the bonds so authorized and awarding the bonds to the successful bidder therefor upon the basis of the bids received this day in accordance with the official Notice of Sale prescribed in such Resolution; ratifying and confirming the distribution of the Preliminary Official Statement and authorizing the preparation and distribution of the final Official Statement; and designating the bonds as "qualified tax-exempt obligations."

11:48AM12/17/91D CO.COM $0.00

RECITALS

Resolution No. R-91-40 (the "Resolution") of County Commissioners of St. Mary's County (the "County") authorized the public sale of Six Million Twenty Thousand Dollars ($6,020,000) aggregate principal amount of the County's general obligation bonds, designated Public Facilities Bonds of 1991 (the "Bonds"). The public sale was held at Signet Trust Company, Signet Tower, South Conference Room, 18th Floor, 7 St. Paul Street, Baltimore, Maryland 21202, at 11:00 a.m., local Baltimore, Maryland time in accordance with the terms of the Notice of Sale prescribed by the Resolution, which Notice of Sale was duly published in accordance with the Resolution.

The County is now ready (1) to accept the best bid for the Bonds, at the total purchase price named by the bidder in such bid and (2) to fix the interest rates payable on the Bonds in accordance with the terms of such bid.

178.Z05774A:11/30/91
7686-34

NOW, THEREFORE, BE IT RESOLVED BY COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, that:

Section 1. The syndicate headed by Sovran Investment Corporation of Richmond (at the true interest rate of 5.7438%) (the "successful bidder") for the Six Million Twenty Thousand Dollars ($6,020,000) aggregate principal amount of Public Facilities Bonds of 1991 is hereby found and determined to be the bidder whose bid is in the best interest of the County.

Section 2. The bid of the successful bidder for the Bonds is hereby accepted.

Section 3. The Bonds are hereby awarded to the successful bidder at the total purchase price named in its bid. When prepared in definitive form, the Bonds shall be duly executed and delivered to the successful bidder in accordance with the terms and conditions of the Notice of Sale at such place in Baltimore, Maryland or New York, New York, or at such other location, as the successful bidder and the Director of Finance or the County Administrator may mutually agree. The delivery of the Bonds shall be made upon receipt of the total purchase price for the Bonds, being the principal amount of the Bonds, plus the premium, if any, stated in the bid of the successful bidder, plus accrued interest, less the good faith deposit received from the successful bidder to secure its bid. The total purchase price for the Bonds shall be paid to the Director of Finance or the County Administrator, as agent of

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7686-34

the County for the purpose of receiving the purchase price and delivering the Bonds to the successful bidder. Immediately upon receipt thereof, the purchase price shall be deposited in the proper accounts of the County and used and applied as provided in the Resolution.

Section 4. The Bonds shall bear interest at the following rates:

Year of Maturity	Principal Amount	Interest Rate	Year of Maturity	Principal Amount	Interest Rate
1992	$250,000	5.50 %	2000	$410,000	5.55 %
1993	270,000	5.50 %	2001	435,000	5.65 %
1994	295,000	5.50 %	2002	460,000	5.70 %
1995	315,000	5.50 %	2003	490,000	5.80 %
1996	330,000	5.50 %	2004	520,000	5.90 %
1997	350,000	5.50 %	2005	550,000	6.00 %
1998	370,000	5.50 %	2006	585,000	6.00 %
1999	390,000	5.40 %			

Such rates of interest are hereby fixed as and for the rates of interest payable on the Bonds.

Section 5. The Director of Finance is hereby authorized and directed to collect the check of the successful bidder and to retain the proceeds thereof to be applied in part payment for the Bonds and to return the checks received with the proposals not hereby accepted, all in accordance with the provisions of the Notice of Sale. The proceeds of the bonds shall be applied to the payment of the cost of the projects described in Resolution No. R-91-40, unless the County by resolution authorizes the application of the proceeds of the Bonds to other capital projects of the County, and any

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7686-34

unexpended proceeds of the bonds shall otherwise be applied as provided in Resolution No. R-91-40.

Section 6. The distribution of the Preliminary Official Statement dated November 27, 1991 is hereby confirmed and ratified.

Section 7. The President together with such other officials as the President shall deem appropriate shall distribute the Official Statement for the Bonds.

Section 8. The Bonds are hereby designated "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the "Code").

Section 9. In order to assure the registered owners of the Bonds that the Bonds are and shall remain eligible under the Code for the designation made in Section 8 of this Resolution, the County covenants and agrees with the registered owners of the Bonds that (i) the County has not issued "tax-exempt obligations" (as defined in Section 265(b)(4)(B) of the Code) (other than private activity bonds) during calendar year 1991 in an aggregate principal amount in excess of $10,000,000, and (ii) the County will not during calendar year 1991 issue more than $10,000,000 aggregate principal amount of such "tax-exempt obligations" unless the County has received a written opinion of bond counsel (i.e., a law firm having a national reputation in the field of municipal law, whose opinions are generally accepted by purchasers of municipal

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7686-34

bonds) to the effect that the issuance of such obligations will not affect the continued validity or effectiveness of the designation made in Section 8 of this Resolution.

Section 10. This Resolution shall become effective immediately upon its passage.

ADOPTED this 10th day of December, 1991.

Carl M. Loffler, Jr.
President

(SEAL)

W. Edward Bailey
Commissioner

Robert T. Jarboe
Commissioner

John G. Lancaster
Commissioner

Barbara R. Thompson
Commissioner

ATTEST:

Edward V. Cox
County Administrator

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Joseph R. Densford
County Attorney

178.Z05774A:11/30/91
7686-34

Del. Co. Comm.

DEC 23 1991 EVELYN W. ARNOLD, CLERK

LIBER 008 PAGE 016

RESOLUTION NO. 91-43

Subj.: Abandonment of a Portion of County Route 3106 (Wharf Road)

RESOLUTION

11:48AM12/17/91D CD.COM $0.00

WHEREAS, the Board of County Commissioners of St. Mary's County, Maryland, is authorized to close and abandon certain public roads within St. Mary's County, Maryland, pursuant to Article 25, Section 135, et seq., of the Annotated Code of Maryland.

WHEREAS, the Board of County Commissioners, following the procedures set forth in Article 25, Section 135, et seq., has received a petition from property owners in the area, requesting that a portion of County Route 3106, also known as Wharf Road, be abandoned from the Mean High Waterline for a distance of approximately 480 feet.

WHEREAS, the Board of County Commissioners conducted a public hearing on the petition to abandon the aforesaid Wharf Road on November 12, 1991, following due public notice of such hearing.

WHEREAS, after the consideration of all public comments, information and documentation pertaining to the abandonment of the aforesaid Wharf Road, the Board of County Commissioners has determined that the public interest will best be served by granting said petition.

NOW, THERFORE, BE IT RESOLVED by the Board of County Commissioners of St. Mary's County, Maryland, that the aforesaid section of Wharf Road is hereby declared to be officially abandoned.

This Resolution shall take effect upon the transfer of the property to the adjacent property owner.

Witness our signatures this 10TH day of December, 1991.

ATTEST:

Edward V. Cox

Edward V. Cox, County Administrator

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

Carl M. Loffler, Jr., President

W. Edward Bailey

W. Edward Bailey, Commissioner

Robert T. Jarboe

Robert T. Jarboe, Commissioner

John G. Lancaster

John G. Lancaster, Commissioner

Barbara R. Thompson, Commissioner

APPROVED AS TO LEGAL FORM
AND SUFFICIENCY:

Joseph R. Densford

Joseph R. Densford
County Attorney

Del. Co. Comm.

DEC 23 1991 EVELYN W. ARNOLD, CLERK

LIBER 008 PAGE 07

NO: 91-44

SUBJ: SEDIMENT CONTROL AND
GRADING PLAN REVIEW FEES 03PM12/19/91A CO.COM $0.00

R E S O L U T I O N

WHEREAS, The Environment Article, Section 4-103(c) of the Annotated Code of Maryland authorizes local governing bodies within the State of Maryland to enact a fee system to cover the cost of reviewing grading and sediment control plans; and

WHEREAS, The St. Mary's County Soil Conservation District recommended, and the Board of County Commissioners enacted, such a fee system in 1989 to cover the Soil Conservation District costs of reviewing grading and sediment control plans; and

WHEREAS, The Soil Conservation District, having evaluated current costs incurred in reviewing grading and sediment control plans and finding the current fees inadequate to support the services, has recommended an updated fee schedule; and

WHEREAS, The Board of County Commissioners has considered the Soil Conservation District's recommended fee schedule and agrees that such fees represent a reasonable and accurate charge for reviewing such plans;

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of St. Mary's County, Maryland that the following fee schedule is hereby adopted for the review of grading and sediment control plans by the St. Mary's County Soil Conservation District:

	Application Fee	Review Fee
Review of Standard Plans	$20	N/A
Review of Other Plans	$20	$70/acre for first ten acres and $50/acre for each additional acre over ten

BE IT FURTHER RESOLVED that the fee schedule adopted herein shall apply to all grading and sediment control plans reviewed by the Soil Conservation District on or after the effective date of this resolution.

ADOPTION DATE: December 17, 1991

EFFECTIVE DATE: January 1, 1992

BOARD OF COUNTY COMMISSIONERS
ST. MARY'S COUNTY, MARYLAND

Carl M. Loffler, Jr., President

W. Edward Bailey, Commissioner

Robert T. Jarboe, Commissioner

John G. Lancaster, Commissioner

Barbara R. Thompson, Commissioner

ATTEST:

Edward V. Cox
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph R. Densford
County Attorney

Bill Co. Comm.

JAN 6 = 1992

EVELYN W. ARNOLD, CLERK

LIBER 008 FOLIO 08

Resolution No. 92-01
Subj.: PINEY POINT WATERWAY
IMPROVEMENT DISTRICT

RESOLUTION

A RESOLUTION TO CREATE THE PINEY POINT WATERWAY IMPROVEMENT DISTRICT, TO AUTHORIZE A MAXIMUM EXPENDITURE ON THE PROJECT OF $600,000, AND TO LIMIT THE OBLIGATION TO REPAY SAID FUNDS TO ST. MARY'S COUNTY COMMISSIONERS.

WHEREAS, the State of Maryland has authorized local governments to establish waterway improvement districts in accordance with the provisions of the Natural Resources Article, Section 8-705 of the Annotated Code of Maryland; and

8:43AM01/09/92A CO.COM $0.00

WHEREAS, St. Mary's County desires to create such a district for the purpose of acquiring 2.83 acres of waterfront property on St. George Creek and the Potomac River at Piney Point; and

WHEREAS, St. Mary's County has established a need to acquire these properties in order to secure the area for public access as a public boating facility and recreation area;

NOW, THEREFORE, BE IT RESOLVED this 7th day of January, 1991 by the Board of County Commissioners for St. Mary's County, Maryland that the Piney Point Waterway Improvement District be and the same is hereby created; said District is to include the following parcels: Ruth R. Swan (deed recorded at Liber No. 52, Folio 447 and Liber MRB No. 284, Folio 88); B. I. Smith (deed recorded at Liber CBG No. 12, Folio 449); and Heirs of M. C. Thompson, Jr. (deed recorded at Liber CBG No. 12, Folio 485).

BE IT FURTHER RESOLVED, that by creating this District, the Board of County Commissioners authorizes the borrowing of up to $600,000 from the Waterway Improvement Fund, with said monies to be repaid by St. Mary's County over a period of twenty-five (25) years in equal annual installments as set forth in a Waterways Improvement Project Agreement between the State of Maryland, Department of Natural Resources, and the Board of County Commissioners dated December 31, 1991.

AND BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately upon its passage.

AND BE IT FURTHER RESOLVED, that this Resolution was enacted in public session of the Board of County Commissioners on January 7, 1992.

Date of Adoption: January 7, 1992

Effective Date: January 7, 1992

ATTEST:

EDWARD V. COX
County Administrator

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

CARL M. LOFFLER, JR., President

W. EDWARD BAILEY, Commissioner

ROBERT T. JARBOE, Commissioner

JOHN G. LANCASTER, Commissioner

BARBARA R. THOMPSON, Commissioner

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:

JOSEPH R. DENSFORD
County Attorney

Del. Co. Comm.

JAN 13 1992

EVELYN W. ARNOLD, CLERK

LBER 008 = 09

Resolution No. Z 92-01
Subj.: Zoning Decision 91-CA
Board of Appeals Policy
Critical Area Buffer Variances
Repeal and Re-enact Resolution
No. Z 91-08 with Amendments

RESOLUTION

2:29PM02/12/92B CO.COM $0.00

WHEREAS, the St. Mary's County Board of Appeals has recommended that a policy be adopted which would expedite the approval process for minor encroachments which may be associated with the construction of principal structures, additions to principal structures, and to accessory structures within the one hundred foot (100') Critical Area Buffer on lots of record as of December 1, 1985. This policy also applies to septic systems and their repair. This policy would apply only to the administration of Critical Area Buffer variances which conform to certain requirements. The policy is proposed for the purpose of requiring only those projects which may have an impact on the Critical Area Buffer or water quality to apply to the Board of Appeals.

WHEREAS, the Planning Commission conducted deliberations on the proposed policy at its public meeting on July 22, 1991. The Planning Commission voted unanimously to recommend approval of the proposed policy to the Board of County Commissioners.

WHEREAS, the Board of County Commissioners held a public hearing on the proposed policy on August 6, 1991, after due publication of notice.

WHEREAS, the Board of County Commissioners deliberated on the proposed policy at its public meeting on September 3, 1991, and unanimously approved the policy, with modifications, based on public comment.

WHEREAS, the Board of County Commissioners adopted the proposed policy on September 17, 1991 by Resolution No. Z 91-08, which was to become effective immediately upon its approval by the Chesapeake Bay Critical Area Commission.

WHEREAS, the Critical Area Commission on December 4, 1991 approved the proposed policy for Critical Area Buffer variances set forth in Resolution No. Z 91-08, with certain amendments.

WHEREAS, it is the intention of the Board of County Commissioners to repeal and re-enact the proposed policy for Critical Area Buffer variances set forth in Resolution No. Z 91-08, incorporating the amendments which were a condition of approval by the Critical Area Commission.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Mary's County, Maryland, that the following policy governing Critical Area Buffer variances is hereby adopted:

1. The purpose of the Board of Appeals policy is to delegate approval authority to the Planning Director to apply the standards for variance for certain proposed construction activities covered by this policy which do not result in the construction of more than five hundred (500) square feet of impervious surface and are no closer than fifty (50) feet from mean high water or tidal wetlands and tributary streams within the Critical Area Buffer under the St. Mary's County Zoning Ordinance, as amended, and the St. Mary's County Critical Area Ordinance.

2. Proposed construction within the Critical Area Buffer is not required to receive Board of Appeals approval if it can meet the following guidelines:

   A. The proposed construction is an accessory structure, a principal structure, an addition to an existing principal structure, or a septic system approved by the Health Department;

B. The footprint of the construction is no larger than five hundred (500) square feet;

C. The construction does not require the removal of existing vegetation except for the proposed construction itself;

D. A Critical Area Buffer Planting Agreement is agreed upon by the applicant and staff and executed by the applicant;

E. The construction is located no closer than fifty (50) feet from mean high water (MHW), tidal wetlands and tributary streams and/or;

F. The construction is located no closer than twenty-five (25) feet from any nontidal wetland;

G. The cumulative impervious surfaces of the existing and proposed construction on the site do not exceed 15% (or 25%), as permitted by the St. Mary's County Ordinance for the Critical Area;

H. All construction applying for approval within the one hundred (100) foot Buffer shall be reviewed by the Maryland Critical Area Commission consistent with COMAR 14.20, prior to any administrative action by staff. The Critical Area Commission shall be notified of any administrative action by staff within ten (10) days of the action.

3. Approvals delegated by this policy are strictly limited to five hundred (500) square feet and this policy shall be cumulative; that is, there shall be a total of five hundred (500) square feet per parcel only. Any proposed impervious surface constructed in excess of five hundred (500) square feet, including phased or subsequent construction, must be submitted to the Board of Appeals. Additions shall be limited to attached decks (open or covered), porches, sheds, garages (detached or attached), patios, breezeways, and other structures for residential use and incidental storage use. In administering this policy, the Planning Director shall apply the standards for variances contained in the St. Mary's County Critical Area Ordinance, p. 31, Part 8. Environmental Permits, consistent with all Critical Area requirements, are required in all cases, and building permits are required when mandated by the provisions of the Zoning Ordinance or BOCA/CABO.

A. Staff shall give notice of applicant's proposal no less than fifteen (15) days prior to all administrative approvals authorized by this policy by publication of notice in an official paper of general circulation. By such publication, staff will give notice to comment in writing on the applicant's proposal.

B. The Chairman of the Critical Area Commission may appeal an administrative variance granted by the Planning staff consistent with 66.01 of the St. Mary's County Ordinance. At this time the project will go before the Board of Appeals de novo.

4. Approval of proposed construction within the Critical Area Buffer which meets the aforementioned policy requirements are hereby delegated to the Planning Director subject to the following requirements:

LIBER 008 PAGE 11

Resolution No. Z 92-01
Subj.: Zoning Decision 91-CA
Board of Appeals Policy
Critical Area Buffer Variances
Repeal and Re-enact Resolution
No. Z 91-08 with Amendments

A. Applicant is to notify all contiguous property owners in writing of their opportunity to comment in writing on the applicant's proposal no less than fifteen (15) calendar days prior to all administrative approvals authorized by this policy. The contiguous property owners, or any person, firm or corporation, if aggrieved by the staff approval, may appeal these administrative approvals to the Board of Appeals within thirty (30) calendar days of the administrative decision.

B. All applicant appeals resulting from an administrative denial may be appealed to the Board of Appeals within thirty (30) days of the administrative decision.

C. Staff is to report all such administrative approvals as published in the regular Board of Appeals agenda to the Board of Appeals within thirty (30) days of the approval or at the second Board of Appeals meeting each month.

5. Staff may approve future construction consistent with this policy, up to a total of 500 square feet, provided that future Board review was not a condition of approval for any construction which received prior Board of Appeals approval for a buffer variance prior to the adoption of this policy.

6. Staff may approve future construction consistent with this policy, up to a total of 500 square feet, for any expansion or addition to a structure which received prior Board of Appeals approval for a buffer variance after the adoption of this policy.

AND BE IT FURTHER RESOLVED, that Resolution No. Z 91-08 is hereby repealed in its entirety.

AND BE IT FURTHER RESOLVED, that this Resolution shall become effective immediately upon approval by the State of Maryland Critical Area Commission.

Date of Adoption: February 4, 1992.

Effective Date: MARCH 1, 1992.

ATTEST:

Edward V. Cox
EDWARD V. COX
County Administrator

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:

Jack R Densford
JOSEPH R. DENSFORD
County Attorney

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

CARL M. LOFFLER, JR., President

W. Edward Bailey
W. EDWARD BAILEY, Commissioner

Robert T. Jarboe
ROBERT T. JARBOE, Commissioner

John G. Lancaster
JOHN G. LANCASTER, Commissioner

Barbara R. Thompson
BARBARA R. THOMPSON, Commissioner

Dale P. Weeks

MAR 3 - 1992

EVELYN W. ARNOLD, CLERK

LIBER 008 PAGE 12

Resolution No. 92-____
Subj.: ST. MARY'S COUNTY AIRPORT
RUNWAY EXTENSION

RESOLUTION 12:14PM02/28/920 CO.COM $0.00

A RESOLUTION to authorize and direct the County Attorney of St. Mary's County or his designee to bring a condemnation lawsuit on behalf of the Board of County Commissioners of St. Mary's County to acquire certain real property in fee simple and in easement for the purpose of extending the runway at the St. Mary's County Airport and other related purposes pursuant to Section 11A(a)(1)(i) of Article 25 of the Annotated Code of Maryland and Section 5-417 of the Transportation Article of the Annotated Code of Maryland.

RECITALS

Section 5-417 of the Transportation Article of the Annotated Code of Maryland empowers the Board of County Commissioners to acquire by purchase or condemnation any property, including any air rights or interests, needed to establish or operate an airport.

The Board of County Commissioners has authorized the construction of an extension to the St. Mary's County Airport runway in the Capital Improvements Program of FY'92, identified therein as Project No. SM-92-4-2, (the Project).

The Board of County Commissioners finds that the Project necessitates that the County acquire certain real property in fee simple and in easement, which property is described on the plat attached hereto as Exhibit 1 (the "Subject Property").

The County has made every reasonable effort to negotiate an agreement with the owners of the Subject Property for the purchase of the Subject Property by the County at a mutually-acceptable purchase price. Despite its good faith efforts to reach settlement through negotiation, the owners of the Subject Property and the County have not been able to agree on a purchase price. Completion of the Project has been delayed as a result. Accordingly, the County Commissioners find that it is necessary and in the public interest to bring a condemnation action against the owners to acquire the Subject Property pursuant to the County Commissioners' powers of eminent domain.

Section 11A(a)(1)(i) of Article 25 of the Annotated Code of Maryland empowers the Board of County Commissioners to acquire by condemnation any property, or any interest therein, of any kind needed for any public purpose.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Mary's County:

Section 1: The Project is necessary and in the public interest.

Section 2: It is necessary and in the public interest to acquire the Subject Property for the public purpose of the Project.

Section 3: The County has made every reasonable and good faith effort to acquire the Subject Property by a negotiated sale, but has been unable to do so; accordingly, it is necessary for the Board of County Commissioners to commence condemnation proceedings to acquire the Subject Property.

Section 4: The County Attorney or his designee is authorized and directed to (a) commence a condemnation lawsuit on behalf of the Board of County Commissioners to acquire the Subject Property pursuant to any or all of the County Commissioners' eminent domain powers, including, without limitation, Section 11A(a)(1)(i) of Article 25 of the Annotated Code of Maryland, and (b) acquire the Subject Property as soon as is practicable.

Section 5: This Resolution shall be effective immediately upon its adoption.

Date of Adoption: February 25, 1992.

Effective Date: February 25, 1992.

ATTEST:

Edward V. Cox
EDWARD V. COX
County Administrator

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:

Joseph R Densford
JOSEPH R. DENSFORD
County Attorney

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

Carl M. Loffler, Jr.
CARL M. LOFFLER, JR., President

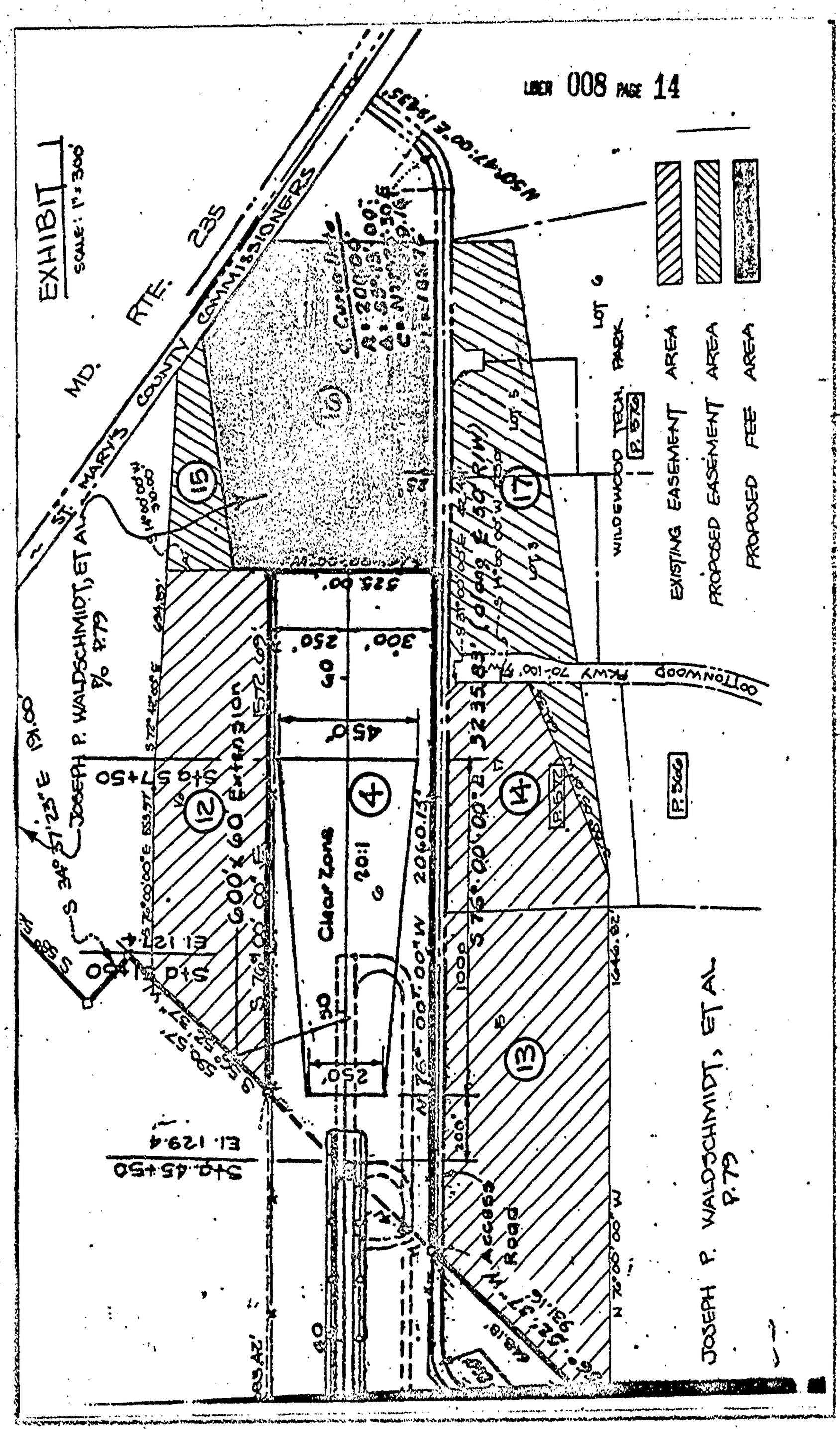
W. Edward Bailey
W. EDWARD BAILEY, Commissioner

Robert T. Jarboe
ROBERT T. JARBOE, Commissioner

John G. Lancaster
JOHN G. LANCASTER, Commissioner

Barbara R. Thompson
BARBARA R. THOMPSON, Commissioner

LIBER 008 PAGE 14



Old Co. Comm.

MAR 3 - 1992

EVELYN W. ARNOLD, CLERK

No: 92-03

A RESOLUTION OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY TO DELEGATE TO THE DIRECTOR OF FINANCE THE AUTHORITY TO DECLARE OFFICIAL INTENT TO REIMBURSE CERTAIN EXPENDITURES WITH PROCEEDS OF CERTAIN BONDS ANTICIPATED TO BE ISSUED TO PAY COSTS ASSOCIATED WITH PROJECTS OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY.

RECITALS

2:24PM03/12/92E CO.COM $0.00

County Commissioners of St. Mary's County (the "County") intends to make expenditures toward certain projects (the "Projects") of the County. The County intends that tax-exempt bonds, notes or other obligations (the "Bonds") will be issued for the purpose of paying all or a portion of the cost of the Projects. The County may make expenditures toward the Projects prior to the issuance of the Bonds, and intends to reimburse the amount of such expenditures from the proceeds of the Bonds.

In order to comply with applicable provisions of the Internal Revenue Code of 1986, as amended, and Section 1.103-18 of the Income Tax Regulations, it is necessary that prior to reimbursement of such expenditures with proceeds of the Bonds the County or an authorized official of the County declare the official intent of the Service to make such a reimbursement of expenditures.

NOW, THEREFORE, BE IT RESOLVED by County Commissioners of St. Mary's County that the Director of Finance (the "Authorized Officer") is hereby authorized to declare on behalf of the County an official intent to reimburse Project expenditures with proceeds of Bonds and to establish procedures for recording and making publicly available evidence of such intent and generally to take such actions as may be appropriate to assure compliance by the County with applicable provisions of the Internal Revenue Code of 1986, as amended, and Section 1.103-18 of the Income Tax Regulations, regarding such declaration of intent; and, furthermore, the authority of the Authorized Officer to declare official intent as described above may be delegated in writing by the Authorized Officer to one or more designees.

BE IT FURTHER RESOLVED that the adoption of this resolution shall not be construed to indicate that, prior to the declaration of official intent by the Authorized Officer,

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there did not exist objective evidence (represented by this resolution or otherwise) that the County expected to reimburse expenditures with respect to Projects from the proceeds of a borrowing.

This Resolution was duly adopted by County Commissioners of St. Mary's County on March 10, 1992.

(SEAL)

COUNTY COMMISSIONERS OF
ST. MARY'S COUNTY

Carl M. Loffler, Jr., President

W. Edward Bailey, Commissioner

Robert T. Jarboe, Commissioner

ATTEST:

Edward V. Cox, County
Administrator

John G. Lancaster, Commissioner

Barbara R. Thompson, Commissioner

388.Z05774A:02/18/92
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Dall. Co. Comm.

MAR 16 1992

EVELYN W. ARNOLD, CLERK

Resolution No. W/S 92-04
Subj.: Water and Sewer Plan Amendment
MetComm Community Sewer
Projects- Airedale Road, Tall
Timbers/South Potomac Shores,
St. George Island
(SPEC #91-0121)

11:25AM03/19/92D CO.COM $0.00

RESOLUTION

WHEREAS, the St. Mary's County Metropolitan Commission has made application to amend the St. Mary's County Comprehensive Water and Sewer Plan for certain sewerage projects. These projects are identified as the Airedale Road area of the First Election District, the Tall Timbers/South Potomac Shores area of the Second Election District, and the St. George Island area of the Ninth Election District of St. Mary's County.

WHEREAS, the St. Mary's County Health Department and the Metropolitan Commission have declared these areas as health hazards due to failing septic systems, and providing public sewerage to said areas is a necessary means of alleviating the hazards.

WHEREAS, a majority of the affected properties are located within a Rural Preservation District (RPD) as defined by the 1988 St. Mary's County Comprehensive Plan, and within an RPD zoning district as defined by the St. Mary's County Zoning Ordinance.

WHEREAS, the Comprehensive Plan specifically states that "new sewer service shall not be extended to a rural preservation district where high density growth is not desired unless it corrects an existing health hazard or environmental threat" (see page 34 of the Comprehensive Plan).

WHEREAS, it is the express intention of the Board of County Commissioners by the adoption of this Resolution to correct existing health hazards and environmental threats in the areas of Airedale Road, Tall Timbers/South Potomac Shores and St. George Island, and nothing contained herein is to be construed as permitting or encouraging a higher density of development in these areas beyond that which would otherwise be permitted without the provision of public sewer connections.

WHEREAS, amendment of the Comprehensive Water and Sewer Plan is necessary to accommodate the proposed new sewerage facilities.

WHEREAS, the number of EDUs allocated herein to St. George Island and Airedale Road has been established according to residential densities permitted by the St. Mary's County Critical Area Ordinance.

WHEREAS, on or about November 18, 1986, the St. Mary's County Metropolitan Commission and the Commissioners of St. Mary's County entered into an agreement ("the November 1986 Agreement") with the Water Management Administration ("the Administration") setting forth certain restrictions on the sewer service to be provided by the Piney Point plant.

WHEREAS, the Board of County Commissioners of St. Mary's County proposes to provide service from the Piney Point Pumping Station to St. George Island, and the St. George Island Improvement Association ("the Island Association") opposes such service unless certain restrictions are imposed on that service, as set forth below and in accordance with the Agreement Restricting Service to St. George Island entered into by the St. Mary's County Metropolitan Commission and the Board of County Commissioners of St. Mary's County and the Saint George Island Improvement Association on the date herein above (attached hereto as Exhibit 1).

WHEREAS, the Planning Commission conducted deliberations on the application at its public meeting on February 25, 1991. The Planning Commission voted unanimously to approve the sewer category changes for Airedale Road from S-6 to S-3 for 63 dwelling units (75 EDUs), for Tall Timbers/South Potomac Shores from S-5 to S-3 for 145 dwelling units (162 EDUs), and for St. George Island from S-5 to S-3 for 219 EDUs.

Resolution No. W/S 92-04
Subj.: Water and Sewer Plan Amendment
MetComm Community Sewer
Projects- Airedale Road, Tall
Timbers/South Potomac Shores,
St. George Island
(SPEC #91-0121)

WHEREAS, the Board of County Commissioners held a public hearing on the proposed amendments on April 2, 1991, after due publication of notice.

WHEREAS, the Board of County Commissioners deliberated on the proposed amendments at its public meeting on May 7, 1991, and unanimously approved the request.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Mary's County, Maryland that the St. Mary's County Comprehensive Water and Sewer Plan is hereby amended to reclassify Airedale Road from S-6 to S-3, Tall Timbers/South Potomac Shores from S-5 to S-3, and St. George Island from S-5 to S-3.

BE IT FURTHER RESOLVED, that the use of new sewerage facilities shall be limited as follows:

1) Airedale Road - 63 dwelling units and the Ridge Elementary School, for a total of 75 Equivalent Dwelling Units (EDUs), as set forth in the attached Exhibit 2.

2) Tall Timbers/South Potomac Shores - 145 dwelling units and the Piney Point Elementary School, for a total of 162 EDUs.

3) St. George Island - 219 EDUs, as set forth in the attached Exhibit 3.

BE IT FURTHER RESOLVED, that for those areas of Airedale Road which are to be served by the new sewerage facilities, the EDUs allocated herein are based on the following criteria:

1) Contiguous lots or parcels of record under common ownership within the Limited Development Area (LDA) of the Critical Area shall be combined to establish a building density not to exceed one dwelling unit per three (3) acres.

2) Contiguous lots or parcels of record under common ownership within the Resource Conservation Area (RCA) of the Critical Area shall be combined to establish a building density not to exceed one dwelling unit per twenty (20) acres.

3) All other lots or parcels of record within the LDA or RCA portions of the Critical Areas shall be allocated EDUs based on the Critical Area development densities permitted by the St. Mary's County Critical Area Ordinance in effect at the adoption of this Resolution.

BE IT FURTHER RESOLVED that for those areas of St. George Island which are to be served by the new sewerage facilities, the EDUs of service are to be allocated as set forth below:

1) Only those parcels or lots reflected on Exhibit 3 (attached hereto and incorporated by reference) may receive service from the new sewerage facilities.

2) The number of EDUs of service that may be provided to each parcel or lot reflected on Exhibit 3 shall not exceed the number listed for that parcel or lot under the column captioned "Ultimate Potential Development" on Exhibit 3.

3) No service in addition to that described in 1) and 2) above may be provided to any lot, parcel or combinations of lots or parcels, regardless of whether such lots or parcels are

Resolution No. W/S 92-04
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subdivided, replatted, bisected by roads, sold, combined or otherwise altered or reconfigured.

4) Because the number of EDUs in the "Ultimate Potential Development" column in Exhibit 3 totals 219, and because of the restrictions in 1), 2) and 3) above, the total amount of service provided from the new sewerage facilities to St. George Island shall not exceed 219 EDUs.

5) The restrictions set forth above shall apply in addition to any law, rule, ordinance or regulation restricting development or sewer service on St. George Island. Nothing in this Resolution or in the restrictions above shall eliminate or limit any other restrictions on development or sewer service that might apply to any lot or parcel under any law, rule, ordinance or regulation now in effect or which may later be promulgated -- including, but not limited to, the St. Mary's County Critical Area Ordinance and other laws, rules or regulations pertaining to Critical Areas, Limited Development Areas and Resource Conservation Areas.

6) All restrictions on sewer service from the Piney Point plant set forth in the November 1986 Agreement shall apply to any such service provided to St. George Island pursuant to this Resolution. Nothing in this Resolution or in the restrictions above shall affect the terms of, or the rights and duties of any party under the November 1986 Agreement, which is attached hereto as Exhibit 4 and which is hereby incorporated by reference.

7) The restrictions on service to St. George Island set forth above shall not be modified without the consent of: 1) the Island Association or any successor organization to the Island Association; or 2) in the event that the Island Association should cease to exist and there is no successor organization to the Island Association, a majority of the owners of platted lots on St. George Island who attend a public meeting to consider such modifications of the service restrictions. Appropriate public notice of such a public meeting, including a description of the proposed modifications to the service restrictions, shall be given at least sixty (60) days in advance of the meeting in area newspapers and other local media. At the public meeting, each person owning one or more of the platted lots on St. George Island shall have one (1) vote.

8) If an official of St. Mary's County responsible for sewer service or compliance with this Resolution is informed of any sewer service to St. George Island that is not in compliance with this Resolution, St. Mary's County shall promptly take all actions within its authority to stop such service.

9) In the event that the Island Association determines that any service is being provided to St. George Island that does not comply with this Resolution, it shall, in writing, so inform an official of St. Mary's County responsible for sewer service or compliance with this Resolution. If that service (the "Challenged Service") is not stopped within sixty (60) days of the date of such written notification, the Island Association may then bring an action in any Maryland court of competent jurisdiction to enjoin the Challenged Service and to enforce the terms of this Resolution. St. Mary's County shall not move to dismiss, or otherwise object to, such an

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action on grounds of standing, sovereign immunities or any other governmental immunities. In the event that the Court determines that the Challenged Service violates this Resolution, and determines that the failure of St. Mary's County to stop that service within sixty (60) days of written notice from the Island Association was not substantially justified, the Court may award the Island Association the reasonable attorneys' fees that it incurred in the action.

BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon its adoption.

Date of Adoption: March 10, 1992.

Effective Date: March 10, 1992.

ATTEST:

Edward V. Cox
EDWARD V. COX
County Administrator

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:

Joseph R. Densford
JOSEPH R. DENSFORD
County Attorney

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

CARL M. LOFFLER, JR., President

W. EDWARD BAILEY, Commissioner

ROBERT T. JARBOE, Commissioner

JOHN G. LANCASTER, Commissioner

BARBARA R. THOMPSON, Commissioner

AGREEMENT RESTRICTING SERVICE
TO SAINT GEORGE ISLAND

WHEREAS, the U.S. Environmental Protection Agency ("EPA") awarded a construction grant on August 16, 1983 to the St. Mary's County Metropolitan Commission to provide financial assistance for the design and construction of an upgraded and expanded Piney Point sewage treatment plant along with an expansion of the existing service area to serve areas of failing septic systems; and

WHEREAS, on or about November 18, 1986, the St. Mary's County Metropolitan Commission and the Board of County Commissioners of St. Mary's County, Maryland (collectively, "the County") entered into an agreement ("the November 1986 Agreement") with the Water Management Administration ("the Administration") setting forth certain restrictions on the sewer service to be provided by the Piney Point plant; and

WHEREAS, the County and the Administration have proposed to provide service from the Piney Point plant to Saint George Island, and the Saint George Island Improvement Association ("the Island Association") opposes such service unless certain restrictions are imposed on that service; and

WHEREAS, the County and the Island Association (collectively, "the Parties") agree that sewer service should be provided to Saint George Island from the Piney Point plant pursuant to and subject to certain restrictions;

NOW THEREFORE, this _____ day of March, 1992, in consideration of the foregoing covenants and the mutual exchange of promises as

recited herein, which consideration is acknowledged to be good and sufficient, each of the parties agrees, for themselves, their parent entities, predecessors, successors, assigns, officers and directors (past, present and future), as follows:

1. All restrictions on sewer service from the Piney Point plant set forth in the November 1986 Agreement shall apply to any such service provided on Saint George Island. This agreement restricting service to Saint George Island ("the Agreement") shall not affect the terms of, or the rights and duties of, any party under the November 1986 Agreement, which is attached hereto as Exhibit A, and which is hereby incorporated by reference.

'2. Sewer service from the Piney Point plant to Saint George Island shall not exceed 219 EDUs within the area served by the "Proposed Force Main" and "Proposed Collection System" as shown on Figure 5-5, dated May 25, 1990, in the document entitled "Draft Addendum No. 3 to the Piney Point Sanitary District Facility Plan", May 1990. The assignment of EDUs to platted lots within the area described in the preceding sentence shall be in accordance with the following policy adopted by the Saint Mary's County Commissioners:

(a) One (1) equivalent dwelling unit (EDU) of sewage treatment capacity shall be allocated for each improved lot of record within Saint George Island.

(b) One (1) EDU shall be allocated for each unimproved lot of record which is three (3) acres or less in size.

(c) Where two (2) or more unimproved contiguous lots are under common ownership, and the total area of such contiguous lots

shall be less than three (3) acres, they shall be treated as a single lot and shall be entitled to one (1) EDU of capacity.

(d) Where the total area of a lot of record, or two (2) or more contiguous lots of record under common ownership exceeds three (3) acres, one (1) EDU of capacity shall be assigned for each additional three (3) acres of area.

(e) As used herein, the term "lot of record" shall apply to those platted lots legally in effect as of August 1, 1990.

(f) The allocation of EDUs in accordance with the above policy is set forth in the attached Exhibit B, which is incorporated herein.

3. The restrictions on service to Saint George Island set forth in paragraph 2 above may be reviewed periodically by MDE, the Administration, the County and the Island Association. These restrictions shall not be modified so as to allow more than 219 EDUs of service within the service area without the modification of this agreement by all of the parties, including: 1) the Island Association or any successor organization to the Island Association; or 2) in the event that the Island Association should cease to exist and there is no successor organization to the Island Association, a majority of the owners of platted lots on Saint George Island who attend a public meeting to consider such modifications of the service restrictions. Appropriate public notice of such a public meeting, including a description of the proposed modifications to the service restrictions, shall be given at least sixty (60) days in advance of the meeting in at least one

local newspaper of general circulation and other local media. At the public meeting, each person owning one or more of the platted lots on Saint George Island shall have one vote.

4. It is understood and acknowledged by the parties that MDE and the Administration shall have authority to enforce, and the responsibility for enforcing, the restrictions on service to Saint George Island set forth in paragraph 2 above. In the event that MDE and/or the Administration determines or discovers that service is being provided to or on Saint George Island in violation of those restrictions and this Agreement, the MDE and/or the Administration shall promptly direct the County to take action to stop such service. The County shall promptly comply with such directions and shall take all actions within its authority to stop such service.

5. In the event that the Island Association determines that any service is being provided to or on Saint George Island in violation of the restrictions set forth in paragraph 2 above, it shall so inform the County in writing. If that service (the "Challenged Service") is not stopped within sixty (60) days of the date of such written notification, the Island Association may then bring and action in any Maryland court of competent jurisdiction to enjoin the Challenged Service and to enforce this Agreement. The County shall not move to dismiss, or otherwise object to, such and action on grounds of standing, sovereign immunities or any other governmental immunities. In the event that the Court determines that the Challenged Service violates the restrictions

set forth in paragraph 2 above, and determines that the failure of any of the other Parties to stop such action within sixty (60) days of written notice from the Island Association was not substantially justified, the Court may award the Island Association the reasonable attorneys' fees that it incurred in the action.

The Parties have caused this Agreement to be executed below by their duly authorized representatives on the dates indicated.

ATTEST:

Edward V. Cox
EDWARD V. COX
County Administrator 3/10/92

BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND

By: _____ (SEAL)
CARL M. LOFELOR, JR., President

ATTEST:

Judith A. Scalley
3/11/92

ST. MARY'S COUNTY METROPOLITAN COMMISSION

By: _____ (SEAL)
LARRY PETTY, Director

ATTEST:

_____
Secretary

SAINT GEORGE ISLAND IMPROVEMENT ASSOCIATION

By: Francis J. Russell (SEAL)
FRANCIS J. RUSSELL
President

EXHIBIT A

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

IN THE MATTER OF
Federal and State
Construction Grant Funding of the
Piney Point Sewerage Project

Serve on:

Francis E. Taylor, Chairman
St. Mary's County Metropolitan
Commission
191 B Shangri-La Drive, North
Lexington Park, Maryland 20653

* SECRETARY OF HEALTH AND
* MENTAL HYGIENE
*
* OFFICE OF ENVIRONMENTAL
PROGRAMS
*
201 West Preston Street
*
Baltimore, Maryland 21201

* * *

AGREEMENT

WHEREAS, the St. Mary's County Metropolitan Commission had received an U.S. Environmental Pro[illegible] planning [illegible] facility plan, the purpose of which was to investigate sewage disposal problems within the Piney Point Sanitary District; and

WHEREAS, the facility plan had confirmed that there are areas of failing septic systems within the sanitary district which pose a threat to the public health, safety and comfort; and

WHEREAS, these failing septic systems cannot be readily corrected on-site because of unfavorable soils, and until corrected, will continue to pose a threat to the public health, safety and comfort; and

WHEREAS, the facility plan had demonstrated that correction of these failing septic systems can be accomplished by an extension of the Piney Point sewerage system, owned and operated by the St. Mary's County Metropolitan Commission; and

WHEREAS, the Piney Point sewage treatment plant, as a primary plant, is only capable of removing from raw sewage 60% of the suspended solids and 35% of the biochemical oxygen demand (BOD) — in contrast, most plants are secondary plants which typically remove 85% of the suspended solids and BOD; and

WHEREAS, the treatment plant cannot meet the final effluent limitations imposed

by its discharge permit let alone accept additional flows from areas of failing septic systems; and

WHEREAS, as the treatment plant discharges pollutants into Class II waters, restrictions on shellfish harvesting and storage are in effect for the surrounding outfall area; and

WHEREAS, the current pollution problems caused by the failing septic systems and the primary treatment plant must be alleviated; and

WHEREAS, as indicated by the facility plan, construction of an upgraded and expanded Piney Point sewage treatment plant along with the extension of public sewers to areas of failing septic systems would prove too costly to the users of the system unless financial assistance can be provided; and

WHE... ...ased in part on an Environ...tal Assessment, as issued by the EPA on April 22, 1983, the Piney Point Sanitary District Facility Plan, dated August 1980, was approved by the Water Management Administration (the "Administration") and the EPA; and

WHEREAS, the EPA had subsequently awarded a step IV construction grant on August 16, 1983 to the St. Mary's County Metropolitan Commission to provide financial assistance to design and construct an upgraded and expanded Piney Point sewage treatment plant along with an expansion of the existing service area to serve areas of failing septic systems as recommended by the facility plan; and

WHEREAS, construction of an upgraded and expanded Piney Point sewage treatment plant is no longer the preferred alternative for treatment because unsuitable on-site soil conditions, which were discovered upon preliminary site evaluations, resulted in an escalation of the estimated costs to construct the facilities; and

WHEREAS, because of the escalation of costs to construct the facilities and its effect on the users of the system, the St. Mary's County Metropolitan Commission had reevaluated alternatives through a formal revision to the facility plan; and

WHEREAS, the alternative preferred by the St. Mary's County Metropolitan Commission for providing treatment service is now to pump sewage flows from the Piney Point service area to the Pine Hill Run sewage treatment plant, as described in Addendum No. 1, dated March 1985, to the previously approved Piney Point Sanitary District Facility Plan; and

WHEREAS, the EPA had issued an amended Environmental Assessment dated August 22, 1985 addressing the environmental effects of the Pine Hill Run sewage treatment plant pump-over as described by the revised facility plan; and

WHEREAS, the amended facility plan, which described the areas suitable for sewer service, was prepared to conform with the County's comprehensive land use plan; and

WHEREAS, the amended Environmental Assessment considered the requirements of the Presidential Executive Orders #11988 (Floodplain Management) and #11990 (Protection of Wetlands) governing restrictions on the use of federal funds where actual or potential environmental impacts on floodplains or wetlands are possible; and

WHEREAS, the amended Environmental Assessment stated that environmentally sensitive areas will be adversely affected unless access to the facilities is controlled; and

WHEREAS, State and EPA approval of said pump-over as the preferred alternative, and subsequent construction grant funding thereof, is contingent upon following the recommendations of the Environmental Assessment and complying with the Presidential Executive Orders; and

WHEREAS, the Administration is the delegated state agency responsible for the waters of the State insofar as their sanitary and physical condition affect the public health or comfort, and for administering EPA's Construction Grants Program; and

WHEREAS, it is the intent of the Commissioners of St. Mary's County and the St. Mary's Metropolitan Commission (collectively the "County") and the Administration to: comply with the County's comprehensive land use plan; obtain federal funds for construction of the pump-over; comply with the provisions of the Presidential Executive

Orders; follow the recommendations and intent of the EPA's Environmental Assessments; and avoid inducing any adverse secondary environmental impacts; and

WHEREAS, it is the County's intent to consider the use of a zoning category for agricultural preservation, and also maintain the resource conservation designation as part of the State's critical area program for undeveloped areas within the sanitary district; and

WHEREAS, the Administration and the County believe that compliance with said Executive Orders and the above intentions will only be accomplished if sewer service as set forth in the following paragraphs numbers 1-4 is implemented; and

WHEREAS, this agreement is not intended to create or abrogate any third party rights.

It is therefore this 11th day of November, 1986 AGREED by and between the parties to this agreement or any successors thereof that:

1. Sewer service will only be allowed in phases I, II, and III of the service area as defined in figure 10 of the Piney Point Sanitary District Facility Plan dated August 1980, except as provided in items 2, 3, and 4 below.
2. An expansion of sewer service area described in item 1. above will be allowed only in accordance with Addendum No. 1, dated March 1985, to the Piney Point Sanitary District Facility Plan. The revised service area will include sections I and II of the Piney Point Landing subdivision as depicted by the concept plan shown in figure 6 of Addendum No. 1. Approval of the concept plan for the Piney Point Landing subdivision was granted by the St. Mary's County Planning and Zoning Office on September 27, 1982 on the basis of consistency with the St. Mary's County comprehensive land use plan and said approval was limited to sections I and II, which together compose 95 lots on 110 acres. Development of the 95 lots within sections I and II of the Piney Point Landing subdivision is not to exceed 95 equivalent dwelling units (EDU), whereby an EDU is defined as a

detached single family home having an associated sewage flow of 280 gallon per day.

3. No sewer service is to be provided within the Piney Point Landing subdivision for any lot if service to that lot will result in the building of any structure in a wetland area as defined by the U.S. Fish and Wildlife Service (USF & WS) Classification of Wetlands and Deep Water Habitats of the United States; FWS/OBS Document 79-31; December 1979, or for any structure located within the 100-year floodplain, as defined by the Federal Emergency Management Administration (FEMA) as of the date of this agreement. A structure is defined as the building proper plus any ancillary facilities, including but not limited to additions, driveways, roads, car ports, garages, swimming pools, pump stations, and outbuildings.

4. Sewer service for structures served by on-site disposal systems outside the revised service area will be permitted only if sewer service to that structure:
   a) is necessary to alleviate the public health risks caused by failing on-site systems which are deemed uncorrectable by the Administration; and
   b) will not significantly alter or change the existing use and character of the property, including sewage flow contributions thereof, (the amount of sewer service permitted shall correspond to the amount of flow that had been treated by the on-site disposal system), if sewer service is provided; and
   c) it is mutually determined and agreed between the parties to this agreement that neither construction of the facilities or the facilities themselves will cause or pose an adverse impact on the 100-year floodplain or wetlands.

5. The St. Mary's County Metropolitan Commission will prepare the necessary amendment to the County's Ten Year Water and Sewerage Plan for the Pine Hill Run pump-over prior to the Administration's issuance of any sewerage

construction permits to build the project.

6. Said amendment will include a map showing the boundaries of the 100-year flood plain, as currently defined by the FEMA, and wetland areas within the Piney Point Landing subdivision. The boundaries of the wetlands shall be determined by the USF and WS, or by an agency or person acceptable to the USF and WS, and shall be based on the definition contained within the aforementioned USF and WS Document 79-31. This map with underlying data shall also show the location of all proposed structures and shall be consistent with items 2 and 3 of this agreement. In developing this map, the current natural wetland inventory map is usable only as a guide. Whenever a wetlands determination is an issue, the final determination shall be based on a field survey by the USF and WS or agency or person acceptable to the USF and WS, and shall be based on criteria acceptable to USF and WS.

7. The Administration will not approve any amendments or biennial updates to the County's Ten Year Water and Sewerage Plan unless the requirements of items 1 through 6 are met.

8. The County agrees to implement and enforce all details and intentions of this agreement, inclusive of which is the adoption of the necessary amendments to the County's Ten Year Water and Sewerage Plan and the enactment of any local ordinances or resolutions reflecting the above.

9. Upon execution of this agreement and receipt of a step IV grant amendment request from the County, the Administration will promptly process the request and make recommendations to the EPA that the existing step IV grant be amended to allow construction of the Pine Hill Run pump-over.

Nothing in this agreement shall be construed to limit any authority by the Department to issue any orders or take any action it deems necessary to protect the public health, safety and comfort, or to limit any authority the Department has now or hereafter be delegated.

Approved as to form and legal sufficiency this 13th day of November, 1986

Assistant Attorney General

11/14/86
Date

Francis E. Taylor
Francis E. Taylor, Chairman
St. Mary's County
Metropolitan Commission

11/18/86
Date

Patrick Foster, M.D.
President
Commissioners of St. Mary's County

Nov. 14, 1986
Date

Richard B. Sellars
Richard B. Sellars, Jr., Director
Water Management Administration

ST. GEORGE ISLAND

EXHIBIT B

LBER 008 PAGE 33

PARCEL/LOT	NAME	IMPROVED/UNIMPROVED	EXISTING DEVELOPMENT PER WINDSHIELD SURVEY	ULTIMATE POTENTIAL DEVELOPMENT
			1	1
12	Maddox, Arthur	I	2	6 20 AC
14	Adams CR & CA	I	1	1
179	Morgan	U	0	1
178	Cauffman	I	1	1
15	Klaso	I	1	1
16	Phillips	I	1	1
17	Long, Maurice	I	1	1
18	Gentile	U	0	1
97	Chesser, J.W.	U	0	0
209	Haskell, BP	I	1	1
25	Haskell, BP	I	1	1
27	Haskell, BP	U	0	0
207	Haskell, BP	I	1	1
26	Gardiner	I	1	1
29	Botts, Jos.	I	1	1
19	Raney	I	1	1
30	Dent, Jos.	I	1	1
211	Dent, Jos.	I	1	1
185	Poe, Eva E.	I	1	1
21	Milburn, John	I	1	1
20	Milburn, John	I	1	1
22	Barnes, Grace	U	0	0
166	Barnes, Grace	U	0	0
23	Greene	I	1	1
24	Greene	U	0	0
200	Greene	I	1	1
55	Huly, Ruth	I	1	1
33	Murray, Robert	I	1	1
34	Hansen	I	1	1
32	Chesser, P.	I	1	1
31	Chesser, P.	I	1	1
167	Chesser, P.	I	1	1
182	Cauffman	I	1	1
28	Jaroleman	I	1	1
35	Drapper	I	1	1
36	Nelson	I	1	1
37	Chesser, F.	I	1	1
39	Swisher	I	1	1
38	Sacco, M.	I	1	1
42	O'Connor, D.	I	1	1
43	Thompson, J.	I	1	1
208	Thompson, Jos.	I	1	1
139	Thompson, Jos.	I	1	1
218	Thompson, Jos.	I	1	1
40	Shopp, G.	I	1	1
41	Paquette, H.	I	1	1
169	Radcliffe, W.	I	1	1
47	Shaeffer, L.	I	1	1
168	Crouder, J.M.	I	1	1
46	Crouder, J.	I	1	1
45	Crouder, J.	I	1	1
51	Crouder, J.	I	1	1
186	Deogle, James	I	1	1
154	Deogle, James	I	1	1
81	Deogle, James	I	1	1
49	Bosely, Russell	I	1	1
48	Laird, Terry	I	1	1
50	Walters, Lee	I	1	1
52	Potter, Gray	I	1	1
67	Dent, Jos.	I	1	1
53	Wilson, R.	I	1	1
170	Chesser, Wendell	I	1	1
54	Ward, H.	I	1	1
56	Poe, B.	I	1	1
160	Poe, B.	I	1	1
57	Garner, G.	I	1	1
58	Thomas, W.	I	1	1
171	Russell, E.	I	1	1
59	Leatherbury, C.	I	1	1
63	Potter, D.	I	1	1

PARCEL/LOT	NAME	IMPROVED/UNIMPROVED	EXISTING DEVELOPMENT PER WINDSHIELD SURVEY	ULTIMATE POTENTIAL DEVELOPMENT
62	Ani, M.	U	0	0
180	Tinsley, M.	I	1	1
214	Prince, L.	I	1	1
60/216	Methodist Church	I	2	2
172	Evans, Ronald	I	1	1
123	Rusterholte, G.	I	1	1
122	Potter, F.	I	1	1
125	Potten, R.	I	1	1
173	Jones, D.	I	1	1
124	Corridon, J.	I	1	1
126	McCreary, J.	I	5	5
127	Koo, Jung	I	1	1
219	Gallatin, S.	U	0	0
128	Gallatin, S.	I	1	1
131	Haynie, L.	I	1	1
130	Poe, G.	I	1	1
129	Monaco, A.	I	1	1
133	Sayre, D.	I	1	1
174	Bisco, W.	I	1	1
176	McKay, T.	I	1	1
134	McKay, T.	U	0	0
135	Potter, P.	I	1	1
135	Potter, P.	I	1	1
132	Sayer, R.	I	1	1
138	Thompson, M.J.	U	0	1
137	Lampkins, I.	I	1	1
143	Brown, G.	I	1	1
144	Clarke, L.M.	I	1	1
140	Dievdonne, B.	I	1	1
141	McKenny, D.	I	1	1
142	McMillian, I.	I	1	1
145	Thompson, Mary	I	1	1
146	Poe, Gloria	I	1	1
147	Robrecht, William	I	1	1
100	Robrecht, William	U	0	1
66	Russell, Jos.	I	1	1
148	Evans, Agnes	I	1	1
149	Reddon, Clayton	I	1	1
175	Klemkowski, P.	U	0	1
150	Davis, Chas.	I	1	1
136	Evans, Michael	I	5	5
120	Evans, M.	I	1	1
151	Jaques, James	I	1	1
152	Cory, A.	I	1	1
153	Thompson, James R.	I	2	2
204	Tompson, James V.	I	1	1
222	Russell, Martin	U	0	0
199	Stevenson, William	U	0	1
197	Fahey, A.	U	0	1
181	McKay, Rob	I	1	1
155	Newmyer, Lewis	I	2	2
201	Russell, Francis	U	0	2
157	Pearson, Ralph	I	1	1
158	Hurley, Gary	I	1	1
212	Stoats; Holly	I	1	1
44	Richards, Clyde	I	1	1
65	Mulno, Bruce	U	0	1
162	Kragh, Clarence	I	1	1
161	Kragh, Anton	I	1	1
203	Grant, Elmar	I	1	1
68	Davis, Andrew	I	1	1
206	Sushinsky, Jos.	I	1	1
61	St. George Island Assoc.	I	1	1
70	St. George Catholic Church	U	0	1
64	Martin, Corrine	I	1	1
73	Jarboe, Benedict	U	0	1
76	Greenwell, Paul	I	1	1
82	Bernzzini, Ralph	I	1	1
87	Cornelius, Donald	I	1	1
85	Heinonen, John	I	0	1
86	Clemson, R.	U		

PARCEL/LOT	NAME	IMPROVED/UNIMPROVED	EXISTING DEVELOPMENT PER WINDSHIELD SURVEY	ULTIMATE POTENTIAL DEVELOPMENT
187	St. Don. Donald	U	0	0
98	St. Don. Donald	I	1	1
93	Kennedy, Philip	I	1	1
215	Bush, William	I	1	1
99	Vitiello, Frances	I	1	1
103	Holden, Basil	I	1	1
102	Robrecht, Mildred	I	1	1
104	Ford, Thomas	I	1	1
106	Shaw, Robert	I	1	1
105	Poe, Webster	I	1	1
213	Stearns, William E.	I	1	1
109	Poe, James	I	1	1
112	Poe, James	U	0	1
111	Pase, Quentin	I	1	1
113	Brown, Robert	I	1	1
108	Russell, James	I	1	1
110	Moore, Gabriel	I	1	1
226	Cornelius, Robert	I	1	1
205	Robrect, Mathew	I	1	1
13	Robrect, Mathew	U	0	0
89	Robrecht, Matthew	U	0	0
90	Robrecht, Matthew	I	1	1
117	Burch, Edward	I	1	1
71	George, Ferris	I	1	1
198	Ruegg, Louis	I	1	1
72	American University	U	0	1
74	Ridgeway Carness	I	1	1
75	Logue, Richard	I	1	1
94	MacDonald, Lynn	I	1	1
78	Moore, Charles	I	1	1
220	Miline, Thomas	U	0	1
210	Schofield, Earl	I	1	1
79	Bridgett, Michael	I	1	1
80	Murner, Inez	U	0	1
83	Warson, Al	I	1	1
77	Oliver, Burton	I	1	1
92	Flyntz, Terrance	I	1	1
91	Johnson, Patrick	I	1	1
95	Ford, Francis	I	1	1
96	Yost, Charles	U	0	2
195	Cullison, Jos.	I	1	1
101	Springer, Mark	I	1	2
115	Rozzi, Albert	U	0	1
116	Poe, Martin	I	1	1
107	Poe, Martin	U	0	1
107A	Poe, Eva	I	1	1
184	Poe, Franklin	U	0	0
196	Poe, Franklin	I	1	1
221	Poe, Jerry	U	0	1
159	Minson, Jesse	U	0	2
119	Dutton, Richard	U	0	1
121	Cartwright, Gene	I	1	1
1	Watson, Ralph & Mary Rose	I	1	1
5	Dickens, Pearl	I	1	1
6	Clayton, Hattie Life Est.	I	1	1
7	Rich, Charles	U	0	1
8	Blackwell, Henderson Est.	I	1	1
9	Evans Seafood	U	0	1
10	Evans Seafood	I	2	2
4	Hawkins, JW & Lucille	I	1	1
225	Cox, Charles & Dianne	I	1	1
202	Long, Harry & Kathleen	I	1	1
165	Long, Harry & Kathleen	I	1	1
164	Oakwood Sands	I	4	4

TOTAL = 219

Orl. Co. Comp.

APR 2 4 1992

EVELYN W. ARNOLD, CLERK

LIBER 008 = 36

Resolution No. W/S 92-03
Subj: Water and Sewer Plan Amendment
Walden/Sierra House and Arnold Building
(CWSP #91-1731)

RESOLUTION 3:23PM04/17/920 CO.COM $0.00

WHEREAS, St. Mary's County Department of Public Works on behalf of the Board of County Commissioners has made application to amend the St. Mary's County Comprehensive Water and Sewer Plan for certain property located in the Eighth Election District of St. Mary's County, Maryland, containing 210.7 acres known as the Arnold Building and 4.55 acres of land, more or less, known as Walden/Sierra House, zoned RPD, and located on the east side of Maryland Route 4, approximately .04 miles south of Maryland Route 235. The application requests that the water category be amended from W-5 to W-3. The subject properties are shown on Tax Map 42, Block 4, part of Parcel 104 (Arnold Building) and Parcel 5 (Walden/Sierra House).

WHEREAS, the Planning Commission conducted deliberations on the application at its public meeting on November 25, 1991. The Planning Commission voted unanimously to approve the water category change for the subject properties from W-5 to W-3.

WHEREAS, the Board of County Commissioners held a public hearing/decision meeting on the proposed amendment on December 31, 1991, after due publication of notice.

WHEREAS, the Board of County Commissioners deliberated on the proposed amendment at its public meeting on December 31, 1991, and unanimously approved the request.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Mary's County, Maryland that the St. Mary's County Comprehensive Water and Sewer Plan is hereby amended to reclassify the subject properties from W-5 to W-3.

BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon its adoption.

Date of Adoption: April 14, 1992.

ATTEST:

Edward V. Cox
EDWARD V. COX
County Administrator

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:

Joseph R. Densford
JOSEPH R. DENSFORD
County Attorney

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

Carl M. Loffler, Jr.
CARL M. LOFFLER, JR, President

W. Edward Bailey
W. EDWARD BAILEY, Commissioner

Robert T. Jarboe
ROBERT T. JARBOE, Commissioner

John G. Lancaster
JOHN G. LANCASTER, Commissioner

Barbara R. Thompson
BARBARA R. THOMPSON, Commissioner

Dell. Co. Comm.

APR 24 1992

EVELYN W. ARNOLD, CLERK

USER 008 = 37

NO: 92-04

SUBJ: ST. MARY'S COUNTY MEMBERSHIP IN THE LOCAL GOVERNMENT INSURANCE TRUST

10:31AM04/20/92D CO.COM $0.00

R E S O L U T I O N

WHEREAS, Local Governments in the State of Maryland desire to pool together to provide insurance protection and benefits to themselves and their employees either through the purchase of insurance or by self-insuring for insurable risks; and

WHEREAS, Chapter 638, 1986 Acts of Maryland authorizes public entities, including Local Governments, in Maryland to pool together for the purpose of purchasing Casualty Insurance or self-insuring Casualty risks; and

WHEREAS, certain Local Governments wish to pool together to provide insurance protection for Casualty risks, to obtain excess coverage for the Pool, if possible, and to provide risk management and loss control services for Pool Participants, all for the purpose of minimizing the cost of comprehensive general liability, business automobile liability and physical damage, law enforcement liability, and public officials legal liability insurance claims and administration; and

WHEREAS, funds will be paid initially by certain Participants and continue to be paid from time to time by Participants to a Board of Trustees which funds will constitute a trust fund to be held for the exclusive benefit of the Participants, including payment of certain expenses on behalf of the Participants; and

WHEREAS, certain Participants wish to enter into this Trust Agreement as of July 1, 1991 with a promise to pay Premiums at a later date agreed upon by the Trustees and the other Participants; and

WHEREAS, the Participants desire the Trustees to collect, receive, hold, invest, reinvest, manage, dispose of, distribute and otherwise to administer the funds, and the Trustees have indicated their willingness to do so, all pursuant to terms of this Agreement; and

LIBER 008 = 38

NO: 92-04

SUBJ: ST. MARY'S COUNTY MEMBERSHIP IN THE LOCAL GOVERNMENT INSURANCE TRUST

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners that St. Mary's County become a party to the Local Government Insurance Trust dated as of July 1, 1991, among the Local Governments and Trustees which are parties thereto.

This Date:

April 14, 1992

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY

Carl M. Loffler, Jr., President

W. Edward Bailey, Commissioner

Robert T. Jarboe, Commissioner

John G. Lancaster, Commissioner

Barbara R. Thompson, Commissioner

ATTEST:

Edward V. Cox
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph R. Densford
County Attorney

Dil. Co. Comm.

APR 2 8 1992

EVELYN W. ARNOLD, CLERK

LIBER 008 = 39

No: 92-05

Subj: Property Tax Refunds for Qualified Disabled Veterans and Blind Individuals

ORDINANCE

10:31AM04/20/920 CO.COM $0.00

WHEREAS, the Annotated Code of Maryland, Tax-Property Article, Title 7, Subtitle 2, provides for a variety of general property tax exemptions; and

WHEREAS, Section 7-207 provides a property tax exemption to the extent of $6,000 for a dwelling house owned by a qualified blind individual or surviving spouse; and

WHEREAS, Section 7-208 provides a property tax exemption for a dwelling house owned by a qualified disabled veteran or surviving spouse; and

WHEREAS, both Sections 7-207 and 7-208 provide that, in the taxable years in which an exemption was authorized but not granted, the governing body of a county may authorize a refund to a qualified individual who receives an exemption; and

WHEREAS, the Board of County Commissioners seeks to establish an administrative process for the acceptance and approval of applications for refunds under Sections 7-207 and 7-208; and

WHEREAS, the Board of County Commissioners held a public hearing on March 31, 1992 relative to such an administrative process;

NOW, THEREFORE, BE IT ORDAINED, that the Board of County Commissioners does hereby establish the following administrative process for the acceptance and approval of applications for property tax refunds under Sections 7-207 and 7-208 of the Annotated Code of Maryland, Tax-Property Article.

SECTION 1. DEFINITIONS

A. Assessment Office refers to the St. Mary's County Office of the Maryland Department of Assessments and Taxation.

B. Sections 7-207 and 7-208 refer to Sections 7-207 and 7-208 in the Tax-Property Article of the Annotated Code of Maryland.

SECTION 2. ADMINISTRATIVE PROCESS

A. Applications for property tax exemptions under Sections 7-207 and 7-208 shall be filed with the St. Mary's County Office of the Maryland Department of Assessments and Taxation in accordance with Sections 7-207 and 7-208.

B. If an applicant is eligible for the property tax exemptions under Sections 7-207 or 7-208, as determined by the Assessment Office, and is also eligible for a refund of prior County property tax payments under Sections 7-207 or 7-208, the Assessment Office shall certify such eligibility to the Board of County Commissioners and the Treasurer of St. Mary's County. Such certification shall include a copy of the application for exemption and the effective date of disability.

C. The Board of County Commissioners may authorize the refund of County property tax payments administratively by authorizing the Treasurer of St. Mary's County to process the refund under Sections 7-207 and 7-208.

LIBER 008 FOLIO 40

D. Applications for refunds of County property tax payments under Sections 7-207 and 7-208 shall be processed under the above procedures within sixty (60) days of Board of County Commissioner receipt of eligibility certification from the Assessment Office.

Date of Adoption: 4/14/ 1992.

Effective Date: 4/14/ 1992.

BOARD OF COUNTY COMMISSIONERS
ST. MARY'S COUNTY, MARYLAND

Carl M. Loffler, Jr., President

W. Edward Bailey, Commissioner

Robert T. Jarboe, Commissioner

John G. Lancaster, Commissioner

Barbara R. Thompson, Commissioner

ATTEST:

Edward V. Cox
County Administrator

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:

Joseph R. Densford
County Attorney

Bd. Co. Comm.

APR 28 1992

EVELYN W. ARNOLD, CLERK

LIBER 008 = 41

Resolution No. W/S 92-02
Subj: Water and Sewer Plan Amendment
Town Creek Professional Building
(CWSP #90-0440)

RESOLUTION

10:32AM04/20/920 CO.COM $0.00

WHEREAS, O'Brien Home Sales has made application to amend the St. Mary's County Comprehensive Water and Sewer Plan for certain property located in the Eighth Election District of St. Mary's County, Maryland, containing 0.7237 acres of land, more or less, zoned RNC, and located on the east side of Maryland Route 235, approximately 200 ft. north of Town Creek Drive called and known as Town Creek Professional Building. The application requests that the water and sewer category be amended from W-5 to W-3D and S-5D to S-3D. The subject property is shown on Tax Map 35A, Parcel 1, Lot 9.

WHEREAS, the Planning Commission conducted deliberations on the application at its public meeting on January 27, 1992. The Planning Commission voted unanimously to approve the water and sewer category change for the subject property from W-5 to W-3D and S-5D to S-3D.

WHEREAS, the Board of County Commissioners held a public hearing/decision meeting on the proposed amendment on February 25, 1992, after due publication of notice.

WHEREAS, the Board of County Commissioners deliberated on the proposed amendment at its public meeting on February 25, 1992, and unanimously approved the request.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Mary's County, Maryland that the St. Mary's County Comprehensive Water and Sewer Plan is hereby amended to reclassify the subject property from W-5 to W-3D and S-5D to S-3D.

BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon its adoption.

Date of Adoption: April 7, 1992.

ATTEST:

Edward V. Cox
EDWARD V. COX
County Administrator

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:

Joseph R. Densford
JOSEPH R. DENSFORD
County Attorney

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

Carl M. Loffler, Jr.
CARL M. LOFFLER, JR, President

W. Edward Bailey
W. EDWARD BAILEY, Commissioner

Robert T. Jarboe
ROBERT T. JARBOE, Commissioner

John G. Lancaster
JOHN G. LANCASTER, Commissioner

Barbara R. Thompson
BARBARA R. THOMPSON, Commissioner

Del. Co. Copy

MAY 4 - 1992

EVELYN W. ARNOLD, CLERK

LIBER 008 PAGE 17

LIBER 008 PAGE 12

Resolution No. W/S 92-01
Subj.: Water and Sewer Plan Amendment
MetComm Community Sewer
Projects- Airedale Road, Tall
Timbers/South Potomac Shores,
St. George Island
(SPEC #91-0121)

11:25AM03/19/920 CO.COM $0.00

RESOLUTION

WHEREAS, the St. Mary's County Metropolitan Commission has made application to amend the St. Mary's County Comprehensive Water and Sewer Plan for certain sewerage projects. These projects are identified as the Airedale Road area of the First Election District, the Tall Timbers/South Potomac Shores area of the Second Election District, and the St. George Island area of the Ninth Election District of St. Mary's County.

RE-RECORDED 10:17AM04/29/920 CO.COM $0.00

WHEREAS, the St. Mary's County Health Department and the Metropolitan Commission have declared these areas as health hazards due to failing septic systems, and providing public sewerage to said areas is a necessary means of alleviating the hazards.

WHEREAS, a majority of the affected properties are located within a Rural Preservation District (RPD) as defined by the 1988 St. Mary's County Comprehensive Plan, and within an RPD zoning district as defined by the St. Mary's County Zoning Ordinance.

WHEREAS, the Comprehensive Plan specifically states that "new sewer service shall not be extended to a rural preservation district where high density growth is not desired unless it corrects an existing health hazard or environmental threat" (see page 34 of the Comprehensive Plan).

WHEREAS, it is the express intention of the Board of County Commissioners by the adoption of this Resolution to correct existing health hazards and environmental threats in the areas of Airedale Road, Tall Timbers/South Potomac Shores and St. George Island, and nothing contained herein is to be construed as permitting or encouraging a higher density of development in these areas beyond that which would otherwise be permitted without the provision of public sewer connections.

WHEREAS, amendment of the Comprehensive Water and Sewer Plan is necessary to accommodate the proposed new sewerage facilities.

WHEREAS, the number of EDUs allocated herein to St. George Island and Airedale Road has been established according to residential densities permitted by the St. Mary's County Critical Area Ordinance.

WHEREAS, on or about November 18, 1986, the St. Mary's County Metropolitan Commission and the Commissioners of St. Mary's County entered into an agreement ("the November 1986 Agreement") with the Water Management Administration ("the Administration") setting forth certain restrictions on the sewer service to be provided by the Piney Point plant.

WHEREAS, the Board of County Commissioners of St. Mary's County proposes to provide service from the Piney Point Pumping Station to St. George Island, and the St. George Island Improvement Association ("the Island Association") opposes such service unless certain restrictions are imposed on that service, as set forth below and in accordance with the Agreement Restricting Service to St. George Island entered into by the St. Mary's County Metropolitan Commission and the Board of County Commissioners of St. Mary's County and the Saint George Island Improvement Association on the date herein above (attached hereto as Exhibit 1).

WHEREAS, the Planning Commission conducted deliberations on the application at its public meeting on February 25, 1991. The Planning Commission voted unanimously to approve the sewer category changes for Airedale Road from S-6 to S-3 for 63 dwelling units (75 EDUs), for Tall Timbers/South Potomac Shores from S-5 to S-3 for 145 dwelling units (162 EDUs), and for St. George Island from S-5 to S-3 for 219 EDUs.

** This Resolution has been re-recorded to correct the omission of certain exhibits which were to be attached hereto.

Resolution No. W/S 92-64

Subj.: Water and Sewer Plan Amendment
MetComm Community Sewer
Projects- Airedale Road, Tall
Timbers/South Potomac Shores,
St. George Island
(SPEC #91-0121)

WHEREAS, the Board of County Commissioners held a public hearing on the proposed amendments on April 2, 1991, after due publication of notice.

WHEREAS, the Board of County Commissioners deliberated on the proposed amendments at its public meeting on May 7, 1991, and unanimously approved the request.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Mary's County, Maryland that the St. Mary's County Comprehensive Water and Sewer Plan is hereby amended to reclassify Airedale Road from S-6 to S-3, Tall Timbers/South Potomac Shores from S-5 to S-3, and St. George Island from S-5 to S-3.

BE IT FURTHER RESOLVED, that the use of new sewerage facilities shall be limited as follows:

1) Airedale Road - 63 dwelling units and the Ridge Elementary School, for a total of 75 Equivalent Dwelling Units (EDUs), as set forth in the attached Exhibit 2.

2) Tall Timbers/South Potomac Shores - 145 dwelling units and the Piney Point Elementary School, for a total of 162 EDUs.

3) St. George Island - 219 EDUs, as set forth in the attached Exhibit 3.

BE IT FURTHER RESOLVED, that for those areas of Airedale Road which are to be served by the new sewerage facilities, the EDUs allocated herein are based on the following criteria:

1) Contiguous lots or parcels of record under common ownership within the Limited Development Area (LDA) of the Critical Area shall be combined to establish a building density not to exceed one dwelling unit per three (3) acres.

2) Contiguous lots or parcels of record under common ownership within the Resource Conservation Area (RCA) of the Critical Area shall be combined to establish a building density not to exceed one dwelling unit per twenty (20) acres.

3) All other lots or parcels of record within the LDA or RCA portions of the Critical Areas shall be allocated EDUs based on the Critical Area development densities permitted by the St. Mary's County Critical Area Ordinance in effect at the adoption of this Resolution.

BE IT FURTHER RESOLVED that for those areas of St. George Island which are to be served by the new sewerage facilities, the EDUs of service are to be allocated as set forth below:

1) Only those parcels or lots reflected on Exhibit 3 (attached hereto and incorporated by reference) may receive service from the new sewerage facilities.

2) The number of EDUs of service that may be provided to each parcel or lot reflected on Exhibit 3 shall not exceed the number listed for that parcel or lot under the column captioned "Ultimate Potential Development" on Exhibit 3.

3) No service in addition to that described in 1) and 2) above may be provided to any lot, parcel or combinations of lots or parcels, regardless of whether such lots or parcels are

Resolution No. W/S 92-01
Subj.: Water and Sewer Plan Amendment
MetComm Community Sewer
Projects- Airedale Road, Tall
Timbers/South Potomac Shores,
St. George Island
(SPEC #91-0121)

subdivided, replatted, bisected by roads, sold, combined or otherwise altered or reconfigured.

4) Because the number of EDUs in the "Ultimate Potential Development" column in Exhibit 3 totals 219, and because of the restrictions in 1), 2) and 3) above, the total amount of service provided from the new sewerage facilities to St. George Island shall not exceed 219 EDUs.

5) The restrictions set forth above shall apply in addition to any law, rule, ordinance or regulation restricting development or sewer service on St. George Island. Nothing in this Resolution or in the restrictions above shall eliminate or limit any other restrictions on development or sewer service that might apply to any lot or parcel under any law, rule, ordinance or regulation now in effect or which may later be promulgated -- including, but not limited to, the St. Mary's County Critical Area Ordinance and other laws, rules or regulations pertaining to Critical Areas, Limited Development Areas and Resource Conservation Areas.

6) All restrictions on sewer service from the Piney Point plant set forth in the November 1986 Agreement shall apply to any such service provided to St. George Island pursuant to this Resolution. Nothing in this Resolution or in the restrictions above shall affect the terms of, or the rights and duties of any party under the November 1986 Agreement, which is attached hereto as Exhibit 4 and which is hereby incorporated by reference.

7) The restrictions on service to St. George Island set forth above shall not be modified without the consent of: 1) the Island Association or any successor organization to the Island Association; or 2) in the event that the Island Association should cease to exist and there is no successor organization to the Island Association, a majority of the owners of platted lots on St. George Island who attend a public meeting to consider such modifications of the service restrictions. Appropriate public notice of such a public meeting, including a description of the proposed modifications to the service restrictions, shall be given at least sixty (60) days in advance of the meeting in area newspapers and other local media. At the public meeting, each person owning one or more of the platted lots on St. George Island shall have one (1) vote.

8) If an official of St. Mary's County responsible for sewer service or compliance with this Resolution is informed of any sewer service to St. George Island that is not in compliance with this Resolution, St. Mary's County shall promptly take all actions within its authority to stop such service.

9) In the event that the Island Association determines that any service is being provided to St. George Island that does not comply with this Resolution, it shall, in writing, so inform an official of St. Mary's County responsible for sewer service or compliance with this Resolution. If that service (the "Challenged Service") is not stopped within sixty (60) days of the date of such written notification, the Island Association may then bring an action in any Maryland court of competent jurisdiction to enjoin the Challenged Service and to enforce the terms of this Resolution. St. Mary's County shall not move to dismiss, or otherwise object to, such an

Resolution No. W/S 92-01
Subj.: Water and Sewer Plan Amendment
MetComm Community Sewer
Projects- Airedale Road, Tall
Timbers/South Potomac Shores,
St. George Island
(SPEC #91-0121)

action on grounds of standing, sovereign immunities or any other governmental immunities. In the event that the Court determines that the Challenged Service violates this Resolution, and determines that the failure of St. Mary's County to stop that service within sixty (60) days of written notice from the Island Association was not substantially justified, the Court may award the Island Association the reasonable attorneys' fees that it incurred in the action.

BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon its adoption.

Date of Adoption: March 10, 1992.

Effective Date: March 10, 1992.

ATTEST:

Edward V. Cox
EDWARD V. COX
County Administrator

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:

Joseph R. Densford
JOSEPH R. DENSFORD
County Attorney

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

Carl M. Loffler, Jr.
CARL M. LOFFLER, JR., President

W. Edward Bailey
W. EDWARD BAILEY, Commissioner

Robert T. Jarboe
ROBERT T. JARBOE, Commissioner

John G. Lancaster
JOHN G. LANCASTER, Commissioner

Barbara R. Thompson
BARBARA R. THOMPSON, Commissioner

EXHIBIT
1

LIBER 008 PAGE 21 LIBER 008 PAGE 46

AGREEMENT RESTRICTING SERVICE
TO SAINT GEORGE ISLAND

WHEREAS, the U.S. Environmental Protection Agency ("EPA") awarded a construction grant on August 16, 1983 to the St. Mary's County Metropolitan Commission to provide financial assistance for the design and construction of an upgraded and expanded Piney Point sewage treatment plant along with an expansion of the existing service area to serve areas of failing septic systems; and

WHEREAS, on or about November 18, 1986, the St. Mary's County Metropolitan Commission and the Board of County Commissioners of St. Mary's County, Maryland (collectively, "the County") entered into an agreement ("the November 1986 Agreement") with the Water Management Administration ("the Administration") setting forth certain restrictions on the sewer service to be provided by the Piney Point plant; and

WHEREAS, the County and the Administration have proposed to provide service from the Piney Point plant to Saint George Island, and the Saint George Island Improvement Association ("the Island Association") opposes such service unless certain restrictions are imposed on that service; and

WHEREAS, the County and the Island Association (collectively, "the Parties") agree that sewer service should be provided to Saint George Island from the Piney Point plant pursuant to and subject to certain restrictions;

NOW THEREFORE, this 10th day of March, 1992, in consideration of the foregoing covenants and the mutual exchange of promises as

recited herein, which consideration is acknowledged to be good and sufficient, each of the parties agrees, for themselves, their parent entities, predecessors, successors, assigns, officers and directors (past, present and future), as follows:

1. All restrictions on sewer service from the Piney Point plant set forth in the November 1986 Agreement shall apply to any such service provided on Saint George Island. This agreement restricting service to Saint George Island ("the Agreement") shall not affect the terms of, or the rights and duties of, any party under the November 1986 Agreement, which is attached hereto as Exhibit A, and which is hereby incorporated by reference.

2. Sewer service from the Piney Point plant to Saint George Island shall not exceed 219 EDUs within the area served by the "Proposed Force Main" and "Proposed Collection System" as shown on Figure 5-5, dated May 25, 1990, in the document entitled "Draft Addendum No. 3 to the Piney Point Sanitary District Facility Plan", May 1990. The assignment of EDUs to platted lots within the area described in the preceding sentence shall be in accordance with the following policy adopted by the Saint Mary's County Commissioners:

(a) One (1) equivalent dwelling unit (EDU) of sewage treatment capacity shall be allocated for each improved lot of record within Saint George Island.

(b) One (1) EDU shall be allocated for each unimproved lot of record which is three (3) acres or less in size.

(c) Where two (2) or more unimproved contiguous lots are under common ownership, and the total area of such contiguous lots

shall be less than three (3) acres, they shall be treated as a single lot and shall be entitled to one (1) EDU of capacity.

(d) Where the total area of a lot of record, or two (2) or more contiguous lots of record under common ownership exceeds three (3) acres, one (1) EDU of capacity shall be assigned for each additional three (3) acres of area.

(e) As used herein, the term "lot of record" shall apply to those platted lots legally in effect as of August 1, 1990.

(f) The allocation of EDUs in accordance with the above policy is set forth in the attached Exhibit B, which is incorporated herein.

3. The restrictions on service to Saint George Island set forth in paragraph 2 above may be reviewed periodically by MDE, the Administration, the County and the Island Association. These restrictions shall not be modified so as to allow more than 219 EDUs of service within the service area without the modification of this agreement by all of the parties, including: 1) the Island Association or any successor organization to the Island Association; or 2) in the event that the Island Association should cease to exist and there is no successor organization to the Island Association, a majority of the owners of platted lots on Saint George Island who attend a public meeting to consider such modifications of the service restrictions. Appropriate public notice of such a public meeting, including a description of the proposed modifications to the service restrictions, shall be given at least sixty (60) days in advance of the meeting in at least one

local newspaper of general circulation and other local media. At the public meeting, each person owning one or more of the platted lots on Saint George Island shall have one vote.

4. It is understood and acknowledged by the parties that MDE and the Administration shall have authority to enforce, and the responsibility for enforcing, the restrictions on service to Saint George Island set forth in paragraph 2 above. In the event that MDE and/or the Administration determines or discovers that service is being provided to or on Saint George Island in violation of those restrictions and this Agreement, the MDE and/or the Administration shall promptly direct the County to take action to stop such service. The County shall promptly comply with such directions and shall take all actions within its authority to stop such service.

5. In the event that the Island Association determines that any service is being provided to or on Saint George Island in violation of the restrictions set forth in paragraph 2 above, it shall so inform the County in writing. If that service (the "Challenged Service") is not stopped within sixty (60) days of the date of such written notification, the Island Association may then bring and action in any Maryland court of competent jurisdiction to enjoin the Challenged Service and to enforce this Agreement. The County shall not move to dismiss, or otherwise object to, such and action on grounds of standing, sovereign immunities or any other governmental immunities. In the event that the Court determines that the Challenged Service violates the restrictions

set forth in paragraph 2 above, and determines that the failure of any of the other Parties to stop such action within sixty (60) days of written notice from the Island Association was not substantially justified, the Court may award the Island Association the reasonable attorneys' fees that it incurred in the action.

The Parties have caused this Agreement to be executed below by their duly authorized representatives on the dates indicated.

ATTEST:

Edward V. Cox 3/10/92
EDWARD V. COX
County Administrator

BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND

By: _____ (SEAL)
CARL M. LOFELER, JR., President

ATTEST:

Judith A. Scalley 3/11/92

ST. MARY'S COUNTY METROPOLITAN COMMISSION

By: _____ (SEAL)
LARRY PETTY, Director

ATTEST:

Gerry B. Wood 3/9/92
Secretary

SAINT GEORGE ISLAND IMPROVEMENT ASSOCIATION

By: Francis J. Russell (SEAL)
FRANCIS J. RUSSELL
President

EXHIBIT

A

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DEPARTMENT OF HEALTH AND MENTAL HYGIENE LIBER 008 PAGE 51

IN THE MATTER OF
Federal and State
Construction Grant Funding of the
Piney Point Sewerage Project

Serve on:

Francis E. Taylor, Chairman
St. Mary's County Metropolitan
Commission
191 B Shangri-La Drive, North
Lexington Park, Maryland 20653

- SECRETARY OF HEALTH AND
- MENTAL HYGIENE
- OFFICE OF ENVIRONMENTAL PROGRAMS
- 201 West Preston Street
- Baltimore, Maryland 21201

• • •

AGREEMENT

WHEREAS, the St. Mary's County Metropolitan Commission had received an U.S. Environmental Pro[illegible] for [illegible] planning [illegible] facility plan, the purpose of which was to investigate sewage disposal problems within the Piney Point Sanitary District; and

WHEREAS, the facility plan had confirmed that there are areas of failing septic systems within the sanitary district which pose a threat to the public health, safety and comfort; and

WHEREAS, these failing septic systems cannot be readily corrected on-site because of unfavorable soils, and until corrected, will continue to pose a threat to the public health, safety and comfort; and

WHEREAS, the facility plan had demonstrated that correction of these failing septic systems can be accomplished by an extension of the Piney Point sewerage system, owned and operated by the St. Mary's County Metropolitan Commission; and

WHEREAS, the Piney Point sewage treatment plant, as a primary plant, is only capable of removing from raw sewage 60% of the suspended solids and 35% of the biochemical oxygen demand (BOD) — in contrast, most plants are secondary plants which typically remove 85% of the suspended solids and BOD; and

WHEREAS, the treatment plant cannot meet the final effluent limitations imposed

by its discharge permit let alone accept additional flows from areas of failing septic systems; and

WHEREAS, as the treatment plant discharges pollutants into Class II waters, restrictions on shellfish harvesting and storage are in effect for the surrounding outfall area; and

WHEREAS, the current pollution problems caused by the failing septic systems and the primary treatment plant must be alleviated; and

WHEREAS, as indicated by the facility plan, construction of an upgraded and expanded Piney Point sewage treatment plant along with the extension of public sewers to areas of failing septic systems would prove too costly to the users of the system unless financial assistance can be provided; and

WHE[illegible] in part on an Environ[illegible]t Assessment, as issued by the EPA on April 22, 1983, the Piney Point Sanitary District Facility Plan, dated August 1980, was approved by the Water Management Administration (the "Administration") and the EPA; and

WHEREAS, the EPA had subsequently awarded a step IV construction grant on August 16, 1983 to the St. Mary's County Metropolitan Commission to provide financial assistance to design and construct an upgraded and expanded Piney Point sewage treatment plant along with an expansion of the existing service area to serve areas of failing septic systems as recommended by the facility plan; and

WHEREAS, construction of an upgraded and expanded Piney Point sewage treatment plant is no longer the preferred alternative for treatment because unsuitable on-site soil conditions, which were discovered upon preliminary site evaluations, resulted in an escalation of the estimated costs to construct the facilities; and

WHEREAS, because of the escalation of costs to construct the facilities and its effect on the users of the system, the St. Mary's County Metropolitan Commission had reevaluated alternatives through a formal revision to the facility plan; and

WHEREAS, the alternative preferred by the St. Mary's County Metropolitan Commission for providing treatment service is now to pump sewage flows from the Piney Point service area to the Pine Hill Run sewage treatment plant, as described in Addendum No. 1, dated March 1985, to the previously approved Piney Point Sanitary District Facility Plan; and

WHEREAS, the EPA had issued an amended Environmental Assessment dated August 22, 1985 addressing the environmental effects of the Pine Hill Run sewage treatment plant pump-over as described by the revised facility plan; and

WHEREAS, the amended facility plan, which described the areas suitable for sewer service, was prepared to conform with the County's comprehensive land use plan; and

WHEREAS, the amended Environmental Assessment considered the requirements of the Presidential Executive Orders #11988 (Floodplain Management) and #11990 (Protection of Wetlands) governing restrictions on the use of federal funds where actual or potential environmental impacts on floodplains or wetlands are possible; and

WHEREAS, the amended Environmental Assessment stated that environmentally sensitive areas will be adversely affected unless access to the facilities is controlled; and

WHEREAS, State and EPA approval of said pump-over as the preferred alternative, and subsequent construction grant funding thereof, is contingent upon following the recommendations of the Environmental Assessment and complying with the Presidential Executive Orders; and

WHEREAS, the Administration is the delegated state agency responsible for the waters of the State insofar as their sanitary and physical condition affect the public health or comfort, and for administering EPA's Construction Grants Program; and

WHEREAS, it is the intent of the Commissioners of St. Mary's County and the St. Mary's Metropolitan Commission (collectively the "County") and the Administration to: comply with the County's comprehensive land use plan; obtain federal funds for construction of the pump-over; comply with the provisions of the Presidential Executive

Orders; follow the recommendations and intent of the EPA's Environmental Assessments; and avoid inducing any adverse secondary environmental impacts; and

WHEREAS, it is the County's intent to consider the use of a zoning category for agricultural preservation, and also maintain the resource conservation designation as part of the State's critical area program for undeveloped areas within the sanitary district; and

WHEREAS, the Administration and the County believe that compliance with said Executive Orders and the above intentions will only be accomplished if sewer service as set forth in the following paragraphs numbers 1-4 is implemented; and

WHEREAS, this agreement is not intended to create or abrogate any third party rights.

It is therefore this 11th day of November, 1986 AGREED by and between the parties to this agreement or any successors thereof that:

1. Sewer service will only be allowed in phases I, II, and III of the service area as defined in figure 10 of the Piney Point Sanitary District Facility Plan dated August 1980, except as provided in items 2, 3, and 4 below.
2. An expansion of sewer service area described in item 1. above will be allowed only in accordance with Addendum No. 1, dated March 1985, to the Piney Point Sanitary District Facility Plan. The revised service area will include sections I and II of the Piney Point Landing subdivision as depicted by the concept plan shown in figure 6 of Addendum No. 1. Approval of the concept plan for the Piney Point Landing subdivision was granted by the St. Mary's County Planning and Zoning Office on September 27, 1982 on the basis of consistency with the St. Mary's County comprehensive land use plan and said approval was limited to sections I and II, which together compose 95 lots on 110 acres. Development of the 95 lots within sections I and II of the Piney Point Landing subdivision is not to exceed 95 equivalent dwelling units (EDU), whereby an EDU is defined as a

detached single family home having an associated sewage flow of 280 gallon per day.

3. No sewer service is to be provided within the Piney Point Landing subdivision for any lot if service to that lot will result in the building of any structure in a wetland area as defined by the U.S. Fish and Wildlife Service (USF & WS) Classification of Wetlands and Deep Water Habitats of the United States; FWS/OBS Document 79-31; December 1979, or for any structure located within the 100-year floodplain, as defined by the Federal Emergency Management Administration (FEMA) as of the date of this agreement. A structure is defined as the building proper plus any ancillary facilities, including but not limited to additions, driveways, roads, car ports, garages, swimming pools, pump stations, and outbuildings.

4. Sewer service for structures served by on-site disposal systems outside the revised service area will be permitted only if sewer service to that structure:
   a) is necessary to alleviate the public health risks caused by failing on-site systems which are deemed uncorrectable by the Administration; and
   b) will not significantly alter or change the existing use and character of the property, including sewage flow contributions thereof, (the amount of sewer service permitted shall correspond to the amount of flow that had been treated by the on-site disposal system), if sewer service is provided; and
   c) it is mutually determined and agreed between the parties to this agreement that neither construction of the facilities or the facilities themselves will cause or pose an adverse impact on the 100-year floodplain or wetlands.

5. The St. Mary's County Metropolitan Commission will prepare the necessary amendment to the County's Ten Year Water and Sewerage Plan for the Pine Hill Run pump-over prior to the Administration's issuance of any sewerage

construction permits to build the project.

6. Said amendment will include a map showing the boundaries of the 100-year flood plain, as currently defined by the FEMA, and wetland areas within the Piney Point Landing subdivision. The boundaries of the wetlands shall be determined by the USF and WS, or by an agency or person acceptable to the USF and WS, and shall be based on the definition contained within the aforementioned USF and WS Document 79-31. This map with underlying data shall also show the location of all proposed structures and shall be consistent with items 2 and 3 of this agreement. In developing this map, the current natural wetland inventory map is usable only as a guide. Whenever a wetlands determination is an issue, the final determination shall be based on a field survey by the [illegible] and WS or agency or person acceptable to the USF and WS, and shall be based on criteria acceptable to USF and WS.

7. The Administration will not approve any amendments or biennial updates to the County's Ten Year Water and Sewerage Plan unless the requirements of items 1 through 6 are met.

8. The County agrees to implement and enforce all details and intentions of this agreement, inclusive of which is the adoption of the necessary amendments to the County's Ten Year Water and Sewerage Plan and the enactment of any local ordinances or resolutions reflecting the above.

9. Upon execution of this agreement and receipt of a step IV grant amendment request from the County, the Administration will promptly process the request and make recommendations to the EPA that the existing step IV grant be amended to allow construction of the Pine Hill Run pump-over.

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Nothing in this agreement shall be construed to limit any authority by the Department to issue any orders or take any action it deems necessary to protect the public health, safety and comfort, or to limit any authority the Department has now or hereafter be delegated.

Approved as to form and legal sufficiency this 13th day of November 1986

Assistant Attorney General

11/14/86
Date

Francis E. Taylor
Francis E. Taylor, Chairman
St. Mary's County
Metropolitan Commission

11/18/86
Date

Patrick Forster MD
President
Commissioners of St. Mary's County

Nov. 14 1486
Date

Richard B. Sellars
Richard B. Sellars, Jr., Director
Water Management Administration

ST. GEORGE ISLAND

EXHIBIT B

PARCEL/LOT	NAME	IMPROVED/UNIMPROVED	EXISTING DEVELOPMENT PER WINDSHIELD SURVEY	ULTIMATE POTENTIAL DEVELOPMENT
12	Maddox, Arthur	I	1	1
14	Adams CR & CA	I	2	6 20 AC
179	Morgan	I	1	1
178	Cauffman	U	0	1
15	Klase	I	1	1
16	Phillips	I	1	1
17	Long, Maurice	I	1	1
18	Gentile	I	1	1
97	Chesser, J.W.	U	0	1
209	Haskell, BP	U	0	0
[illegible]	Haskell, BP	I	1	1
	Haskell, BP	I	1	1
7	Haskell, BP	U	0	0
	Gardiner	I	1	1
	Botts, Jos.	I	1	1
19	Raney	I	1	1
30	Dent, Jos.	I	1	1
211	Dent, Jos.	U	0	1
185	Poe, Eva E.	I	1	1
21	Milburn, John	I	1	1
20	Milburn, John	I	1	1
22	Barnes, Grace	I	1	1
166	Barnes, Grace	U	0	0
23	Greene	U	0	0
24	Greene	I	1	1
200	Greene	U	0	0
55	Huly, Ruth	I	1	1
33	Murray, Robert	I	1	1
34	Hansen	I	1	1
32	Chesser, P.	U	0	0
31	Chesser, P.	U	0	0
167	Chesser, P.	I	1	1
182	Cauffman	I	1	1
28	Jarolaman	U	0	1
35	Drapper	I	1	1
36	Nelson	I	1	1
37	Chesser, F.	I	1	1
39	Swisher	I	1	1
38	Sacco, M.	I	1	1
42	O'Connor, D.	I	1	1
43	Thompson, J.	I	1	1
208	Thompson, Jos.	I	1	1
139	Thompson, Jos.	I	1	1
210	Thompson, Jos.	U	0	1
	Shopp, G.	I	1	1
	Paquette, H.	I	1	1
9	Radcliffe, W.	I	1	1
47	Shaeffer, L.	I	1	1
168	Crouder, J.M.	I	1	1
46	Crouder, J.	U	0	0
45	Crouder, J.	I	1	1
51	Crouder, J.	I	1	1
186	Deogle, James	I	1	1
154	Deogle, James	I	1	1
81	Deogle, James	I	3	3
49	Bosely, Russell	I	1	1
48	Laird, Terry	I	1	1
50	Walters, Lee	I	1	1
52	Potter, Gray	I	1	1
67	Dent, Jos.	I	1	1
53	Wilson, R.	I	1	1
170	Chesser, Wendell	I	1	1
54	Ward, H.	I	1	1
56	Poe, B.	I	1	1
160	Poe, B.	U	0	1
57	Garner, G.	I	1	1
58	Thomas, W.	I	1	1
171	Russell, E.	I	1	1
59	Leatherbury, C.	I	1	1
63	Potter, D.	I	1	1

PARCEL/LOT	NAME	IMPROVED/UNIMPROVED	EXISTING DEVELOPMENT PER WINDSHIELD SURVEY	ULTIMATE POTENTIAL DEVELOPMENT
62	Ani, M.	U	0	0
180	Tinsley, M.	I	1	1
214	Prince, L.	I	1	1
60/216	Methodist Church	I	2	2
172	Evans, Ronald	I	1	1
123	Rusterholte, G.	I	1	1
122	Potter, F.	I	1	1
125	Potten, R.	I	1	1
173	Jones, D.	I	1	1
124	Corridon, J.	I	1	1
126	McCreary, J.	I	5	5
127	Koo, Jung	I	1	1
9	Gallatin, S.	U	0	0
8	Gallatin, S.	I	1	1
1	Haynie, L.	I	1	1
10	Poe, G.	I	1	1
129	Monaco, A.	I	1	1
133	Sayre, D.	I	1	1
174	Bisco. W.	I	1	1
176	McKay, T.	I	1	1
134	McKay, T.	I	1	1
135	Potter, P.	I	1	1
135	Potter, P.	I	1	1
132	Sayer, R.	I	1	1
138	Thompson, M.J.	I	1	1
137	Lampkins, I.	I	1	1
143	Brown, G.	I	1	1
144	Clarke, L.M.	I	1	1
140	Dievdonne, B.	I	1	1
141	McKenny, D.	I	1	1
142	McMillian, I.	I	1	1
145	Thompson, Mary	I	1	1
146	Poe, Gloria	I	1	1
147	Robrecht, William	I	1	1
100	Robrecht, William	I	1	1
66	Russell, Jos.	I	1	1
148	Evans, Agnes	I	1	1
149	Reddon, Clayton	I	1	1
175	Klemkowski, P.	I	1	1
150	Davis, Chas.	I	1	1
136	Evans, Michael	I	1	1
120	Evans, M.	I	1	1
151	Jaques, James	I	1	1
152	Cory, A.	I	1	1
153	Thompson, James R.	I	1	1
4	Tompson, James V.	I	1	1
2	Russell, Martin	I	1	1
9	Stevenson, William	I	1	1
7	Fahey, A.	I	1	1
181	McKay, Rob	I	1	1
155	Nowmyer, Lewis	I	1	1
201	Russell, Francis	I	1	1
157	Pearson, Ralph	I	1	1
158	Hurley, Gary	I	1	1
212	Stoats; Holly	I	1	1
44	Richards, Clyde	I	1	1
65	Mulno, Bruce	I	1	1
162	Kragh, Clarence	I	1	1
161	Kragh, Anton	I	1	1
203	Grant, Elmer	I	1	1
68	Davis, Andrew	I	1	1
206	Sushinsky, Jos.	I	1	1
61	St. George Island Assoc.	I	1	1
70	St. George Catholic Church	I	1	1
64	Martin, Corrine	I	1	1
73	Jarboe, Benedict	I	1	1
76	Greenwell, Paul	I	1	1
82	Bernzzini, Ralph	I	1	1
87	Cornelius, Donald	I	1	1
85	Heinonen, John	I	1	1
86	Clemson, R.	U	0	1

PARCEL/LOT	NAME	IMPROVED/UNIMPROVED	EXISTING DEVELOPMENT PER WINDSHIELD SURVEY	ULTIMATE POTENTIAL DEVELOPMENT
187	St. Don. Donald	U	0	0
98	St. Don. Donald	I	1	1
93	Kennedy, Philip	I	1	1
215	Bush, William	I	1	1
99	Vitiello, Frances	I	1	1
103	Holden, Basil	I	1	1
102	Robrecht, Mildred	I	1	1
104	Ford, Thomas	I	1	1
106	Shaw, Robert	I	1	1
105	Poe, Webster	I	1	1
213	Stearns, William E.	I	1	1
109	Poe, James	U	0	1
2	Poe, James	I	1	1
1	Pase, Quentin	I	1	1
3	Brown, Robert	I	1	1
8	Russell, James	I	1	1
220	Moore, Gabriel	I	1	1
226	Cornelius, Robert	I	1	1
205	Robrect, Mathew	U	0	0
13	Robrect, Mathew	U	0	0
89	Robrecht, Matthew	I	1	1
90	Robrecht, Matthew	I	1	1
117	Burch, Edward	I	1	1
71	George, Ferris	I	1	1
198	Ruegg, Louis	U	0	1
72	American University	I	1	1
74	Ridgeway Carness	I	1	1
75	Logue, Richard	I	1	1
94	MacDonald, Lynn	I	1	1
78	Moore, Charles	U	0	1
220	Miline, Thomas	I	1	1
210	Schofield, Earl	I	1	1
79	Bridgett, Michael	U	0	1
80	Murner, Inez	I	1	1
83	Warson, Al	I	1	1
77	Oliver, Burton	I	1	1
92	Flyntz, Terrance	I	1	1
91	Johnson, Patrick	I	1	1
95	Ford, Francis	U	0	2
96	Yost, Charles	I	1	1
195	Cullison, Jos.	I	1	2
101	Springer, Mark	U	0	1
115	Rozzi, Albert	I	1	1
116	Poe, Martin	U	0	1
107	Poe, Martin	U	0	1
7A	Poe, Eva	U	0	0
4	Poe, Franklin	U	0	3
6	Poe, Franklin	U	0	1
11	Poe, Jerry	U	0	2
159	Minson, Jesse	U	0	1
119	Dutton, Richard	I	1	1
121	Cartwright, Gene	I	1	1
1	Watson, Ralph & Mary Rose	I	1	1
5	Dickens, Pearl	I	1	1
6	Clayton, Hattie Life Est.	U	0	1
7	Rich, Charles	I	1	1
8	Blackwell, Henderson Est.	U	0	1
9	Evans Seafood	U	0	2
10	Evans Seafood	I	1	1
4	Hawkins, JW & Lucille	I	1	1
225	Cox, Charles & Dianne	I	1	1
202	Long, Harry & Kathleen	I	1	1
165	Long, Harry & Kathleen	I	4	4
164	Oakwood Sands			

TOTAL = 219

EXHIBIT 2

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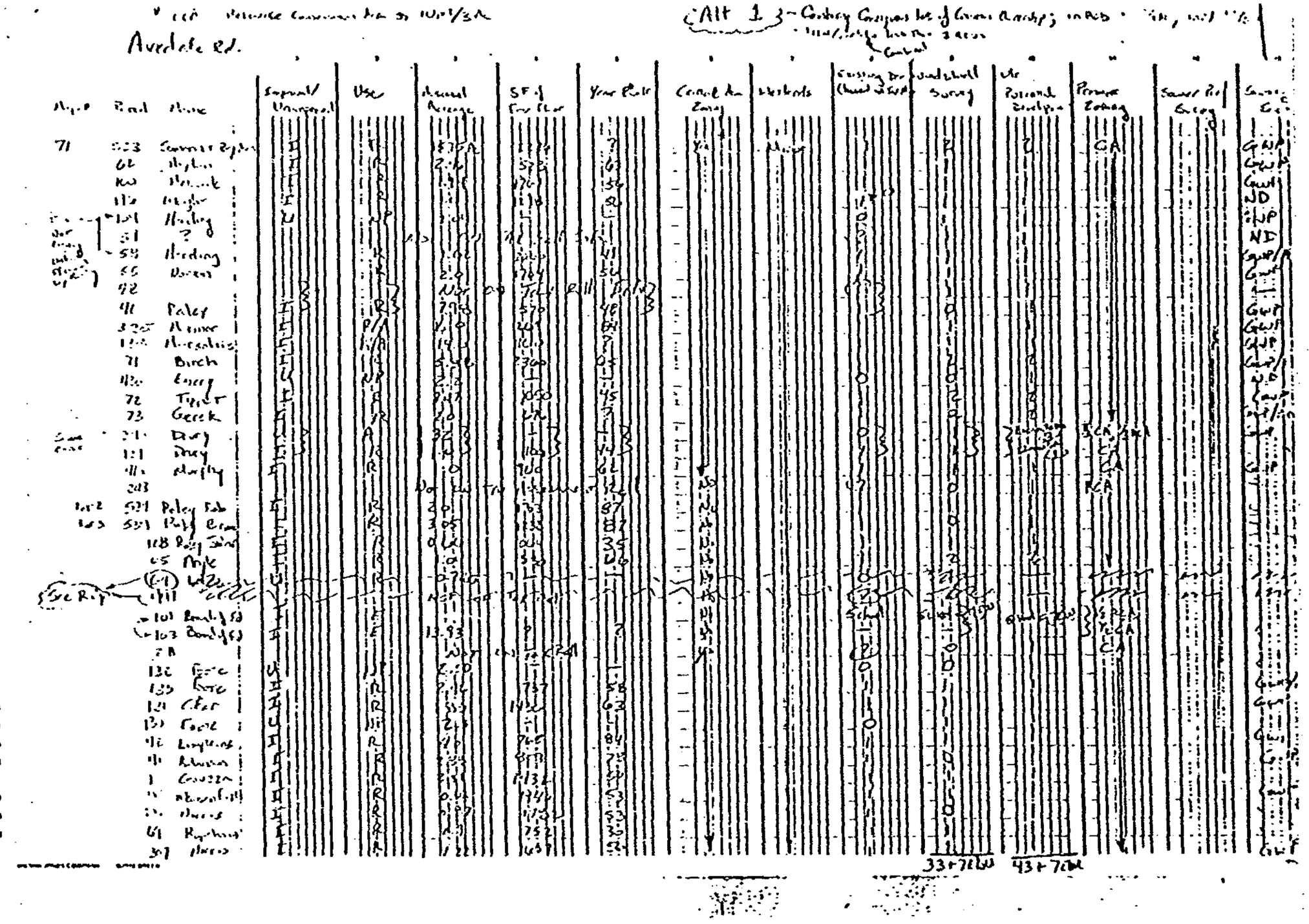

Anodic KD Continued

Ag #	Pond	Name	Sample Unimproved	Use	Assessed Acreage	SF of Fish Flow	Yes Bank	Cement Area Zoning	Wetlands	Spring Dry Cleaned in 1985	Windshield Survey	Str Percent Develop	Existing Zoning	Sewer Pot Survey	Sewer Survey
	175	Moro													
	75	McIntosh													
	134	Wise													
	135	Cyrus													
	136	Fenhagen													
	137	Drury													
	43	Fossbach													
	43	Harris													
Sea Ring	47	Harris													
	41	Harris													
	217	Fallon													
	45	Ridlebaugh													
	41	Griffith													
	41	Grace													
	60	Drury F.													
Cong	51	Drury F.													
	52	Drury F.													
	53	Everett													
	54	Lee Sue													
	323	Lewis													
	57	Lee (Pond)													

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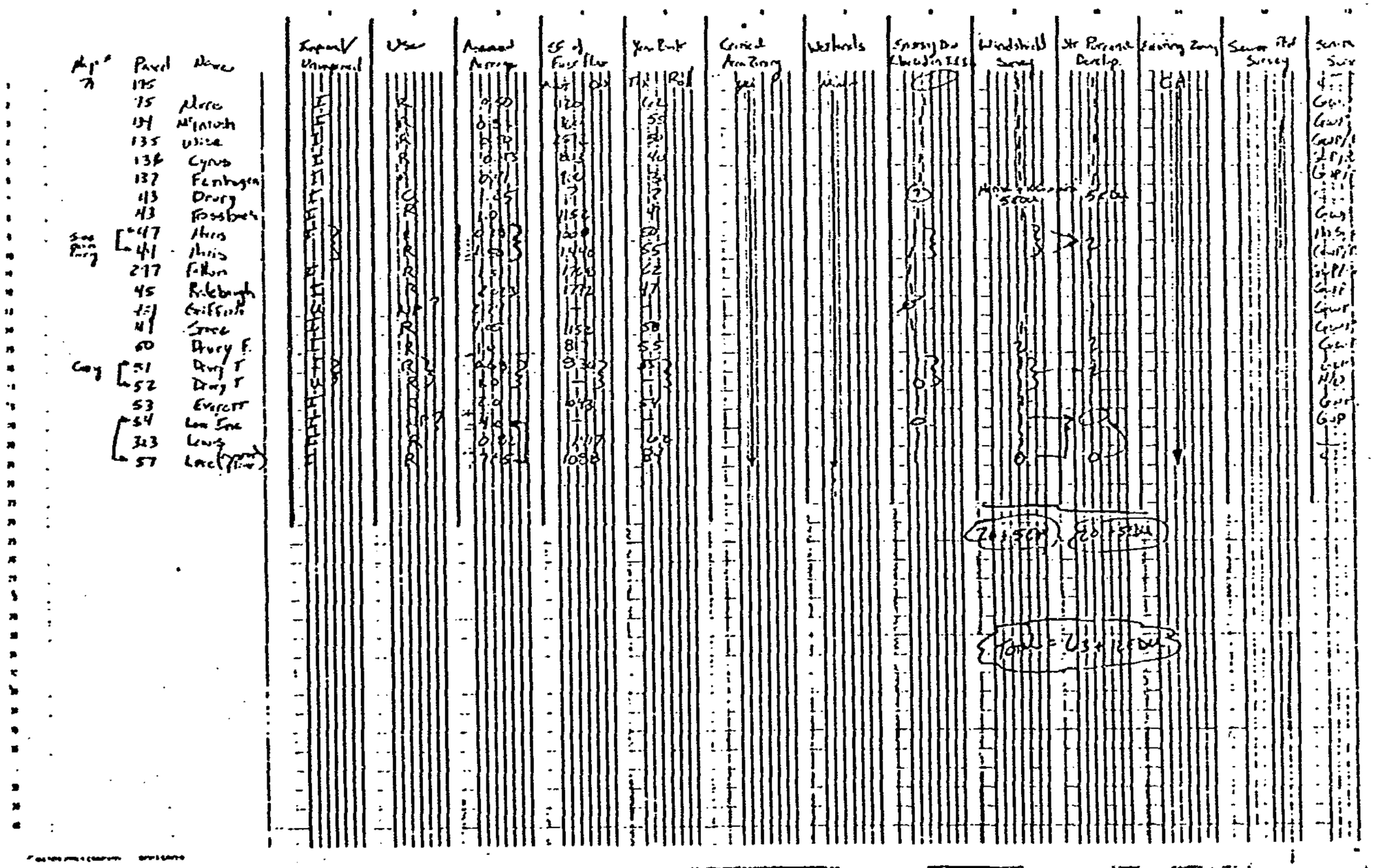

ST. GEORGE ISLAND

EXHIBIT 3

UBER 008 PAGE 63

PARCEL/LOT	NAME	IMPROVED/UNIMPROVED	EXISTING DEVELOPMENT PER WINDSHIELD SURVEY	ULTIMATE POTENTIAL DEVELOPMENT
12	Maddox, Arthur	I	1	1
14	Adams CR & CA	I	2	6 20 AC
179	Morgan	I	1	1
178	Cauffman	U	0	1
15	Klase	I	1	1
16	Phillips	I	1	1
17	Long, Maurice	I	1	1
18	Gentile	I	1	1
97	Chesser, J.W.	U	0	0
209	Haskell, BP	I	1	1
25	Haskell, BP	I	1	1
27	Haskell, BP	I	1	1
207	Haskell, BP	U	0	0
26	Gardiner	I	1	1
29	Botts, Jos.	I	1	1
19	Haney	I	1	1
30	Dent, Jos.	U	0	1
211	Dent, Jos.	I	1	1
185	Poe, Eva E.	I	1	1
21	Milburn, John	I	1	1
20	Milburn, John	I	1	1
22	Barnes, Grace	I	1	1
166	Barnes, Grace	I	1	1
23	Greene	I	1	1
24	Greene	I	1	1
200	Greene	I	1	1
55	Huly, Ruth	U	0	0
33	Murray, Robert	I	1	1
34	Hansen	I	1	1
32	Chesser, P.	I	1	1
31	Chesser, P.	I	1	1
167	Chesser, P.	I	1	1
182	Cauffman	U	0	0
28	Jaroleman	I	1	1
35	Dropper	I	1	1
36	Nelson	I	1	1
37	Chesser, F.	I	1	1
39	Swiskor	I	1	1
38	Sacco, M.	I	1	1
42	O'Connor, D.	I	1	1
43	Thompson, J.	I	1	1
208	Thompson, Jos.	I	1	1
139	Thompson, Jos.	I	1	1
218	Thompson, Jos.	I	1	1
40	Shopp, G.	I	1	1
41	Paquette, H.	I	1	1
169	Radcliffe, W.	I	1	1
47	Shaeffer, L.	I	1	1
168	Crouder, J.M.	I	1	1
46	Crouder, J.	I	1	1
45	Crouder, J.	I	1	1
51	Crouder, J.	I	1	1
186	Deogle, James	I	1	1
154	Deogle, James	I	1	1
81	Deogle, James	I	1	1
49	Bosely, Russell	I	1	1
48	Laird, Terry	I	1	1
50	Walters, Lee	I	1	1
52	Potter, Grey	I	1	1
67	Dent, Jos.	I	1	1
53	Wilson, R.	I	1	1
170	Chesser, Wendell	I	1	1
54	Ward, H.	I	1	1
56	Poe, B.	I	1	1
160	Poe, B.	I	1	1
57	Garner, G.	I	1	1
58	Thomas, W.	I	1	1
171	Russell, E.	I	1	1
59	Leatherbury, C.	I	1	1
63	Potter, D.	I	1	1

PARCEL/LOT	NAME	IMPROVED/UNIMPROVED	EXISTING DEVELOPMENT PER WINDSHIELD SURVEY	ULTIMATE POTENTIAL DEVELOPMENT
62	Ani, M.	U	0	0
180	Tinsley, M.	I	1	1
214	Prince, L.	I	1	1
60/216	Methodist Church	I	2	2
172	Evans, Ronald	I	1	1
123	Rusterholtz, G.	I	1	1
122	Potter, F.	I	1	1
125	Potten, R.	I	1	1
173	Jones, D.	I	1	1
124	Corridon, J.	I	1	1
126	McCreary, J.	I	1	1
127	Koo, Jung	I	5	5
219	Gallatin, S.	I	1	1
128	Gallatin, S.	U	0	0
131	Haynie, L.	I	1	1
130	Poe, G.	I	1	1
129	Monaco, A.	I	1	1
133	Sayre, D.	I	1	1
174	Bisco, W.	I	1	1
176	McKay, T.	I	1	1
134	McKay, T.	I	1	1
135	Potter, P.	U	0	0
135	Potter, P.	I	1	1
132	Sayer, R.	I	1	1
138	Thompson, M.J.	I	1	1
137	Lampkins, I.	U	0	1
143	Brown, G.	I	1	1
144	Clarke, L.M.	I	1	1
140	Dievdonne, B.	I	1	1
141	McKenny, D.	I	1	1
142	McMillian, I.	I	1	1
145	Thompson, Mary	I	1	1
146	Poe, Gloria	I	1	1
147	Robrecht, William	I	1	1
100	Robrecht, William	I	1	1
66	Russell, Jos.	U	0	1
148	Evans, Agnes	I	1	1
149	Reddon, Clayton	I	1	1
175	Klemkowski, P.	U	0	1
150	Davis, Chas.	U	0	1
136	Evans, Michael	I	1	1
120	Evans, M.	I	5	5
151	Jaques, James	I	1	1
152	Cory, A.	I	1	1
153	Thompson, James R.	I	1	1
204	Tompson, James V.	I	2	2
222	Russell, Martin	I	1	1
199	Stevenson, William	U	0	0
197	Fahey, A.	U	0	1
181	McKay, Rob	I	0	1
155	Newmyer, Lewis	I	1	1
201	Russell, Francis	I	2	2
157	Pearson, Ralph	U	0	1
158	Hurley, Gary	I	1	1
212	Stoats, Holly	I	1	1
44	Richards, Clyde	I	1	1
65	Mulno, Bruce	I	1	1
162	Kragh, Clarence	U	0	1
161	Kragh, Anton	I	1	1
203	Grant, Elmar	I	1	1
68	Davis, Andrew	I	1	1
206	Sushinsky, Jos.	I	1	1
61	St. George Island Assoc.	I	1	1
70	St. George Catholic Church	I	1	1
64	Martin, Corrine	U	0	1
73	Jarboe, Benedict	I	1	1
76	Greenwell, Paul	U	0	1
82	Bernzzini, Ralph	I	1	1
87	Cornelius, Donald	I	1	1
85	Heinonen, John	I	1	1
86	Clemson, R.	U	0	1

PARCEL/LOT	NAME	IMPROVED/UNIMPROVED	EXISTING DEVELOPMENT PER WINDSHIELD SURVEY	ULTIMATE POTENTIAL DEVELOPMENT
187	St. Don. Donald	U	0	0
98	St. Don. Donald	I	1	1
93	Kennedy, Philip	I	1	1
215	Bush, William	I	1	1
99	Vitiello, Frances	I	1	1
103	Holdon, Basil	I	1	1
102	Robrocht, Mildred	I	1	1
104	Ford, Thomas	I	1	1
106	Shaw, Robert	I	1	1
105	Poe, Webster	I	1	1
213	Stearns, William E.	I	1	1
109	Poe, James	I	1	1
112	Poe, James	U	0	1
111	Pase, Quentin	I	1	1
113	Brown, Robert	I	1	1
108	Russell, James	I	1	1
110	Moore, Gabriel	I	1	1
226	Cornelius, Robert	I	1	1
205	Robrect, Mathew	I	1	1
13	Robrect, Mathew	U	0	0
89	Robrecht, Matthew	U	0	0
90	Robrecht, Matthew	I	1	1
117	Burch, Edward	I	1	1
71	George, Ferris	I	1	1
198	Ruegg, Louis	I	1	1
72	American University	U	0	1
74	Ridgeway Carness	I	1	1
75	Logue, Richard	I	1	1
94	MacDonald, Lynn	I	1	1
78	Moore, Charles	I	1	1
220	Milino, Thomas	U	0	1
210	Schofield, Earl	I	1	1
79	Bridgett, Michael	I	1	1
80	Murner, Inez	U	0	1
83	Warson, Al	I	1	1
77	Oliver, Burton	I	1	1
92	Flyntz, Torrance	I	1	1
91	Johnson, Patrick	I	1	1
95	Ford, Francis	I	1	1
96	Yost, Charles	U	0	2
195	Cullison, Jos.	I	1	1
101	Springer, Mark	I	1	2
115	Rozzi, Albert	U	0	1
116	Poe, Martin	I	1	1
107	Poe, Martin	U	0	1
107A	Poe, Eva	I	1	1
184	Poe, Franklin	U	0	0
196	Poe, Franklin	I	1	3
221	Poe, Jerry	U	0	1
159	Minson, Jesse	U	0	2
119	Dutton, Richard	U	0	1
121	Cartwright, Gene	I	1	1
1	Watson, Ralph & Mary Rose	I	1	1
5	Dickens, Pearl	I	1	1
6	Clayton, Hattie Life Est.	I	1	1
7	Rich, Charles	U	0	1
8	Blackwell, Henderson Est.	I	1	1
9	Evans Seafood	U	0	1
10	Evans Seafood	I	2	2
4	Hawkins, JW & Lucille	I	1	1
225	Cox, Charles & Dianne	I	1	1
202	Long, Harry & Kathleen	I	1	1
165	Long, Harry & Kathleen	I	1	1
164	Oakwood Sands	I	4	4

TOTAL - 219

EXHIBIT 4

LIBER 008 PAGE 66

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

IN THE MATTER OF
Federal and State
Construction Grant Funding of the
Piney Point Sewerage Project

Serve on:

Francis E. Taylor, Chairman
St. Mary's County Metropolitan
Commission
191 B Shangri-La Drive, North
Lexington Park, Maryland 20653

* SECRETARY OF HEALTH AND
* MENTAL HYGIENE
*
* OFFICE OF ENVIRONMENTAL
* PROGRAMS
*
* 201 West Preston Street
*
Baltimore, Maryland 21201

* * *

AGREEMENT

WHEREAS, the St. Mary's County Metropolitan Commission had received an U.S. Environmental Pro[illegible] Agency [illegible] Planning [illegible] Facility plan, the purpose of which was to investigate sewage disposal problems within the Piney Point Sanitary District; and

WHEREAS, the facility plan had confirmed that there are areas of failing septic systems within the sanitary district which pose a threat to the public health, safety and comfort; and

WHEREAS, these failing septic systems cannot be readily corrected on-site because of unfavorable soils, and until corrected, will continue to pose a threat to the public health, safety and comfort; and

WHEREAS, the facility plan had demonstrated that correction of these failing septic systems can be accomplished by an extension of the Piney Point sewerage system, owned and operated by the St. Mary's County Metropolitan Commission; and

WHEREAS, the Piney Point sewage treatment plant, as a primary plant, is only capable of removing from raw sewage 60% of the suspended solids and 35% of the biochemical oxygen demand (BOD) — in contrast, most plants are secondary plants which typically remove 85% of the suspended solids and BOD; and

WHEREAS, the treatment plant cannot meet the final effluent limitations imposed

by its discharge permit let alone accept additional flows from areas of failing septic systems; and

WHEREAS, as the treatment plant discharges pollutants into Class II waters, restrictions on shellfish harvesting and storage are in effect for the surrounding outfall area; and

WHEREAS, the current pollution problems caused by the failing septic systems and the primary treatment plant must be alleviated; and

WHEREAS, as indicated by the facility plan, construction of an upgraded and expanded Piney Point sewage treatment plant along with the extension of public sewers to areas of failing septic systems would prove too costly to the users of the system unless financial assistance can be provided; and

WHE[illegible] part on an Environ[illegible] Assessment, as issued by the EPA on April 22, 1983, the Piney Point Sanitary District Facility Plan, dated August 1980, was approved by the Water Management Administration (the "Administration") and the EPA; and

WHEREAS, the EPA had subsequently awarded a step IV construction grant on August 16, 1983 to the St. Mary's County Metropolitan Commission to provide financial assistance to design and construct an upgraded and expanded Piney Point sewage treatment plant along with an expansion of the existing service area to serve areas of failing septic systems as recommended by the facility plan; and

WHEREAS, construction of an upgraded and expanded Piney Point sewage treatment plant is no longer the preferred alternative for treatment because unsuitable on-site soil conditions, which were discovered upon preliminary site evaluations, resulted in an escalation of the estimated costs to construct the facilities; and

WHEREAS, because of the escalation of costs to construct the facilities and its effect on the users of the system, the St. Mary's County Metropolitan Commission had reevaluated alternatives through a formal revision to the facility plan; and

WHEREAS, the alternative preferred by the St. Mary's County Metropolitan Commission for providing treatment service is now to pump sewage flows from the Piney Point service area to the Pine Hill Run sewage treatment plant, as described in Addendum No. 1, dated March 1985, to the previously approved Piney Point Sanitary District Facility Plan; and

WHEREAS, the EPA had issued an amended Environmental Assessment dated August 22, 1985 addressing the environmental effects of the Pine Hill Run sewage treatment plant pump-over as described by the revised facility plan; and

WHEREAS, the amended facility plan, which described the areas suitable for sewer service, was prepared to conform with the County's comprehensive land use plan; and

WHEREAS, the amended Environmental Assessment considered the requirements of the Presidential Executive Orders #11988 (Floodplain Management) and #11990 (Protection of Wetlands) governing restrictions on the use of federal funds where actual or potential environmental impacts on floodplains or wetlands are possible; and

WHEREAS, the amended Environmental Assessment stated that environmentally sensitive areas will be adversely affected unless access to the facilities is controlled; and

WHEREAS, State and EPA approval of said pump-over as the preferred alternative, and subsequent construction grant funding thereof, is contingent upon following the recommendations of the Environmental Assessment and complying with the Presidential Executive Orders; and

WHEREAS, the Administration is the delegated state agency responsible for the waters of the State insofar as their sanitary and physical condition affect the public health or comfort, and for administering EPA's Construction Grants Program; and

WHEREAS, it is the intent of the Commissioners of St. Mary's County and the St. Mary's Metropolitan Commission (collectively the "County") and the Administration to: comply with the County's comprehensive land use plan; obtain federal funds for construction of the pump-over; comply with the provisions of the Presidential Executive

Orders; follow the recommendations and intent of the EPA's Environmental Assessments; and avoid inducing any adverse secondary environmental impacts; and

WHEREAS, it is the County's intent to consider the use of a zoning category for agricultural preservation, and also maintain the resource conservation designation as part of the State's critical area program for undeveloped areas within the sanitary district; and

WHEREAS, the Administration and the County believe that compliance with said Executive Orders and the above intentions will only be accomplished if sewer service as set forth in the following paragraphs numbers 1-4 is implemented; and

WHEREAS, this agreement is not intended to create or abrogate any third party rights.

It is therefore this 4th day of November, 1986 AGREED by and between the parties to this agreement or any successors thereof that:

1. Sewer service will only be allowed in phases I, II, and III of the service area as defined in figure 10 of the Piney Point Sanitary District Facility Plan dated August 1980, except as provided in items 2, 3, and 4 below.
2. An expansion of sewer service area described in item 1. above will be allowed only in accordance with Addendum No. 1, dated March 1985, to the Piney Point Sanitary District Facility Plan. The revised service area will include sections I and II of the Piney Point Landing subdivision as depicted by the concept plan shown in figure 6 of Addendum No. 1. Approval of the concept plan for the Piney Point Landing subdivision was granted by the St. Mary's County Planning and Zoning Office on September 27, 1982 on the basis of consistency with the St. Mary's County comprehensive land use plan and said approval was limited to sections I and II, which together compose 95 lots on 110 acres. Development of the 95 lots within sections I and II of the Piney Point Landing subdivision is not to exceed 95 equivalent dwelling units (EDU), whereby an EDU is defined as a

detached single family home having an associated sewage flow of 280 gallon per day.

3. No sewer service is to be provided within the Piney Point Landing subdivision for any lot if service to that lot will result in the building of any structure in a wetland area as defined by the U.S. Fish and Wildlife Service (USF & WS) Classification of Wetlands and Deep Water Habitats of the United States; FWS/OBS Document 79-31; December 1979, or for any structure located within the 100-year floodplain, as defined by the Federal Emergency Management Administration (FEMA) as of the date of this agreement. A structure is defined as the building proper plus any ancillary facilities, including but not limited to additions, driveways, roads, car ports, garages, swimming pools, pump stations, and outbuildings.

4. Sewer service for structures served by on-site disposal systems outside the revised service area will be permitted only if sewer service to that structure:
   a) is necessary to alleviate the public health risks caused by failing on-site systems which are deemed uncorrectable by the Administration; and
   b) will not significantly alter or change the existing use and character of the property, including sewage flow contributions thereof, (the amount of sewer service permitted shall correspond to the amount of flow that had been treated by the on-site disposal system), if sewer service is provided; and
   c) it is mutually determined and agreed between the parties to this agreement that neither construction of the facilities or the facilities themselves will cause or pose an adverse impact on the 100-year floodplain or wetlands.

5. The St. Mary's County Metropolitan Commission will prepare the necessary amendment to the County's Ten Year Water and Sewerage Plan for the Pine Hill Run pump-over prior to the Administration's issuance of any sewerage

construction permits to build the project.

6. Said amendment will include a map showing the boundaries of the 100-year flood plain, as currently defined by the FEMA, and wetland areas within the Piney Point Landing subdivision. The boundaries of the wetlands shall be determined by the USF and WS, or by an agency or person acceptable to the USF and WS, and shall be based on the definition contained within the aforementioned USF and WS Document 79-31. This map with underlying data shall also show the location of all proposed structures and shall be consistent with items 2 and 3 of this agreement. In developing this map, the current natural wetland inventory map is usable only as a guide. Whenever a wetlands determination is an issue, the final determination shall be based on a field survey by the USF and WS or agency or person acceptable to the USF and WS, and shall be based on criteria acceptable to USF and WS.

7. The Administration will not approve any amendments or biennial updates to the County's Ten Year Water and Sewerage Plan unless the requirements of items 1 through 6 are met.

8. The County agrees to implement and enforce all details and intentions of this agreement, inclusive of which is the adoption of the necessary amendments to the County's Ten Year Water and Sewerage Plan and the enactment of any local ordinances or resolutions reflecting the above.

9. Upon execution of this agreement and receipt of a step IV grant amendment request from the County, the Administration will promptly process the request and make recommendations to the EPA that the existing step IV grant be amended to allow construction of the Pine Hill Run pump-over.

Nothing in this agreement shall be construed to limit any authority by the Department to issue any orders or take any action it deems necessary to protect the public health, safety and comfort, or to limit any authority the Department has now or hereafter be delegated.

Approved as to form and legal sufficiency this 13th day of November, 1986

Assistant Attorney General

11/14/86
Date

Francis E. Taylor, Chairman
St. Mary's County
Metropolitan Commission

11/12/86
Date

President
Commissioners of St. Mary's County

Nov. 14, 1486
Date

Richard B. Sellars, Jr., Director
Water Management Administration

Md. Co. Comp.

MAY 4 - 1992

EVELYN W. ARNOLD, CLERK

LIBER 008 PAGE 73

Resolution No. 92-06
Subj.: SFY93 - Maryland Small Cities Community Development Block Grant - Sewer Connections Revolving Loan Fund for Residents of Ridge, Tall Timbers, St. George Island and Forrest Heights

1:27PM05/01/92D CD.COM $0.00

RESOLUTION

WHEREAS, the Board of County Commissioners of St. Mary's County, Maryland recognizes the housing needs of the community and therefore plans to remove significant threats to health and safety, to improve public facilities, and enable homeowners to have decent, safe and sanitary housing by making available low-interest loans for public sewer connections.

WHEREAS, the St. Mary's County Department of Economic and Community Development has prepared for submission by the Board of County Commissioners an application for a SFY93 Maryland Small Cities Community Development Block Grant in the amount of $493,000.00 to be used for the Sewer Connections Revolving Loan Fund for residents of Ridge, Tall Timbers, St. George Island and Forrest Heights.

WHEREAS, the regulations of the Maryland Small Cities Community Development Block Grant require that the legislative body of the jurisdiction pass a resolution authorizing the submission of such application.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of St. Mary's County, Maryland hereby authorizes the submission of the application for a Maryland Small Cities Community Development Block Grant in the amount of $493,000.00.

BE IT FURTHER RESOLVED that Carl M. Loffler, Jr., President of the Board of County Commissioners of St. Mary's County, Maryland, is hereby authorized to execute the Maryland Small Cities Community Development Block Grant application and any other documentation necessary to obtain approval.

BE IT FURTHER RESOLVED that this Resolution shall take effect on the 28th day of April, 1992.

DATE OF ADOPTION: April 28, 1992

EFFECTIVE DATE: April 28, 1992

ATTEST:

Edward V. Cox
EDWARD V. COX
County Administrator

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:

Joseph R. Densford
JOSEPH R. DENSFORD
County Attorney

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

Carl M. Loffler
CARL M. LOFFLER, JR., President

W. Edward Bailey
W. EDWARD BAILEY, Commissioner

Robert T. Jarboe
ROBERT T. JARBOE, Commissioner

John G. Lancaster
JOHN G. LANCASTER, Commissioner

Barbara R. Thompson
BARBARA R.THOMPSON, Commissioner

Del. Co. Comm.

MAY 12 1992

EVELYN W. ARNOLD, CLERK

LIBER 008 PAGE 74

Resolution No. 92-08
Subj.: Sierra House Residential Treatment Center - State Grant: MHDA-186

RESOLUTION

10:50AM05/08/92D CO.COM $0.00

WHEREAS, the Board of County Commissioners of St. Mary's County, Maryland has received a grant through the Maryland Department of Health and Mental Hygiene to fund TWO HUNDRED EIGHTY-NINE THOUSAND FIVE HUNDRED DOLLARS ($289,500.00) of the design, construction and equipment costs at the New Sierra House; and

WHEREAS, For the purposes of this Resolution, "New Sierra House" is defined as follows:

> "The New Sierra House is a 6,000+ square foot, two story, brick veneer, wood frame structure; situated on a 4.0 acre site which fronts on Maryland Route 4 to the north, and is located in the northeast corner of the overall 210.7 acre property, identified as Parcel 104 on Tax Map 42 and recorded among the Land Records of St. Mary's County at Liber 169, Folio 33."

WHEREAS, the Board of Public Works' approval of said grant is contingent upon receiving proof of recording among the Land Records of the State of Maryland's thirty (30) year right of recovery of said grant amount.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of St. Mary's County, Maryland does hereby agree that the following restrictive covenant shall apply to the New Sierra House:

> "If, at any time within thirty (30) years after payment of State Addiction Funds to the Board of County Commissioners of St. Mary's County, Maryland, the property is sold or transferred to any person, agency or organization which would not itself qualify as an applicant under the terms of Chapter 126 of the 1989 Laws of Maryland or which is not approved as a transferee by the Board of Public Works, or if within the same period, Walden/Sierra, Inc. ceases to be a facility as defined in Chapter 126 of the 1989 Laws of Maryland, then the State shall be entitled to recover from either the owner, transferor or transferee, an amount bearing the same ratio to the then current value of so much of the property as constituted an approved project, as the amount of the State participation bore to the total eligible cost of the approved project, together with all costs and reasonable attorney's fees incurred by the State in the recovery proceedings."

The restrictive covenant of this Resolution applies only to the 4.0 acre site and not for any other portion of the County property.

LIBER 108 PAGE 75

BE IT FURTHER RESOLVED that this Resolution shall take effect on the 5th day of May, 1992.

DATE OF ADOPTION: May 5, 1992

EFFECTIVE DATE: May 5, 1992

ATTEST:

EDWARD V. COX
County Administrator

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:

JOSEPH R. DENSFORD
County Attorney

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

CARL M. LOFFLER, JR., President

W. EDWARD BAILEY, Commissioner

ROBERT T. JARBOE, Commissioner

JOHN G. LANCASTER, Commissioner

BARBARA R. THOMPSON, Commissioner

Del. Co. Comm.

MAY 12 1992

EVELYN W. ARNOLD, CLERK

No. 92-09
SUBJ.: MOBILE HOME PROVISIONS
COUNTY CODE AMENDMENTS

ORDINANCE

WHEREAS, on January 11, 1978 the Board of County Commissioners of St. Mary's County, Maryland adopted Ordinance No. 78-03, governing the installation, placement or erection of certain mobile homes. Ordinance No. 78-03 was subsequently codified in Chapter 273, Article III of the St. Mary's County Code.

10:50AM05/08/920 CB.COM $0.00

WHEREAS, Section 273-6B requires that an individual water supply system and sewage disposal system be furnished and approved prior to the issuance of a building permit for the installation of a mobile home.

WHEREAS, Section 273-6B has been rendered unnecessary by provisions in the St. Mary's County Zoning Ordinance relating to the same subject matter.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of St. Mary's County, Maryland this 5th day of May, 1992 that Ordinance No. 78-03, as codified in Chapter 273-6, Article III of the St. Mary's County Code, is hereby repealed and reenacted as follows:

§ 273-6. General regulations.

The following regulations are hereby adopted as the regulations governing the installation, placement or erection of individual mobile homes, as defined by the St. Mary's County Zoning Ordinance, on any tract or parcel of land owned by any person, firm or corporation in St. Mary's County, Maryland (except the placing of said mobile homes in licensed mobile home parks);

A. No mobile home residential unit shall be placed on a lot of less than the minimum square-foot area as set forth in the St. Mary's County Zoning Ordinance for the appropriate zoning district.

B. Prior to the issuance of any building permit, the owner must furnish the issuing authority, hereby designated as the Office of Land Use and Development, with a plot plan showing the proposed location of said residential mobile home on said lot in accord with the appropriate provisions of the St. Mary's County Zoning Ordinance.

C. The placement of any of the aforementioned residential mobile home units shall be done in accord with the appropriate provision for the placement of mobile homes as contained in the St. Mary's County Zoning Ordinance.

D. It shall be unlawful for any individual, firm or corporation to finalize the sale of and transport or cause to be transported any residential mobile home to any individual residential lot not located in a licensed mobile home park unless a county zoning permit has been obtained which shall be affixed to the rear of said residential mobile home while being transported to the lot and left in place until such time as all placement requirements required by this chapter and the St. Mary's County Zoning Ordinance have been

No. 92-09
SUBJ.: MOBILE HOME PROVISIONS
COUNTY CODE AMENDMENTS

met. This provision shall not apply to any residential mobile home being purchased by a dealer and transported to a dealer's sales lot.

Date of Adoption: May 5, 1992

Effective Date: May 5, 1992

ATTEST:

Edward V. Cox
EDWARD V. COX
County Administrator

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:

Joseph R. Densford
JOSEPH R. DENSFORD
County Attorney

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

Carl M. Loffler
CARL M. LOFFLER, JR, President

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W. EDWARD BAILEY, Commissioner

Robert T. Jarboe
ROBERT T. JARBOE, Commissioner

John G. Lancaster
JOHN G. LANCASTER, Commissioner

Barbara R. Thompson
BARBARA R.THOMPSON, Commissioner

Dkt. Co. Comm. MAY 18 1992

EVELYN W. ARNOLD, CLERK

LIBER 008 PAGE 78

SUBJ: **Forest Hall Apartments**
CDA Rental Housing Program

RESOLUTION NO: 92-10

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND, REAFFIRMING THE MARCH 26, 1991 APPROVAL (RESOLUTION 91-07) OF THE DEVELOPMENT OF RENTAL HOUSING AT LEXINGTON PARK TO BE FINANCED BY THE COMMUNITY DEVELOPMENT ADMINISTRATION (CDA) OF THE STATE OF MARYLAND AND SPECIFYING CDA LOAN PROGRAMS AND AMOUNTS USED TO FINANCE THE PROJECT.

WHEREAS, the Board of Commissioners of St. Mary's County, Maryland recognizes that there is a significant need for quality housing units in St. Mary's County for families of limited income; and

WHEREAS, Henry Thomas Waring proposes to acquire, construct, rehabilitate and/or operate a rental housing project to contain approximately 112 units, known as "Forrest Hall" (the "Project"), and located at Willows Road, Lexington Park, Maryland; and

4:07PM05/13/920 CO.COM $0.00

WHEREAS, the Community Development Administration of the State of Maryland ("CDA") has received an application package from Henry Thomas Waring to provide capital or operating assistance for families of lower income in the project, pursuant to its authority under the following Sections of Article 83B of the Annotated Code of Maryland:

2-201 through 2-208	Multi-Family Bond Program ("MBP Loan") in an amount not to exceed $3,600,000; and
2-501 through 2-509	Rental Housing Production Program ("RHPP Loan") in an amount not to exceed $800,000; and

WHEREAS, the regulations of CDA require that all projects financed by it be approved by the governing body of the locality in which the project is situated and, where appropriate, by the chief elected executive official of that locality;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of St. Mary's County, Maryland, hereby endorses the acquisition, construction, rehabilitation and/or operation of the project upon the proposed site; and HEREBY ENDORSES the provision of operating or capital assistance for the benefit of families of lower income in the proposed project; and

BE IT FURTHER RESOLVED that copies of this Resolution be sent to the Secretary of the Department of Housing and Community Development, State of Maryland.

ADOPTION DATE: 5/12/92

EFFECTIVE DATE: 5/12/92

BOARD OF COMMISSIONERS
ST. MARY'S COUNTY, MARYLAND

Carl M. Loffler, Jr., President

W. Edward Bailey, Commissioner

Robert T. Jarboe, Commissioner

John G. Lancaster, Commissioner

Barbara R. Thompson, Commissioner

ATTEST:

Edward V. Cox, County Administrator

APPROVED AS TO
LEGAL SUFFICIENCY:

Joseph R. Densford, County Attorney

Del. Co. Compt.

MAY 18 1992

EVELYN W. ARNOLD, CLERK

R E S O L U T I O N

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY for the purpose of supplementing the Resolution of the County adopted on December 10, 1991 authorizing the issuance of general obligation bonds of the County by designating certain new projects as additional projects authorized to be financed with the proceeds from the sale of such bonds.

12:42PM05/26/920 CO.CON $0.00

RECITALS

On December 10, 1991, the County Commissioners of St. Mary's County (the "County") adopted its Resolution (the "Authorizing Resolution") authorizing the issuance and sale of $6,020,000 County Commissioners of St. Mary's County Public Facilities Bonds of 1991 dated November 27, 1991 (the "Bonds"), a portion of the proceeds of which were to be used to finance the construction, improvement or development of certain capital projects described in such Authorizing Resolution (the "Original Projects").

Section 5 of the Authorizing Resolution provides that the proceeds of the Bonds shall be applied to the payment of the cost of the projects described in Resolution No. 91-42, unless the County by resolution authorizes the application of the proceeds of the Bonds to other capital projects of the County, and any unexpended proceeds of the Bonds shall otherwise be applied as provided in Resolution No. 91-42.

The County has determined that a portion of the proceeds of the sale of the Bonds originally designated to be used to finance the costs of the Original Projects is no longer required for such purpose.

The County has determined that it is in its best interest to use $ 325,046 of the proceeds of the Bonds to finance all or a portion of the costs of certain projects listed on Schedule A attached hereto.

The County has further determined that the projects being financed by the proceeds of the Bonds and listed on Schedule A attached hereto have been authorized by Chapter 705 of the Laws of Maryland of 1981 and have been approved by St. Mary's County Board of County Commissioners Approved Budget.

BE IT RESOLVED BY COUNTY COMMISSIONERS OF ST. MARY'S COUNTY:

Section 1: The authorizing resolution adopted by the County Commissioners of St. Mary's County on December 10, 1991 (the "Authorizing Resolution") authorizing the issuance and sale of $6,020,000 aggregate principal amount of County Commissioners of St. Mary's County Public Facilities Bonds of 1991, dated November 27, 1991 (the "Bonds") is hereby supplemented for the sole purpose of designating the projects described in Section 2 below as additional projects the costs of which are authorized to be financed with the proceeds of the sale of the Bonds.

Section 2: The County hereby finds and determines that a portion of the proceeds from the sale of the Bonds designated to finance the construction, improvement or development of certain capital projects approved by the Authorizing Resolution is no longer required for such purpose. The County hereby designates $ 325,046 from the proceeds of the sale of the Bonds to be used to finance the construction, improvement or development of the projects in the County set forth in Schedule A attached to and made a part of this Resolution. The designation of such additional projects authorized to be financed from the proceeds of the sale of the Bonds shall in no way limit the County from designating such further additional projects as permitted under the Authorizing Resolution and shall in no way modify, amend or rescind any other provisions of the Authorizing Resolution.

Section 3: This Supplement Resolution shall become effective immediately upon its passage.

ADOPTED this 19th day of May, 1992.

BOARD OF COUNTY COMMISSIONERS OF
ST. MARY'S COUNTY, MARYLAND

Carl M. Loffler, Jr.
President

W. Edward Bailey
Commissioner

Robert T. Jarboe
Commissioner

John G. Lancaster
Commissioner

Barbara R. Thompson
Commissioner

ATTEST:

Edward V. Cox
County Administrator

Charles H. Wade, Jr.
Director of Finance

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Joseph R. Densford
County Attorney

LIBER 008 PAGE 82

SCHEDULE A
to RESOLUTION NO: 92-11

Description of Additional Projects Authorized to be Financed with the Proceeds of the County Commissioners of St. Mary's County Public Facilities Bonds of 1991.

Leonardtown Elementary Heat System	$187,146
Sixth District Elementary	$137,900
Total	$325,046

Dd. Co. Comm.

JUN 2 - 1992

EVELYN W. ARNOLD, CLERK

R E S O L U T I O N

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY for the purpose of supplementing the Resolution of the County adopted on December 13, 1990 authorizing the issuance of general obligation bonds of the County by designating certain new projects as additional projects authorized to be financed with the proceeds from the sale of such bonds.

12:43PM05/26/920 CO.COM $0.00

RECITALS

On December 13, 1990, the County Commissioners of St. Mary's County (the "County") adopted its Resolution (the "Authorizing Resolution") authorizing the issuance and sale of $6,850,000 County Commissioners of St. Mary's County Public Facilities Bonds of 1990 dated December 4, 1990 (the "Bonds"), a portion of the proceeds of which were to be used to finance the construction, improvement or development of certain capital projects described in such Authorizing Resolution (the "Original Projects").

Section 5 of the Authorizing Resolution provides that the proceeds of the Bonds shall be applied to the payment of the cost of the projects described in Resolution No. 90-21, unless the County by resolution authorizes the application of the proceeds of the Bonds to other capital projects of the County, and any unexpended proceeds of the Bonds shall otherwise be applied as provided in Resolution No. 90-21.

The County has determined that a portion of the proceeds of the sale of the Bonds originally designated to be used to finance the costs of the Original Projects is no longer required for such purpose.

The County has determined that it is in its best interest to use $ 24,291 of the proceeds of the Bonds to finance all or a portion of the costs of certain projects listed on Schedule A attached hereto.

LIBER 008 PAGE 84

The County has further determined that the projects being financed by the proceeds of the Bonds and listed on Schedule A attached hereto have been authorized by Chapter 705 of the Laws of Maryland of 1981 and have been approved by St. Mary's County Board of County Commissioners Approved Budget.

BE IT RESOLVED BY COUNTY COMMISSIONERS OF ST. MARY'S COUNTY:

Section 1: The authorizing resolution adopted by the County Commissioners of St. Mary's County on December 13, 1990 (the "Authorizing Resolution") authorizing the issuance and sale of $6,850,000 aggregate principal amount of County Commissioners of St. Mary's County Public Facilities Bonds of 1990, dated December 4, 1990 (the "Bonds") is hereby supplemented for the sole purpose of designating the projects described in Section 2 below as additional projects the costs of which are authorized to be financed with the proceeds of the sale of the Bonds.

Section 2: The County hereby finds and determines that a portion of the proceeds from the sale of the Bonds designated to finance the construction, improvement or development of certain capital projects approved by the Authorizing Resolution is no longer required for such purpose. The County hereby designates $ 24,291 from the proceeds of the sale of the Bonds to be used to finance the construction, improvement or development of the projects in the County set forth in Schedule A attached to and made a part of this Resolution. The designation of such additional projects authorized to be financed from the proceeds of the sale of the Bonds shall in no way limit the County from designating such further additional projects as permitted under the Authorizing Resolution and shall in no way modify, amend or rescind any other provisions of the Authorizing Resolution.

Section 3: This Supplement Resolution shall become effective immediately upon its passage.

ADOPTED this 19th day of May, 1992.

BOARD OF COUNTY COMMISSIONERS OF
ST. MARY'S COUNTY, MARYLAND

Carl M. Loffler, Jr.
President

W. Edward Bailey
Commissioner

Robert T. Jarboe
Commissioner

John G. Lancaster
Commissioner

Barbara R. Thompson
Commissioner

ATTEST:

Edward V. Cox
County Administrator

Charles H. Wade, Jr.
Director of Finance

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Joseph R. Densford
County Attorney

LIBER 008 PAGE 86

SCHEDULE A
to RESOLUTION NO: 92-12

Description of Additional Projects Authorized to be Financed with the Proceeds of the County Commissioners of St. Mary's County Public Facilities Bonds of 1990.

Wildewood Elementary	$ 5,532
Dynard Elementary	$18,759
Total	$24,291

Bd. Co. Comm.

JUN 2 - 1992

EVELYN W. ARNOLD, CLERK

LIBER 008 PAGE 87

RESOLUTION NO.: 92-13

SUBJECT: 1992-1993 Operating and Capital Budgets, Fire and Rescue Capital Revolving Fund, Special Assessments Fund, Recreation and Parks Enterprise Fund, Wicomico Shores Enterprise Fund, and the County's Property Tax Rate

8:34AM05/29/920 CO.COM $0.00

R E S O L U T I O N

WHEREAS, Chapter 27, Section 6 of the Code of Public Local Laws of St. Mary's County authorizes and empowers the Board of County Commissioners to adopt the Annual Budget and Appropriation Act by June 1 of each year and impose a property tax rate for the ensuing fiscal year.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of St. Mary's County, Maryland that the County's Operating Budget is approved in the amount of $68,731,480; the Capital Budget in the amount of $14,159,269; the Recreation and Parks Enterprise Fund in the amount of $589,843; the Wicomico Shores Enterprise Fund in the amount of $851,272; the Special Assessment Fund in the amount of $55,173; and the County's Property Tax Rate is hereby assessed at $2.32 per $100.00 of assessed valuation.

THIS DATE:

May 26, 1992

BOARD OF COUNTY COMMISSIONERS OF
ST. MARY'S COUNTY, MARYLAND

Carl M. Loffler, Jr., President

W. Edward Bailey, Commissioner

Robert T. Jarboe, Commissioner

John G. Lancaster, Commissioner

Barbara Thompson, Commissioner

ATTEST:

Edward V. Cox
County Administrator

Charles H. Wade, Jr.
Director of Finance

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph R. Densford
County Attorney

LIBER 008 PAGE 88

RESOLUTION NO: 92-14

SUBJECT: FIRE TAX

8:34AM05/29/920 CO.COM $0.00

RESOLUTION

WHEREAS, Chapter 49 of the Code of Public Local Laws of St. Mary's County, Maryland authorizes and directs the Board of County Commissioners of St. Mary's County, Maryland to levy a fire tax of not more than fourteen cents ($.14) on every $100.00 of assessed valuation of all real and personal property in the Election Districts wherein the question of levying said Fire Tax has been submitted to and approved by a referendum of the legally qualified voters; and

WHEREAS, In Election Districts 1, 2, 3, 4, 5, 6, 7, 8 and 9, the Fire Tax has been voted upon and approved by the legally qualified voters.

NOW, THEREFORE, be it resolved by the Board of County Commissioners of St. Mary's County, the Fire Tax is hereby assessed on every $100.00 of assessed valuation of all real and personal property, effective July 1, 1992, as follows:

Election District 1	$.09
Election District 2	$.05
Election District 3	$.06
Election District 4	$.11/$.09*
Election District 5	$.09
Election District 6	$.11
Election District 7	$.11
Election District 8	$.11
Election District 9	$.05

*Those properties serviced by the 5th District Fire Department to be taxed at $.09 and those serviced by the 7th District Fire Department will be taxed at $.11.

THIS DATE:

May 26, 1992

BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND

Carl M. Loffler, Jr., President

W. Edward Bailey, Commissioner

Robert T. Jarboe, Commissioner

John G. Lancaster, Commissioner

Barbara R. Thompson, Commissioner

ATTEST:

Edward V. Cox
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph R. Densford
County Attorney

Del. Co. Comm.

JUN 2 - 1992

EVELYN W. ARNOLD, CLERK

LIBER 008 PAGE 99

Resolution No.: 92-15
SUBJ: Redistricting of St. Mary's County

RESOLUTION 10:19AM06/05/920 CD.CDH $0.00

WHEREAS, pursuant to Section 26-2 of the St. Mary's County Code of Public Local Laws, provision is made for the creation of a Redistricting Board for the establishment of the boundaries of the four (4) County Commissioner Districts in St. Mary's County for submission to the Board of County Commissioners.

WHEREAS, said Redistricting Board was established and convened to carry out its duties within the legal requirements; tentative district boundaries were drawn and defined; public hearings were advertised and conducted in each of the proposed four (4) Commissioner Districts as follows:

March 9, 1992 - Park Hall Elementary
Park Hall, Maryland

March 11, 1992 - Leonardtown Elementary
Leonardtown, Maryland

March 23, 1992 - Mechanicsville Elementary
Mechanicsville, Maryland

March 25, 1992 - Town Creek Elementary
California, Maryland

WHEREAS, after all public hearings were held, and after due consideration and investigation, a final draft of the 1992 Redistricting Plan was prepared and submitted to the Board of County Commissioners as follows:

First Commissioner District - First, Second, Ninth Election Districts and Precincts 8-3 and 8-4 of the Eighth Election District

Second Commissioner District- Third and Sixth Election Districts

Third Commissioner District - Fourth, Fifth and Seventh Election Districts

Fourth Commissioner District- Precincts 8-1, 8-2, 8-5 and 8-6 of the Eighth Election District

NOW, THEREFORE, BE IT RESOLVED this 2nd day of June, 1992 by the Board of County Commissioners of St. Mary's County, Maryland that the 1992 Redistricting Plan as submitted by the Redistricting Board is hereby formally accepted. The same is law unless set aside by a Court of Law with proper jurisdiction.

LIBER 008 PAGE 90

Resolution No.: 92-15
SUBJ: Redistricting of St. Mary's County

BE IT FURTHER RESOLVED that the 1992 Redistricting Plan was presented to the Board of County Commissioners of St. Mary's County, Maryland on the 7th day of April, 1992 and became effective on that date.

DATE OF ADOPTION: June 2, 1992

ATTEST:

Edward V. Cox
EDWARD V. COX
County Administrator

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:

Joseph R. Densford
JOSEPH R. DENSFORD
County Attorney

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

Carl M. Loffler, Jr.
CARL M. LOFFLER, JR., President

W. Edward Bailey
W. EDWARD BAILEY, Commissioner

Robert T. Jarboe
ROBERT T. JARBOE, Commissioner

John G. Lancaster
JOHN G. LANCASTER, Commissioner

Barbara R. Thompson
BARBARA R. THOMPSON, Commissioner

Dill. Co. Comm.

JUN 8 - 1992

EVELYN W. ARNOLD, CLERK

...LIBER 008 PAGE 91 NO.: 92-16
SUBJ: EQUIPMENT PURCHASE AGREEMENT

R E S O L U T I O N

"RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A CONDITIONAL EQUIPMENT PURCHASE AGREEMENT, AND RELATED INSTRUMENTS, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH."

WHEREAS, the governing body of County Commissioners of St. Mary's County ("Lessee") has determined that a true and very real need exists for the equipment (the "Equipment") described in the proposed Master Equipment Lease/Purchase Agreement (the "Agreement") with Signet Leasing and Financial Corporation presented to this meeting; and 11:16AM06/11/929 CO.COM $0.00

WHEREAS, Lessee has taken the necessary steps, including those relating to any applicable legal biding requirements, to arrange for the acquisition of the Equipment; and

WHEREAS, Lessee proposes to enter into the Agreement with Signet Leasing and Financial Corporation substantially in the form presented to this meeting.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF LESSEE AS FOLLOWS:

Section 1. It is hereby found and determined that the terms of the Agreement in the form presented to this meeting and incorporated in this resolution are in the best interests of Lessee for the acquisition of the Equipment.

Section 2. The Agreement is hereby approved. The Finance Director of Lessee and any other officer of Lessee who shall have power to execute contracts on behalf of Lessee be, and each of them hereby is, authorized to execute, acknowledge and deliver the Agreement with any changes, insertions and omissions therein as may be approved by the officers who execute the Agreement, such approval to be conclusively evidenced by such execution and delivery of the Agreement. The Finance Director of the Lessee and any other officer of Lessee who shall have power to do so be, and each of them hereby is authorized to affix the official seal of Lessee to the Agreement and attest the same.

Section 3. The proper officers of Lessee be, and each of them hereby is, authorized and directed to execute and deliver any and all papers, instruments, opinions, certificates, affidavits and other documents and to do or cause to be done any and all other acts and things necessary or proper for carrying out this resolution and the Agreement.

This Date:

June 9, 1992

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY

Carl M. Loffler, Jr., President

W. Edward Bailey, Commissioner

Robert T. Jarboe, Commissioner

John G. Lancaster, Commissioner

Barbara R. Thompson, Commissioner

ATTEST:

Edward V. Cox
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph R. Densford
County Attorney

LIBER 008 PAGE 93

ATTACHMENT A to
NO: 92-16
SUBJ: EQUIPMENT PURCHASE AGREEMENT

DESCRIPTION OF EQUIPMENT

QUANTITY	MFG. MODEL NO.	DESCRIPTION	SERIAL NO.	INVOICE AMT.
Planning & Zoning				
Three (3)		Pick-Up Trucks		
Recreation & Parks:				
Two (2)		Dump Trucks		
Public Works:				
One (1)		Grader		
One (1)		Transfer Trailer		
One (1)		One-Ton Van		
One (1)		Truck Tractor		
One (1)		Dump Truck		
One (1)		Tractor and Mower		
One (1)		Bucket Truck		
One (1)		Boom Axe		
Three (3)		4-Door Car		
One (1)		Flat Dump		
One (1)		1/2 Ton Pick-Up		
One (1)		Road Widener		
One (1)		Backhoe		

Ord. Co. Compl

JUN 15 1992

EVELYN W. ARNOLD, CLERK

NO. : 92-07
SUBJ : Transfer of Franchise to Operate A Community Antenna Television System in St. Mary's County

R E S O L U T I O N

3:21PM06/11/920 CO.COM $0.00

WHEREAS, Simmons Communications Company, L.P. ("Simmons) operates a cable television system in St. Mary's County, Maryland (the "County") pursuant to that certain franchise agreement dated February 25, 1992, as amended to the date hereof (the "Franchise"); and

WHEREAS, Simmons desires to assign and transfer the Franchise to American Cable TV Investors 5, Ltd., a Colorado limited partnership ("ACTV"); and

WHEREAS, Simmons has requested that the County approve the foregoing assignment and transfer to ACTV; and

WHEREAS, the Board of County Commissioners conducted a public hearing on April 28, 1992 to consider the transfer and received a recommendation from the County's Cable Advisory Committee;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY that:

1. The County, after due consideration, hereby consents to and approves the assignment and transfer of the Franchise to ACTV, and for such purpose the County hereby approves that certain Assignment, Assumption and Consent (the "Consent") heretofore submitted to the County by Simmons, a copy of which Consent is annexed hereto as Exhibit A and the terms and provisions of which Consent are incorporated herein by this reference.

2. The County authorizes the President of the Board of County Commissioners to execute and deliver the Consent.

APPROVAL DATE: 4/28/92

EFFECTIVE DATE: 4/28/92

BOARD OF COUNTY COMMISSIONERS
ST. MARY'S COUNTY, MARYLAND

Carl M. Loffler Jr., President

W. Edward Bailey, Commissioner

Robert T. Jarboe, Commissioner

John G. Lancaster, Commissioner

Barbara R. Thompson, Commissioner

ATTEST:

Edward V. Cox, County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph R. Densford, County Attorney

EXHIBIT A

ST. MARY'S COUNTY, MARYLAND

CATV FRANCHISE AGREEMENT

ASSIGNMENT, ASSUMPTION AND CONSENT

THIS ASSIGNMENT, ASSUMPTION AND CONSENT, effective as of the Closing Date referred to in the final paragraph hereof, is among Simmons Communications Company, L.P., a Delaware limited partnership ("Simmons"), American Cable TV Investors 5, Ltd., a Colorado limited partnership ("ACTV"), and St. Mary's County, Maryland (the "County"),

WITNESSETH:

WHEREAS, Simmons operates and maintains a cable television system in St. Mary's County, Maryland (the "System") pursuant to that certain franchise agreement dated February 25, 1992, as amended to the date hereof (the "Franchise");

WHEREAS, Simmons desires to sell, assign and otherwise transfer substantially all of its System-related assets (the effective date of such transaction being the "Closing Date"), and to assign and transfer the Franchise to ACTV on the Closing Date; and

WHEREAS, Simmons and ACTV desire to accomplish, and the County is willing to consent to and facilitate, the transactions referred to in the preceding paragraph;

NOW, THEREFORE, in consideration of the premises, the parties hereto agree as follows:

1. Simmons hereby assigns and transfers the Franchise to ACTV, effective on and as of the Closing Date, provided that - from and after the Closing Date - Simmons (and only Simmons) shall be and remain liable to the County under the pre-Closing Date Franchise for the fulfillment of any financial obligations of Simmons arising thereunder prior to the Closing Date.

2. ACTV hereby (i) accepts the foregoing assignment and transfer of the Franchise, (ii) accepts and agrees to be bound by all of the terms and provisions of the Franchise and (iii) covenants and agrees to perform and fulfill all of the duties and obligations of Simmons thereunder insofar as such duties and obligations are to be performed or fulfilled on or after the Closing Date.

3. The County hereby (i) confirms that the Franchise is in full force and effect, (ii) confirms that the Franchise is scheduled to expire on February 24, 2002, (iii) consents to the assignment and transfer of the Franchise, and the sale, assignment or transfer of substantially all of the System-related assets, by Simmons to ACTV on and as of the Closing Date, (iv) acknowledges and affirms that no breach attributable to Simmons, and no event of default, has occurred or is continuing under the Franchise, (v) covenants and agrees that, from and after the assignment and transfer of the Franchise by Simmons to ACTV on and as of the Closing Date, the County shall deem the Franchise to be validly assigned to and held by ACTV and (vi) agrees that ACTV may, at any time and from time to time, grant or otherwise convey one or more liens or security interests in its assets, including the System and its rights and privileges under the Franchise, to any bank(s) or other lender(s) providing financing to it from time to time.

IN WITNESS WHEREOF, the parties hereto have caused this Assignment, Assumption and Consent to be duly executed, effective as of the Closing Date (such date being that date first set forth under Simmons' signature below).

ATTEST:

Edward V. Cox
County Clerk

ST. MARY'S COUNTY, MARYLAND

By: _____
Title:

Date: April 28, 1992

SIMMONS COMMUNICATIONS COMPANY, L.P.
By: Simmons Cable Communications, Inc.,
as its general partner

By: Dan Patterson
Senior Vice President

Date: June 1, 1992
(The "Closing Date")

AMERICAN CABLE TV INVESTORS 5, LTD.
By: IR-Daniels Partners V, L.P.,
a Colorado limited partnership,
as general partner of American
Cable TV Investors 5, Ltd.

By: Daniels Ventures Five, Inc.,
as general partner of IR-Daniels
Partners V, L.P.

By: _____
Gary S. Howard, Vice President

Orig. Ct. Comptr.

JUN 15 1992 EVELYN W. ARNOLD, CLERK

BOOK 008 PAGE 0097

No. Z-92-02
SUBJ.: ZPUD #86-0893
MAYJACK, INC. (Hickory Hills)

RESOLUTION 10:02AM06/30/920 CO.COM $0.00

WHEREAS, on June 30, 1987 the Board of County Commissioners of St. Mary's County, Maryland adopted Resolution No. Z-87-05, which rezoned approximately 128 acres of land off Barefoot Drive owned by Mayjack, Inc. from R-2 to PD-IP (25.2 acres) and PDR 5.0 (105.2 acres) subject to certain modifications and conditions. The property is located in the Eighth Election District of St. Mary's County, Maryland, and is shown on Tax Map 42, Block 6, as part of Parcel 51 and Parcels 71, 154 and 165.

WHEREAS, Mayjack, Inc. subsequently asked for relief from the requirement of condition number one (1) of the aforesaid Resolution, requesting the removal of the restriction that Mayjack, Inc. could not construct residential units on the PDR portion of the subject property until Chancellors Run Road was expanded to four (4) lanes from its border with the subject property to Maryland Route 235.

WHEREAS, the Board of County Commissioners deliberated on the request for relief at its public meeting on August 14, 1990, and unanimously approved the request.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Mary's County, Maryland that Mayjack, Inc. is hereby granted relief from the restriction of condition number one (1) of Resolution No. Z-87-05.

BE IT FURTHER RESOLVED that in consideration of the aforesaid relief granted, Mayjack, Inc. agrees to convey to the Board of County Commissioners by fee simple deed a widening strip of one hundred feet (100') for the future widening of Chancellors Run Road to four (4) lanes in accordance with the State Highway Administration road plans, at no cost to the Board of County Commissioners.

AND BE IT FURTHER RESOLVED that all other rezoning modifications and conditions of Resolution No. Z-87-05 will remain in full force and effect.

AND BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon its adoption.

Date of Adoption: June 16, 1992.

ATTEST:

Edward V. Cox
EDWARD V. COX
County Administrator

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:

Joseph R. Densford
JOSEPH R. DENSFORD
County Attorney

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

CARL M. LOFFLER, JR., President

W. Edward Bailey
W. EDWARD BAILEY, Commissioner

Robert T. Jarboe
ROBERT T. JARBOE, Commissioner

John G. Lancaster
JOHN G. LANCASTER, Commissioner

Barbara R. Thompson
BARBARA R. THOMPSON, Commissioner

Dkt. Co. Comm.

AUG 12 1992

EVELYN W. ARNOLD, CLERK

BOOK 003 PAGE 0038

Resolution No. W/S 92-04

Subject: Comprehensive Water and Sewerage Plan Amendment
Project: Lacy's Run Estates
Case: CWSP #88-0223

Resolution

WHEREAS Parcel 52 of Block 9 of Tax Map 12 is situated within a W-6 no planned service area within the Luckland Run Sanitary District according to the St. Mary's County Comprehensive Water and Sewerage Plan (the CWSP or Plan), and

3:16PM07/20/920 CO.COM $0.00

WHEREAS RDA, Inc. on behalf of Maryland Asphalt, Inc. has made application to amend the CWSP to include said Parcel within a W-3D Immediate Priority service area category (i.e., construction is scheduled to start within two (2) years of the adoption of the latest update of the Plan), the "D" indicating that the construction of water facilities is to be financed by the developer of the property, and

WHEREAS said Parcel 52 is proposed to be improved with 48 single-family dwellings consistent with the Parcel's RPD Rural Preservation District zoning classification, and with the 1988 Comprehensive Plan, and

WHEREAS water service for said 48 single family dwellings is to be provided by the nearby Country Lakes water system, and

WHEREAS on May 11, 1992 the St. Mary's County Planning Commission reviewed the proposed Plan amendment, made findings of consistency thereof with Section 9-506(a)(3) of the Environment Article, Annotated Code of Maryland, and voted unanimously to recommend APPROVAL thereof as requested, and

WHEREAS on June 6, 1992 the Board of County Commissioners of St. Mary's County conducted a public hearing on said proposed amendment to the CWSP, and by a vote of 4 APPROVED it,

NOW THEREFORE BE IT RESOLVED that the St. Mary's County Comprehensive Water and Sewerage Plan be amended to include 161.8 acres described as Parcel 52 of Block 9 of Tax Map 12 in the Luckland Run Sanitary District within a W-3D Immediate Priority service area in anticipation of 48 single family dwellings to be built there to receive water from the nearby Country Lakes water system, and to forward the amendment to the Maryland Department of the Environment for final approval.

BE IT FURTHER RESOLVED that this Resolution shall be come effective immediately upon its adoption.

Date of Adoption: 7/14/92

Effective Date: 7/14/92

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY MARYLAND

CARL M. LOFFLER, JR., President

W. EDWARD BAILEY, Commissioner

ROBERT T. JARBOE, Commissioner

JOHN G. LANCASTER, Commissioner

BARBARA R. THOMPSON, Commissioner

Attest:

EDWARD V. COX, County Administrator

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:

JOSEPH R. DENSFORD, County Attorney

Dkt. Co. Comm.

AUG 12 1992

EVELYN W. ARNOLD, CLERK

Resolution No. W/S 92-05
Subject: Comprehensive Water and Sewerage Plan Amendment
Project: Mark Hawes
Case: CWSP #85-1083

RESOLUTION

WHEREAS, Parcel 175 of Block 19 of Tax Map 40 is situated within a S-6 service area according to the St. Mary's County Comprehensive Water and Sewerage Plan (CWSP); and

WHEREAS, Mark Hawes has made application to amend the CWSP to include said Parcel within a S-3D service area category, the "D" indicating that the construction of water facilities is to be financed by the developer of the property; and

WHEREAS, said Parcel 175 is proposed for conversion of two (2) existing Agricultural Division parcels into two (2) building lots consistent with the Parcel's RPD Rural Preservation District zoning classification (partial RCA overlay), and with the 1988 Comprehensive Plan; and

WHEREAS, sewerage service for said building lots is to be provided by St. Clements Shores Wastewater Treatment Plant; and

WHEREAS, on April 27, 1992, the St. Mary's County Planning Commission reviewed the amendment to the CWSP, and made findings of consistency of the proposed facility with the 1988 Comprehensive Plan and with Section 9-506(a)(3) of the Code of Maryland and voted to recommend APPROVAL thereof as requested; and

WHEREAS, on June 23, 1992, the Board of County Commissioners of St. Mary's County conducted a public hearing on said proposed amendment to the CWSP, and approved it.

NOW, THEREFORE, BE IT RESOLVED that the St. Mary's County Comprehensive Water and Sewerage Plan be amended to include 16.72 acres described as Parcel 175 of Block 19 of Tax Map 40 to allow sewerage service from the St. Clement's Shores wastewater treatment plant, and to forward the amendment to the Maryland Department of the Environment for final approval.

BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon its adoption.

Date of Adoption: 7/14/92

Effective Date: 7/14/92

3:17PM07/20/920 CD.COM $0.00

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY MARYLAND

CARL M. LOFFLER, JR., President

W. EDWARD BAILEY, Commissioner

ROBERT T. JARBOE, Commissioner

JOHN G. LANCASTER, Commissioner

BARBARA R. THOMPSON, Commissioner

Attest:

EDWARD V. COX, County Administrator

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:

JOSEPH R. DENSFORD
County Attorney

AUG 12 1992

EVELYN W. ARNOLD, CLERK

BOOK 0038 PAGE 0100

Resolution No. W/S 92-06
Subject: Comprehensive Water and Sewerage Plan Amendment
Project: Robert & Dorothy Joyner Property
Case: CWSP #90-1245

RESOLUTION

WHEREAS, Lots 49-56 and Lots 110-120 of Block 24 of Tax Map 39B is situated within a S-6 a "no planned service" category area according to the St. Mary's County Comprehensive Water and Sewerage Plan (the CWSP or Plan); and

WHEREAS, Robert and Dorothy Joyner have made application to amend the Comprehensive Water and Sewerage Plan to include said Lots within a S-3D service area category, for "service within 3-5 years"; and

WHEREAS, said Lots 49-56 and Lots 110-120 are proposed for access to the St. Clements Shores wastewater treatment plant and change of the service area category from S-6 to S-3D in the RNC (Residential Neighborhood Conservation) zoning district; and

WHEREAS, on October 28, 1992 the St. Mary's County Planning Commissionon November 12, 1991, the St. Mary's County Planning Commission reviewed the proposed plan amendment, made findings of inconsistency with the Comprehensive Plan policy, and voted unanimously to recommend DENIAL as requested; and

WHEREAS, on June 23, 1992 Board of County Commissioners of St. Mary's County conducted a public hearing on said proposed amendment to the CWSP, and by a unanimous vote approved it, having made a finding of consistency with Board of County Commissioners' Resolution 84-22 and the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED that the St. Mary's County Comprehensive Water and Sewerage Plan be amended to include approximately one acre described as Lots 49-56 and Lots 110-120 of Block 24 of Tax Map 39B to allow sewerage service from the St. Clement's Shores wastewater treatment plant with a S-3D service area, and to forward the amendment to the Maryland Department of the Environment for final approval.

BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon its adoption.

Date of Adoption:

3:17PM07/20/920 CO.COM $0.00

Effective Date:

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY MARYLAND

CARL M. LOFFLER, JR., President

W. EDWARD BAILEY, Commissioner

ROBERT T. JARBOE, Commissioner

JOHN G. LANCASTER, Commissioner

BARBARA R. THOMPSON, Commissioner

Attest:

EDWARD V. COX, County Administrator

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:

JOSEPH R. DENSFORD, County Attorney

Del. Co. Copy

AUG 12 1992 EVELYN W. ARNOLD, CLERK

BOOK 008 PAGE 0101

RESOLUTION NO.: 92-18

SUBJ: Board of Education
Continuing Expenditure
Resolution

R E S O L U T I O N

WHEREAS, the Board of County Commissioners by Resolution 92-13 approved an Operating Budget in the amount of $68,731,480 and a Capital Budget of $14,159,269 on May 26, 1992; and

12:41PM07/30/92A CO.COM $0.00

WHEREAS certain of these funds were appropriated to the St. Mary's County Board of Education for expenditure during FY 93; and

WHEREAS, Paragraph 5-102 of the Maryland Code requires Boards of County Commissioners to approve the Board of Education Budget prior to submission to the State Superintendent; and

WHEREAS, the St. Mary's County Board of Education has not submitted a completed budget to the Board of County Commissioners, and the Board of County Commissioners has not approved the categories of expenditure;

NOW, THEREFORE, BE IT RESOLVED, the St. Mary's County Board of County Commissioners hereby authorize the St. Mary's County Board of Education to expend funds at a level commensurate with the FY 92 levels of funding through August 30, 1992.

THIS DATE:

July 28, 1992

BOARD OF COUNTY COMMISSIONERS OF
ST. MARY'S COUNTY, MARYLAND

Carl M. Loffler, Jr., President

W. Edward Bailey, Commissioner

Robert T. Jarboe, Commissioner

John G. Lancaster, Commissioner

Barbara R. Thompson, Commissioner

ATTEST:

Edward V. Cox
County Administrator

Charles H. Wade, Jr.
Director of Finance

Jul. Co. Comm. AUG 12 1992 EVELYN W. ARNOLD, CLERK

BOOK 0 3 8 PAGE 0 1 6 2

No.: 92-19

Subj: Wicomico Shores Taxing District

RESOLUTION 3:07PM08/07/920 CO.COM $0.00

The following Resolution was adopted by the Board of St. Mary's County Commissioners on the 4th day of August , 1992.

WHEREAS, the Board of County Commissioners of St. Mary's County, Maryland, is empowered under the provisions of Section 151 of the Code of Public Laws of St. Mary's County to construct and improve private roads after the approval of a petition of a majority of the property owners whose property benefits from said improvements; and

WHEREAS, the Board of County Commissioners has been petitioned by the residents of Wicomico Shores to create a special taxing district for the inclusion of the roads into the County's Highway Maintenance System and a public hearing was held on November 22, 1988 in order to consider said petition; and

WHEREAS, the County Commissioners, after the public hearing, adopted Ordinance No. 88-35, which listed the conditions of the taxing district; and

WHEREAS, Ordinance No. 91-06, dated March 12, 1991, amended Ordinance No. 88-35, to include certain residential lots inadvertently omitted from the special taxing district created by Ordinance No. 88-35; and

WHEREAS, the Ordinance listed the conditions of the taxing district, and the final condition of the Ordinance ordained that the construction and improvements of streets described shall begin only at such time as the St. Mary's County Metropolitan Commission shall receive all necessary federal, state and county permits for the construction of a wastewater treatment plant serving the various properties subject to the ordinance; and

WHEREAS, on March 31, 1992, the Metropolitan Commission obtained from the State of Maryland the discharge permit for the sewage treatment plant; and

WHEREAS, on July 22, 1992, the Metropolitan Commission obtained the construction permit from the State of Maryland.

NOW, THEREFORE, BE IT RESOLVED that the intent of the original Taxing District Ordinance has substantially been met by the issuance of the permits and the work on the roadways may now begin in order to bring all of the roads within the subdivision up to County standards.

ATTEST:

Edward V. Cox

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:

Joseph R. Densford

Joseph R. Densford, County Attorney

BOARD OF ST. MARY'S COUNTY COMMISSIONERS

Carl M. Loffler, Jr., President

W. Edward Bailey, Commissioner

Robert T. Jarboe, Commissioner

John G. Lancaster, Commissioner

Barbara R. Thompson, Commissioner

Bd. Co. Comm.

AUG 12 1992

EVELYN W. ARNOLD, CLERK

Ordinance No. 292-03
Subject: Zoning Ordinance Amendment
Floodplain Regulations

ORDINANCE

11:58AM08/12/92E CO.COM $0.00

AN ORDINANCE AMENDING THE ST. MARY'S COUNTY ZONING ORDINANCE ESTABLISHING COMPREHENSIVE FLOODPLAIN REGULATIONS FOR ST. MARY'S COUNTY, MARYLAND, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 66B OF THE ANNOTATED CODE OF MARYLAND, AS AMENDED.

WHEREAS, Article 66B of the Annotated Code of Maryland, as amended, empowers the Board of Commissioners of St. Mary's County, Maryland to enact a zoning ordinance and to provide for its administration, enforcement and amendment; and

WHEREAS, the Board of County Commissioners deems it necessary for the purpose of promoting the health, safety, morals and general welfare of the county to enact such an ordinance providing specifically for floodplain regulation; and

WHEREAS, the Board of County Commissioners, pursuant to the provisions of Article 66B of the Annotated Code, as amended, have appointed a Planning Commission to provide recommendations on matters of zoning regulation; and

WHEREAS, it is vitally important to the development of the community to maintain currency in the Federal Flood Insurance Program, said regulations accomplishing this objective; and

WHEREAS, on January 27, 1992 and February 10, 1992, following due public notice, the Planning Commission held a public hearing thereon, and submitted its final recommendation to the Board of County Commissioners; and

WHEREAS, the County Commissioners gave due public notice of a hearing relating to the floodplain district regulations and restrictions, and on June 2, 1992 held such public meeting thereon; and

WHEREAS, all requirements of Article 66B of the Annotated Code of Maryland, as amended, with regard to the preparation of the recommendation of the Planning Commission and subsequent action of the Board of County Commissioners have been met.

NOW, THEREFORE, BE IT ORDAINED, by the Board of County Commissioners of St. Mary's County, Maryland, as follows:

1. That the attached "Flood Plain Regulations", section 38.03 of the St. Mary's County Zoning Ordinance, No. 90-11, as amended, is hereby repealed and reenacted as pages 3-48 through 3-52f "Floodplain Regulatory Floods and Flood Hazard Areas."

That this ordinance shall take effect upon its adoption.

Adopted this 28th day of July, 1992.

Effective Date: JULY 28, 1992

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY MARYLAND

CARL M. LOFFLER, JR., President

W. EDWARD BAILEY, Commissioner

ROBERT T. JARBOE, Commissioner

JOHN E. LANCASTER, Commissioner

BARBARA R. THOMPSON, Commissioner

Attest:

EDWARD V. COX
County Administrator

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:

JOSEPH R. DENSFORD
County Attorney

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38.02 CRITICAL AREA (CA) OVERLAY DISTRICT

1. PURPOSE

The Critical Area Overlay District is created to implement the St. Mary's County ORDINANCE for the Chesapeake Bay Critical Area Program adopted by the Board of County Commissioners on the 27th day of March, 1990 (Ordinance No. 90-02), and said ORDINANCE is incorporated herein by reference.

2. APPLICABILITY

6/26/91 All lands within 1,000 feet of the heads of tides and state or private wetlands comprise the "Critical Area" and are hereby subject to the restrictions and requirements of this Critical Area Overly Zoning District in addition to the restrictions and requirements of the applicable underlying zoning districts. Particularly, all zoning districts which extend to the shoreline are overlaid by the regulations of said ORDINANCE No. 90-02. Residential densities within the critical area shall be at a rate of one unit per 20 acres within the Resource Conservation Area (RCA) and as permitted by the intensity of the underlying zoning district for Intensely Developed Areas (IDA) and Limited Development Areas (LDA).

3. DENSITY CALCULATION

Where a property is divided between an RPD or RL zoning district and an RCA overlay classification, there shall be a corresponding separation of available densities: only within the portion of such property which is unaffected by the overlay may an RPD or RL density be calculated.

38.03 FLOOD PLAINS, REGULATORY FLOODS AND FLOOD HAZARD AREAS

~~1. INTENT~~

~~The following provisions are established to avoid and lessen the hazards to persons and damages to property resulting from flood inundation by protecting stream channels from encroachment, preserving the capacity of the flood plains to retain and discharge floodwater, preserving natural flood barriers, and by development standards for buildings and structures consistent with flood hazards. These regulations include, embrace, and require adherence to all applicable portions, definitions and requirements of National Flood Insurance Program Requirements 44FR, May 31, 1979, as amended.~~

1. *PURPOSE AND GENERAL PROVISIONS*

a. *Purpose and Authority*

The purposes of this ordinance are to protect human life and health, minimize property damage, encourage appropriate construction practices to minimize future damage, protect individuals from unwittingly buying land subject to flood hazards, and to protect water supply, sanitary sewage disposal, and natural drainage. The prevention of unwise development in areas subject to flooding will reduce financial burdens to St. Mary's County, and will prevent future displacement and suffering of its residents. This protection is achieved through the review of all activities proposed within identified floodplains and by the issuance of permits for those activities that comply with the objectives of this ordinance.

Floodplains are an important asset to the community. They perform vital natural functions such as temporary storage of floodwaters, moderation of peak flood flows, maintenance of water quality, groundwater recharge, prevention of erosion, habitat for diverse natural wildlife populations, recreational opportunities, and aesthetic quality. These functions are best served if floodplains are kept in their natural state. Wherever possible, the natural characteristics of floodplains and their associated wetlands and water bodies should be preserved and enhanced.

This Ordinance provides a unified, comprehensive approach to floodplain management which addresses these natural floodplain functions and the Federal and State programs concerned with floodplain management. These programs are: the National Flood Insurance Program (44 CRF 59-79); the Maryland Waterway Construction Permit Program for nontidal floodplains; the Maryland Tidal and Nontidal Wetlands Permit Programs; the U.S Army Corps of Engineers' Section 10 and 404 Permit Programs; and the Maryland Coastal Zone Management Program. Decisions to alter floodplains, especially floodways and stream channels, should be the result of careful planning processes which evaluate resource conditions and human needs.

b. Abrogation and Greater Restrictions

This Ordinance supersedes any ordinance in effect in floodprone areas. However, any other ordinance shall remain in full force to the extent that its provisions are more restrictive.

2. OFFICIAL FLOODPLAIN MAP *AND ESTABLISHMENT OF FLOODPLAIN ZONES*

When prepared for St. Mary's County, the official Flood Hazard Boundary Map together with all explanatory material thereon and thereto, as may be adopted by reference and declared to be part of this ORDINANCE, shall be available for public inspection in the Office of the Planning Director. By their resolution of

February 24, 1987, the County Commissioners adopted the Flood Insurance Rate Maps dated February 1987 for St. Mary's County, with emphasis on height elevation rather than the actual detail of the maps.

a. *Identification of Flood Zones*

The regulatory floodplain shall be those areas of St. Mary's County which are subject to the 100-year flood, delineated on the most recent revision of the community's Floodway Maps and Flood Insurance Rate Maps (FIRM) and described in the Flood Insurance Study (FIS) prepared by the Federal Emergency Management Agency (FEMA). Floodway Maps and the FIS, if available for the community, must be used. Areas along nontidal streams that do not have FEMA delineations as described above are subject to regulation by this ordinance and the State.

b. *Floodplain Zones*

A community may have one or more of the following floodplain zones:

***Nontidal Floodplains** consist of the Floodway and the Floodway Fringe. Nontidal floodplains may have detailed engineering study data, profiles, and water surface elevations, or may have approximate delineations only.*

***Tidal Floodplains** consist of areas subject to coastal or tidal flooding by the 100-year flood. These areas are flooded due to high tides, hurricanes, tropical storms, and steady on-shore winds.*

***Coastal High Hazard Areas** consist of areas subject to coastal or tidal flooding with the addition of high velocity water and wind action. These areas are designated as V-Zones on the Flood Insurance Rate Maps.*

c. *Floodplain Boundaries*

(1) *Floodplain Zone Determination*

The local permitting official will determine the floodplain zone in which the development activity is proposed using the Floodway Maps and FIS if available, or, if not, by using the FIRM. Without prior approval from FEMA, the community shall use no other data to enforce floodplain management regulations. Where map boundaries and elevations disagree, elevations prevail, with no approval from FEMA required.

(2) *Approximate Floodplain Determination.*

For development proposed in the approximate floodplain (no water surface elevations or floodway data provided), the applicant must use the best available information to determine the elevation of the 100-year flood and the extent of the floodway, and must delineate these on the site plan submitted for approval. For new subdivisions, the applicant must have the 100-year flood elevations certified by a registered professional engineer based on hydrologic and hydraulic analyses which include a floodway analysis. For individual lot development, if no data are available, the point-on-the-boundary method may be used. In this method, the distance is scaled from a reference point at the site to the edge of the 100-year floodplain boundary indicated on the FIRM. An elevation of the 100-year flood is determined at that point by survey.

(3) *Unmapped Streams*

In cases in which development is proposed in the vicinity of "U.S.G.S. blue line" streams, which have no delineated 100-year floodplain, a 50 foot drainageway protection buffer from the centerline of the stream in accordance with §49.02 must be used. State permits may be required and applicants are advised to seek a determination from the State.

3. APPLICATION AND INTERPRETATION

The floodplain regulations herein shall apply to all lands within the unincorporated area of St. Mary's County being subject to inundation by floodwaters of the one-hundred (100) year, regulatory flood, or base flood. Floodplain and flood hazard boundaries shown on the official floodplain map, when adopted, shall be determined by scaling distance on said map. Where interpretation is needed as to the exact location of boundaries, the planning director shall make the necessary interpretation. Any person contesting the interpretation of the location of boundaries or those boundaries shown on the official floodplain map may appeal the decision to the board of appeals and shall submit his own technical evidence.

a. *Applicability*

Any person or entity proposing to do any development within the floodplain zone regulated by this ordinance must first obtain a permit for that development from the local permitting agency, and must comply with all provisions of this ordinance.

b. *Partial Invalidity and Severability*

If any part of this ordinance is declared invalid, the remainder of the ordinance shall not be affected and shall remain in force.

c. Disclaimer of Liability

The degree of flood protection provided by this Ordinance is considered reasonable for regulatory purposes and is based on engineering experience and scientific methods of study. Floods of greater magnitude may occur or flood heights may be increased by man-made or natural causes. This Ordinance does not imply that flooding will not occur outside of the delineated floodplain zone, nor that permitted development and land uses within the floodplain will be free of flooding and associated flood damage. This Ordinance does not create liability on the part of St. Mary's County, any officer, or employee thereof for any damage which may result from reliance on this Ordinance.

4. *PERMIT PROCEDURES*

a. *General*

A permit is required for all development in any Floodplain Zone. It shall be granted only after all necessary permit applications are submitted to federal and State agencies. A permit issued by the local permitting official under this ordinance is not valid until all necessary permits for development are obtained. Receipt of federal or State permits does not exempt development from the provisions of this ordinance.

b. *Information Required for a Permit*

Applications for a Building Permit shall contain, at a minimum, the following information:

(1) name, address, and phone number of applicant (owner or agent of owner);
(2) name, address, and phone number of owner, if different;
(3) name, address, and phone number of contractor, if known
(4) legal description of site location;
(5) proposed uses for the site;
(6) type, dimensions, and estimated cost of development proposed;
(7) site characteristics and improvements; and
(8) other information deemed appropriate by the local permitting official.

All permit applications must have a site plan drawn to scale which shows:

(1) dimensions of site;
(2) size and location of existing and proposed structures or alterations;
(3) setbacks;
(4) elevation contours in mean sea level (NGVD);
(5) delineation of the 100-year flood elevation and boundary; and

(6) proposed elevation of the lowest floor and method of elevation, if applicable.

The local permit official may require plans for tree maintenance, stormwater management, revegetation, establishment of vegetated buffers, and final grading as part of the permit application process.

All applicants shall agree in writing to provide an Elevation Certificate completed by a registered professional engineer or surveyor to certify the as-built lowest floor of a structure which must be elevated to or above the Flood Protection Elevation.

An Elevation Certificate must be submitted before a Certificate of Occupancy may be issued. Work undertaken prior to submission of the certification is at the applicant's risk. For enclosed areas below the Flood Protection Elevation, a Nonconversion Agreement may be required, which includes an agreement to install water equalizing vents as specified in §38.03.6(b) of this ordinance.

If an improvement to an existing structure is proposed, adequate information on the cost of the improvement and the market value of the structure before the improvement must be supplied to the local permitting official to allow a determination of substantial improvement. The local permitting official may use tax assessment records to determine substantial improvement. In floodway and coastal high hazard areas, permits shall be tracked by property location to determine if the cumulative value of improvements constitutes substantial improvement of a structure.

c. Subdivision Proposals

In addition to the information required in §38.03.4(b), an applicant for subdivision in the nontidal floodplain zone shall submit a plan to demonstrate that a building site for each lot is outside of the 100-year floodplain. The local permitting official shall assure that a plan for the perpetual protection of the floodplain areas in their natural state as required under §38.03.5(a)(5) and §49.02 is included.

Subdivision plans for the tidal floodplain zone shall be reviewed to assure that the provisions of §38.03.5(a)(5) are met, especially with regard to avoiding wetlands, low areas, and existing forest cover.

In all floodplain subdivisions, plans for maintenance of forest cover, buffers, revegetation, accommodation of stormwater runoff, prevention of erosion, and other plans required by the local permitting official must be submitted with subdivision proposals as applicable. The plans shall

be evaluated as a whole to achieve maximum preservation of the natural and beneficial floodplain functions, desirable resources, and characteristics of each site. The plan for utility ingress, stormwater drainage structures, road access, and other rights of way shall be evaluated in light of the site characteristics.

d. Issuance of Permit

(1) Considerations

Prior to issuance of a permit, the local permitting official shall determine the location of the project relative to floodways, floodplains, or V-zones and shall note on the permit the proper elevation to which the lowest floor of proposed structures must elevated. In approximate floodplains where an elevation is not available, the applicant shall be required to obtain such elevation. The applicant must agree to secure all other required permits, an Elevation Certificate, Floodproofing Certificate, engineering analysis, or other required verifications deemed appropriate by the local permitting official.

Permits shall be granted by the local permitting official only after determining that the proposed development will be in complete conformance with the requirements of this ordinance and all other applicable local codes and ordinances. All other necessary permits or approvals must be applied for or granted. Permits are valid only after all other necessary permits are granted.

(2) Dam Safety

Caution should be exercised when approving development downstream of existing or proposed dams. The condition of the dam, as well as the design criteria, hazard class, and the danger reach, should be investigated to avoid increasing potential hazards. Dams must meet design criteria based on the potential impacts downstream of the dam. Downstream development within the dam break flood wave shall be denied unless the dam meets the design standards for a high hazard dam.

(3) After Issuance and During Construction

After issuance of a permit, no changes of any kind shall be made to the application, permit, or any of the plans, specifications, or other documents submitted with the application without the written approval of the local permitting official. A copy of the permit or other verification must be displayed at the construction site during construction activity.

Work shall be completed within one year of the date of the permit unless a greater time is specified in the permit or a written extension is granted.

During construction, the local permitting official or an authorized representative shall inspect the site to determine that the work is in compliance with the permit. Any work found to be noncompliant must be corrected before any additional work is undertaken.

(4) Record of Permits

A record of all floodplain permits shall be maintained and be available upon request by the Federal Emergency Management Agency or its authorized agent (Water Resources Administration) during periodic assessments of St. Mary's County's participation in the National Flood Insurance Program. All documents needed to support any permit action, such as Elevation Certificates, map amendments or revisions, variance actions, shall be available for review during these assessments.

e. Conditioned Permits For Accessory Structures and Garages

A conditioned permit may be issued at the discretion of the local permitting official when the 300 square foot exemption is exceeded for accessory structures up to a total size of 600 square feet. In order to qualify, the structure's use must be incidental to the primary structure, and it can be used only for limited storage and parking of vehicles. The provisions of §38.03.6(f) must be met.

A conditioned permit is subject to the applicant's completion of a Nonconversion Agreement stating that the use of the accessory structure may not change from that permitted and that it must be equipped with the proper water equalizing vents. A statement of the greater flood risk and possibly higher flood insurance premiums must be included. In addition, a recordation on the deed or Memorandum of Land Restriction must be made as described in §38.03.7(b), stating that the permitted structure may not be used for human habitation without first complying with the construction requirements of this ordinance.

f. Fees

A fee may be charged at the time of application as determined by the St. Mary's County Commissioners.

g. Penalties

A person who does not comply with a permit issued pursuant to the provisions of this ordinance is guilty of a misdemeanor. Alternatively or in addition, the violation may be considered a civil infraction and a fine imposed, but a

fine does not excuse the violation. Each day a violation continues is a separate offense. The violation must be corrected prior to any further work progressing on the project.

The Federal Insurance Administrator and the Maryland Water Resources Administration must be notified by the local permitting official within 30 days after issuance of the citation of any violation which requires a fine or court appearance. New or renewal federal flood insurance may be denied any structure remaining in violation of this Ordinance. The violation may also violate State law, may be subject to separate action, and may incur a separate penalty.

~~4. DESIGN STANDARDS FOR DEVELOPMENTS AFTER AUGUST 1, 1986~~

~~Any parcel for which a development plan, subdivision plat, or site plan has not been submitted by August 1, 1986 is subject to the following design criteria if the parcel is developed such that a site plan, subdivision, or development plans required prior to development:~~

~~a. All development subject to these regulations must establish the following buffer and setback zones:~~

~~(1) A water quality protection zone is established which includes all land twenty five (25) feet from the following natural features: all tidal and nontidal waters and wetlands (except man made ponds and basins), 100 year floodplains, Evesboro Westphalia and other highly erodible soils (K value greater than .37) on slopes twenty percent (20%) or greater. There shall be no construction or clearing within the water quality protection zone except for piers, boardwalks, other structures for water access, structures for erosion control or accessory structures which do not exceed a cumulative total of one hundred forty four (144) sq ft.~~

~~(2) A water quality protection buffer is established one hundred fifty (150) feet landward from the inland edge of the water quality protection zone. No more than ten percent (10%) of the area within the buffer may be covered with impervious surfaces.~~

~~(3) Extraction of natural resources is permitted in the zone and the buffer under the terms of the Critical Area Ordinance and an approved mining and reclamation plan.~~

~~b. In lieu of the standards established in subsection a. above, the development may be designed to comply with the following performance standards:~~

~~(1) Water flowing off the site shall be of equal or better quality than that prior to development with regard to suspended solids, total nitrogen, total phosphorous, biological oxygen demand, and other pollutants;~~

~~(2) Peak discharge for stormwater shall conform to the standards set forth in SECTION 52.03;~~

~~(3) Streamside vegetation, providing shading of water courses and wildlife movement corridors shall be preserved.~~

~~c. These standards do not apply to building lots recorded prior to August 1, 1986.~~

~~d. These standards do not apply to road construction where roads cross streams. However, roads must be designed to minimize construction in the water quality protection zone and water quality protection buffer. Road must be designed to permit normal flow of stream.~~

~~5. DESIGN STANDARDS FOR DEVELOPMENTS PRIOR TO AUGUST 1, 1986~~

~~a. No use, building, structure, or fill shall be permitted which, acting alone or in combination with existing or proposed uses impairs the discharge capability of the floodplain or increases the water surface elevation of the flood more than one foot, except where the effects on greater flood heights are fully offset by approved stream improvements.~~

~~b. No use, building, structure, or fill shall be permitted which, acting alone or in combination with existing or proposed uses, impairs the capacity of sand dunes, barrier beaches, and other natural barriers to provide protection from wind, waves, and erosion, except where the effects of any alteration or removal of natural protective barriers are fully offset by approved artificial barriers.~~

BOOK 0 PAGE 0 - 1

~~c. Principal residential structures hereafter erected or moved within floodplain or flood hazard area shall have the base floor elevation of not less than one foot above the water surface elevation of the regulatory flood. If fill is to be used to raise the elevation of the structure, such fill shall be at an elevation not less than one foot above the water surface elevation of the regulatory flood and shall extend laterally not less than ten feet beyond the limit of the structure.~~

~~d. Principal non-residential structures hereafter erected or moved within floodplain shall have a base floor elevation of not less than one foot above the water surface elevation of the regulatory flood or flood hazard area, and be floodproofed to not less than one foot above the water surface elevation of the regulatory flood.~~

~~e. The elevation of the finished surface at the crown of any new street constructed within a floodplain or flood hazard area shall not be less than the water surface elevation of the regulatory flood.~~

~~f. New or replacement sanitary sewage and water supply systems shall be designed to eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters except for an approved point of discharge. On-site waste disposal and water system shall be so located and constructed as to avoid impairment contamination during or subsequent to flooding.~~

5. *SITE DEVELOPMENT REGULATIONS IN FLOODPLAIN ZONES*

In order to prevent excessive flood damage and to allow for the protection of the natural and beneficial floodplain functions, the following provisions shall apply to all development, new construction, and substantial improvements to existing structures in all floodplain zones. If a structure is in more than one zone, the more stringent provisions shall apply to the entire structure. The specific requirements contained in Article V also apply to development. Any approved development shall comply with all other zoning, environmental, water quality and sanitary regulations, as well as applicable State and federal requirements.

Watercourses

In all floodplain zones, any development which proposes to alter a watercourse must obtain a variance. All conditions for encroachment in the floodway must be met and adverse impacts to aquatic resources must be minimized. Adjacent communities and property owners, FEMA, and the Maryland Water Resources Administration must be notified by the applicant before any modification may occur to watercourses. Any activity falling within the 100-year nontidal floodplain may require a waterway construction permit from the Maryland Water Resources Administration.

Wetlands

Encroachment by development into wetlands is not allowed without State and federal permits. It is State and federal policy that disturbance of wetlands shall be avoided. The applicant must demonstrate that no alternatives exist and the encroachment is the minimum necessary. Mitigation may be required by the appropriate regulatory authorities.

Sediment and Stormwater Management

Any land disturbance permitted in the floodplain must have a stormwater management and sediment and erosion control plan as required by State and local regulations. The plan must include design of land contours that will not increase surface water runoff onto neighboring properties. Ground cover must be established immediately after disturbance, and a plan for permanent plantings, including trees, should provide for adequate vegetative cover within the flood protection setback from watercourses to prevent erosion.

a. Nontidal and Tidal Floodplain Zones

(1) General

Development may not occur in the floodplain where alternative locations exist due to the inherent hazards and risks involved. Before a permit is issued, the applicant shall demonstrate that new structures cannot be located out of the floodplain and that encroachments onto the floodplain are minimized.

(2) Elevation Requirements - New and Substantially Improved Structures

Residential Structures

All new or substantially improved residential structures, including manufactured homes, shall have the lowest floor elevated to or above the Flood Protection Elevation. Basements are not permitted. In nontidal floodplains, horizontal expansions which increase the footprint and that are less than substantial shall also have the lowest floor elevated to or above the Flood Protection Elevation. The elevation of the lowest floor shall be certified by a registered surveyor or professional engineer on the Elevation Certificate, after the lowest floor is in place. Enclosures below the Flood Protection Elevation must be constructed with water equalizing vents to meet the specifications of §38.03.6(b). Improvements in tidal floodplains which are less than substantial shall be constructed to minimize damage during flooding or shall be elevated to the greatest extent possible.

Nonresidential Structures

All new or substantially improved nonresidential structures shall either be elevated as set forth above for residential structures or shall be floodproofed. Horizontal expansions in the nontidal floodplain which increase the footprint and that are less than substantial shall also have the lowest floor elevated to or above the Flood Protection Elevation. State regulations do not allow basements or the floodproofing option for new nonresidential structures in

nontidal floodplains.

Floodproofing designs must insure that areas below the Flood Protection Elevation are watertight with walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If the floodproofing option is chosen, a Floodproofing Certificate must be completed by a registered professional engineer or architect who shall review the design and specifications and certify that the nonresidential structure will meet this standard.

(3) Fill

The placement of more than 600 cubic yards of fill per parcel/lot in the floodplain is prohibited except by variance. Elevating buildings by other methods must be considered unless 600 cubic yards or less of fill are required. An applicant shall demonstrate that fill is the only alternative to raising the building to at least the Flood Protection Elevation, and that the amount of fill used will not affect the flood storage capacity or increase flooding onto neighboring properties.

In the event buildings on adjacent properties are known or determined to be subject to flooding under current conditions, the local permitting official may require submission of hydrologic and hydraulic analyses to adequately demonstrate the effects of the proposed fill. The conditions described in §38.03.6(h) must be met whenever fill is used.

(4) Drainageway Protection Buffer Requirement

A 50 foot drainageway protection buffer in accordance with §49.04 shall be maintained from the edge of the banks of any watercourse delineated as having a floodplain on the Floodway Map or FIRM, except where the setback may extend beyond the floodplain. To prevent erosion, natural vegetation shall be maintained in this area. Where natural vegetation does not exist along the water course, and conditions for replanting are suitable, high priority shall be given to planting trees in the setback area to stabilize banks and to enhance aquatic resources.

A 50 foot drainageway protection buffer in accordance with §49.02 shall be maintained from the top of the bank of any stream which has no designated floodplain. Natural vegetation shall be maintained and, if needed, trees planted.

For activities within the Chesapeake Bay Critical Area, the Critical Area 100 foot Buffer shall control. New construction is prohibited within the 100 foot Buffer without a variance.

The local permitting official may consider a variance if the applicant demonstrates that it is impossible to allow any development without encroachment into the aforementioned buffer areas. The variance shall be the minimum necessary and shall be made only after due consideration is given to varying other siting standards, such as side, front, and back lot line setbacks. Necessary public works and temporary construction may be exempted from this Section.

(5) Subdivision Requirements

To achieve long-term flood damage avoidance and protection of the natural and beneficial floodplain functions, creation of any new flood-prone building sites shall not be permitted in any new subdivisions regardless of size, number of lots, and location, except in tidal floodplains.

Within new subdivisions, the floodplain areas and their natural vegetation shall be preserved as natural buffer areas, open space, recreation, and similar compatible uses by deed restriction, restrictive covenants, or other similar instrument or donation to a land trust. At a minimum, the area preserved shall include the drainageway protection buffer area, and, to the greatest extent possible, other floodplain areas. Steep slopes and forested areas adjacent to watercourses shall also be given high priority for preservation.

All other provisions of this section, §38.03.5 and Article V apply to subdivisions. The local permitting official may specify additional provisions in the plan review process as necessary to comply with the subdivision regulations.

Nontidal Floodplains

In new subdivisions in nontidal floodplains, each lot platted must have a suitable building site outside the floodplain. Consideration must be given to clustering development out of the floodplain. The drainageway protection buffer requirement of Table 49.04 shall be met. An access road at or above the elevation of the 100-year flood shall be provided.

Tidal Floodplains

New subdivisions in tidal floodplains shall be designed to develop the highest natural land available before floodplain lots are platted. The drainageway protection

buffer requirement of Table 49.04 shall be met. High priority should be given to clustering development out of the floodplain while preserving the low lying land and forested areas in natural vegetation.

b. Floodways

(1) General

Floodways shall be preserved to carry the discharge of the 100-year flood. Floodways present increased risks to human life and property because of their relatively faster and deeper flowing waters. Fill shall not be permitted. New structures shall not be permitted. New development shall not be permitted in the floodway where alternatives exist elsewhere or if any increase in water surface elevations will result from the 100-year flood.

Any development in the floodway which may result in any increase in water surface elevations or change to the floodway must be submitted to FEMA for a Conditional Letter of Map Revision. Hydrologic and hydraulic analyses based on existing floodway models and performed in accordance with standard engineering practices and certified by a registered professional engineer must be submitted. Failure to receive this Letter shall be grounds for denial of the permit.

An alternative analysis must be prepared for any development in the floodway before a permit may be issued. The provisions of §38.03.5(a) above, as well as §38.03.5(b), apply to floodways.

(2) Alternative Analysis Requirement

Before a permit may be issued, an applicant shall submit an alternative analysis which demonstrates that:

a. no reasonable alternatives exist outside the floodway;
b. encroachment in the floodway is the minimum necessary;
c. the development will withstand the 100-year flood without significant damage; and
d. the development will not increase downstream or upstream flooding or erosion.

(3) Existing Structures

Existing structures in the floodway shall be substantially improved only by variance and if they can be brought into conformance with this Ordinance without increasing the footprint. Minor additions (less than substantial) must be elevated to the Flood Protection Elevation on pilings or columns. In the event of substantial damage or replacement, the applicant shall submit an alternative

analysis to determine if the structure can be relocated to a less hazardous site. Where replacement structures cannot be relocated, they shall be limited to the footprint of the previous structure and must comply with the elevation requirements of §38.03.5(a)(ii) of this Ordinance. Permits for incremental improvements and additions shall be tracked by the local permitting official, and if cumulative improvements constitute substantial improvement, no further permits may be issued unless the structure conforms to the provisions of this Ordinance.

(4) Maintenance of Natural Channel

The natural watercourse shall be maintained for protection of aquatic resources. A variance is required for alteration of watercourses. Any variance issued must assure that the conditions for encroachment in the floodway are met, adverse impacts to aquatic resources are minimized, and the public outweighs the adverse impacts. The provisions of §38.03.5 pertaining to altering a watercourse must be met.

(5) Obstructions

Structures or fill which may impede, retard, or change the direction of the flow of flood waters, or any materials that may be carried downstream to cause damage shall not be placed in the floodway. Fences, except two wire fences, shall not be placed in the floodway.

c. Coastal High Hazard Area (V-Zone)

(1) General

New development shall not be permitted in the coastal high hazard area where the action of wind and waves, in addition to tidal flooding, is a factor unless the applicant demonstrates that:

(a) no reasonable alternative exists outside the coastal high hazard area;
(b) the encroachment into the coastal high hazard area is the minimum necessary;
(c) the development will withstand the 100-year wind and water loads without damage;
(d) the development will not create an additional hazard to existing structures; and
(e) any natural dune system will not be disturbed.

(2) New and Substantially Improved Structures

All new or substantially improved structures shall be elevated on adequately anchored pilings or columns to resist flotation, collapse, and lateral movement due

to the effects of the 100-year water loads and wind loads acting simultaneously on all building components. Water loading values shall be those associated with the base flood, and wind loading values shall be those required by local building standards. The bottom of the lowest horizontal structural member supporting the lowest floor shall be elevated to or above the Flood Protection Elevation. Building designs and elevations must be certified by a registered professional engineer or architect knowledgeable in such designs that the building has been designed to withstand the water and wind loads and be anchored properly. The use of slabs or other at grade foundation systems is prohibited.

The space below the Flood Protection Elevation shall be free of obstruction or may be enclosed with open wood lattice, insect screening, or breakaway walls. Glass walls are not to be considered breakaway walls. Breakaway walls shall be designed to collapse under a wind and water load less than would occur during the 100-year flood, and have a designed safe loading resistance of not less than 10 pounds and no more than 20 pounds per square foot. Enclosed areas below the Flood Protection Elevation shall be used solely for the parking of vehicles, limited storage, and building access. If such areas are enclosed, a Nonconversion Agreement, described in §38.03.4(e), must be signed by the applicant.

(3) Manufactured Homes and Recreational Vehicles

Manufactured homes are not permitted in the coastal high hazard area. Recreational vehicles must meet the requirements of §38.03.6(g).

(4) Fill and Excavation

The use of fill for the structural support of buildings is prohibited. Excavation under existing structures or excavation within any enclosed space is prohibited.

Earth or sand removed for the proper placement of pilings or columns shall be replaced. Excavation to create a basement is prohibited.

(5) Location of Structures

New construction within the reach of mean high tide is prohibited. New construction within the 50 foot drainageway protection buffer as described in §38.03.5(a)(iv) is prohibited. Alteration of the dune system is prohibited.

(6) *Existing Structures*

Existing structures located in the V-zone shall not be substantially improved or expanded vertically or horizontally unless the entire foundation system is certified by a professional engineer or architect as capable of supporting the existing building and the proposed improvement during the 100-year storm as specified in §38.03.5(c)(ii). Permits for incremental improvements shall be tracked, and when cumulative improvements constitute substantial improvement, the entire building must comply with §38.03.5(c)(ii).

~~DATA REQUIREMENTS~~

~~Each application for a zoning permit, site plan, subdivision or other development may be required to be accompanied by such information as is necessary to determine the water surface elevation of the regulatory flood at the proposed site, and the impact of the proposed development on the water surface elevation of the regulatory flood or flood hazard area, and the discharge and holding capacity of the floodplain. Such information may include but is not limited to the following:~~

~~a. Plans drawn to scale showing the location, dimensions, and elevation of the site to stream channel or shoreline.~~

~~b. Typical cross sections showing the stream channel or shoreline and the elevation of land adjoining the channel or shoreline at the proposed development site.~~

~~c. An estimation of the discharge of the regulatory flood and water surface elevation at the proposed site in riverine situations, and high low tide information and water surface elevations of the regulatory flood at the proposed site in shoreline situations.~~

~~d. Specifications, surface view, and profile view plans showing proposed fill, finished elevation and ground contours, and the location, arrangement, and elevations of structures in relation to the river channel or shoreline.~~

~~e. Proposed channel improvements or proposed shoreline barriers.~~

6. *SPECIFIC REQUIREMENTS*

In addition to the requirements outlined in §38.03.5, the following specific requirements must be applied.

a. Placement of Buildings and Materials

In general, buildings and accessory structures should be located entirely out of the floodplain, out of the flood

protection setback, or on land that is least susceptible to flooding. All structures permitted in the floodplain shall be oriented so as to offer the least resistance to the flow of flood waters. Materials which are buoyant, flammable, explosive, hazardous to health, or which at times of flooding may be injurious to human, animal, or plant life, shall not be stored below the Flood Protection Elevation.

b. Enclosures Below Lowest Floor

Buildings which have been elevated and have fully enclosed areas below the Flood Protection Elevation, as well as garages and accessory structures which are not elevated (§38.03.6(f)), shall be constructed with water equalizing vents which meet or exceed the following standards:

(1) a minimum of two openings on different walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
(2) the bottom of all openings shall be no higher than one foot above grade; and
(3) openings may be equipped with screens, louvers, valves, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters to equalize hydrostatic forces on the walls.

Fully enclosed areas below the Flood Protection Elevation shall be used solely for parking of vehicles, access to the building, or storage. If such areas are enclosed, a Nonconversion Agreement as described in §38.03.4(e) must be signed by the applicant.

In coastal high hazard areas, enclosures below the Flood Protection Elevation shall comply with the provisions of §38.03.5(c)(ii) of this Ordinance.

c. Manufactured Homes and Manufactured Home Parks

New manufactured homes and manufactured home parks are prohibited in the coastal high hazard area and in the floodway. In other floodplain zones, all new, replacement, or substantially improved manufactured homes, whether in a manufactured home park or not, shall comply with §38.03.5(a)(ii) of this ordinance.

Methods of anchoring shall include use of over-the-top and frame ties to ground anchors. Pilings or columns shall be used to maintain storage capacity of the floodplain. Concrete block support pilings must be reinforced by placing reinforcing bars inside and extending them into the footing, filling the hollows with cement, and using mortar to cement the blocks together. FEMA Publication 85, "Manufactured Home Installation in Flood Hazard Areas", should be consulted for specific recommendations.

Manufactured homes repaired or replaced because of substantial damage due to flooding or other causes are considered to be new structures and must fully comply with §38.03.5(a)(ii).

Owners of manufactured home parks or subdivisions that are partially or fully within the floodplain must file an evacuation plan with the local emergency management agency. In nontidal floodplains, a flood free access road shall be provided in all new manufactured home parks and subdivisions.

d. *Anchoring*

All structures shall be firmly anchored in accordance with acceptable engineering practices to prevent flotation, collapse, and lateral movement during flooding. All air ducts, large pipes, and storage tanks located below the Flood Protection Elevation shall be firmly anchored to resist flotation.

e. *Utilities*

Electric

All electric utilities to the building side of the meter, both interior and exterior to the building, are regulated by this Ordinance. Distribution panel boxes must be at least 2 feet above the Flood Protection Elevation. All outlets and electrical installations, such as heat pumps, air conditioners, water heaters, furnaces, generators, distribution systems, must be installed at or above the Flood Protection Elevation.

Plumbing

Toilets, sinks, showers, water heaters, pressure tanks, furnaces, and other permanent plumbing installations must be installed at or above the Flood Protection Elevation.

Gas

Gas meters, distribution lines, and gas appliances must be installed at or above the Flood Protection Elevation.

Water Supply and Sanitary Facilities

Water supply distribution and sanitary disposal collection systems must be designed to minimize or eliminate the infiltration of flood waters into the systems or discharges from the systems into flood waters and shall be located and constructed so as to minimize or eliminate flood damage. on-site sewage disposal systems shall meet these same standards.

BOOK 0 0 0 PAGE 0 1 2 6

f. *Accessory Structures and Garages*

Where feasible, accessory structures and garages should be located out of the floodplain or elevated to or above the Flood Protection Elevation. When these measures are not feasible the following apply:

(1) the floor of the structure must be at or above grade;
(2) the structure must be located, oriented, and constructed so as to minimize flood damage; and
(3) the structure must be firmly anchored to prevent flotation.

Attached Garages

A garage attached to the main structure shall be elevated to the greatest extent possible, but may be permitted as an exemption to the strict elevation requirement if it is used solely for parking of vehicles, storage, or building access and is no more than 600 square feet in area. Attached garages must meet the venting requirements of §38.03.6(b), have all interior walls, ceilings, and floors below the Flood Protection Elevation unfinished, and have no machinery or electric devices or appliances located below the Flood Protection Elevation. A Nonconversion Agreement as described in §38.03.4(e) must be signed by the property owner stating that the garage may never be used for human habitation without first becoming fully compliant with this ordinance.

Detached Garages and Accessory Structures

An accessory structure or detached garage may be permitted as an exemption to the elevation requirement if it is less than 300 square feet, used solely for parking of vehicles and limited storage, meets the venting requirements of §38.03.6(b), has all interior wall, ceiling, and floor elements below the Flood Protection Elevation unfinished, and has no machinery, electric devices, or appliances located below the Flood Protection Elevation. A Nonconversion Agreement must be signed by the property owner.

An accessory structure or a detached garage between 300 square feet and 600 square feet may be permitted below the Flood Protection Elevation only by a conditioned permit described in §38.03.4(e).

An accessory structure or garage larger than 600 square feet in area must be elevated properly or be able to meet all applicable requirements under the variance procedure in §38.03.7(a) of this Ordinance.

g. *Recreational Vehicles*

Recreational vehicles located within the floodplain may be exempted from the elevation and anchoring requirements provided they are:

(1) located on the site less than 180 consecutive days per year;
(2) fully licensed and ready for highway use; and
(3) properly permitted.

A recreational vehicle is ready for highway use if it is on its wheels and jacking system, is attached to the site only by quick disconnect type utilities and securing devices, and has no permanently attached additions. If it cannot meet all of these criteria, the recreational vehicle must be considered a manufactured home and is subject to the elevation and construction standards of this ordinance.

h. *Fill*

Fill is discouraged because storage capacity is removed from floodplains. other methods of elevating structures should be considered first, and fill used only if other methods are not feasible. Fill may not be placed in the floodway. Fill may not be used for structural support in coastal high hazard areas. Fill may not be placed in tidal or nontidal wetlands without the required State and federal permits.

Fill must consist of soil and rock materials only. Dredged material may be used as fill only upon certification of suitability by a registered professional geotechnical engineer. Landfills, rubble fills, dumps and sanitary fills are not permitted in the floodplain.

Fill used to support structures must be compacted to 95% of the maximum density obtainable by the Standard Proctor Test (ASTM Standard D-698), and its suitability to support structures certified by a registered professional engineer. Fill slopes shall be no greater than two horizontal to one vertical. Flatter slopes may be required where velocities may result in erosion.

The use of fill shall not increase flooding or cause drainage problems on neighboring properties.

7. *Variances*

a. *Reasons for Granting*

The Board of Appeals shall hear and decide appeals and requests for variances from the requirements of this Ordinance. Conditions may be attached to the variance action, and variance actions must be consistent with sound floodplain management. Variances may not be issued except

as specified below, nor shall variances be issued for any encroachment in floodways if any increase in the 100-year flood levels will result.

Variances shall only be issued upon:

(1) a showing of good and sufficient cause;
(2) a determination that failure to grant a variance would result in exceptional hardship (other than economic) to the applicant; and
(3) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing local and State laws or ordinances.

The variance action shall be the minimum necessary, considering the flood hazard, to afford relief. In considering a variance action, comments from the State Coordinating Office of the Water Resources Administration must be taken into account and maintained with the permit file.

b. Conditions

Variances may not be granted for the following:

(1) placement of fill or any development in the floodway if any increase in flood levels would result;
(2) placement of fill in the coastal high hazard area for structural support; or
(3) new buildings in the floodway.

For any variance issued, a letter shall be sent to the applicant indicating the terms and conditions of the variance, the increased risk to life and property in granting the variance, and the increased premium rates for National Flood Insurance coverage. The applicant shall be notified in writing of the requirement for recordation of these conditions on the deed or Memorandum of Land Restriction prior to obtaining a permit, and of the need to secure all necessary permits as conditions for granting a variance. The Memorandum is described in Article 3-102 and 3-103 of the Real Property Article of the Annotated Code of Maryland.

The local permitting official shall maintain a record of all variance actions and the justification for their issuance, as well as all correspondence. This record must be submitted as a part of the Biennial Report to FEMA, and be available for periodic review. The number of variance actions should be kept to a minimum.

c. *Functionally Dependent Uses*

Variances may be issued for new construction and substantial improvements for the conduct of a functionally dependent use. A functionally dependent use cannot perform its intended purpose unless it is located or carried out in close proximity to water. It includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. The variance may be issued only upon sufficient proof of the functional dependence. The provisions of §38.03.7(a) and §38.03.7(b) must be met and the structure must be protected by methods that minimize flood damage up to the Flood Protection Elevation and must create no additional threats to public safety. This may require methods of "wet floodproofing" which allow the structure to flood without significant damage. Methods of floodproofing must not require human intervention.

BOOK 008 PAGE 0130

NO. 92-20

SUBJECT: Roof Top Circle Special Taxing District Ordinance

O R D I N A N C E

12:33PM08/20/920 CO.COM $0.00

WHEREAS, the County Commissioners of St. Mary's County, Maryland, are empowered under the provisions of Section 151 of th Code of Public Local Laws of St. Mary's County to construct and improve private roads after the approval of a petition of a majority of the property owners whose property benefits from said improvements; and

WHEREAS, the County Commissioners of St. Mary's County, Maryland, have been petitioned by a majority of the residents in a portion of the Golden Beach Subdivision, requesting the County to reconstruct and improve a road in that portion of the Golden Beach Subdivision, which is located in the Fifth (5th) Election District of St. Mary's County, Maryland, as shown on Plat I, Section 3 of said subdivision, which is recorded among the Plat Records of St. Mary's County, Maryland, in Plat Book 3, Folio 59. The following street, as shown on the aforementioned plat of said subdivision, shall be improved to the approximate limits indicated herein:

> Roof Top Circle - From the intersection with County Oak Road to the intersection of Alison Circle, a distance of approximately 635 feet.

WHEREAS, the County Commissioners of St. Mary's County, Maryland, held a public hearing on July 28, 1992, in order to consider said petition; and

WHEREAS, the County Commissioners of St. Mary's County, Maryland, have determined to approve said petition in accordance with the provisions and reservations herein set forth.

NOW, THEREFORE, BE IT ORDAINED by the County Commissioners of St. Mary's County, Maryland, this 11th day of August, 1992, that the petition of the residents of that portion of Roof Top Circle in Golden Beach for the reconstruction and improvement of said street in said subdivision be approved; and

IT IS FURTHER ORDAINED that the County Commissioners of St. Mary's County shall construct and improve said street in accordance with specifications approved by the Director of Public Works and authorized by the County Commissioners.

IT IS FURTHER ORDAINED that upon completion of said construction and improvement, the County Commissioners of St. Mary's County, Maryand, shall accept said streets into the County Highway Maintenance System; and

IT IS FURTHER ORDAINED that the costs of said improvements and reconstruction shall be borne by the County and the property owners in accordance with the following:

1. The property owners are responsible for approximately $38,200.00 of the construction costs. This sum represents the property owners' share of the estimated cost required to bring the said street to the condition required by the approved set of plans, said share being equivalent to the cost of improving the street to a condition that would have been acceptable for inclusion within the County Highway Maintenance System at the time the subdivision was recorded.

2. The lot owners are responsible for all design costs for work performed by consultant engineers retained by the County for this project, with the exception of costs incurred for inspection of construction work.

3. The County is responsible for all in-house design and engineering costs.

4. The lot owners are responsible for all utility relocation costs.

5. The balance of construction costs shall be borne by the County.

6. The County shall be responsible for all costs associated with improving the road to a standard in excess of those required by the County at the time the subdivision was created, in particular, the costs of a bituminous concrete surface.

7. The inspection costs associated with the construction contract shall be borne by the County.

IT IS FURTHER ORDAINED that the cost of said construction and improvements attributable to those properties hereinafter named shall be paid over a 20-year period by an annual benefit assessment levied against said properties; and

IT IS FURTHER ORDAINED that said annual benefit assessment shall be computed as follows:

1. The "total benefit assessment" shall represent total costs of reconstruction and improvements to be borne by the lot owners, or a greater number if a subdivision of any lot occurs on any of said lots in the future, and is the total of the aforementioned items.

2. The "total benefit assessment" shall be divided by 20 to determine the "annual benefit assessment" to be levied against all of the lot owners for 20 years.

3. The "annual benefit assessment" shall be divided by the number of "contiguous lot" owners in existence in the subdivision on the first day of May of each assessment year to determine the annual cost to each lot.

4. A "contiguous lot" shall be defined as a single lot of record or two or more contiguous lots of record under common ownership and improved by no more than one residential dwelling.

IT IS FURTHER ORDAINED that the "annual benefit assessment" to be levied against all of the lots in the subdivision shall be approximately Two Hundred Seventy Three Dollars per year; and

IT IS FURTHER ORDAINED that the County Commissioners of St. Mary's County, Maryland, shall certify the amount of each assessment to the Treasurer of St. Mary's County, Maryland, on or before May 1 of the year following completion of the construction; and

IT IS FURTHER ORDAINED that the Treasurer of St. Mary's County, Maryland, shall place said annual benefit assessment on the State and County real estate tax bills for said "lots" for the next twenty (20) succeeding fiscal years and that said annual benefit assessments shall be subject to such discount allowances and interest penalties and charges as may be provided by law; and

IT IS FURTHER ORDAINED that said annual benefit assessment shall constitute a first lien on said property against which they are assessed, until paid, subject only to prior State and County taxes; and

IT IS FURTHER ORDAINED that said annual benefit assessment may be collected in the manner provided in Chapter 367, Laws of Maryland, 1978, of the Code of Public Local Laws of St. Mary's County, Maryland, or in any other manner provided by law; and

IT IS FURTHER ORDAINED that no deed or conveyence of real property subject to said lien shall be transferred by the Assessor of St. Mary's County, Maryland, until proof of payment of all benefit assessments then due has been exhibited; and

IT IS FURTHER ORDAINED that upon approval of this Ordinance by the County Commissioners, the County shall immediately assume responsibility for maintaining this road in the said subdivision; and

IT IS FURTHER ORDAINED that the properties affected by this Ordinance are as follows:

Lot Nos. 959-961
Lot Nos. 977-980, as shown on the aforesaid plat of the subdivision; and

IT IS FURTHER ORDAINED that this Ordinance shall only be effective as aforesaid.

ATTEST

Edward V. Cox

Edward V. Cox

BOARD OF ST. MARY'S COUNTY COMMISSIONERS

Carl M. Loffler, Jr., President

W. Edward Bailey, Commissioner

Robert T. Jarboe, Commissioner

John G. Lancaster, Commissioner

Barbara R. Thompson, Commissioner

DATE OF ADOPTION: August 11, 1992
EFFECTIVE DATE: August 11, 1992

APPROVED AS TO LEGAL FORM
AND SUFFICIENCY:

Joseph R. Densford
Joseph R. Densford
County Attorney

No. Z-92- 04
Subj: WINDWARD COVE MINOR S/D
CRITICAL AREA GROWTH
ALLOCATION (ISUB #91-1648)

RESOLUTION

WHEREAS, John C. Courembis has made application for critical area growth allocation review of a five (5) lot minor subdivision for a change in overlay classification from Resource Conservation Area (RCA) to Limited Developed Area (LDA) through the use of 6.0 acres of growth allocation. The parent parcel contains 31.318 acres, all of which are located within the Critical Area. The development parcel contains 6.0 acres, all of which are located within the Critical Area and situated on the north side of Breton Beach Road. The subject property is located in the Third Election District of St. Mary's County, Maryland, and is shown on Tax Map 48, Block 14 as Parcel 20.

10:44AM08/28/92A CD.COM $0.00

WHEREAS, following the posting of notice on the subject property, publication of notice and written notification of all contiguous property owners by certified mail, the St. Mary's County Planning Commission conducted a public hearing on the application on January 9, 1992.

WHEREAS, following deliberation on January 13, 1992, the Planning Commission, by a unanimous vote, recommended to the Board of County Commissioners of St. Mary's County that the subject property be approved for a five (5) lot minor subdivision requiring a change in overlay classification from RCA to LDA through the use of 6.0 acres of growth allocation, subject to the following conditions:

1. The applicant shall address all Environmental Review Team (ERT) and Technical Evaluation Committee (TEC) comments necessary for growth allocation after the approval by the Board of County Commissioners, but prior to the submission of the project to the Maryland Critical Area Commission.

2. Applicant shall execute a Critical Area Planting Agreement for afforestation prior to submission to the Maryland Critical Area Commission.

3. Applicant shall revise his plan to consist of four (4) 1.5 acre (or less) lots for the purposes of deducting growth allocation.

WHEREAS, the Board of County Commissioners, after posting notice on the subject property, publication of notice and written notification of all contiguous property owners by certified mail, conducted a public hearing on the application on February 11, 1992.

WHEREAS, the Board of County Commissioners deliberated on the application at a public meeting on March 3, 1992 and again on March 17, 1992 and approved the request by a unanimous vote subject to the aforesaid recommendations and plat revisions, including adding the appropriate notes to the plats, per Office of Planning and Zoning staff and Planning Commission recommendations. Specific plat notes include, but are not limited to, the following:

1. Approximately 31.318 acres of this site lie within Maryland's Critical Area. Any and all development activities proposed within this area are subject to Critical Area regulations and will not be permitted until all appropriate local, State and Federal agencies have approved the development plan.

2. The 100 ft. Critical Area Buffer must remain in natural vegetation and may not be disturbed except as provided under Section 38.02, St. Mary's County Critical Area Ordinance (90-02), part 8, Habitat Protection.

3. No development is permitted in wetlands without approval from the appropriate local, State and Federal agencies.

4. Any and all afforested or reforested areas created under the provisions of the St. Mary's County Critical Area Ordinance (90-02) and designated on this plat hereon shall be preserved from future disturbance.

WHEREAS, in accordance with the St. Mary's County Critical Area Ordinance, Computing Use of Growth Allocation section, page 41, projects approved for growth allocation shall demonstrate substantial progress toward completion within three (3) years of the date of approval. If after three (3) years the project does not demonstrate substantial progress, the LDA classification shall be withdrawn by the Board of County Commissioners, and the previous classification shall be reinstated. Substantial progress as defined includes installation of all required public improvements such as roads, community or shared sewer and/or water facilities, etc., as required by the county or state.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Mary's County, Maryland this 20th day of July, 1992 that the aforementioned critical area growth allocation application is hereby GRANTED, and the subject property is hereby reclassified from RCA to LDA through the use of 6.0 acres of growth allocation, subject to the conditions set forth above.

Date of Adoption: July 20, 1992

Effective Date: July ___, 1992

ATTEST:

Edward V. Cox
EDWARD V. COX
County Administrator

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

CARL M. LOFFLER, JR., President

W. EDWARD BAILEY, Commissioner

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:

Joseph R. Densford
JOSEPH R. DENSFORD
County Attorney

ROBERT JARBOE, Commissioner

JOHN G. LANCASTER, Commissioner

BARBARA R. THOMPSON, Commissioner

No. Z-92- 05
Subj: ST. WINIFRED'S ESTATES
CRITICAL AREA GROWTH
ALLOCATION (ISUB #88-0434)

BOOK 0[illegible] PAGE 0[illegible]

RESOLUTION

WHEREAS, Edward D. Middleton has made application for critical area growth allocation review of a seventeen (17) lot subdivision for a change in overlay classification from Resource Conservation Area (RCA) to Limited Developed Area (LDA) through the use of 15.22 acres of growth allocation. The parent parcel contains 165.88 acres, 60.43 acres of which are located within the Critical Area. The development envelope contains 17.889 acres, 15.22 acres of which are located within the Critical Area and situated on the east side of Oakley Road, also known as Maryland Route 470. The subject property is located in the Seventh Election District of St. Mary's County, Maryland, and is shown on Tax Map 31, Block 19 as Parcel 27.

10:44AM08/28/92A CO.COM $0.00

WHEREAS, following the posting of notice on the subject property, publication of notice and written notification of all contiguous property owners by certified mail, the St. Mary's County Planning Commission conducted a public hearing on the application on January 9, 1992.

WHEREAS, following deliberation on January 13, 1992, the Planning Commission, by a unanimous vote, recommended to the Board of County Commissioners of St. Mary's County that the subject property be approved for a seventeen (17) lot subdivision requiring a change in overlay classification from RCA to LDA through the use of 15.22 acres of growth allocation, subject to the following conditions:

1. The applicant shall address all Environmental Review Team (ERT) and Technical Evaluation Committee (TEC) comments necessary for growth allocation after the approval by the Board of County Commissioners, but prior to the submission of the project to the Maryland Critical Area Commission.

2. Applicant shall execute a Critical Area Planting Agreement for afforestation prior to submission to the Maryland Critical Area Commission.

WHEREAS, the Board of County Commissioners, after posting notice on the subject property, publication of notice and written notification of all contiguous property owners by certified mail, conducted a public hearing on the application on February 11, 1992.

WHEREAS, the Board of County Commissioners deliberated on the application at a public meeting on March 3, 1992 and again on March 17, 1992 and approved the request by a unanimous vote subject to the aforesaid recommendations and plat revisions, including adding the appropriate notes to the plats, per Office of Planning and Zoning staff and Planning Commission recommendations. Specific plat notes include, but are not limited to, the following:

1. Approximately 60.43 acres of this site lie within Maryland's Critical Area. Any and all development activities proposed within this area are subject to Critical Area regulations and will not be permitted until all appropriate local, State and Federal agencies have approved the development plan.

2. The 100 ft. Critical Area Buffer must remain in natural vegetation and may not be disturbed except as provided under Section 38.02, St. Mary's County Critical Area Ordinance (90-02), part 8, Habitat Protection.

BOOK 0[illegible]

3. No development is permitted in wetlands without approval from the appropriate local, State and Federal agencies.

4. Any and all afforested or reforested areas created under the provisions of the St. Mary's County Critical Area Ordinance (90-02) and designated on this plat hereon shall be preserved from future disturbance.

5. Parcel A and B shown hereon are established to meet the provisions of the growth allocation design competition set aside requirements of Section 38.02, St. Mary's County Critical Area Ordinance (90-02), part 9, Computing the Use of Growth Allocation. In accordance with the provisions of this Section, these must remain undeveloped.

6. Parcel A must retain its natural features in accordance with the covenants to be recorded among the Land Records of St. Mary's County.

7. Parcel B must remain in open space and undeveloped in accordance with the covenants to be recorded among the Land Records of St. Mary's County. Agricultural activities shall be permitted on this parcel.

WHEREAS, in accordance with the St. Mary's County Critical Area Ordinance, Computing Use of Growth Allocation section, page 41, projects approved for growth allocation shall demonstrate substantial progress toward completion within three (3) years of the date of approval. If after three (3) years the project does not demonstrate substantial progress, the LDA classification shall be withdrawn by the Board of County Commissioners, and the previous classification shall be reinstated. Substantial progress as defined includes installation of all required public improvements such as roads, community or shared sewer and/or water facilities, etc., as required by the county or state.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Mary's County, Maryland this 20th day of July, 1992 that the aforementioned critical area growth allocation application is hereby GRANTED, and the subject property is hereby reclassified from RCA to LDA through the use of 15.22 acres of growth allocation, subject to the conditions set forth above.

Date of Adoption: July 20, 1992

Effective Date: July ___, 1992

ATTEST:

Edward V. Cox
EDWARD V. COX
County Administrator

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:

Joseph R. Densford
JOSEPH R. DENSFORD
County Attorney

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

Carl M. Loffler, Jr.
CARL M. LOFFLER, JR., President

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W. EDWARD BAILEY, Commissioner

Robert J. Jarboe
ROBERT JARBOE, Commissioner

John G. Lancaster
JOHN G. LANCASTER, Commissioner

Barbara R. Thompson
BARBARA R. THOMPSON, Commissioner

BOOK 0[illegible] PAGE 0137

No. Z-92- 06
Subj: CHRISTMAS HILL MINOR S/D
CRITICAL AREA GROWTH
ALLOCATION (ISUB #91-1644)

RESOLUTION

WHEREAS, J. Laurence Millison has made application for critical area growth allocation review of a five (5) lot minor subdivision for a change in overlay classification from Resource Conservation Area (RCA) to Limited Developed Area (LDA) through the use of 6.319 acres of growth allocation. The parent parcel contains 212.32 acres, 66.43 acres of which are located within the Critical Area. The development parcel contains 6.319 acres, all of which are located within the Critical Area and situated off of Maryland Route 244 on Frogs Marsh Road approximately 1.6 miles from its intersection with Maryland Route 244. The subject property is located in the Second Election District of St. Mary's County, Maryland, and is shown on Tax Map 58, Block 22 as Parcel 82.

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WHEREAS, following the posting of notice on the subject property, publication of notice and written notification of all contiguous property owners by certified mail, the St. Mary's County Planning Commission conducted a public hearing on the application on January 9, 1992.

WHEREAS, following deliberation on January 13, 1992, the Planning Commission, by a unanimous vote, recommended to the Board of County Commissioners of St. Mary's County that the subject property be approved for a five (5) lot minor subdivision requiring a change in overlay classification from RCA to LDA through the use of 6.319 acres of growth allocation, subject to the following conditions:

1. The applicant shall address all Environmental Review Team (ERT) and Technical Evaluation Committee (TEC) comments necessary for growth allocation after the approval by the Board of County Commissioners, but prior to the submission of the project to the Maryland Critical Area Commission.

2. Activities within all three (3) eagle protection zones, as designated on the subdivision plat, shall be regulated in accordance with the Maryland Department of Natural Resources guidelines; specifically, no construction on this road or clearing activity in zone 3 shall be permitted during the nesting period from December 15 to June 15.

WHEREAS, the Board of County Commissioners, after posting notice on the subject property, publication of notice and written notification of all contiguous property owners by certified mail, conducted a public hearing on the application on February 11, 1992.

WHEREAS, the Board of County Commissioners deliberated on the application at a public meeting on March 3, 1992 and again on March 17, 1992 and approved the request by a unanimous vote subject to the aforesaid recommendations and plat revisions, including adding the appropriate notes to the plats, per Office of Planning and Zoning staff and Planning Commission recommendations. Specific plat notes include, but are not limited to, the following:

1. Approximately 16.43 acres of this site lie within Maryland's Critical Area. Any and all development activities proposed within this area are subject to Critical Area regulations and will not be permitted until all appropriate local, State and Federal agencies have approved the development plan.

2. The 100 ft. Critical Area Buffer must remain in natural vegetation and may not be disturbed except as provided under Section 38.02, St. Mary's County Critical Area Ordinance (90-02), part 8, Habitat Protection.

3. No development is permitted in wetlands without approval from the appropriate local, State and Federal agencies.

4. Any and all afforested or reforested areas created under the provisions of the St. Mary's County Critical Area Ordinance (90-02) and designated on this plat hereon shall be preserved from future disturbance.

5. Parcel A must retain its natural features in accordance with the covenants to be recorded among the Land Records of St. Mary's County.

WHEREAS, in accordance with the St. Mary's County Critical Area Ordinance, Computing Use of Growth Allocation section, page 41, projects approved for growth allocation shall demonstrate substantial progress toward completion within three (3) years of the date of approval. If after three (3) years the project does not demonstrate substantial progress, the LDA classification shall be withdrawn by the Board of County Commissioners, and the previous classification shall be reinstated. Substantial progress as defined includes installation of all required public improvements such as roads, community or shared sewer and/or water facilities, etc., as required by the county or state.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Mary's County, Maryland this 20th day of July, 1992 that the aforementioned critical area growth allocation application is hereby GRANTED, and the subject property is hereby reclassified from RCA to LDA through the use of 6.319 acres of growth allocation, subject to the conditions set forth above.

Date of Adoption: July 20, 1992

Effective Date: July ___, 1992

ATTEST:

Edward V. Cox
EDWARD V. COX
County Administrator

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:

Joseph R. Densford
JOSEPH R. DENSFORD
County Attorney

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

Carl M. Loffler, Jr.
CARL M. LOFFLER, JR., President

W. Edward Bailey
W. EDWARD BAILEY, Commissioner

Robert J. Jarboe
ROBERT JARBOE, Commissioner

John G. Lancaster
JOHN G. LANCASTER, Commissioner

Barbara R. Thompson
BARBARA R. THOMPSON, Commissioner

BOOK [illegible]

Resolution No. 92-21
Subject: Vested Rights

ZONING ORDINANCE AMENDMENT

WHEREAS, on July 3, 1990, the Board of County Commissioners of St. Mary's County, Maryland adopted Ordinance No. 90-11, which enacted comprehensive zoning regulations for St. Mary's County.

WHEREAS, Section Five (5) of Ordinance No. 90-11 provided that certain site plans and subdivision plans submitted prior to the effective date of Ordinance No. 90-11, August 1, 1990, would be governed by the previous Zoning Ordinance, being Ordinance No. 78-43, if said site plans and subdivision plans received final approval within certain time periods set forth therein; and

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WHEREAS, the St. Mary's County Planning Commission voted on July 20, 1992 to recommend to the Board of County Commissioners that the deadline for vesting site plans and subdivision plans be extended to May 1, 1993; and

WHEREAS, the Board of County Commissioners conducted a public hearing on the Planning Commission's recommendation on July 28, 1992; and

NOW, THEREFORE, BE IT ORDAINED this 11th day of August, 1992 by the Board of County Commissioners of St. Mary's County, Maryland that Section Five (5) of Ordinance No. 90-11 as amended by Ordinance 91-10 is hereby repealed in its entirety, and re-enacted as follows:

5. That any site plan or subdivision plan submitted for Technical Evaluation Committee (TEC) review or approved by the Planning Commission in concept or preliminary form before August 1, 1990 is granted until May 1, 1993 to complete final design and receive final agency approval under the standards of Ordinance No. 78-43. Where final approval is not obtained during this period, the plan shall be governed by the standards of Ordinance No. 90-11, as amended."

"All site plans and subdivision plans vested hereunder shall be permitted until May 1, 1993 to record subdivision plats or gain final site plan signatures and Equivalent Dwelling Unit (EDU) allocations for wastewater treatment plants. Until such date, all such vested plans shall be exempt from required debt service/EDU allocation charges unless final plan approval is received from the Metropolitan Commission. All available EDU allocations shall be made available on a 'first come, first served' basis. EDU allocations shall not be granted to vested plans until final plan approval is obtained from the Metropolitan Commission. EDU allocations shall only be made at the time of final plan approval if sewer capacity exists at that time."

Except as otherwise provided herein, Ordinance No. 90-11, as amended shall remain in full force and effect.

Date of Adoption: August 11, 1992

Effective Date: August 11, 1992

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY MARYLAND

CARL M. LOFFLER, JR., President

W. EDWARD BAILEY, Commissioner

ROBERT T. JARBOE, Commissioner

JOHN G. LANCASTER, Commissioner

BARBARA R. THOMPSON, Commissioner

Attest:

EDWARD V. COX, County Administrator

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:

JOSEPH R. DENSFORD, County Attorney

NO. 92-22

SUBJECT: Miles Drive Special Taxing District Ordinance

BOOK 000 PAGE 000

ORDINANCE

WHEREAS, the County Commissioners of St. Mary's County, Maryland, are empowered under the provisions of Section 151 of the Code of Public Local Laws of St. Mary's County to construct and improve private roads after the approval of a petition of a majority of the property owners whose property benefits from said improvements; and

WHEREAS, the County Commissioners of St. Mary's County, Maryland, have been petitioned by a majority of the residents on Miles Drive, requesting the County to reconstruct and improve that road, which is located in the Sixth (6th) Election District of St. Mary's County, Maryland. The following street shall be improved to the approximate limits indicated herein:

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Miles Drive - From the intersection with State Route 235 to the end, a distance of approximately 740 feet.

WHEREAS, the County Commissioners of St. Mary's County, Maryland, held a public hearing on 8/11/92 in order to consider said petition; and

WHEREAS, the County Commissioners of St. Mary's County, Maryland, have determined to approve said petition in accordance with the provisions and reservations herein set forth.

NOW, THEREFORE, BE IT ORDAINED by the County Commissioners of St. Mary's County, Maryland, this 25th day of AUGUST, 1992, that the petition of the residents of Miles Drive for the construction and improvement of said street be approved; and

IT IS FURTHER ORDAINED that the County Commissioners of St. Mary's County shall construct and improve said street in accordance with specifications approved by the Director of Public Works and authorized by the County Commissioners.

IT IS FURTHER ORDAINED that upon completion of said construction and improvement, the County Commissioners of St. Mary's County, Maryland, shall accept said street into the County Highway Maintenance System; and

IT IS FURTHER ORDAINED that the costs of said improvements and reconstruction shall be borne by the County and the property owners in accordance with the following:

1. The property owners are responsible for approximately $41,000.00 of the construction costs. This sum represents the property owners' share of the estimated cost required to bring the said street to the condition required by the approved set of plans, said share being equivalent to the cost of improving the street to a condition that would have been acceptable for inclusion within the County Highway Maintenance System at the time the subdivision was recorded.

2. The lot owners are responsible for all design costs for work performed by consultant engineers retained by the County for this project, with the exception of costs incurred for inspection of construction work.

3. The County is responsible for all in-house design and engineering costs.

4. The lot owners are responsible for all utility relocation costs.

5. The balance of construction costs shall be borne by the County.

6. The County shall be responsible for all costs associated with improving the road to a standard in excess of those required by the County at the time the subdivision was created, in particular, the costs of a bituminous concrete surface.

7. The inspection costs associated with the construction contract shall be borne by the County.

IT IS FURTHER ORDAINED that the cost of said construction and improvements attributable to those properties hereinafter named shall be paid over a 20-year period by an annual benefit assessment levied against said properties; and

IT IS FURTHER ORDAINED that said annual benefit assessment shall be computed as follows:

1. The "total benefit assessment" shall represent total costs of reconstruction and improvements to be borne by the owners, or a greater number if a subdivision of any parcel occurs on any of said parcel in the future, and is the total of the aforementioned items.

2. The "total benefit assessment" shall be divided by 20 to determine the "annual benefit assessment" to be levied against all of the owners for 20 years.

3. The "annual benefit assessment" shall be divided by the number of owners in existence in the subdivision on the first day of May of each assessment year to determine the annual cost to each parcel.

4. The County shall represent five (5) parcels.

IT IS FURTHER ORDAINED that the "annual benefit assessment" to be levied against all of the parcels in the subdivision shall be approximately Two Hundred and Five Dollars ($205.00) per year; and

IT IS FURTHER ORDAINED that the County Commissioners of St. Mary's County, Maryland, shall certify the amount of each assessment to the Treasurer of St. Mary's County, Maryland, on or before May 1 of the year following completion of the construction; and

IT IS FURTHER ORDAINED that the Treasurer of St. Mary's County, Maryland, shall place said annual benefit assessment on the State and County real estate tax bills for said "parcels" for the next twenty (20) succeeding fiscal years and that said annual benefit assessments shall be subject to such discount allowances and interest penalties and charges as may be provided by law; and

IT IS FURTHER ORDAINED that said annual benefit assessment shall constitute a first lien on said property against which they are assessed, until paid, subject only to prior State and County taxes; and

IT IS FURTHER ORDAINED that said annual benefit assessment may be collected in the manner provided in Chapter 367, Laws of Maryland, 1978, of the Code of Public Local Laws of St. Mary's County, Maryland, or in any other manner provided by law; and

IT IS FURTHER ORDAINED that no deed or conveyence of real property subject to said lien shall be transferred by the Assessor of St. Mary's County, Maryland, until proof of payment of all benefit assessments then due has been exhibited; and

IT IS FURTHER ORDAINED that upon approval of this Ordinance by the County Commissioners, the County shall immediately assume responsibility for maintaining this road in the said subdivision; and

IT IS FURTHER ORDAINED that the properties affected by this Ordinance are as follows:

Parcels 296-298, 352 and 480, as shown on Tax Map 34; and

IT IS FURTHER ORDAINED that this Ordinance shall only be effective as aforesaid.

ATTEST

Edward V. Cox

Edward V. Cox

DATE OF ADOPTION: 8/25/92

EFFECTIVE DATE: 8/25/92

BOARD OF ST. MARY'S COUNTY COMMISSIONERS

Carl M. Loffler, Jr., President

W. Edward Bailey, Commissioner

Robert T. Jarboe, Commissioner

John G. Lancaster, Commissioner

Barbara R. Thompson, Commissioner

APPROVED AS TO LEGAL FORM
AND SUFFICIENCY:

Joseph R. Densford
County Attorney

BOOK 003 PAGE 0142

NO: 92 - 17

SUBJ: PROCUREMENT MANUAL AMENDMENT #3

RESOLUTION 2:04PM09/04/92 CO.COM $0.00

WHEREAS, the Board of County Commissioners of St. Mary's County on September 15, 1987, adopted Resolution No. 87-16 which set forth the adoption of a Procurement Manual for St. Mary's County use; and

WHEREAS, the Board of County Commissioners directed the St. Mary's County Procurement Officer to implement the new procedures contained in the Procurement Manual and to evaluate through use, the effective and efficient utilization of all procedures contained within the manual; and

WHEREAS, it has been recommended to change Section 1-1.1 of Part I and Section 1-2.6 of Part II of the Procurement Manual as endorsed by the St. Mary's County Procurement Officer regarding "Best Value" contracting the identical bids;

NOW, THEREFORE BE IT RESOLVED, by the Board of County Commissioners that Section 1-1.1 of Part I and Section 1-2.6 of Part II of the adopted Procurement Manual be so amended.

ADOPTION DATE: June 23, 1992

EFFECTIVE DATE: June 23, 1992

BOARD OF COUNTY COMMISSIONERS
ST. MARY'S COUNTY, MARYLAND

Carl M. Loffler, Jr., President

W. Edward Bailey, Commissioner

Robert T. Jarboe, Commissioner

John G. Lancaster, Commissioner

Barbara R. Thompson, Commissioner

Edward V. Cox
County Administrator

Joseph R. Densford
County Attorney

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NO: 92-23

SUBJ: PROPERTY TAX PAYMENT DEFERRAL FOR ELDERLY OR DISABLED HOMEOWNERS

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ORDINANCE

WHEREAS, the Annotated Code of Maryland, Tax-Property Article, Section 10-204 provides that the governing body of a county may authorize, by law, a payment deferral of county property tax for residential real property occupied as the principal residence of an elderly or disabled homeowner; and

WHEREAS, Section 10-204 of the Tax-Property Article requires the governing body of a county that authorizes a payment deferral to specify various terms and conditions of the payment deferral; and

WHEREAS, The Board of County Commissioners, having provided due public notice, conducted a public hearing on the adoption of an Ordinance enacting the provisions of Section 10-204 of the Tax-Property Article on August 11, 1992; and

WHEREAS, following the public hearing, the Board of County Commissioners determined that residential real property tax payment deferral for elderly or disabled homeowners provides necessary relief to eligible homeowners;

NOW, THEREFORE, BE IT ORDAINED that the Board of County Commissioners does hereby establish a program for residential real property tax payment deferral for eligible elderly or disabled homeowners as hereinafter set forth.

SECTION 1. - DEFINITIONS

A. ASSETS -

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(1) Assets include:
- (a) real property;
- (b) cash;
- (c) savings accounts;
- (d) stocks;
- (e) bonds; and
- (f) any other investment.

(2) Assets do not include:
- (a) the dwelling and lot or curtilage for which property tax payment deferral is sought;
- (b) the cash value of the life insurance policies on the life of the homeowner; or
- (c) tangible personal property.

B. BASE YEAR - the year prior to the first tax year an applicant is determined eligible for property tax deferral. If, for whatever reason, an applicant does not receive a property tax deferral in any given year, and the applicant should apply in a subsequent year, the base year will be revised as if the applicant was applying for the first time.

C. GROSS INCOME -

(1) Gross income is the total income from all sources for the calendar year that immediately precedes the taxable year, whether or not the income is included in the definition of gross income for federal or state tax purposes.

(2) Gross income includes, but is not limited to:
- (a) any benefit under the Social Security Act or the Railroad Retirement Act;
- (b) the aggregate of gifts over $300;
- (c) alimony;

(d) child support;
(e) any nontaxable strike benefit;
(f) public assistance received in a cash grant;
(g) a pension;
(h) an annuity;
(i) any unemployment insurance benefit;
(j) any workers' compensation benefit;
(k) the net income received from a business, rental, or other endeavor; and
(l) any rent on the dwelling, including the rent from a room or apartment.

(3) Gross income does not include:
(a) any income tax refund received from the state or federal government; or
(b) any loss from business, rental, or other endeavor.

(4) Combined gross income means the combined gross income of all individuals who actually reside in a dwelling except an individual who:
(a) is a dependent of the homeowner under Section 152 of the Internal Revenue Code; or
(b) pays a reasonable amount for rent or room and board.

D. HOMEOWNER - an individual who on July 1 of the taxable year for which property tax payment deferral is to be allowed actually resides in a dwelling in which the individual has a legal interest.

E. LEGAL INTEREST - includes an interest in a dwelling:
(1) as sole owner;
(2) as a joint tenant;
(3) as a tenant in common;
(4) as a tenant by the entireties;
(5) through membership in a cooperative;
(6) under a land installment contract, as defined in Section 10-101 of the Real Property Article, Annotated Code of Maryland; or
(7) as a holder of a life estate.

F. NET WORTH -

(1) Net worth is the sum of the current market value of all assets, less any outstanding liability.

(2) Current market value means, for residential property, the value as determined by the Department of Assessments and Taxation, and for farmland, marshland, and woodland, the value under Title 8, Subtitle 2 of the Tax-Property Article, Annotated Code of Maryland, as determined by the Department of Assessments and Taxation.

(3) Combined net worth means the combined net worth of all individuals who actually reside in a dwelling except an individual who:
(a) is a dependent of the homeowner under Section 152 of the Internal Revenue Code; or
(b) pays a reasonable amount for rent or room and board.

SECTION 2. - ELIGIBILITY REQUIREMENTS

A. GENERAL REQUIREMENTS - A homeowner is eligible for a payment deferral of county property tax if the homeowner or at least one of the homeowners:

(1) has resided in the dwelling as a principal place of residence for a period of at least five (5) consecutive years and continues to reside in the dwelling; and

(2) (a) is at least 65 years of age; or
(b) has been found permanently and totally disabled and has qualified for benefits under:
1. the Social Security Act;
2. the Railroad Retirement Act;
3. any federal act for members of the United States armed forces; or
4. any federal retirement system; or
(c) has been found permanently and totally disabled by a county health officer or the Baltimore City commissioner of health; and

(3) meets the income eligibility requirements as specified in subsection B.

B. INCOME REQUIREMENTS -

(1) The homeowner's combined gross income shall not exceed $27,340 for the calendar year that precedes the tax year in which the homeowner applies for the property tax deferral; and

(2) The homeowner's combined net worth, excluding the value of the property for which application is being made, shall not exceed $200,000 as of December 31 of the calendar year that precedes the tax year in which the homeowner applies for the property tax deferral.

(3) The combined gross income requirement shall be adjusted annually by applying the National Consumer Price Index for All Urban Consumers from December of the previous year to December of the current year.

SECTION 3. - TERMS AND CONDITIONS

A. REAL PROPERTY ELIGIBLE FOR A PAYMENT DEFERRAL - Payment deferral shall be limited to the taxes associated with the dwelling and lot or curtilage, whichever is smaller, as determined by the Supervisor of Assessments.

B. AMOUNT OF TAX THAT MAY BE DEFERRED - The amount of taxes that may be deferred for any one (1) year is the amount that eligible taxes due exceeds the amount of eligible taxes in the base year.

C. ELIGIBLE TAXES - County real property taxes that are eligible for deferral are the general county tax and, where applicable, the fire tax. Taxes attributable to an improvement to the property that was not reflected in the assessment used for the base year is not eligible for deferral in the year the improvement is first assessed. Subsequent tax increases associated with the improvement are eligible for deferral.

D. RATE OF INTEREST - Simple interest shall be paid on the deferred county property taxes at the interest rate charged on County taxes, currently twelve percent (12%) per annum, from the due date of the year of first deferral. Interest will be assessed on all deferred amounts until the deferred taxes and interest are paid.

E. NOTICE OF DEFERRAL - Any mortgagee or beneficiary under a deed of trust is entitled to receive notice of the deferral and of the amount of tax to be deferred.

F. LIEN. A lien shall attach to the property in the amount of all deferred taxes and interest. The lien shall have the priority of real property taxes as provided in the Annotated Code of Maryland, Tax-Property Article, Section 14-805. The lien shall remain attached until the deferred taxes and interest are paid.

G. PENALTIES. Penalties may not be charged during the period of the deferral on any payments deferred under this Ordinance.

H. DURATION OF PAYMENT DEFERRAL -

(1) Deferred property taxes and accumulated interest shall become due and payable no later than the next September 30 if:
(a) the homeowner ceases to have a legal interest in the property;
(b) the homeowner no longer occupies the property as his or her principal residence for reasons other than medical necessity;
(c) the property becomes subject to tax sale;
(d) the use of the property changes; or
(e) the homeowner ceases to meet any of the terms and conditions of this Ordinance or the requirements for eligibility, except as provided in Section 3, Subsection H (2) below.

(2) (a) Property tax deferral for amounts previously deferred shall remain available to:
(i) a homeowner who ceases to meet the income requirements of this Ordinance as specified in Section 2, Subsection B; or
(ii) a surviving homeowner.
(b) Amounts previously deferred shall become due and payable no later than the next September 30 if:
(i) the surviving homeowner ceases to have a legal interest in the property;
(ii) the surviving homeowner no longer occupies the property as his or her principal residence;
(iii) the property becomes subject to tax sale;
(iv) the use of the property changes; or
(v) ownership of the property changes in any way.
(c) The surviving homeowner may continue to defer taxes if otherwise eligible under Section 2.

(3) A homeowner may terminate the deferment at any time by paying all deferred taxes and accumulated interest.

(4) Accumulation of deferred taxes and related interest shall not exceed fifty percent (50%) of the homeowner's net equity in the property.

I. PAYMENT DUE DATE. The property tax that is deferred and any interest are due when the deferral ends.

SECTION 4. - APPLICATION

A. Application for property tax payment deferral shall be made each year at the St. Mary's County Treasurer's Office on or before September 1 of the tax year in which the property tax deferral is sought. For the 1992-1993 tax year, applications will be accepted through October 30, 1992. The Treasurer's Office shall establish necessary rules, regulations and procedures to further define and implement the property tax payment deferral in accordance with this Ordinance.

B. Applicants shall state under oath that the facts in the application are true. To substantiate the application, the Treasurer's Office may require the applicant to provide a copy of an income tax return, or other evidence detailing combined gross income and combined net worth. Applicant may be required to authorize the Social Security Administration to release information to the Treasurer's Office in order to verify any benefits received by the applicant. The Treasurer shall be authorized to verify the information received from the applicant through other sources as well.

C. The deferral shall be authorized by written agreement between the homeowner and the Treasurer's Office. The agreement shall reflect the terms and conditions of the deferral, including notice of the lien. The agreement shall be recorded in the land records of the county at the homeowner's expense.

D. The cumulative amount of the deferral and related interest shall be specified in the taxpayer's annual property tax bill.

Date of Adoption: September 1, 1992

Effective Date: September 15, 1992

BOARD OF COUNTY COMMISSIONERS
ST. MARY'S COUNTY, MARYLAND

Carl M. Loffler, Jr., President

W. Edward Bailey, Commissioner

Robert T. Jarboe, Commissioner

John G. Lancaster, Commissioner

Barbara R. Thompson, Commissioner

ATTEST:

Edward V. Cox
County Administrator

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:

Joseph R. Densford
County Attorney

NO: 92-24

SUBJ: BUILDING AUTHORITY COMMISSION
NURSING HOME PROJECT AND
REFUNDING BONDS OF 1992

BOOK 008 PAGE 0243

11:30AM 09/14/92A CO.COM $0.00

A RESOLUTION of the Board of County Commissioners of St. Mary's County (the "Board"), approving the passage and adoption of a Resolution adopted September 8, 1992 (the "Commission Resolution"), by St. Mary's County Building Authority Commission (the "Commission") which Commission Resolution authorized and provided for the issuance and sale of not to exceed Nine Million Five Hundred Thousand Dollars ($9,500,000) "St. Mary's County Building Authority Commission Nursing Home Project and Refunding Bonds of 1992" (the "Bonds"); approving and concurring in the form of such Bonds; authorizing County Commissioners of St. Mary's County (the "County") to participate in the acquisition of an addition and certain improvements (the "Project") to the existing nursing home facility located in Leonardtown, Maryland (the "Nursing Home") and the refunding of the Commission's Nursing Home Bonds of 1986 through, among other things, the extension of the term of the lease of the site on which the Nursing Home is located (the "Site") to the Commission and the lease of the Nursing Home (including the Project) and Site from the Commission; providing for the execution of and approving a Lease Agreement between the County and the Commission (the "Lease Agreement") pursuant to which the Nursing Home (including the Project) and the Site will be leased to the County and the County will defray the Commission's financing and refinancing of the costs of acquiring, designing, constructing and equipping the Nursing Home and the Project and Site through the making of rental payments sufficient to pay the principal of and premium, if any, and interest on the Bonds due from time to time, such rental payments to be an unconditional and irrevocable obligation of the County payable from the County's general funds; and generally providing for and determining various matters in connection with the participation of the County in the acquisition, construction, leasing and operation of the Nursing Home and the Project and the Site and the execution and delivery of such documents pursuant to such transaction.

RECITALS

On September 8, 1992, St. Mary's County Building Authority Commission (the "Commission"), a body corporate and politic and a public instrumentality created and existing under and pursuant to the Constitution and laws of the State of Maryland

adopted a Resolution (the "Commission Resolution") authorizing the issuance of the Bonds and approving the Lease Agreement and related matters.

The Commission Resolution authorizes the issuance and sale of limited obligation bonds of the Commission designated "St. Mary's County Building Authority Commission Nursing Home Project and Refunding Bonds of 1992" in aggregate principal amount not exceeding $9,500,000 (the "Bonds") for the public purpose of (i) financing the costs of acquisition and construction of the Project, (ii) refunding the Commission's outstanding bonds designated "St. Mary's County Building Authority Commission Nursing Home Bonds of 1986", and (iii) paying costs of issuing the Bonds. The Board of County Commissioners of St. Mary's County (the "Board") has determined to approve the issuance by the Commission of its limited obligation bonds as described in the Commission Resolution and to participate in the financing and refinancing of the Nursing Home and the Project in the manner provided in this Resolution.

The County and the Commission intend to enter into (i) a First Supplement to Facility Site Lease (the "First Supplement to Facility Site Lease") which provides (by way of general description and not limitation) for the extension of the term for the leasing by the County to the Commission of the site on which the Project will be located (the "Site") and (ii) a Lease Agreement (the "Lease Agreement") which provides (by way of general description and not limitation) for the leasing by the County from the Commission of the Nursing Home and the Project and the Site.

Pursuant to Chapter 416 of the Laws of Maryland of 1986, Chapter 226 of the Laws of Maryland of 1984 and Chapter 475 of the Laws of Maryland of 1983 (collectively, the "Act"), the County has determined to enter into the First Supplement to Facility Site Lease and the Lease Agreement with the Commission in order to accomplish the public purposes of the County and the Commission.

NOW, THEREFORE, BE IT RESOLVED BY COUNTY COMMISSIONERS OF ST. MARY'S COUNTY:

Section 1. It is hereby found and determined by the Board of County Commissioners of St. Mary's County (the "Board") that:

(a) Capitalized terms that are defined in the title or recitals of this Resolution shall have the meanings provided in the title or recitals to this Resolution.

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(b) The (i) leasing of the Site to the Commission, (ii) the acquisition, construction and equipping of the Project on the Site, (iii) the lease of the Site and the Nursing Home and the Project by the County, and (iv) the financing and refinancing of the acquisition, construction and equipping of the Site, the Nursing Home and the Project, including the refunding of the Commission's Nursing Home Bonds of 1986, by the issuance and sale of the Commission's Bonds will accomplish the public purposes of the County and the Act.

Section 2. Acting pursuant to the Act, the Board hereby approves the issuance and sale of the Bonds of the Commission designated "St. Mary's County Building Authority Commission Nursing Home Project and Refunding Bonds of 1992" in aggregate principal amount not to exceed Nine Million Five Hundred Thousand Dollars ($9,500,000) upon the terms and conditions set forth in the Commission Resolution, all of which terms, conditions, covenants and undertakings are hereby approved by the County.

Section 3. The terms, provisions, form, content and substance of the First Supplement to Facility Site Lease are approved and adopted. A copy of the First Supplement to Facility Site Lease, has been presented to the Board and has been placed in the official records of the County and made available for public inspection at the Office of the County Administrator.

The leasing of the Site to the Commission for use in connection with the Nursing Home and the Project as provided in the First Supplement to Facility Site Lease is approved. Such conveyance is hereby found and determined to be in furtherance of a public purpose of the County. The Facility Site Lease dated as of July 15, 1986 between the County and the Commission remains in full force and effect.

Section 4. The terms, provisions, form, content and substance of the Lease Agreement are approved and adopted. A copy of the Lease Agreement has been presented to the Board and has been placed in the official records of the County and made available for public inspection at the Office of the County Administrator. It is recognized that pursuant to the Lease Agreement, during the period the Bonds are outstanding (the "Term") the County will pay the Commission rent (the "Rent") which will be sufficient at all times to pay, among other things, the principal, interest and redemption premium, if any, due from time to time on the Bonds to be issued and sold by the Commission to finance and refinance all or a portion of the cost of the Nursing Home and the Project. The assignment by the Commission of its right, title and interest in and to the

Lease Agreement, and the pledge of the Rent as security for the Bonds, to the Trustee for the Bonds are hereby acknowledged and approved.

Section 5. The County is hereby authorized at any time to enter into the First Supplement to Facility Site Lease and the Lease Agreement (collectively, the "Project Documents"). The President of the Board, or other Member of the Board, is hereby authorized on behalf of the County to execute, seal and deliver the Project Documents on behalf of the County and to cause the Project Documents to be accepted and executed by the other party or parties thereto, in substantially the forms filed with the Board and approved by this Resolution (i) with such changes in form or such changes in content which do not materially adversely affect the interest of the County as may be approved by the President of the Board or, if applicable, any other Member of the Board, his execution to constitute conclusive evidence of approval of any and all changes or revisions from the form of Project Documents hereby approved or (ii) with such other changes as may be approved by resolution or resolutions of the Board. The President of the Board or, at his order any other Member of the Board, shall have impressed or imprinted on the Project Documents the corporate seal of the County attested by the County Administrator.

The President of the Board or, at his order any other Member of the Board, is hereby authorized to execute, seal and deliver such other and further documents as may be necessary and incident to the consummation of the transactions contemplated by this Resolution as may be approved by the President of the Board, or if applicable, any other Member of the Board, his execution thereof to constitute conclusive evidence of such approval.

Section 6. The Rent and other payments to be made by the County under the Lease Agreement shall be general obligations of the County payable from the general funds of the County. The County shall in each and every fiscal year during the Term of the Lease Agreement provide for the immediately succeeding fiscal year revenues sufficient to pay the Rent due under the Lease Agreement in such fiscal year. To the extent revenues of the County in any such fiscal year are insufficient for the payment of Rent due in any fiscal year during the Term of the Lease Agreement, the County shall in each and every such fiscal year levy or cause to be levied ad valorem taxes unlimited as to rate and amount upon all assessable property within the corporate limits of the County subject to assessment for unlimited County taxation in rate and amount sufficient to provide for or assure the payment, when due, of such Rent in each such fiscal year and, in the event the proceeds from the

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taxes so levied in any such fiscal year shall prove inadequate for such payment, additional taxes shall be levied in the succeeding fiscal year to make up any such deficiency.

Section 7. The distribution of a Preliminary Official Statement pertaining to the Bonds is hereby authorized.

Section 8. The provisions of this Resolution are severable, and if any provision, sentence, clause, section or part thereof is held illegal, invalid, unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity, unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Resolution or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Resolution would have been adopted if such illegal, invalid, unconstitutional or inapplicable provision, sentence, clause, section or part had not been included therein, and as if the person or circumstances to which this Resolution or any part thereof is inapplicable had been specifically exempted therefrom.

Section 9. This Resolution shall take effect on the date of its adoption.

Adopted: September 8, 1992

Carl M. Loffler, Jr., President

W. Edward Bailey, Commissioner

Robert T. Jarboe, Commissioner

John G. Lancaster, Commissioner

Barbara R. Thompson, Commissioner

6235.205774A:08/25/92
13820-1

Resolution No. W/S 92-07
Subj.: Water and Sewer Plan Amendment
Mt. Pleasant Subdivision
Section 5, Lot 6
(CWSP #92-1019)

BOOK 008 PAGE 0253 12:48PM09/29/929 CO:COM $0.00

RESOLUTION

WHEREAS, John J. Thompson, Jr. has made application to amend the St. Mary's County Comprehensive Water and Sewer Plan for certain property located in the Seventh Election District of St. Mary's County, Maryland, containing 4.02 acres of land, more or less, zoned RPD, and located at the southeast corner of the junction of Maryland Route 242 and Maryland Route 470. The application requests that the water category be amended from W-6 to W-3D. The subject property is shown on Tax Map 31, Block 13, Parcel 61.

WHEREAS, the Planning Commission conducted deliberations on the application at its public meeting on July 27, 1992. The Planning Commission voted unanimously to approve the water category change for the subject property from W-6 to W-3D.

WHEREAS, the Board of County Commissioners held a public hearing/decision meeting on the proposed amendment on August 25, 1992, after due publication of notice.

WHEREAS, the Board of County Commissioners deliberated on the proposed amendment at its public meeting on August 25, 1992, and unanimously approved the request.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Mary's County, Maryland that the St. Mary's County Comprehensive Water and Sewer Plan is hereby amended to reclassify the subject property from W-6 to W-3D.

BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon its adoption.

Date of Adoption: September 15, 1992.

ATTEST:

Edward V. Cox
EDWARD V. COX
County Administrator

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:

Joseph R. Densford
JOSEPH R. DENSFORD
County Attorney

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

CARL M. LOFFLER, JR., President

W. EDWARD BAILEY, Commissioner

ROBERT T. JARBOE, Commissioner

JOHN G. LANCASTER, Commissioner

BARBARA R. THOMPSON, Commissioner

NO: 92 -25
SUBJ: BUILDING AUTHORITY COMMISSION NURSING CENTER PROJECT AND REFUNDING BONDS OF 1992 (APPROVAL)

BOOK 008 PAGE 0254

A RESOLUTION of the Board of County Commissioners of St. Mary's County (the "Board"), approving the passage and adoption by St. Mary's County Building Authority Commission (the "Commission") on September 24, 1992 of a resolution (the "Authorizing Resolution") awarding the Commission's limited obligation, fully registered bonds to be designated "St. Mary's County Building Authority Commission Nursing Home Project and Refunding Bonds of 1992" (the "Bonds") authorized to be issued pursuant to a resolution adopted by the Commission and approved by the Board on September 8, 1992 (the "Authorizing Resolution"); and determining various matters in connection with the sale of the Bonds.

10:22AM10/09/92A CO.COM $0.00

RECITALS

On September 8, 1992 St. Mary's County Building Authority Commission (the "Commission") a body corporate and politic and a public instrumentality created and existing under and pursuant to the Constitution and laws of the State of Maryland, adopted a resolution (the "Authorizing Resolution") authorizing the issuance and public sale of its limited obligation bonds designated "St. Mary's County Building Authority Commission Nursing Home Project and Refunding Bonds of 1992" in aggregate principal amount not to exceed $9,500,000 (the "Bonds") and determining various matters in connection with the issuance and sale of the Bonds. On September 8, 1992 the Board of County Commissioners of St. Mary's County (the "Board") adopted a resolution approving the adoption by the Commission of the Authorizing Resolution.

On September 24, 1992 the public sale of the Bonds was held at the offices of Alex. Brown & Sons Incorporated, 10 North Calvert Street, 8th Floor, Baltimore, Maryland 21202, at 11:00 a.m., local Baltimore, Maryland time in accordance with the terms of the Notice of Sale approved by the Authorizing Resolution.

On September 24, 1992 the Commission adopted a resolution (the "Awarding Resolution") (i) awarding the sale of the Bonds to the manager of the syndicate submitting the best bid for the Bonds (as defined in the Awarding Resolution, the "Successful Bidder") and (ii) fixing the Final Aggregate Principal Amount (defined in the Authorizing Resolution) of the Bonds, the Final Principal Amount (defined in the Authorizing Resolution) of each maturity of the Bonds, and the rates of interest per annum to be borne by the Bonds, all in accordance with the Authorizing Resolution, the terms of the Notice of Sale approved thereby, and the bid submitted by the Successful Bidder.

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This Board concurs in the findings and judgment of the Commission set forth in the Awarding Resolution and deems it desirable to approve of the sale of the Bonds to the Successful Bidder therefor named in the Awarding Resolution.

NOW, THEREFORE, BE IT RESOLVED BY COUNTY COMMISSIONERS OF ST. MARY'S COUNTY:

Section 1. It concurs in the findings and judgment of the Commission as set forth by the terms of its resolution duly adopted on September 24, 1992 and entitled:

> Resolution of the St. Mary's County Building Authority Commission (the "Commission") supplementing a resolution adopted by the Commission and approved by the Board of County Commissioners of St. Mary's County on September 8, 1992 (the "Authorizing Resolution") by providing for the award of limited obligation, fully registered bonds to be designated "St. Mary's County Building Authority Commission Nursing Home Project and Refunding Bonds of 1992" authorized to be issued pursuant to the Authorizing Resolution; fixing the interest rates payable upon the bonds so authorized and awarding the bonds to the successful bidder therefor upon the basis of the bids received this day in accordance with the official Notice of Sale approved by the Authorizing Resolution; ratifying the publication of the Notice of Sale; and generally concerning various matters in connection with the sale of the bonds.

Section 2. This Board accordingly approves (i) the award of the sale of the Bonds to the Successful Bidder named in the Awarding Resolution, (ii) the Final Aggregate Principal Amount of the Bonds, (iii) the Final Principal Amount of each maturity of the Bonds, and (iv) the rates of interest per annum to be borne by the Bonds, all as set forth in the Awarding Resolution.

Section 3. This Resolution shall take effect on the date of its adoption.

Adopted: September 24, 1992

Carl M. Loffler, Jr President

W. Edward Bailey, Commissioner

Robert T. Jarboe, Commissioner

John G. Lancaster, Commissioner

Barbara R. Thompson, Commissioner

1048.205774A:09/22/92
13820-010002

NO: BA-92-01

BOOK 008 PAGE 0257

SUBJ: ST. MARY'S COUNTY BUILDING AUTHORITY COMMISSION NURSING CENTER HOME PROJECT & REFUNDING BONDS OF 1992

ST. MARY'S COUNTY BUILDING AUTHORITY COMMISSION

Resolution of the St. Mary's County Building Authority Commission (the "Commission") supplementing a resolution adopted by the Commission and approved by the Board of County Commissioners of St. Mary's County on September 8, 1992 (the "Authorizing Resolution") by providing for the award of limited obligation, fully registered bonds to be designated "St. Mary's County Building Authority Commission Nursing Home Project and Refunding Bonds of 1992" authorized to be issued pursuant to the Authorizing Resolution; fixing the interest rates payable upon the bonds so authorized and awarding the bonds to the successful bidder therefor upon the basis of the bids received this day in accordance with the official Notice of Sale approved by the Authorizing Resolution; ratifying the publication of the Notice of Sale; and generally concerning various matters in connection with the sale of the bonds.

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RECITALS

The Resolution of the St. Mary's County Building Authority Commission dated September 8, 1992 (the "Authorizing Resolution") and approved by the Board of County Commissioners of St. Mary's County on September 8, 1992, authorized the public sale of limited obligation, fully registered bonds in aggregate principal amount not to exceed Nine Million Five Hundred Thousand Dollars ($9,500,000) and designated "St. Mary's County Building Authority Commission Nursing Home Project and Refunding Bonds of 1992" (the "Bonds"). The public sale of the Bonds was held this date at the offices of Alex. Brown & Sons Incorporated, 10 North Calvert Street, 8th Floor, Baltimore, Maryland 21202, at 11:00 a.m., local Baltimore, Maryland time in accordance with the terms of the Notice of Sale approved by the Authorizing Resolution.

The Commission is now ready (1) to accept the best bid for the Bonds, at the total purchase price named by the bidder in such bid in accordance with the terms of the Notice of Sale and (2) to fix the interest rates payable on the Bonds in accordance with the terms of the Notice of Sale and such bid.

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NOW, THEREFORE, BE IT RESOLVED BY ST. MARY'S COUNTY BUILDING AUTHORITY COMMISSION, that:

Section 1. The bid made by the syndicate headed by Harris Trust & Savings Bank (the "Successful Bidder") is the best bid received for the Bonds. The Successful Bidder is hereby found and determined to be the bidder whose bid is in the best interest of the Commission. The bid of the Successful Bidder for the Bonds is hereby accepted.

Section 2. The Bonds are hereby awarded to the Successful Bidder at the total purchase price named in its bid, and the Bonds, when prepared in definitive form, shall be executed and delivered to the Successful Bidder in accordance with the terms and conditions of the Notice of Sale, such delivery to be made upon receipt of the total purchase price for the Bonds, being the Final Aggregate Principal Amount of the Bonds, plus any premium offered by the Successful Bidder (as the amount of such premium may be adjusted in accordance with the provisions of the Notice of Sale) and accrued interest from September 15, 1992, and less the good faith deposit received from the Successful Bidder to secure its bid.

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13820-010002

Section 3. Pursuant to the Authorizing Resolution, the Final Aggregate Principal Amount of the Bonds, the Final Principal Amount of each maturity of the Bonds, and the rates of interest per annum to be borne by the Bonds are hereby fixed and adopted and shall be as set forth in the table below:

Final Aggregate Principal Amount: $ 8,910,000.00

Year of Maturity	Principal Amount	Interest Rate	Year of Maturity	Principal Amount	Interest Rate
1993	$ 265,000	7.40%	2005	$ 400,000	5.75%
1994	200,000	7.40	2006	415,000	5.85
1995	210,000	7.40	2007	445,000	5.95
1996	230,000	7.40	2008	480,000	6.00
1997	240,000	7.40	2009	500,000	6.10
1998	265,000	7.40	2010	530,000	6.10
1999	285,000	7.40	2011	565,000	6.10
2000	300,000	6.60	2012	590,000	6.10
2001	320,000	5.30	2013	365,000	6.20
2002	340,000	5.40	2014	385,000	6.20
2003	355,000	5.50	2015	410,000	6.20
2004	380,000	5.65	2016	435,000	6.20

In accordance with Section 10 of the Authorizing Resolution, the following Bonds are aggregated into term bonds maturing on July 15 of the following years:

Years Aggregated			Maturity Year
2009	through	2012	2012
2013	through	2016	2016
_____	through	_____	_____
_____	through	_____	_____

Section 4: Any member of the Commission is hereby authorized and directed to return, in accordance with the provisions of the Notice of Sale, the certified or other checks received with the proposals not hereby accepted.

Section 5. The following are hereby confirmed and established: (i) the publication of the Notice of Sale in The Enterprise on September 16, 1992 and the Summary Notice of Sale in The Bond Buyer on September 15, 1992 shall constitute and satisfy the publication requirement for the sale of the Bonds, (ii) the Regular Record Date for the Bonds shall be the last Business Day of the month immediately preceding the month in which each interest payment date occurs, and (iii) any Additional Bonds issued in accordance with Section 16 of the Authorizing Resolution shall be secured by the Revenues on an equal and ratable basis with the Bonds. Any defined term used herein and not otherwise defined shall have the meaning set forth in the Authorizing Resolution.

Section 6. This Resolution shall take effect on the date of its adoption.

THIS DATE: September 24, 1992

ST. MARY'S COUNTY BUILDING AUTHORITY COMMISSION

(SEAL)

Jon R. Grimm, Chairman

ATTEST:

Linda M. Shepherd

Daniel F. Ichniowski, Secretary

Edward V. Cox, Member

Joseph R. Densford, Member

Charles H. Wade, Jr., Member

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13820-010002

Resolution No. W/S 92-06A
Subject: Comprehensive Water and Sewerage Plan Amendment
Project: Robert & Dorothy Joyner Property
Case: CWSP #90-1245

BOOK 008 PAGE 0261

RESOLUTION

WHEREAS, Lots 49-56 and Lots 110-120 of Block 24 of Tax Map 39B is situated within a S-6 a "no planned service" category area according to the St. Mary's County Comprehensive Water and Sewerage Plan (the CWSP or Plan); and

10:57AM10/27/92A CO.COM $0.00

WHEREAS, Robert and Dorothy Joyner have made application to amend the Comprehensive Water and Sewerage Plan to include said Lots within a S-3D service area category, for "service within 3-5 years"; and

WHEREAS, said Lots 49-56 and Lots 110-120 are proposed for access to the St. Clements Shores wastewater treatment plant and change of the service area category from S-6 to S-3D in the RNC (Residential Neighborhood Conservation) zoning district; and

WHEREAS, on November 12, 1991, the St. Mary's County Planning Commission reviewed the proposed plan amendment, made findings of inconsistency with the Comprehensive Plan policy, and voted unanimously to recommend DENIAL as requested; and

WHEREAS, on June 23, 1992 Board of County Commissioners of St. Mary's County conducted a public hearing on said proposed amendment to the CWSP, and by a unanimous vote approved it, having made a finding of consistency with Board of County Commissioners' Resolution 84-22 and the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED that the St. Mary's County Comprehensive Water and Sewerage Plan be amended to include approximately one acre described as Lots 49-56 and Lots 110-120 of Block 24 of Tax Map 39B to allow sewerage service from the St. Clement's Shores wastewater treatment plant with a S-3D service area, and to forward the amendment to the Maryland Department of the Environment for final approval.

BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon its adoption.

'THIS RESOLUTION corrects a typographical error in Resolution No. W/S 92-06.

Date of Adoption: October 13, 1992

Effective Date: October 13, 1992

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY MARYLAND

CARL M. LOFFLER, JR., President

W. EDWARD BAILEY, Commissioner

ROBERT T. JARBOE, Commissioner

JOHN G. LANCASTER, Commissioner

BARBARA R. THOMPSON, Commissioner

Attest:

EDWARD V. COX, County Administrator

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:

JOSEPH R. DENSFORD, County Attorney

BOOK 008 PAGE 0262

Resolution No. 92- 29
Subj.: Homestead Tax Credit Percentage for St. Mary's County Property Taxes

R E S O L U T I O N

WHEREAS, Section 9-105 of the Tax Property Article of the Annotated Code of Maryland (1986 Volume as Amended) provides that for the fiscal year beginning with July 1, 1991, the County Commissioners shall establish and determine, for County tax purposes, the limit of the increases in taxable assessments of certain owner occupied dwellings.

2:16PM10/29/92A CO.COM $0.00

WHEREAS, following deliberation, the Board of County Commissioners of St. Mary's County, Maryland have concluded it is in the best interest of the citizens of St. Mary's County to establish the homestead tax credit percentage at one hundred ten (110%) percent.

NOW, THEREFORE, BE IT RESOLVED this 27th day of October, by the Board of County Commissioners of St. Mary's County that a homestead tax credit percentage for property owners as described and provided for in Section 9-105 of the Tax Property Article, Annotated Code of Maryland, as aforesaid, of one hundred ten (110%) percent is hereby established. Such homestead tax credit shall be applicable for the tax year beginning July 1, 1993 and any subsequent year, provided that on or before January 1, 1994 and any year thereafter, the Board of County Commissioners of St. Mary's County may alter by law, the homestead tax credit percentage for the taxable year beginning the following July 1, and any subsequent year, provided that the homestead tax credit herein provided for may not exceed the maximum provided by State law. Such homestead tax credit shall be subject to all provisions, restrictions and conditions provided form time to time by State law. The homestead property tax credit provided for in this Resolution shall apply to County taxes and the municipal taxes of municipalities in St. Mary's County only if the municipal corporation has not established a homestead property tax credit of its own. The homestead tax credit shall apply only to such taxes as may become due after June 30, 1993.

Date of Adoption: October 27 1992
Effective Date: July 1, 1993

BOARD OF COUNTY COMMISSIONERS
ST. MARY'S COUNTY, MARYLAND

Carl M. Loffler, Jr., President

W. Edward Bailey, Commissioner

Robert T. Jarboe, Commissioner

John G. Lancaster, Commissioner

Barbara R. Thompson, Commissioner

ATTEST:

Edward V. Cox
County Administrator

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:

Joseph R. Densford
County Attorney

NO: 92 - 28

SUBJ: MARYLAND NATURAL GAS

BOOK 008 PAGE 0263 2:16PM 10/29/92A CO.COM $0.00

RESOLUTION

WHEREAS, by Resolution No. 88-30, adopted November 1, 1988, the Board of County Commissioners of St. Mary's County, Maryland granted a franchise to Maryland Natural Gas (MNG), a division of Washington Gas Light Company, its successors and assigns, and authorized the installation of its gas transmission and distribution system within St. Mary's County; and

WHEREAS, Resolution No. 88-30 established a gas distribution franchise fee equal to three percent (3%) of MNG gas revenues from sales in St. Mary's County; and

WHEREAS, Resolution No. 88-30 provided that the County may, in its discretion, change the rate for the gas distribution franchise fee from time to time, such that it is imposed at the same rate as the then effective St. Mary's County Energy Tax; and

WHEREAS, effective July 1, 1989, the Board of County Commissioners increased the Energy Tax rate to five percent (5%) of revenues and five percent (5%) is the current effective Energy Tax rate;

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of St. Mary's County, Maryland that Resolution No. 88-30 is hereby amended and the gas distribution franchise fee is increased from three percent (3%) to five percent (5%) of MNG gas revenues from sales in St. Mary's County.

DATE OF ADOPTION: October 27, 1992

EFFECTIVE DATE: July 1, 1989

ATTEST:

Edward V. Cox
County Administrator

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:

Joseph R. Densford
County Attorney

BOARD OF COUNTY COMMISSIONERS
ST. MARY'S COUNTY, MARYLAND

Carl M. Loffler, Jr., President

W. Edward Bailey, Commissioner

Robert T. Jarboe, Commissioner

John G. Lancaster, Commissioner

Barbara R. Thompson, Commissioner

SUBJECT: GENERAL OBLIGATION BONDS TRANSFER OF FUNDS - VARIOUS PROJECTS

RESOLUTION NO. 92-27
Page 1 of 3

2:16PM10/29/92A CO.COM $0.00

BOOK 008 PAGE 0264

R E S O L U T I O N

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY for the purpose of supplementing the Resolution of the County adopted on December 10, 1991 authorizing the issuance of general obligation bonds of the County by designating certain new projects as additional projects authorized to be financed with the proceeds from the sale of such bonds.

RECITALS

On December 10, 1991, the County Commissioners of St. Mary's County (the "County") adopted its Resolution (the "Authorizing Resolution") authorizing the issuance and sale of $6,020,000 County Commissioners of St. Mary's County Public Facilities Bonds of 1991 dated November 27, 1991 (the "Bonds"), a portion of the proceeds of which were to be used to finance the construction, improvement or development of certain capital projects described in such Authorizing Resolution (the "Original Projects").

Section 5 of the Authorizing Resolution provides that the proceeds of the Bonds shall be applied to the payment of the cost of the projects described in Resolution No. 91-42, unless the County by resolution authorizes the application of the proceeds of the Bonds to other capital projects of the County, and any unexpended proceeds of the Bonds shall otherwise be applied as provided in Resolution No. 91-42.

The County has determined that a portion of the proceeds of the sale of the Bonds originally designated to be used to finance the costs of the Original Projects is no longer required for such purpose.

The County has determined that it is in its best interest to use $ 750,000 of the proceeds of the Bonds to finance all or a portion of the costs of certain projects listed on Schedule A attached hereto.

The County has further determined that the projects being financed by the proceeds of the Bonds and listed on Schedule A attached hereto have been authorized by Chapter 705 of the Laws of Maryland of 1981 and have been approved by St. Mary's County Board of County Commissioners Approved Budget.

BE IT RESOLVED BY COUNTY COMMISSIONERS OF ST. MARY'S COUNTY:

Section 1: The authorizing resolution adopted by the County Commissioners of St. Mary's County on December 10, 1991 (the "Authorizing Resolution") authorizing the issuance and sale of $6,020,000 aggregate principal amount of County Commissioners of St. Mary's County Public Facilities Bonds of 1991, dated November 27, 1991 (the "Bonds") is hereby supplemented for the sole purpose of designating the projects described in Section 2 below as additional projects the costs of which are authorized to be financed with the proceeds of the sale of the Bonds.

Section 2: The County hereby finds and determines that a portion of the proceeds from the sale of the Bonds designated to finance the construction, improvement or development of certain capital projects approved by the Authorizing Resolution is no longer required for such purpose. The County hereby designates $ 750,000 from the proceeds of the sale of the Bonds to be used to finance the construction, improvement or development of the projects in the County set forth in Schedule A attached to and made a part of this Resolution. The designation of such additional projects authorized to be financed from the proceeds of the sale of the Bonds shall in no way limit the County from designating such further additional projects as permitted under the Authorizing Resolution and shall in no way modify, amend or rescind any other provisions of the Authorizing Resolution.

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Section 3: This Supplement Resolution shall become effective immediately upon its passage.

ADOPTED this 20TH day of OCTOBER, 1992.

BOARD OF COUNTY COMMISSIONERS OF
ST. MARY'S COUNTY, MARYLAND

Carl M. Loffler, Jr.
President

W. Edward Bailey
Commissioner

Robert T. Jarboe
Commissioner

John G. Lancaster
Commissioner

Barbara R. Thompson
Commissioner

ATTEST:

Edward V. Cox
County Administrator

Charles H. Wade, Jr.
Director of Finance

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Joseph R. Densford
County Attorney

BOOK 008 PAGE 0267

SCHEDULE A
to RESOLUTION NO: 92-27

Description of Additional Projects Authorized to be Financed with the Proceeds of the County Commissioners of St. Mary's County Public Facilities Bonds of 1991.

Arnold Building	$ 23,000
Airport Runway	$ 51,945
Detention Center	$ 18,976
Hewitt's Road	$151,236
Wicomico Shores	$ 83,185
Office & Building Renovations	$ 45,722
County Office Space	$169,000
Senior Center	$125,064
Transportation Plan	$ 81,872
Total	$750,000

SUBJECT: GENERAL OBLIGATION BONDS TRANSFER OF FUNDS
5TH DISTRICT AND PECG ROAD

RESOLUTION NO. 92-26
Page 1 of 3

BOOK 008 PAGE 0268

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RESOLUTION

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY for the purpose of supplementing the Resolution of the County adopted on December 13, 1990 authorizing the issuance of general obligation bonds of the County by designating certain new projects as additional projects authorized to be financed with the proceeds from the sale of such bonds.

RECITALS

On December 13, 1990, the County Commissioners of St. Mary's County (the "County") adopted its Resolution (the "Authorizing Resolution") authorizing the issuance and sale of $6,850,000 County Commissioners of St. Mary's County Public Facilities Bonds of 1990 dated December 1, 1990 (the "Bonds"), a portion of the proceeds of which were to be used to finance the construction, improvement or development of certain capital projects described in such Authorizing Resolution (the "Original Projects").

Section 5 of the Authorizing Resolution provides that the proceeds of the Bonds shall be applied to the payment of the cost of the projects described in Resolution No. 90-21, unless the County by resolution authorizes the application of the proceeds of the Bonds to other capital projects of the County, and any unexpended proceeds of the Bonds shall otherwise be applied as provided in Resolution No. 90-21.

The County has determined that a portion of the proceeds of the sale of the Bonds originally designated to be used to finance the costs of the Original Projects is no longer required for such purpose.

The County has determined that it is in its best interest to use $ 750,000 of the proceeds of the Bonds to finance all or a portion of the costs of certain projects listed on Schedule A attached hereto.

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The County has further determined that the projects being financed by the proceeds of the Bonds and listed on Schedule A attached hereto have been authorized by Chapter 705 of the Laws of Maryland of 1981 and have been approved by St. Mary's County Board of County Commissioners Approved Budget.

BE IT RESOLVED BY COUNTY COMMISSIONERS OF ST. MARY'S COUNTY:

Section 1: The authorizing resolution adopted by the County Commissioners of St. Mary's County on December 13, 1990 (the "Authorizing Resolution") authorizing the issuance and sale of $6,850,000 aggregate principal amount of County Commissioners of St. Mary's County Public Facilities Bonds of 1990, dated December 1, 1990 (the "Bonds") is hereby supplemented for the sole purpose of designating the projects described in Section 2 below as additional projects the costs of which are authorized to be financed with the proceeds of the sale of the Bonds.

Section 2: The County hereby finds and determines that a portion of the proceeds from the sale of the Bonds designated to finance the construction, improvement or development of certain capital projects approved by the Authorizing Resolution is no longer required for such purpose. The County hereby designates $ 750,000 from the proceeds of the sale of the Bonds to be used to finance the construction, improvement or development of the projects in the County set forth in Schedule A attached to and made a part of this Resolution. The designation of such additional projects authorized to be financed from the proceeds of the sale of the Bonds shall in no way limit the County from designating such further additional projects as permitted under the Authorizing Resolution and shall in no way modify, amend or rescind any other provisions of the Authorizing Resolution.

Section 3: This Supplement Resolution shall become effective immediately upon its passage.

ADOPTED this 20TH day of OCTOBER, 1992.

BOARD OF COUNTY COMMISSIONERS OF
ST. MARY'S COUNTY, MARYLAND

Carl M. Loffler, Jr.
President

W. Edward Bailey
Commissioner

Robert T. Jarboe
Commissioner

John G. Lancaster
Commissioner

Barbara R. Thompson
Commissioner

ATTEST:

Edward V. Cox
County Administrator

Charles H. Wade, Jr.
Director of Finance

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Joseph R. Densford
County Attorney

BOOK 008 PAGE 0271

SCHEDULE A
to RESOLUTION NO: 92-06

Description of Additional Projects Authorized to be Financed with the Proceeds of the County Commissioners of St. Mary's County Public Facilities Bonds of 1990.

Sixth District Elementary	$600,000
Pegg Road	$150,000
Total	$750,000

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NO: 92-30

SUBJ: FY'93 SUPPLEMENTAL APPROPRIATIONS

O R D I N A N C E

WHEREAS, the Board of County Commissioners believe that it is in the best interest of the County to amend the Fiscal Year 1993 General Fund Budget to increase the St. Mary's County Board of Education appropriation, and

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WHEREAS, the St. Mary's County Director of Finance has certified in writing that such funds are available for this appropriation from the General Fund Unreserved Fund Balance.

NOW, THEREFORE, BE IT ORDAINED that the Board of County Commissioners after due notice, conducted a public hearing on October 27, 1992 to present and explain the requirements to increase the Fiscal Year 1993 Budget in the amount of $433,336.00 (Four Hundred and Thirty-Three Thousand and Three Hundred and Thirty-Six Dollars), and such increase is hereby approved this 10th day of November, 1992, by the Board of County Commissioners of St. Mary's County, Maryland.

Date of Adoption: Nov. 10, 1992

Effective Date: Nov. 10, 1992

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

Carl M. Loffler, Jr., President

W. Edward Bailey, Commissioner

Robert T. Jarboe, Commissioner

John G. Lancaster, Commissioner

Barbara Thompson, Commissioner

ATTEST:

Edward V. Cox
County Administrator

RECOMMENDED:

Charles H. Wade, Jr.
Director of Finance

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Joseph R. Densford
County Attorney

BOOK 008 PAGE 0273

Ordinance No. Z92-07
(Amends Ordinance No. 90-11 and Ordinance 91-03)

AN ORDINANCE AMENDING COMPREHENSIVE ZONING REGULATIONS FOR ST. MARY'S COUNTY, MARYLAND, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT AND AMENDMENT THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 66B OF THE ANNOTATED CODE OF MARYLAND, AS AMENDED.

WHEREAS, Article 66B of the Annotated Code of Maryland, as amended, empowers the Board of County Commissioners of St. Mary's County, Maryland to enact a zoning ordinance and to provide for its administration, enforcement and amendment, and

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WHEREAS, the Board of County Commissioners deems it necessary for the purpose of promoting the health, safety, morals and general welfare of St. Mary's County to enact such an ordinance, and

WHEREAS, the Board of County Commissioners, pursuant to the provisions of Article 66B of the Annotated Code of Maryland, as amended, have appointed a Planning Commission to recommend the boundaries of the various zoning districts and appropriate regulations to be enforced therein, and

WHEREAS, on January 27, 1992 and February 24, 1992, following due public notice, the Planning Commission held public hearings on proposed amendments to the Comprehensive Zoning Ordinance and submitted its recommendations to the Board of County Commissioners, and

WHEREAS, the Board of County Commissioners gave due public notice of a hearing relating to the proposed amendments to the Zoning Ordinance and on June 30, 1992 held such public hearing thereon, and

WHEREAS, the Board of County Commissioners effected certain modification to the Planning Commission report in response to testimony and evidence offered at the June 30, 1992, and subsequent recommendations from the Planning Commission at the request of the Board of County Commissioners, and

WHEREAS, all requirements of Article 66B of the Annotated Code of Maryland, as amended, with regard to the preparation of the recommendation of the Planning Commission and subsequent action of the Board of County Commissioners have been met.

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED, by the Board of County Commissioners of St. Mary's County, Maryland, as follows:

1. That said amended regulations, restrictions and zoning districts as reflected in the document dated October 21, 1992 from the Director of Planning and Zoning are incorporated herein by reference and approved.

2. That this ordinance shall take effect on November 30, 1992.

Adopted this 10TH day of NOVEMBER 1992.

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY

Carl M. Loffler, Jr., President

W. Edward Bailey, Commissioner

Robert T. Jarboe, Commissioner

John G. Lancaster, Commissioner

Barbara R. Thompson, Commissioner

ATTEST:

EDWARD V. COX
County Administrator

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:

JOSEPH R. DENSFORD
County Attorney

BOOK 008 PAGE 0274

NO.: 92-32

SUBJ.: BOARD OF EDUCATION SIX-YEAR CAPITAL IMPROVEMENT PROGRAM FISCAL YEARS 1994-1999

R E S O L U T I O N

WHEREAS, The Board of Education of St. Mary's County has prepared a Six-Year Capital Improvement Program Request for Fiscal Year 1994 through Fiscal Year 1999 which requests State funding for various public school facility projects in St. Mary's County; and

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WHEREAS, The Board of County Commissioners has reviewed with the Board of Education the Capital Improvement Program Request;

NOW, THEREFORE, BE IT RESOLVED By the County Commissioners of St. Mary's County, Maryland that they are knowledgeable that in addition to the requested State funding, County funds may be required to design, construct, and equip the school facility projects contained in the Capital Improvement Program Request; and

FURTHER, BE IT RESOLVED That the County Commissioners of St. Mary's County, Maryland intend to provide such operational funds and services as are or may become necessary to adequately operate, maintain and staff those public school facilities constructed with the use of State funds provided by the State Public School Construction Program for Fiscal Year 1994.

ADOPTION DATE: 12/1/92

EFFECTIVE DATE: 12/1/92

BOARD OF COUNTY COMMISSIONERS
ST. MARY'S COUNTY, MARYLAND

Carl M. Loffler, Jr., President

W. Edward Bailey, Commissioner

Robert T. Jarboe, Commissioner

John G. Lancaster, Commissioner

Barbara R. Thompson, Commissioner

ATTEST:

Edward V. Cox
County Administrator

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:

Joseph R. Densford
County Attorney

Ordinance No. 92-31
Adoption of Building Code
An Ordinance Superseding
Ordinance No. 90-04

BOOK 008 PAGE 0275

ORDINANCE

AN ORDINANCE ESTABLISHING MINIMUM REGULATIONS GOVERNING THE DESIGN, CONSTRUCTION, ALTERATION, ENLARGEMENT, REPAIR, DEMOLITION, REMOVAL MAINTENANCE AND USE OF CERTAIN BUILDINGS AND STRUCTURES; PROVIDING FOR THE ISSUANCE OF PERMITS, RECEIPT OF CONSTRUCTION DRAWINGS, MAKING OF INSPECTIONS, ISSUANCE OF CERTIFICATES OF USE AND OCCUPANCY AS REQUIRED, AND THE COLLECTION OF FEES; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; SAID ORDINANCE TO BE CALLED AND KNOWN AS THE ST. MARY'S COUNTY BUILDING CODE.

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WHEREAS, Article 25, Section 10D of the Annotated Code of Maryland authorized the Board of County Commissioners of St. Mary's County to adopt, amend and enforce a building code for St. Mary's County; and

WHEREAS, the Board of County Commissioners appointed a Building Code Task Force during 1985 to examine the need for the adoption of a Building Code in St. Mary's County; and

WHEREAS, the Board of County Commissioners cited the following benefits to be derived from the adoption of a Building Code when first instituted in 1990 and reaffirmed this date:

(1) Greater universality of standards with neighboring jurisdictions;

(2) Minimum health and safety standards for contractors;

(3) Construction guidelines for the protection of consumers and builders; and

(4) Increased insurance benefits and enhanced mortgage opportunities for many people; and

WHEREAS, the Emergency Services Committee on January 7, 1992, the St. Mary's Building Code Appeals Board on April 10, 1992, the St. Mary's County Planning Commission on April 13, 1992 voted unanimously to recommend to the Board of County Commissioners that the 1990 BOCA National Building Code be adopted; and

WHEREAS, a public hearing was held by the Board of County Commissioners on October 22, 1992 on the adoption of the 1990 BOCA National Building Code, and the 1990 BOCA Energy Code; and

WHEREAS, the Board of County Commissioners has determined that the various inspections required by the BOCA National Building Code, would better serve and protect the citizens of St. Mary's County, as well as the contractors involved in such construction.

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of St. Mary's County, Maryland this 24th day of November, 1992, after due consideration and deliberation, that the BOCA National Building Code, 1990 Edition is hereby adopted to replace and supersede the 1987 Edition as the Building Code of St. Mary's County, Maryland, for the construction, modification, and repair of buildings and structures as herein provided; and each of the regulations, provisions, conditions, and terms of said Building Code are hereby adopted and made a part hereof as if fully set out in this Ordinance, subject to certain special provisions as set forth below.

BE IT FURTHER ORDAINED, that pursuant to the recommendations and comments received as a result of the public hearing held by the Board of County Commissioners, the following special provisions shall apply and shall supersede any contrary provisions in the Building Code as otherwise adopted:

(1) The following minimum inspections shall be required for all buildings and structures governed by the Building Code:

(a) Footings and foundations
(b) Framing
(c) Insulation
(d) Final

(2) Inspections conducted in the administration and enforcement of the Building Code shall, in the first instance, be arranged through the St. Mary's Department of Planning and Zoning and may be performed by contract with an independent inspecting agency. Such inspections may also be conducted by various personnel employed by or assigned to the Department of Planning and Zoning, or as provided for in §115.2.1 of the BOCA National Building Code, 1990 Edition. An official within the Department of Planning and Zoning shall be designated the Code Official for the purpose of administering and enforcing the Building Code.

(3) Costs of administering and enforcing the Building Code shall be financed through that portion of the user fee schedule associated with the issuance of building permits.

(4) The Department of Planning and Zoning shall periodically conduct public information sessions concerning the provisions, administration and enforcement of the Building Code for contractors and other members of the public.

(5) With respect to one and two family dwellings (defined as Use Group R-4 structures in §309.5 of the BOCA National Building Code, 1990 Edition) the provisions of the 1989 CABO One and Two Family Dwelling Code, shall govern, except as otherwise provided herein.

(6) Section R-110 of the 1989 CABO One and Two Family Dwelling Code is hereby deleted. A plot plan or construction plan shall not be required for construction of one and two family dwellings, except as may be required by other applicable ordinances, rules or regulations.

(7) Construction plans for the construction of all buildings and structures designed for public use as governed by §108.0 of the BOCA National Building Code, 1990 Edition, and in accordance with the laws of the State of Maryland, except as otherwise provided herein, shall be required prior to the issuance of a building permit.

(8) Single family detached, owner occupied dwellings and accessory buildings and structures thereto may use ungraded lumber, provided the materials are cut full size. Such lumber shall be capable of accommodating all loads imposed by Section R-201 of the 1989 CABO One and Two Family Dwelling Code, and all other load requirements for such dwellings under the Building Code.

(9) The construction of building for agricultural purposes (defined as barns, agricultural equipment storage structures, crop storage and processing structures and livestock housing storage structures) shall not be required to conform to the provisions of the Building Code. However, electrical and plumbing service for such structures shall be installed in conformance with the appropriate provisions of the state and county electrical and plumbing codes.

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(10) Section R-112 of the 1989 CABO One and Two Family Dwelling Code shall govern construction of prefabricated and manufactured one and two family dwellings and prefabricated and manufactured accessory buildings and structures thereto, except that framing and insulation inspections shall not be required where the manufacturer provides a certification from either the State of Maryland Department of Housing and Community Development or the U.S. Department of Housing and Urban Development that the dwelling meets all state or federal requirements. Any subsequent modifications or additions to such dwellings shall conform in all respects with the 1989 CABO One and Two Family Dwelling Code, including, but not limited to, inspection requirements. The provisions contained in Appendix C of the 1989 CABO One and Two Family Dwelling Code are specifically adopted hereby for such prefabricated and manufactured buildings and structures.

(11) With the exception of providing site and construction drawings prepared by a licensed professional engineer for the installation of natural gas service, the Building Code shall not apply to heating, ventilation and air conditions systems installed in residential, commercial or industrial buildings and structures. A design schematic of HVAC systems may be required by the Code Official for buildings designed for public use and greater than 10,000 sq. ft. in gross area.

(12) Article 27 (Electric Wiring, Equipment and Systems), Article 28 (Plumbing Systems), and Article 29 (Signs) of the BOCA National Building Code, 1990 Edition are hereby deleted.

(13) Part V (Plumbing) and Part VI (Electrical) of the 1989 CABO One and Two Family Code is hereby deleted.

(14) The following insertions and changes are hereby adopted for the BOCA National Building Code, 1990 Edition:

(a) §100.1 (page 1, second line). Insert: "St. Mary's County".

(b) §103.4 (page 3, first line). Insert: _____.

(c) §114.3.1 (page 10). Delete "plan examination" and "following schedule" and insert: "a user fee schedule adopted by the Board of County Commissioners".

(d) §117.4 (page 12) is deleted. Insert: "Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter, or repair a building or structure in violation of a directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a civil violation punishable by a fine not more than $100.00. Each day that a violation continues shall be deemed a separate offense.:

(e) §118.2 (page 12). Insert: "$100.00" and "$1,000.00" respectively.

(f) §123.3 (page 16). Insert: "$100.00".

(15) The provisions of the BOCA National Building Code, 1990 Edition shall not apply to buildings and structures for which a valid building permit has been issued prior to the effective date of this Ordinance. Said buildings and structures shall be governed by the BOCA National Building Code, 1987 Edition until the issuance of a final certificate of use and occupancy or the expiration of the building permit whichever shall first occur.

(16) Where there shall be any conflict between the Building Code and any other federal, state or county laws, rules, regulations, or ordinances, the more strict law, rule, regulation or ordinance shall be applicable.

(17) The adoption of subsequent editions of the BOCA National Building Code or the CABO One and Two Family Dwelling Code shall be considered within six (6) months of the publication of the new edition, after a review of proposed code changes and public hearings in accordance with the statutory requirements of St. Mary's County.

(18) Nothing in this Ordinance or in the Building Code shall be construed to affect any suit or proceeding pending in any court, or any rights acquired or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed, nor shall any legal or equitable right or remedy of any character be lost, impaired or affected by this Ordinance or the Building Code.

This Ordinance shall take effect on JANUARY 1, 1993.

Adopted this 24th day of NOVEMBER 1992.

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY

Carl M. Loffler, Jr., President

W. Edward Bailey, Commissioner

Robert T. Jarboe, Commissioner

John G. Lancaster, Commissioner

Barbara R. Thompson, Commissioner

BOOK 008 PAGE 0277

ATTEST:

EDWARD V. COX
County Administrator

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:

JOSEPH R. DENSFORD
County Attorney

Ordinance No. 93-01

BOOK 008 PAGE 0278

AN ORDINANCE AMENDING COMPREHENSIVE ZONING REGULATIONS FOR ST. MARY'S COUNTY, MARYLAND AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT AND AMENDMENT THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 66B OF THE ANNOTATED CODE OF MARYLAND, AS AMENDED, AND NATURAL RESOURCES ARTICLE TITLE 5 SUBTITLE 16

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WHEREAS, Article 66B of the Annotated Code of Maryland, as amended, empowers the Board of County Commissioners of St. Mary's County, Maryland to enact a zoning ordinance and to provide for its administration, enforcement and amendment, and

WHEREAS, Natural Resources Article Title 5 Subtitle 16 requires local jurisdictions to enact forest conservation regulations, and

WHEREAS, the Board of County Commissioners, pursuant to the provisions of Article 66B of the Annotated Code of Maryland, as amended, have appointed a Planning Commission to recommend the appropriate regulations to be enforced therein, and

WHEREAS, on November 24, 1992, following due public notice, the Board of County Commissioners and Planning Commission held a joint public hearing on proposed forest conservation amendments to the Comprehensive Zoning Ordinance and submitted its recommendations to the Board of County Commissioners, and

WHEREAS, all requirements of Article 66B and Natural Resources Article Title 5 Subtitle 16 of the Annotated Code of Maryland, as amended, with regard to the preparation of the recommendation of the Planning Commission and subsequent action of the Board of County Commissioners have been met;

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED, by the Board of County Commissioners of St. Mary's County, Maryland, as follows:

1. That said amended regulations, restrictions and zoning districts as reflected in the document dated December 15, 1992 from the Director of Planning and Zoning are incorporated herein by reference and approved

2 That this ordinance shall take effect on January 1, 1993

Adopted this 5th day of JANUARY 1993

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY

Carl M. Loffler, Jr., President

W. Edward Bailey, Commissioner

Robert J. Jarboe, Commissioner

John G. Lancaster, Commissioner

Barbara R. Thompson, Commisioner

ATTEST:

EDWARD V. COX
County Administrator

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:

JOSEPH R. DENSFORD
County Attorney

1-1-93

44. FOREST CONSERVATION

44.1. INTENT.

An Ordinance for the purpose of prohibiting certain development projects from cutting or clearing certain forests within St. Mary's County unless a forest stand delineation and a forest conservation plan are in effect. The provisions of this ordinance have been developed to meet the requirements of Natural Resources Article, §§5-1601--5-1612, Annotated Code of Maryland which requires units of local government with planning and zoning authority to establish and implement local forest conservation programs. The Maryland Department of Natural Resources Forest Conservation Manual is hereby incorporated by reference to meet the requirement of adopting a local Forest Conservation Technical Manual.

44.2. APPLICABILITY.

44.2.1. Except as provided in Section 44.2.3 below, this ordinance applies to:

a. A person making application for a subdivision, project plan, grading, or sediment control approval on units of land 40,000 square feet or greater after the effective date of this ordinance.

b. A public utility not exempt under Section 44.2.3.e and 44.2.3.f of this ordinance.

c. A unit of county or municipal government, including a public utility or public works project, making application for a subdivision, project plan, grading, or sediment control approval on areas 40,000 square feet or greater.

44.2.2. Grandfathering.

a. The absence of an approved forest conservation plan does not prevent a local jurisdiction or other approving authority from approving an application for record plat approval, if the application is:

(1) Filed before January 1, 1993; and

(2) Substantively complete for final determination under applicable criteria other than forest conservation requirements.

b. For the purpose of this regulation, an application shall be considered to be substantively complete even if an approval or permit from another government agency that is required as part of the application has not been obtained, if the local jurisdiction determines that the approval or permit is not available solely because of the inaction of the other government agency and not because the applicant has failed to use best efforts to obtain such an approval or permit.

c. A person has obtained record plat approval, or has filed an application that satisfies this section, before January 1, 1993, is not required to file a forest conservation plan with a subsequent application for sediment control or grading plan approval for the tract to be developed according to the record plat.

44.23. Exemptions.

This ordinance does not apply to:

a. Highway construction activities under Natural Resources Article, §5-103, Annotated Code of Maryland.

b. Areas governed by the Chesapeake Bay Critical Area Protection Law, Natural Resources Article, §§8-1801--8-1816, Annotated Code of Maryland.

c. Commercial logging and timber harvesting operations, including harvesting conducted subject to the forest conservation and management program under Tax-Property Article, §8-211, Annotated Code of Maryland, that are completed:

(1) Before July 1, 1991; or
(2) After July 1, 1991 on property which:

(a) Has not been the subject of application for a grading permit for development within 5 years after the logging or harvesting operation, and

(b) Is the subject of a declaration of intent as provided for in Section 44.2.4 of this article, approved by the Department.

(c) Has filed with Department of Planning and Zoning a copy of the approved Erosion and Sediment Control Plan including a sketch map of the property which show the approximate location of existing forest cover and the forest area to be cleared.

d. Agricultural activities not resulting in a change in land use category, including agricultural support buildings and other related structures built using accepted best management practices, except that a person engaging in an agricultural activity clearing 40,000 square feet or greater of forest within a 1-year period, may not receive an agricultural exemption, unless the person files a declaration of intent as provided for in Section 44.2.4 of this article which includes:

(1) A statement that the landowner or landowner's agent will practice agriculture on that portion of the property for 5 years from the date of the declaration; and

(2) A sketch map of the property which shows the approximate location of existing forest cover and the forest area to be cleared.

e. The cutting or clearing of public utility rights-of-way licensed under Article 78, §§54A and 54B or §54-I, Annotated Code of Maryland or land for electric generating stations licensed under Article 78, §§54A and 54B or §54-I, Annotated Code of Maryland, if:

(1) Required certificates of public convenience and necessity have been issued in accordance with Natural Resources Article, §5-1603(f), Annotated Code of Maryland; and

(2) Cutting or clearing of the forest is conducted to minimize the loss of forest.

f. Routine maintenance or emergency repairs of public utility rights-of-way licensed under Article 78, §§54A and 54B or §54-I, Annotated Code of Maryland,

g. Except for a public utility subject to Section 44.2.3.f of this article, routine maintenance or emergency repairs of a public utility right-of-way if:

(1) The right-of-way existed before the effective date of this ordinance; or

(2) The right-of-way's initial construction was approved under this Ordinance.

h. An activity conducted on an existing single lot of any size if the activity:

(1) Does not result in the cumulative cutting, clearing, or grading of more than 40,000 square feet of forest;

(2) Does not result in the cutting, clearing, or grading of a forest that is subject to the requirements of a previous forest conservation plan approved under this ordinance; and

(3) Is the subject of a declaration of intent filed with the Department of Planning and Zoning, as provided for in Section 44.2.4 of this article, stating that the lot will not be the subject of a regulated activity within 5 years of the cutting, clearing, or grading of forest.

(4) A sketch map of the property which shows the approximate location of existing forest cover and the forest area to be cleared.

i. Strip or deep mining of coal regulated under Natural Resources Article, Title 7, Subtitle 5 or 5A, Annotated Code of Maryland.

j. Noncoal surface mining regulated under Natural Resources Article, Title 7, Subtitle 6A, Annotated Code of Maryland.

k. An activity required for the purpose of constructing a dwelling house intended for the use of the owner, or a family member of the owner, if the activity:

(1) Does not result in the cutting, clearing, or grading of more than 40,000 square feet of forest; and

(2) Is the subject of a declaration of intent filed with the Department of Planning and Zoning, as provided for in Section 44.2.4 of this article, which states that transfer of ownership may result in a loss of exemption.

(3) A sketch map of the property which shows the approximate location of existing forest cover and the forest area to be cleared.

l. A project for which a final plan of subdivision, final site plan approval, building permit, grading permit, or sediment control plan was approved before July 1, 1991.

m. A project for which initial subdivision plan approval has been obtained and for which engineering drawings have been submitted to the County prior to the effective date of the local Forest Conservation Program, provided that the plat is recorded and a grading permit is issued by December 31, 1992.

n. A planned unit development that, by December 31, 1991, has:

(1) Met all requirements for planned unit development approval; and

(2) Obtained initial development plan approval by the St. Mary's County Planning Commission.

o. A real estate transfer to provide a security, leasehold, or other legal or equitable interest, including a transfer of title, of a portion of a lot or parcel, if:

(1) The transfer does not involve a change in land use, or new development or redevelopment, with associated land disturbing activities; and

(2) Both the grantor and grantee file a declaration of intent, as provided for in Section 44.2.4 of this article.

(3) A sketch map of the property which shows the location of existing forest areas on the site.

44.2.4. Declaration of Intent.

a. The purpose of the declaration of intent is to verify that the proposed activity is exempt under Natural Resources Article, §§5-103 and 5-1601–5-1612, Annotated Code of Maryland and this ordinance.

b. A person seeking an exemption under Sections 44.2.3.c, 44.2.3.d, 44.2.3.h, 44.2.3.k, and 44.2.3.o of this article shall file a declaration of intent with the Department of Planning and Zoning.

c. A declaration of intent shall include the signed agreement, a sketch plan indicating the location of existing forest area and the area to be cleared, and any other sub-exhibits which may be required by the Department of Planning and Zoning depending on the nature of the exemption requested.

d. The existence of a declaration of intent does not preclude an exempted activity on the property subject to a declaration of intent, if the activity:

(a) Does not conflict with the purpose of any existing declaration of intent, and
(b) Complies with the applicable requirements for an exempted activity;

e. If a regulated activity occurs within the area covered by the declaration of intent within 5 years of the effective date of the declaration of intent, then the following shall apply:

(a) There shall be an immediate loss of exemption, or
(b) There may be a noncompliance action taken by the Department of Planning and Zoning, as appropriate, under this ordinance;

f. An applicant may apply to conduct a regulated activity on an area of the property not covered under the declaration of intent if the requirements of this Ordinance are satisfied.

g. The Department of Planning and Zoning may require a person failing to file a declaration of intent or found in noncompliance with a declaration of intent to:

(1) Meet the retention, afforestation and reforestation requirements established in Sections 44.2.1, 44.3, 44.4, 44.5, 44.6, 44.7, 44.8, 44.9, 44.10, and 44.11, of this ordinance;

(2) Pay a noncompliance fee of 30 cents per square foot of forest cut or cleared under the declaration of intent;

(3) Be subject to other enforcement actions appropriate under Natural Resources Article, §§5-1601–5-1612, Annotated Code of Maryland and this ordinance; or

(4) File a declaration of intent with the Department of Planning and Zoning.

h. In its determination of appropriate enforcement action, the Department of Planning and Zoning may consider whether failure to file a declaration of intent by a person required to file is a knowing violation of this ordinance.

i. The declaration of intent is effective for 5 years.

44.3. GENERAL REQUIREMENTS.

44.3.1. A person making application after the effective date of December 31, 1992, for subdivision or local agency project plan approval, a grading permit, or a sediment control permit for an area of land of 40,000 square feet or greater shall:

a. Submit to the Department of Planning and Zoning a forest stand delineation and a forest conservation plan for the lot or parcel on which the development is located; and

b. Use methods approved by the Department of Planning and Zoning, as provided in the Forest Conservation Technical Manual, to protect retained forests and trees during construction.

44.3.2. If a local agency or person using state funds makes application to conduct a regulated activity, the provisions of COMAR 08.19.04.01D–G apply.

44.4. FOREST STAND DELINEATIONS

44.4.1. Criteria.

a. A forest stand delineation shall be submitted as part of an initial submission in accordance with Section 1.04(B), and Article III (Appendix I) of the St, Marys County Subdivision Regulations, before a grading permit application is accepted in accordance with Section 6.00 of the St. Marys County Sedimentation Control Ordinance, or before a sediment control application is submitted in accordance with Section 9.00 of the St. Marys County Sedimentation Control Ordinance (79-08, as amended) for the tract being developed.

b. The delineation shall be prepared by a licensed forester, licensed landscape architect, or a qualified professional who meets the requirements stated in COMAR 08.19.06.01B.

c. The delineation shall be used during the initial review process to determine the most suitable and practical areas for forest conservation and shall contain the following components:

(1) A topographic map delineating intermittent and perennial streams, and steep slopes over 25 percent;

(2) A soils map delineating soils with structural limitations, hydric soils, or soils with a soil K value greater than 0.35 on slopes of 15 percent or more;

(3) Forest stand maps indicating species, location, and size of trees and showing dominant and codominant forest types;

(4) Location of 100-year floodplains;

(5) Information required by the Forest Conservation Technical Manual; and

(6) Other information the Department of Planning and Zoning determines is necessary to implement this ordinance.

d. If approved by the Department of Planning and Zoning prior to an initial submission, a simplified delineation may be submitted for an area:

(1) When no forest cover is disturbed during a construction activity; and

(2) Existing forest is designated to be under a long term protective agreement.

(3) Priority areas are protected; and

(4) Afforestation requirements are met if applicable.

e. The Department of Planning and Zoning shall consider a simplified forest stand delineation complete if it includes:

(1) All requirements under Section 44.4.1.c.(1), 44.4.1.c.(2), 44.4.1.c.(4), and 44.4.1.c.(5) of this article;

(2) A map showing existing forest cover as verified by field inspection; and

(3) Other information required by this ordinance.

f. An approved forest stand delineation may remain in effect for a period not longer than 5 years.

g. Information Required by the Forest Conservation Technical Manual

(1) The applicant shall submit:

(a) Final Forest Stand Delineation Map

(b) Environmental Features Map including a Site Vicinity Map
(c) Stand Summary Sheets
(d) Narrative Report of forest stand conditions

(2) Contents of Submittal Requirements

The submittal package shall include the following information:

(a) Forest Stand Delineation Map. This map shall be prepared at an appropriate scale with arrow indicating north, including the following information (see Appendix A of the Forest Conservation manual for precise definitions and Table 2.2.1 for potential sources of information)

i) property boundaries
ii) topographic information
iii) perennial and intermittent streams
iv) soils
v) current forested and unforested areas
vi) forest stand locations
vii) tree lines extending off-site
viii) steep slopes
ix) field sampling points

(b) Environmental Features Map and Site Vicinity Map: This map shall indicate the location of the site within a square mile indicating major roads, land uses, and forest cover at a 1:2000 scale. The Environmental Features Map shall indicate the location and extent of the following:

i) presence or absence of flood plains
ii) hydric soils
iii) non-tidal wetlands
iv) stream buffers
v) critical habitats
vi) steep slopes or steep erodible soils
vii) cultural features
viii) historic sites
ix) adjacent land uses

(c) Stand Summary Sheets: Data collected at individual sampling points shall be summarized for each stand (See Appendix D of the Forest Conservation Manual for the recommended form and definitions)*. The following information shall be submitted:

i) dominant species and forest association
ii) size class of dominant trees
iii) total number of tree species
iv) number of trees per acre
v) common understory species
vi) forest structure rating (See Appendix D of the Forest Conservation Manual for input data and procedures)

(d) Forest Conservation Report: A written narrative summary of forest stand conditions shall be submitted. The following information shall be addressed. (See Figure 3.3.13 of the Forest Conservation Manual for an example.)

i) Stand condition
ii) stand structure (dominant species, understory species)
iii) forest structure
iv) retention potential
v) comments on evidence of past management
vi) Other environmental features:
a) presence or absence of flood plains
b) hydric soils
c) non-tidal wetlands
d) stream buffers
e) critical habitats
f) steep slopes or steep erodible soils
g) cultural features
h) historic sites
i) adjacent land uses

(e) Procedural Requirements

The following procedures shall be followed in completing the field sampling portion of the Forest Stand Delineation:

i) Data Collection

The following information shall be collected in the field and recorded on Field Data Sheets as part of the Forest Stand Delineation Process (see Appendix D of the Forest Conservation Manual for recommended form):*

a) tree species (dominant and codominant)
b) basal area
c) size class (as defined on data sheet)
d) number of trees

e) number of tree species
f) number of dead trees
g) presence of specimen trees
h) rare, threatened or endangered species

ii) Forest Structure Analysis (shall be calculated using the field collected information):

a) percent canopy closure
b) percent of forest floor covered by shrubs
c) percent of forest floor covered by herbaceous plants
d) percent forest floor covered by downed, woody material
e) exotic or invasive species (presence or absence)
f) forest structure calculation

iii) Sampling Intensity:

The sampling intensity for the forest stand information shall be sufficient to adequately characterize the forest stand. Forest Stand Information shall be collected using an approved forest sampling procedure. Sampling procedures shall meet a 67% statistical confidence level. The forest structure analysis shall be calculated at a minimum intensity of one sample point per stand.

a) Sampling Site Location: The sample points shall be randomly chosen and shall be drawn on a field map prior to visiting the site. The sample points shall be flagged in the field.

b) Sampling Methods: Sampling shall be conducted by a method approved by local or state programs. The forest structure analysis shall be completed on 1/10 acre. See Table 44.4.

h. Time for Submittal.

(1) Within 30 calendar days after receipt of the forest stand delineation, the Department of Planning and Zoning shall notify the applicant whether the forest stand delineation is complete and correct.

(2) If the Department of Planning and Zoning fails to notify the applicant within 30 days, the delineation shall be treated as complete and correct.

(3) The Department of Planning and Zoning may require further information or provide for an additional 15 calendar days under extenuating circumstances.

44.5. AFFORESTATION AND RETENTION.

44.5.1. Afforestation Requirement. A person making application after the effective date of this ordinance for subdivision or project plan approval, a grading permit, or a sediment control permit for an area of land of 40,000 square feet or greater, shall:

a. Conduct afforestation on the lot or parcel in accordance with the following:

(1) A tract having less than 20 percent of the net tract area in forest cover shall be afforested up to at least 20 percent of the net tract area for the following land use category:

(a) Agriculture and resource areas which equate to the A and RPD zoning districts;

(2) A tract with less than 15 percent of its net tract area in forest cover shall be afforested up to at least 15 percent of the net tract area for the following land use categories:

(a) High density residential areas which equate to the RH, RL, RNC, RTC and RVC zoning districts,

(b) Mixed use and planned unit development areas which equate to the PUDR and PUDCL zoning districts, and

(c) Commercial and industrial use areas which equate to the C, CL, CVC, I1 and PUDIP zoning districts;

b. Comply with the following when cutting into forest cover that is currently below the afforestation percentages described in Section 44.5.1.a.(1) and 44.5.1.a.(2) of this Section:

(1) The required afforestation level shall be determined by the amount of forest existing before cutting or clearing begins; and

(2) Forest cut or cleared below the required afforestation level shall be reforested or afforested at a 2 to 1 ratio and added to the amount of afforestation necessary to reach the minimum required afforestation level, as determined by the amount of forest existing before cutting or clearing began.

44.5.2. Forest Retention. The following trees, shrubs, plants, and specific areas are considered priority for retention and protection and shall be left in an undisturbed condition (unless the applicant can demonstrate in accordance with 44.8.1.b that these areas cannot be left in an undisturbed condition):

a. Trees, shrubs, and plants located in sensitive areas including the 100-year floodplain, intermittent and perennial streams and their buffers, steep slopes, nontidal wetlands, and critical habitats;

b. Contiguous forest that connects the largest undeveloped or most vegetated tracts of land within and adjacent to the site;

c. Trees, shrubs, or plants determined to be rare, threatened, or endangered under:

(1) The federal Endangered Species Act of 1973 in 16 U.S.C. §§1531–1544 and in 50 CFR Part 17,

(2) The Maryland Nongame and Endangered Species Conservation Act, Natural Resources Article, §§10-2A-01–10-2A-09, Annotated Code of Maryland, and

(3) COMAR 08.03.08;

d. Trees that:

(1) Are part of a historic site,

(2) Are associated with a historic structure, or

(3) Have been designated by the State or the County as a national, State, or county champion tree; and

e. Any tree having a diameter measured at 4.5 feet above the ground of:

(1) 30 inches or more; or

(2) 75 percent or more of the diameter, measured at 4.5 feet above the ground, of the current State champion tree of that species as designated by the Department of Natural Resources.

f. Requirements of the Forest Conservation Manual .

(1) **Definition of Forest Retention Areas.** The Forest Retention Area shall be a minimum area of 10,000 square feet. Critical Root Zones of retained areas that are protected (See section 3.5 of the Forest Conservation Manual) shall be counted toward the total Forest Retention Area (Figure 3.4.1 of the Forest Conservation Manual). The critical root zones of isolated retained specimen trees (not already included within above defined retention areas), shall also be counted toward the total Forest Retention Area However, for specimen trees, only one quarter of the entire critical root zone shall be credited toward the total Forest Retention Area. This retention credit shall apply ONLY if the entire critical root zone is retained.

(2) Designation of Forest Retention Areas

In determining the Forest Retention Areas on site, the factors indicated in the Forest Retention Procedures (listed as priority one in Step 2 of Section 3.4 of the Forest Conservation Manual) shall be used to designate areas required for retention.

(a) Priority Area 1: High

i) critical habitats of rare, threatened, or endangered species
ii) trees, shrubs, or herbaceous plants associated with:

a) intermittent and perennial streams and their buffers
b) slopes over 25 percent
c) hydric soils
d) soils with a K value greater than 0.35 on slopes of 15% or more
e) 100-year flood plain

iii) trees, shrubs, or herbaceous plants that are part of a stand that has one or more of the following characteristics:

a) stands or portions of stands with high forest structural diversity (as defined in Appendix D of the Forest Conservation Manual)
b) contiguous forested areas of approximately 100 acres that connect the largest or most vegetated tracts of land within and adjacent to the site

c) forested areas which provide a corridor 300 ft. wide or more of primarily native vegetation between two larger forested tracts

iv) individual trees with one or more of the following characteristics:

a) trees that are part of a historic site or associated with a historic structure
b) trees designated as a national, state, or local champion tree
c) trees measuring 75 percent or more of the diameter measured at 4.5 feet above the ground (DBH) of the designated state champion tree
d) trees with a DBH of 30" or greater

(3) Contents of Submittal Requirements:

(a) The applicant shall provide a map at the same scale of the development or grading plan submitted for review, with graphic illustration of:

i) Forest Retention areas with priority rating and acreage
ii) Field verified edges reflecting critical root zones
iii) Specimen trees, isolated from retained areas, and their critical root zones

(4) Use of Forest Retention Areas

(a) During Construction. The following are requirements for the management of Forest Retention Areas, once they are designated on the Forest Conservation Plan. By definition, construction activities may not take place in the retention area. This includes:

i) Siting and construction of:

a) utility lines
b) access roads
c) staging, storage, and temporary parking areas
d) stormwater management devices
e) impervious surfaces

ii) Grading. If any grading, grubbing, or bushhogging or other construction activities as cited in 44.5.2.f.(4)(a)i) take place in designated retention areas, these disturbed areas will no longer be credited toward retention and shall be compensated by other retention areas or additional reforestation and afforestation (See Figure 3.4.2 of the Forest Conservation Manual).

(b) **Future Protection.** The future protection of forest retention areas, as well as reforestation and afforestation areas, is required by the Act. These areas shall be protected in accordance with Section 44.8.3.b.(5). Compatible uses of forest retention areas may include such activities as unpaved hiking trails or silvicultural activities associated with an approved forest management plan.

(5) If there are any changes to the designated retention areas after they have been approved, the amended plans shall be re-approved in accordance with Section 44.8.3.f before construction can proceed on the amended areas.

44.6. REFORESTATION.

44.6.1. Forest Conservation Threshold.

a. There is a forest conservation threshold established for all land use categories, as provided in Subsection B of this article. The forest conservation threshold means the percentage of the net tract area at which the reforestation requirement changes from a ratio of 1/4 acre planted for each acre removed above the threshold to a ratio of 2 acres planted for each acre removed below the threshold.

b. After reasonable efforts to minimize the cutting or clearing of trees and other woody plants have been exhausted in the development of a subdivision or project plan, grading and sediment control activities, and implementation of the forest conservation plan, the forest conservation plan shall provide for reforestation, or payment into the forest conservation fund, according to the formula set forth in Subsections B and C of this article and consistent with Section 6.1 of this article, and the following forest conservation thresholds for the applicable land use category:

(1) The Forest Conservation Threshold for Agricultural and resource areas shall be 50 percent;

(2) The Forest Conservation Threshold for High density residential areas shall be 20 percent;

(3) The Forest Conservation Threshold for Mixed use and residential planned unit development areas shall be 15 percent;

(4) The Forest Conservation Threshold for Commercial and industrial use areas shall be 15 percent.

c. Calculations.

(1) For all existing forest cover measured to the nearest 1/10th acre cleared on the net tract area above the applicable forest conservation threshold, the area of forest removed shall be reforested at a ratio of 1/4 acre planted for each acre removed.

(2) Each acre of forest retained on the net tract area above the applicable forest conservation threshold shall be credited against the total number of acres required to be reforested under paragraph (1) of this subsection. The calculation of the credit shall be according to the criteria provided in the Forest Conservation Manual.

(3) For all existing forest cover measured to the nearest 1/10th acre cleared on the net tract area below the applicable forest conservation threshold, the area of forest removed shall be reforested at a ratio of 2 acres planted for each acre removed below the threshold and at a ratio of 1/4 acre planted for each acre removed above the threshold.

44.7. AFFORESTATION AND REFORESTATION STANDARDS

44.7.1. Afforestation and Reforestation.

a. After techniques for retaining existing forest on the site have been exhausted, the required sequence for selecting afforestation and reforestation sites is as follows:

(1) Selective clearing and supplemental planting on site;

(2) Onsite afforestation or reforestation, if economically feasible, using transplanted or nursery stock that is greater than 1.5 inches diameter measured at 4.5 feet above the ground;

(3) Onsite afforestation or reforestation, using whip and seedling stock;

(4) Landscaping of areas under an approved landscaping plan which establishes a forest that is at least 35 feet wide and covering 2,500 square feet or more of area;

(5) Offsite afforestation or reforestation, using transplanted or nursery stock that is greater than 1.5 inches diameter measured at 4.5 feet above the ground;

(6) Offsite afforestation or reforestation, using whip and seedling stock;

(7) Natural regeneration on site; and

(8) Natural regeneration offsite.

b. A sequence other than the one described in Subsection A of this article may be used for a specific project, if necessary, to achieve the objectives of the county land use plan or county land use policies, or when edaphic site conditions dictate, or to take advantage of opportunities to consolidate forest conservation efforts.

c. When afforestation or reforestation is required, the following shall be considered priority locations for afforestation and reforestation. As site conditions warrant, the applicant shall:

(1) Establish or enhance forest buffers adjacent to intermittent and perennial streams to widths of at least 50 feet;

(2) Establish or enhance nonforested areas on 100-year floodplains, when appropriate;

(3) Establish or increase existing forested corridors to connect existing forests within or adjacent to the site and where practical, forested corridors should be a minimum of 300 feet in width to facilitate wildlife movement;

(4) Establish or enhance forest buffers adjacent to critical habitats where appropriate;

(5) Establish plantings to stabilize slopes of 25 percent or greater and slopes of 15 percent or greater with a soil K value greater than 0.35 including the slopes of ravines or other natural depressions;

(6) Establish buffers adjacent to areas of differing land use when appropriate, or adjacent to highways or utility rights-of-way;

(7) Establish forest areas adjacent to existing forests to increase the overall area of contiguous forest cover, when appropriate; and

d. A person required to conduct afforestation or reforestation under this article shall accomplish it within 1 year or two growing seasons, whichever is a greater time period, following development project completion.

e. Requirements of the Forest Conservation Manual.

(1) Sequential Reforestation Methods. The priority areas for reforestation and afforestation that the applicant shall follow are listed in Section 3.6.3(.02) of the Forest Conservation Manual. (Step 2 of the Example Reforestation and afforestation process).

(a) Selective clearing and supplemental planting
(b) Transplanted or nursery stock that is greater than 1.5 inches diameter breast height.
(c) Transplanted or nursery stock using whip and seedling stock
(d) Landscaping
(e) Off site reforestation or afforestation using transplanted or nursery stock that is greater than 1.5 inches dbh..
(f) Off-site reforestation or afforestation using whip and seedling stock
(g) Natural regeneration on-site
(h) Natural regeneration off-site

(2) Survival Requirement. The survival rate for afforestation and reforestation areas shall be a minimum of 100 trees per acre or at least 75% of the total number of trees planted per acre under the approved plan, whichever is greater.

(3) Penalty for Violation

(a) A site inspection shall take place at the end of the 2-year management agreement.

(b) If the survival rate of reforestation and afforestation areas fall below established survival requirements by the end of the two-year management agreement, the remaining amount of the cash bond or other surety may be subject to forfeiture, or other penalties as may be imposed.

(4) Submittal Requirements. The following items shall be submitted as part of the Forest Conservation Plan:

(a) Overlay on Forest Conservation Plan Map of reforestation and afforestation areas.

(b) Forest Conservation Report which includes a narrative of the sequential analysis of reforestation and afforestation methods to be used. (The applicant shall refer to section 3.6.3(.03) of the Forest Conservation Manual on the required sequence and to Appendix K for evaluation criteria.)

(c) Planting Plan

i) Contents of Planting Plan. The Planting Plan shall include:

a) Summary of site assessment and preparation needed.
b) Target species for reforestation.
c) Plant materials table including plant material source, species, number of plants, and size of plants.

ii) The applicant shall follow the procedures under the Example Process contained in section 3.6.3(.05) of the Forest Conservation Manual (species selection, plant material selection and site stocking).

iii) Species Selection:

a) Species native to Maryland shall be used, unless proven unavailable. Local genetic stock, within a 100 mile radius, is preferred because of hardiness and disease resistance. There shall be a minimum of 5 different species unless sites are to be actively managed under an approved Forest Management Plan or Landscaping Plan.

iv) Plant Material Selection

a) All plant materials greater than 1" caliper shall meet or exceed the requirements of standard nurserymen specifications. All plants shall be typical of the species and variety, shall have a normal habit of growth, and shall be first quality, sound, vigorous, well-branched, and with healthy, well furnished root systems. They shall be free of disease, insect pests and mechanical injuries.

v) Site Stocking

a) Stocking, as a minimum standard, shall meet the following density requirements.

100	2" caliper trees/acre	(20' x 20' spacing*)
200	1" caliper trees/acre	(15' x 15' spacing*)
350	hardwood seedlings or whips/acre with tree shelters	(11' x 11' spacing*)
700	seedlings/acre	(8' x 8' spacing*)

*This is not to imply that trees must be planted in a grid pattern, rather it represents a density of planting.

(d) Binding two year management agreement

i) Contents of Management Agreement. The Management Agreement shall address:

a) Watering plans*
b) Fertilizing plans*
c) Control of competing vegetation*
d) Protection from disease, pests, and mechanical injury*
e) Reinforcement planting provisions if survival falls below accepted levels
f) Name of company or individual responsible for tree care

* The Agreement may indicate little or no action if approved by the Department of Planning and Zoning.

44.8. FOREST CONSERVATION PLAN.

44.8.1. General Provisions.

a. In developing a forest conservation plan, the applicant shall give priority to techniques for retaining existing forest on the site.

b. If existing forest on the site subject to a forest conservation plan cannot be retained, the applicant shall demonstrate in writing to the Department of Planning and Zoning:

(1) How techniques for forest retention have been exhausted;

(2) Why the priority forests and priority areas specified in Natural Resources Article, §5-1607(c), Annotated Code of Maryland, cannot be left in an undisturbed condition;

(3) If priority forests and priority areas cannot be left undisturbed, how the sequence for afforestation or reforestation will be followed in compliance with Natural Resources Article §5-1607, Annotated Code of Maryland; and

(4) Where on the site in priority areas afforestation or reforestation will occur in compliance with Natural Resources Article §5-1607, Annotated Code of Maryland.

c. The applicant shall demonstrate to the satisfaction of the Department of Planning and Zoning that the requirements for afforestation or reforestation onsite or offsite cannot be reasonably accomplished if the applicant proposes to make a payment into the local forest conservation fund instead of afforestation or reforestation.

d. Nontidal Wetlands. A regulated activity under the local program is subject to the following requirements:

(1) For the purposes of delineation, permitting, and mitigation, areas determined to be nontidal wetlands under COMAR 08.05.04 shall be regulated under COMAR 08.05.04 and this ordinance, whichever is more stringent.

(2) For the purpose of calculating reforestation mitigation under this ordinance, a forested nontidal wetland permitted to be cut or cleared and required to be mitigated under COMAR 08.05.04 shall be shown on the forest conservation plan and subtracted on an acre for acre basis from the total amount of forest to be cut or cleared as part of a regulated activity.

(3) Nontidal wetlands shall be considered to be priority areas for retention and replacement.

(4) Forested nontidal wetland identification and delineation shall be included in the initial submission to assist the applicant in avoidance and reduction of impacts to the nontidal wetlands and to avoid delay in the approval process.

44.8.2. Preliminary Forest Conservation Plan.

a. A preliminary forest conservation plan shall be prepared by a licensed forester, a licensed landscape architect, or a qualified professional who meets the requirements stated in COMAR 08.19.06.01B.

b. A preliminary forest conservation plan shall:

(1) Be submitted with the initial plan of subdivision or proposed project plan;

(2) Include the approved forest stand delineation for the site;

(3) Include a table that lists the proposed values of the following, in square feet:

(a) Net tract area,

(b) Area of forest conservation required, and

(c) Area of forest conservation that the applicant proposes to provide, including both onsite and offsite areas;

(4) Include a clear graphic indication of the forest conservation provided on the site drawn to scale, showing areas where retention of existing forest or afforestation or reforestation is proposed;

(5) Include an explanation of how the provisions of Section 44.8.1 of this article have been met;

(6) In the case of afforestation or reforestation, include a proposed afforestation or reforestation plan;

(7) Include a proposed construction timetable showing the sequence of forest conservation procedures;

(8) Show the proposed limits of disturbance;

(9) Show proposed stockpile areas;

(10) Incorporate a proposed 2-year maintenance agreement that shows how areas designated for afforestation or reforestation will be maintained to ensure protection and satisfactory establishment;

(11) Information required in the Forest Conservation Technical Manual; and

(12) Other information the Department of Planning and Zoning determines is necessary to implement this ordinance.

c. The review of the preliminary forest conservation plan shall be concurrent with the review of the initial submission.

d. During the different stages of the review process, the preliminary forest conservation plan may be modified to address the comments of review agencies or the local approving authority.

44.8.3. Forest Conservation Plan.

a. A final forest conservation plan shall be prepared by a licensed forester, a licensed landscape architect, or a qualified professional who meets the requirements stated in COMAR 08.19.06.01B.

b. A final forest conservation plan shall:

(1) Be submitted with the following:

(a) A final subdivision plan,

(b) A final project plan,

(c) An application for a grading permit, or

(d) An application for a sediment control permit;

(2) Show proposed locations and types of protective devices to be used during construction activities to protect trees and forests designated for conservation;

(3) In the case of afforestation or reforestation, include an afforestation or reforestation plan, with a timetable and description of needed site and soil preparation, species, size, and spacing to be used;

(4) Incorporate a binding 2-year maintenance agreement specified in COMAR 08.19.05.01 that details how the areas designated for afforestation or reforestation will be maintained to ensure protection and satisfactory establishment, including:

(a) Watering, and

(b) A reinforcement planting provision if survival rates fall below required standards, as provided in the Forest Conservation Manual;

(5) Incorporate a long-term binding protective agreement as specified in COMAR 08.19.05.02 that:

(a) Provides protection for areas of forest conservation, including areas of afforestation, reforestation, and retention, by recordation of a final development plat which graphically shows the location of the areas held under the protective measures, and

(b) Limits uses in areas of forest conservation to those uses that are designated in a Declaration of Covenants or described in a Conservation Easement which runs with the land and is consistent with forest conservation, including recreational activities and forest management practices that are used to preserve forest. The recorded location of these covenants or easements shall be referenced by liber and folio as a note on the recorded plat.

(c) The Department of Planning and Zoning shall review and approval the Declaration of Covenants or Conservation Easements for consistency and the applicant shall furnish the Department with a copy of the recorded documents after recording.

(6) Include the substantive elements required under Section 44.8.2.b.(2)--44.8.2.b.(5), 44.8.2.b.(7)--44.8.2.b.(9), and 44.8.2.b.(11) of this article, as finalized elements of the forest conservation plan; and

(7) All portions of the Forest Conservation Plan shall be approved by the Department of Planning and Zoning prior to recordation of the final record plat.

(8) Other information the Department of Planning and Zoning determines is necessary to implement this ordinance.

c. Forest Conservation Manual Submittal Requirements

The Forest Conservation Plan shall contain the following elements:

(1) The Approved Forest Stand Delineation (See Chapter 2 of the Forest Conservation Manual).

(2) A Forest Conservation Worksheet. This worksheet is used as the basis for determining all forest retention, reforestation and afforestation requirements for the site (See Section 3.2 of the Forest Conservation Manual).

(3) A Forest Conservation Map drawn at the same scale as the grading or subdivision plan submitted for approval, clearly indicating the location and acreage of:

(a) Forest Retention Areas (with priority rating)
(b) Reforestation Areas
(c) Afforestation Areas
(d) Protective devices
(e) Limits of disturbance
(f) Stockpile Areas

(4) Anticipated Construction Timetable including the sequence of reforestation, afforestation, maintenance and protective measures to be employed at the site.

(5) Forest Protection Plan (Section 3.5 of the Forest Conservation Manual) including::

(a) Specifications of Temporary and Permanent forest protection measures.
(b) Summary table of proposed protection devices for individual trees.

(6) Reforestation Plan and Afforestation Plan (Section 3.6 of the Forest Conservation Manual), if required, including in narrative form:

(a) Evaluation of reforestation and afforestation methods
(b) Plant stock table
(c) Planting plan
(d) Binding two year management plan for reforestation and afforestation sites.

(7) Any additional supporting documentation or information required by the state or local program.

d. Time for submittal.

(1) Within 45 calendar days after receipt of the final forest conservation plan, the Department of Planning and Zoning shall notify the applicant whether the forest conservation plan is complete and approved.

(2) If the Department of Planning and Zoning fails to notify the applicant within 45 calendar days, the plan shall be treated as complete and approved.

(3) The Department of Planning and Zoning may require further information or extend the deadline for an additional 15 calendar days under extenuating circumstances.

(4) At the request of the applicant, the Department of Planning and Zoning may extend the deadline under extenuating circumstances.

e. The Department of Planning and Zoning's review of a final forest conservation plan shall be concurrent with the review of the final subdivision or project plan, grading permit application, or sediment control application associated with the project.

f. An approved Forest Conservation Plan or portions of an approved Forest Conservation Plan may be amended through the review and approval of a revised Forest Conservation Plan and the recordation of a confirmatory plat which revises the graphic location of the protected forest areas.

g. The Department of Planning and Zoning may revoke an approved forest conservation plan if it finds that:

(1) A provision of the plan has been violated;

(2) Approval of the plan was obtained through fraud, misrepresentation, a false or misleading statement, or omission of a relevant or material fact; or

(3) Changes in the development or in the condition of the site necessitate preparation of a new or amended plan.

h. The Department of Planning and Zoning may issue a stop work order against a person who violates a provision of this ordinance or a regulation, order, approved forest conservation plan, or maintenance agreement.

i. Before revoking approval of a forest conservation plan, the Department of Planning and Zoning shall notify the violator in writing.

44.9. TREE PROTECTION STANDARDS.

44.9.1. Protection Devices.

a. The County shall adopt standards for the protection of trees from construction activity that are at least as effective as the standards provided in the Department of Natural Resources Forest Conservation Manual.

b. Before cutting, clearing, grading, or construction begins on a site for which a forest conservation plan is required by this article, the applicant shall demonstrate to the Department of Planning and Zoning that protective devices have been established in the field and inspected prior to the commencement of construction.

c. Forest Conservation Manual Requirements

(1) Submittal Requirements. The applicant shall:

(a) Provide a Forest Protection Pan addressing

i) Pre-construction activities, when appropriate, including stress reduction, temporary and permanent protection devices

(b) Future protection measures

(2) Overlay map to be added to the Forest Conservation Map showing:

(a) Placement of stockpile areas, temporary and permanent tree protection devices (See Appendix J of the Forest Conservation Manual)
(b) Construction timetable, and
(c) Specifications for required devices

(3) Contents of Forest Protection Plan. The above submittal requirement shall address the following issues:

(a) pre-construction activities

i) Stress reduction of specimen trees isolated from forest retention areas: the applicant shall address each item below, noting if a technique is used and for what reason, following the evaluation criteria in section 3.5.3(a)(i) of the Forest Conservation Manual.

a) root pruning
b) crown reduction or pruning
c) watering

d) fertilizing
e) mulching

(b) Temporary Protection measures, such as fencing, and signage for retained and reforested or afforested areas (See Appendix J of the Forest Conservation Manual)

(c) Permanent protection devices of disturbed areas within the Critical Root Zone of retained areas (See Appendix J of the Forest Conservation Manual).

(d) If these situations do not occur the applicant may write "no Critical Root Zone impacted, therefore no permanent devices are needed."

(e) Future protection measures. The applicant shall include with the conservation plan a strategy for protecting all retention, reforestation and afforestation areas for the future. Appendix F of the Forest Conservation Manual describes alternative methods that are suitable to ensure this protection.

(4) Procedural Requirements

(a) Planning and Design of Protection Devices. For all retained areas, including both forested and isolated specimen trees:

i) All retention areas and isolated specimen trees shall be protected by highly visible, well anchored Temporary protection devices.
ii) All protection devices shall be in place prior to any grading or land clearing.
iii) All protection devices shall remain in place until all construction has ceased in the immediate vicinity.
iv) Devices shall be maintained throughout construction.
v) Attachment of signs, or any other objects, to trees is prohibited.
vi) No equipment, machinery, vehicles, materials or excessive pedestrian traffic shall be allowed within protected areas.

(b) Pre-construction meeting. After the boundaries of the retention area have been staked and flagged and before any disturbance has taken place on site, a pre-construction meeting at the construction site shall take place. The developer, contractor or project manager, and appropriate local inspectors shall attend. The meeting shall follow those items outlined in section 3.5.3(.01)(d) of the Forest Conservation Manual. The purpose of this meeting

will be to:

i) Identify the locations of the forest retention areas, specimen trees, limits of construction, employee parking areas, and equipment staging areas on site plans
ii) Inspect all flagged boundaries, protection devices, and Sediment and Erosion control devices on site
iii) Make all necessary adjustments
iv) Assign responsibilities as appropriate and discuss penalties

(c) On-site decisions. Any changes made to the Forest Conservation plan due to on-site conditions shall be made in consultation with the preparer of the Forest Conservation Plan and the Department of Planning and Zoning.

(d) Post-construction phase. The following measures shall be taken when appropriate:

i) Corrective Measures if damages were incurred due to negligence:

a) stress reduction: follow procedures outlined in section 3.5.3(a)(i) of the Forest Conservation Manual.
b) removal of dead or dying trees: This may be done only if trees pose an immediate safety hazard.

ii) Removal of temporary structures: The following minimum standards shall be observed during the removal of temporary structures:

a) No burial of discarded materials will occur on-site within the conservation area.
b) No open burning within 100 feet of a wooded area
c) All temporary forest protection structures will be removed after construction.

(e) Penalty for Violation. Following the completion of construction, prior to use, the project inspector shall inspect the entire site. If less than 75% of the trees planted on the site survive then the area will be considered to be in violation of the conservation plan and fees may be assessed accordingly in the minimum sum of 30 cents per square foot of the affected area. Other penalties may apply.

44.10. FEES-IN-LEIU OF AFFORESTATION AND REFORESTATION.

44.10.1. Forest Conservation Fund.

a. There shall be established a forest conservation fund in the local program.

b. If a person subject to this ordinance demonstrates to the satisfaction of the Department of Planning and Zoning that requirements for reforestation or afforestation onsite or offsite cannot be reasonably accomplished, the person shall contribute money, at a rate of 10 cents per square foot of the area of required planting, into the county forest conservation fund.

c. Money contributed instead of afforestation or reforestation under this article shall be paid within 90 calendar days after building permits are issued for the development project.

d. The county shall accomplish the reforestation or afforestation for which the money is deposited:

(1) within 1 year or two planting seasons, whichever is a greater time period, after receipt of the money, when the applicant has located a suitable site and obtained consent for the county to install the planting.

(2) within 3 years or six planting seasons, which ever is a greater time period, after receipt of the money, when the applicant has not found a suitable site and obtained consent, through the Forest Conservation Cost Share Program

e. Money contributed under 44.10.1.d.(1) this article shall remain in the account for a period of 1 year or two growing seasons, whichever is a greater time period. At the end of that time, any part that has not been used to meet the afforestation or reforestation requirements 44.10.1.f.(1) shall be made available to the Forest Conservation Cost Share Program.

f. Money deposited in the local forest conservation fund:

(1) May be spent on the costs directly related to reforestation and afforestation, including site identification, acquisition, and preparation;

(2) Shall be deposited in a separate forest conservation fund; and

(3) May not revert to the general fund.

g. Sites for Afforestation or Reforestation Using Fund Money.

(1) Except as provided in Subsection G(2) of this section, the reforestation or afforestation requirement under this article shall occur in the county and watershed in which the project is located.

(2) If the reforestation or afforestation cannot be reasonably accomplished in the county and watershed in which the project is located, then the reforestation or afforestation shall occur in the county or watershed in the state in which the project is located.

h. Forest Conservation Cost Share Program.

(1) The Forest Conservation Cost Share Program is established to encourage the planting and maintenance of forested buffers, floodplains, and erodible land around the Chesapeake Bay and its tributaries. This program is to serve as an incentive for the planting of these buffers on private land and to help defray the landowner's costs of establishing and maintaining them.

(2) The following lands are eligible for participation in the Forest Conservation Cost Share Program:

(a) Any area or privately owned land of at least one acre and not more than fifty acres, which is: (a) crop field; (b) pasture field; (c) other open area of bare ground; or (d) early successional vegetation.

(b) In addition to meeting, one of the qualifications of Paragraph 3. below, eligible lands must meet one of the following criteria: (a) be within 300 feet of a stream, river, pond, tidal or non-tidal wetland or other open water. A stream, river, pond or other open water must appear on a U.S.G.S. 7.5 Minute Quad map or have flowing water for any one-month period during the year. A wetland must appear on a U.S. Fish and Wildlife Service wetlands map or be otherwise classifiable as a wetland based on current State criteria; (b) be within 300 feet plus 4 feet for every 1% slope for slopes averaging greater than 6%; or (c) be within the 100 year floodplain as shown on a F.I.R.M. flood insurance map.

(c) If 2/3 of an agricultural field qualifies under the above criteria, the entire field will be eligible.

(d) Determination of eligibility and extent of a planting site, approval of the applicant's proposed measures to be performed and approval of completion shall rest with the Department of Planning and Zoning.

(3) Additional Eligibility Requirements

(a) Planting sites receiving funding through this program may also receive cost-share or other financial assistance through programs such as A.C.P., F.I.P., or C.R.P. but not for the same planting.

(b) The minimum proposed buffer width is to be 50 feet. Existing forest can be incorporated into the buffer. For example, If a 20 feet buffer already exists, an additional 30 feet may be planted to create the minimum 50 feet buffer. There is no minimum length, however, there is a one acre minimum planting size.

(c) This practice applies to the establishment of trees and/or shrubs, including site-preparation, planting and maintenance to be performed according to the recommendations in a Plan prepared by a qualified professional.

(d) This practice does NOT apply to reforesting of harvested or recently cleared forestland, or to any planting required by law or regulation, or to the establishment of orchard or Christmas trees.

(e) At the end of the spring planting season the local inspector will inspect the planting site to determine if site-preparation and planting have been successfully carried out.

(f) In the fall or winter following planting, the local inspector will inspect the planting site to determine if survival is adequate and measures for maintenance and protection or the trees are being taken as needed. Minimum acceptable survival is 75% of the trees planted are healthy and free to grow. No payment will be made until the survival rate has been attained.

(g) A landowner may perform a reinforcement planting on a field recently planted to trees but of deficient stocking, to bring the stocking level up to the previously prescribed level and quality to obtain final reimbursement. To receive payment, the planting must meet the 75% survival rate after one growing season.

(h) Critical Area lands can be eligible for the Forest Conservation Cost Share Program provided the planting is approved by the Department of Planning and Zoning.

(4) Application Process.

(a) A property owner who wishes to apply for participation in the Forest Conservation Cost Share Program shall complete an application consisting of a Conservation Agreement and the Planting and Maintenance Plan on forms provided by the Department of Planning and Zoning.

(b) The Plan will include a map of the site and will clearly state recommendations for site preparation, method or planting, spacing, species, weed control or other measures needed to successfully establish trees and/or shrubs on the site.

(c) The Plan should be designed to meet the landowner's objectives - as much as possible. Use of native species and a diversity of species is encouraged.

(d) The landowner must agree at the time of application to carry out the planting according to the Plan, to maintain the planting (i.e., to care for and prevent destruction of the trees and/or shrubs) in perpetuity and to allow the Department to inspect for compliance during that period. Lands that have been recently treated with herbicides or pesticides that are inconsistent with the tree species specified in the planting plan, will not be approved for payment.

(e) Agrees to complete the approved planting within the time period specified by the Department;

(f) Agrees to accept the cost-share payment not to exceed 80 percent of actual expenses as determined by the designated representative of the Department; and

(g) Agrees to hold the Department harmless from liability for occurrences arising during inspections by representatives of the Department on official business.

(h) The Department shall accept applications twice yearly. and eligible landowners may file Forest Conservation Cost Share Program application with the Department during a specified 30-day enrollment period.

(i) The Department shall notify each landowner whether the application has been approved or disapproved within 30 calendar days after the expiration of the enrollment period.

(j) An eligible landowner seeking cost-share assistance shall submit an application on the form provided by the Department, which shall contain the:

(k) Name, address, and telephone number of the landowner;

(l) Description of the planting, and the estimated unit cost or total cost for which application is made; and

(m) Location of the woodland tract upon which the forestry practice will be implemented.

(5) Payments to Landowners from the Forest Conservation Fund;

(a) The Department shall disburse payments to eligible landowners within a reasonable time after:

i) The Department has received proof of expenses from the landowner which the Department is able to determine are correct and justified; and

ii) A representative of the Department has inspected the woodland tract, and has approved the implementation of the forestry practices.

(b) Limitation on Assistance. An eligible landowner may not receive more than $5,000 in a calendar year for all approved forestry practices implemented by the landowner, unless the Department has approved a 3-year plan.

(c) If the Department has approved a 3-year plan, an eligible landowner may not receive more than $15,000 during the 3-year period for all approved forestry practices implemented by the landowner.

1. If there is no local forest conservation fund established, a person may contribute to the State fund, which shall determine when contribution is allowable under COMAR 08.19.02.01I.

44.11. FINANCIAL SECURITY FOR AFFORESTATION AND REFORESTATION.

44.11.1. Bonding.

a. A person required to conduct afforestation or reforestation under this article shall furnish financial security in the form of a bond, an irrevocable letter of credit, or other security approved by the Department of Planning and Zoning. The surety shall:

(1) Assure that the afforestation, reforestation, and the associated maintenance agreement are conducted and maintained in accordance with the approved forest conservation plan;

(2) Be in an amount equal to the estimated cost, as determined by the Department of Planning and Zoning, of afforestation and reforestation; and

(3) Be in a form and of a content approved by the Department of Planning and Zoning.

b. After one growing season, the person required to file a bond under Section 44.11.1.a.(1) of this article may request reduction of the amount of the bond or other financial security by submitting a written request to the Department of Planning and Zoning with a justification for reducing the bond or other financial security amount, including estimated or actual costs to ensure afforestation or reforestation requirements are met.

c. The Department of Planning and Zoning shall determine whether a lesser amount is sufficient to cover the cost of afforestation or reforestation, taking into account the following:

(1) The number of acres,

(2) The proposed method of afforestation or reforestation,

(3) The cost of planting materials or replacement materials,

(4) The cost of maintenance of the afforestation or reforestation project, and

(5) Other relevant factors.

d. If, after two growing seasons, the plantings associated with the afforestation or reforestation meet or exceed the standards of the Forest Conservation Technical Manual, the amount of the cash bond, letter of credit, surety bond, or other security shall be returned or released.

e. A local forest conservation program may incorporate the financial security set forth in COMAR 08.19.05.01B.

44.12. **PENALTIES.**

44.12.1. Enforcement

a. Noncompliance Fees.

(1) A person found to be in noncompliance with this ordinance, regulations adopted under this ordinance, the forest conservation plan, or the associated 2-year maintenance agreement, shall be assessed by the Department of Planning and Zoning the penalty of 30 cents per square foot of the area found to be in noncompliance with required forest conservation.

(2) Money collected under Subsection A(1) of this article shall be deposited in the same forest conservation fund established by Section 44.10.1 of this ordinance, and may be used by the Department of Planning and Zoning for purposes identified for said fund.

b. Violation.

(1) In addition to the provisions under Subsection A of this article, a person who violates a provision of this ordinance or a regulation or order adopted or issued under this ordinance is liable for a penalty not to exceed $1,000, which may be recovered in a civil action brought by the Department of Planning and Zoning.

(2) Each day a violation continues is a separate violation.

c. The Department of Planning and Zoning may seek an injunction requiring the person to cease violation of this ordinance and take corrective action to restore or reforest an area.

d. The local program may adopt the enforcement provisions under COMAR 08.19.06.03.

44.13. VARIANCES.

44.13.1. Procedure.

a. A person may request a variance from this ordinance or the requirements of Natural Resources Article, §§5-1601--5-1612, Annotated Code of Maryland, if the person demonstrates that enforcement would result in unwarranted hardship to the person.

b. An applicant for a variance shall:

(1) Describe the special conditions peculiar to the property which would cause the unwarranted hardship;

(2) Describe how enforcement of these rules will deprive the applicant of rights commonly enjoyed by others in similar areas;

(3) Verify that the granting of the variance will not confer on the applicant a special privilege that would be denied to other applicants;

(4) Verify that the variance request is not based on conditions or circumstances which are the result of actions by the applicant;

(5) Verify that the request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; and

(6) Verify that the granting of a variance will not adversely affect water quality.

c. The Department of Planning and Zoning shall make findings that the applicant has met the requirements in Subsections A and B of this article before the Department of Planning and Zoning may grant a variance.

d. Notice of a request for a variance shall be given to the Department of Natural Resources within 15 days of receipt of a request for a variance.

e. There is established by this ordinance the right and authority of the Department of Natural Resources to initiate or intervene in an administrative, judicial or other original proceeding or appeal in the State concerning an approval of a variance under Natural Resources Article, §§5-1601--5-1612, Annotated Code of Maryland, or this ordinance.

44.13.2. **Qualified Professionals**

a. An individual may prepare a forest stand delineation or a forest conservation plan, if the individual:

(1) Is a licensed forester; or

(2) Is a licensed landscape architect; or

(3) Meets the requirements of §B of this regulation.

b. An individual may be approved by the Department as a qualified professional if the individual:

(1) Possesses a 4-year degree in the natural resources sciences, natural resource management, landscape or environmental planning; and

(2) Has the following:

(a) 2 years of professional experience in natural resources sciences, natural resource management, landscape planning or environmental planning, or its equivalent, as determined by the State, or

(b) A graduate degree in natural resources and 1 year of professional experience; or

(c) Has the ability to meet the obligations required by the Forest Conservation Manual to prepare a forest stand delineation and a forest conservation plan; and

(d) Satisfactorily completes a forest conservation course offered by the Department.

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In this ordinance the following terms have the meanings indicated.

2.1 "Afforestation" means:

A. Establishment of a forest on an area from which forest cover has been absent for a long period of time;

B. Planting of open areas which are not presently in forest cover; or

C. Establishment of a forest according to procedures set forth in the Forest Conservation Technical Manual.

2.2 "Agricultural activity" means farming activities including plowing, tillage, cropping, installation of best management practices, seeding, cultivating, and harvesting for production of food and fiber products (except commercial logging and timber harvesting operations), the grazing and raising of livestock, aquaculture, sod production, orchards, nursery, and other products cultivated as part of a recognized commercial enterprise.

2.3 "Agricultural and resource areas" means undeveloped areas zoned for densities of less than or equal to one dwelling unit per 5 acres and corresponds to St. Mary's County Zoning Classification(s) A and RPD.

2.4 "Applicant" means a person who is applying for subdivision or project plan approval or a grading or sediment control permit, or who has received approval of a forest stand delineation or forest conservation plan.

2.5 "Approved forest management plan" means a document:

A. Approved by the Department of Natural Resources forester assigned to the county in which the property is located; and

B. Which operates as a protective agreement for forest conservation as described in the Natural Resources Article, §5-1607(e)-(f), Annotated Code of Maryland.

2.6 "Caliper" means the diameter measured at 2 inches above the root collar.

2.7 "Champion tree" means the largest tree of its species within the United States, the State, county, or municipality;

2.8 "Champion tree of the State" means a tree which appears in the State Forest Conservation Manual list of State champion trees.

2.9 "Commercial and industrial uses" means manufacturing operations, office complexes, shopping centers, and other similar uses and their associated storage areas, yarding, and parking areas, and corresponds to St. Mary's County Zoning Classification(s) C, CL, CVC, and I1.

2.10 "Commercial logging or timber harvesting operations" means the cutting and removing of tree stems from a site for commercial purposes, leaving the root mass intact.

2.11 "Critical habitat area" means a critical habitat for an endangered species and its surrounding protection area. A critical habitat area shall:

A. Be likely to contribute to the long-term survival of the species;

B. Be likely to be occupied by the species for the foreseeable future; and

C. Constitute habitat of the species which is considered critical under Natural Resources Article, §§4-2A-04 and 10-2A-06, Annotated Code of Maryland.

2.12 "Critical habitat for endangered species" means a habitat occupied by an endangered species as determined or listed under Natural Resources Article, §§4-2A-04 and 10-2A-04, Annotated Code of Maryland.

2.13 "Declaration of intent" means:

A. A signed and notarized statement by a landowner or the landowner's agent certifying that the activity on the landowner's property:

(1) Is for certain activities exempted under this ordinance or Natural Resources Article, §§5-103 and 5-1601--5-1612, Annotated Code of Maryland,

(2) Does not circumvent the requirements of this ordinance or Natural Resources Article, §§5-103 and 5-1601--5-1612, Annotated Code of Maryland, and

(3) Does not conflict with the purposes of any other declaration of intent; and

B. The document required under COMAR 08.19.01.05 or this ordinance.

2.14 "Department" means the Department charged with implementing the local forest conservation program.

2.15 Development Project.

A. "Development project" means the grading or construction activities occurring on a specific tract that is 40,000 square feet or greater.

B. "Development project" includes redevelopment.

2.16 "Development project completion" means for the purposes of afforestation, reforestation, or payment into a fund:

A. The release of the development bond, if required;

B. Acceptance of the project's streets, utilities, and public services by the Department; or

C. Designation by the Department or State that a:

(1) Development project has been completed, or

(2) Particular stage of a staged development project, including a planned unit development, has been completed.

2.17 Forest.

A. "Forest" means a biological community dominated by trees and other woody plants covering a land area of 10,000 square feet or greater.

B. "Forest" includes:

(1) Areas that have at least 100 live trees per acre with at least 50 percent of those trees having a 2-inch or greater diameter at 4.5 feet above the ground and larger; and

(2) Areas that have been cut but not cleared.

C. "Forest" does not include orchards.

2.18 "Forest Conservancy District Board" means the forestry board created for each State forestry conservancy district under Natural Resources Article, §§5-601--5-610, Annotated Code of Maryland.

2.19 "Forest conservation" means the retention of existing forest or the creation of new forest at the levels set by the State or Department.

2.20 "Forest Conservation and Management Agreement" means an agreement as stated in the Tax-Property Article, §8-211, Annotated Code of Maryland.

2.21 "Forest Conservation Technical Manual" means the technical manual incorporated by reference, used to establish standards of performance required in preparing forest stand delineations and forest conservation plans.

2.22 "Forest conservation plan" means a plan approved pursuant to Natural Resources Article, §§5-1606 and 5-1607, Annotated Code of Maryland.

2.23 "Forest cover" means the area of a site meeting the definition of forest.

2.24 "Forest management plan" means a plan establishing best conservation and management practices for a landowner in assessment of the resource values of forested property.

2.25 "Forest stand delineation" means the methodology for evaluating the existing vegetation on a site proposed for development, as provided in the [Name of County] County Forest Conservation Technical Manual.

2.26 "Growing season" means the period of consecutive frost-free days as stated in the current soil survey for this county published by the National Cooperative Soil Survey Program, 16 U.S.C. §590 (a)--(f).

2.27 "High density residential areas" means areas zoned for densities greater than 1 dwelling unit per acre, including both existing and planned development and their associated infrastructure, such as roads, utilities, and water and sewer service, and corresponds to the St. Mary's County Zoning Classification(s) of RH, RL, RNC, RTC, RVC.

2.28 "Institutional development area" means schools, colleges and universities, military installations, transportation facilities, utility and sewer projects, government offices and facilities, golf courses, recreation areas, parks, and cemeteries.

2.29 "Intermittent stream" means a stream in which surface water is absent during a part of the year as shown on the most recent 7.5 minute topographic quadrangle published by the United States Geologic Survey as confirmed by field verification.

2.30 "Landscaping plan" means a plan:

A. Drawn to scale, showing dimensions and details for reforesting an area at least 35 feet wide and covering 2,500 square feet or greater in size;

B. Using native or indigenous plants when appropriate; and

C. Which is made part of an approved forest conservation plan.

2.31 "Local agency" means each unit in the executive, legislative or judicial branch of a county or municipal government, including an office or department of public works.

2.32 "Lot" means a unit of land, the boundaries of which have been established as a result of a deed or previous subdivision of a larger parcel, and which will not be the subject of further subdivision, as defined by Natural Resources Article §5-1601, Annotated Code of Maryland and this Ordinance without an approved forest stand delineation and forest conservation plan.

2.33 "Maintenance agreement" means the short-term management agreement associated with afforestation or reforestation plans required under Natural Resources Article, §5-1605, Annotated Code of Maryland and this ordinance.

2.34 "Medium density residential areas" means areas zoned for densities greater than 1 dwelling unit per 5 acres and less than or equal to 1 dwelling unit per acre, including both existing and planned development and their associated infrastructure, such as roads, utilities, and water and sewer service.

2.35 "Minor development project" means a project:

A. A farmstead subdivision; or

B. a project containing 5 lots or less; or

C. a development project of any size provided no clearing is proposed.

2.36 "Mixed use development" means a single, relatively high density development project, usually commercial in nature, which includes two or more types of uses, and corresponds to the St. Mary's County Zoning Classification(s) of PUDCP.

2.37 "Natural regeneration" means the natural establishment of trees and other vegetation with at least 400 woody, free-to-grow seedlings per acre, which are capable of reaching a height of at least 20 feet at maturity.

2.38 "Net tract area" means:

A. Except in agriculture and resource areas the total area of a site, including both forested and nonforested areas, to the nearest 1/10 acre, reduced by the area found to be within the boundaries of the 100-year floodplain; and

B. In agriculture and resource areas, the part of the total tract for which land use will be changed or will no longer be used for primarily agricultural activities, reduced by the area found to be within the boundaries of the 100-year floodplain.

2.39 Nontidal Wetlands.

A. "Nontidal wetlands" means an area that is:

(1) Inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation; and

(2) Considered a nontidal wetland in accordance with the publication known as the "Federal Manual for Identifying and Delineating Jurisdictional Wetlands," published in 1989 and as may be amended and interpreted by the U.S. Environmental Protection Agency.

B. "Nontidal wetlands" does not include tidal wetlands regulated under Natural Resources Article, Title 9, Annotated Code of Maryland.

2.40 "Offsite" means outside of the limits of the area encompassed by the tract.

2.41 "Onsite" means within the limits of the area encompassed by the tract, including an area classified as a 100-year floodplain.

2.42 "100-year flood" means a flood which has a 1 percent chance of being equalled or exceeded in any given year. Except for Class III waters (natural trout streams), a body of water with a watershed less than 400 acres is excluded.

2.43 "100-year floodplain" means an area along or adjacent to a stream or body of water, except tidal waters, that is capable of storing or conveying floodwaters during a 100-year frequency storm event, or a 100-year flood.

2.44 "Perennial stream" means a stream containing surface water throughout an average rainfall year, as shown on the most recent 7.5 minute topographic quadrangle published by the United States Geologic Survey, as confirmed by field verification.

2.45 "Person" means the federal government, the State, a county, municipal corporation, or other political subdivision of the State, or any of their units, or an individual, receiver, trustee, guardian, executor, administrator, fiduciary, or representative of any kind, or any partnership, firm, association, public or private corporation, or any of their affiliates, or any other entity.

2.46 "Planned unit development" means a development comprised of a combination of land uses or varying intensities of the same land use in accordance with an integrated plan that provides flexibility in land use design approved by St. Mary's County with at least 20 percent of the land permanently dedicated to open space and corresponds to St. Mary's County Zoning Classification PUDR.

2.47 "Public utility" means any:

A. Transmission line or electric generating station; or

B. Water, sewer, electric, gas, telephone, and television cable service line.

2.48 "Reforestation".

A. "Reforestation" or "reforested" means the:

(i) Creation of a biological community dominated by trees and other woody plants containing at least 100 live trees per acre with at least 50 percent of those trees having the potential of attaining a 2-inch or greater diameter measured at 4.5 feet above the ground, within 7 years; or

(ii) Establishment of a forest according to procedures set forth in the Forest Conservation Technical Manual.

B. "Reforestation" or "reforested" includes landscaping of areas under an approved landscaping plan establishing a forest at least 35 feet wide and covering 2500 square feet or more of area.

2.49 "Regulated activity" means any of the following activities, when that activity occurs on a unit of land which is 40,000 square feet or greater:

A. Subdivision;

B. Grading;

C. An activity that requires a sediment control permit; or

D. Project plan of a local agency.

2.50 "Retention" means the deliberate holding and protecting of existing trees, shrubs or plants on the site according to established standards as provided in the [Name of County] County Forest Conservation Technical Manual.

2.51 "Sediment control permit" means the authorization of an activity regulated under a sediment control plan as provided in the Environment Article, Title 4, Annotated Code of Maryland.

2.52 "Seedlings" means an unbranched woody plant, less than 24 inches in height and having a diameter of less than 1/2 inch measured at 2 inches above the root collar.

2.53 "Selective clearing" means the careful and planned removal of trees, shrubs, and plants using specific standards and protection measures under an approved forest conservation plan.

2.54 "Stream buffer" means all lands lying within 50 feet, measured from the top of each normal bank of a perennial or intermittent stream.

2.55 "Subdivision" means any division of a unit of land into 2 or more lots or parcels for the purpose, whether immediate or future, of transfer of ownership, sale, lease, or development.

2.56 Timber Harvesting.

A. "Timber harvesting" means a tree cutting operation affecting 1 or more acres of forest or developed woodland within a 1-year interval that disturbs 5,000 square feet or more of forest floor.

B. "Timber harvesting" does not include grubbing and clearing of root mass.

2.57 "Tract" means property or unit of land subject to an application for a grading or sediment control permit, subdivision approval, project plan approval, or areas subject to this subtitle.

2.58 "Tract for a planned unit development" means the entire property subject to a planned unit development.

2.59 "Tree" means a large, branched woody plant having one or several self-supporting stems or trunks that reach a height of at least 20 feet at maturity.

2.60 Variance.

A. "Variance" means relief from Natural Resources Article, §§5-1601–5-1612, Annotated Code of Maryland or this ordinance.

B. "Variance" does not mean a zoning variance.

2.61 "Watershed" means all land lying within an area described as a subbasin in water quality regulations adopted by the Department of the Environment under COMAR 26.08.02.08.

2.62 "Whip" means an unbranched woody plant greater than 24 inches in height and having a diameter of less than 1 inch measured at 2 inches above the root collar.

NO. 93-02

SUBJ: Road Name Change;
Old Route 5 (State Route 5F)
to Gaslewbrook Drive

BOOK 008 PAGE 0325

RESOLUTION

3:51PM01/22/93D CO.COM $0.00

The following Resolution was adopted by the Board of St. Mary's County Commissioners on the 19TH day of JANUARY, 1993.

WHEREAS, a Petition has been presented to the Board of County Commissioners requesting a change in the name of Old Route 5, also known as State Route 5F, located in the First (1) Election District, St. Mary's County, Maryland, to Gaslewbrook Drive.

WHEREAS, at the request of the State Highway Administration and the citizens along the road, the petition was presented to the Board of County Commissioners and a Public Hearing was duly advertised and held on Tuesday, January 5, 1993.

WHEREAS, in the interest of public convenience and in the effort to comply with the petitioners to change the name of Old Route 5, also known as State Route 5F, the Board of County Commissioners, acting on behalf of and at the request of the State Highway Administration, have, by motion duly made and seconded, voted to honor said Petition.

NOW, THEREFORE, BE IT RESOLVED that Old Route 5, also known as State Route 5F, located in Scotland, Maryland, shall be renamed Gaslewbrook Drive.

This Resolution shall become effective when the appropriate signs are erected on the road.

ATTEST:

Edward V. Cox

BOARD OF ST. MARY'S COUNTY COMMISSIONERS

Carl M. Loffler, Jr., President

W. Edward Bailey, Commissioner

Robert T. Jarboe, Commissioner

John G. Lancaster, Commissioner

Barbara R. Thompson, Commissioner

APPROVED AS TO LEGAL FORM
AND SUFFICIENCY:

Joseph R. Densford
County Attorney

NO: 93-03

BOOK 008 PAGE 0326

SUBJ: ELECTRICAL PERMITS AND INSPECTIONS

3:51PM01/22/930 CO.COM $0.00

RESOLUTION

WHEREAS, the Code of St. Mary's County requires all electrical work to be installed in accordance with the National Electric Code; and,

WHEREAS, the orderly administration of the electrical inspections process requires certain policy and procedural questions to be resolved by the Board of County Commissioners;

NOW, THEREFORE, BE IT RESOLVED By the Board of County Commissioners that the following policies and procedures hereby apply to the electrical inspections process in St. Mary's County:

The following procedures, including the issuance of permits as herein described, shall govern the installation and inspection of electrical work in St. Mary's County:

1. **Building Permit Required:**

   a. for all electric work in new construction, additions, manufactured and industrialized buildings and interior renovations, except as provided for in this section;

2. **Zoning Permit Required:**

   a. for the installation of new electric service on existing buildings where no service presently exists on the effective date of this resolution;

   b. for the installation of temporary electric service for construction, defined as electric service provided for the period of construction and intended to be removed upon completion of the project;

   c. for an installation of feeder electric services over 70 amperes from existing services to all detached structures or buildings;

   d. for an increase in the amperes of an existing electric service on all detached structures or buildings;

3. **Application for Inspection of Electrical Work Required:**

   a. shall be submitted to the Middle Department Inspection Agency or other agency as so authorized by the Board of County Commissioners;

   b. a copy of a St. Mary's County building or zoning permit issued by the Department of Planning and Zoning as required herein shall be provided with the application for electrical inspections;

4. **Inspection of Electrical Work Required:**

   a. upon verification by the Middle Department Inspection Agency or other agency as authorized by the Board of County Commissioners that a valid building or zoning permit has been issued by the Department of Planning and Zoning as herein required for the work proposed, inspections shall be performed in accordance with the following schedule:

Residential
- **Rough wiring inspection (except for manufactured and industrialized housing)**
- **Final inspection**

Swimming Pools (inground type)
- **Trench inspection**
- **Bonding inspection including pool and deck reinforcement**
- **Final inspection**

Commercial and Industrial
- Trench and/or deck inspection
- Wall inspection
- Ceiling inspection
- Service inspection
- Final Inspection

Miscellaneous
- Light pole inspection
- Heavy up inspection

5. Building or Zoning Permit Not Required:

a. for any interior repairs to existing principal structures or buildings not to exceed a 20 ampere circuit with not more than 6 outlets;

b. for an increase of electrical service to not more than 200 amperes on existing single family detached dwellings;

c. for emergency conditions, defined as fire or other such imminently hazardous occurrences that require immediate attention to protect the public safety, provided all necessary and appropriate permits shall be obtained by the next available working day;

d. inspections in accordance with this section by the County inspector or authorized inspection agency are required;

6. Violations and Penalties:

a. failure to comply with the provisions of this section shall result in sanctions in accordance with §60.07 of the St. Mary's County Zoning Ordinance and §112.0 of the St. Mary's County Building Code. Said violations carry a penalty of $100 set per day for each day said offense continues.

Any prior policy or procedure set forth for electrical permits and inspections in St. Mary's County that is not in agreement with the above is hereby rescinded.

Adopted this 19TH day of JANUARY, 1993. This Resolution shall become effective February 1, 1993.

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY

Carl M. Loffler, Jr., President

W. Edward Bailey, Commissioner

Robert T. Jarboe, Commissioner

John G. Lancaster, Commissioner

Barbara R. Thompson, Commissioner

ATTEST:

EDWARD V. COX, County Administrator

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:

JOSEPH R. DENSFORD, County Attorney

BOOK 008 PAGE 0328

Ordinance No. 93-04
Adoption of 1993 National Electric Code

ORDINANCE 3:51PM01/22/930 CO.COM $0.00

AN ORDINANCE ESTABLISHING MINIMUM REGULATIONS GOVERNING THE INSTALLATION, ALTERATION OR REPAIRS OF ELECTRICAL WIRING AND APPARATUS IN NEW AND EXISTING STRUCTURES, BUILDINGS, OUTSIDE DISPLAYS, AND SIGNS; SAID ORDINANCE TO BE CALLED AND KNOWN AS THE ST. MARY'S COUNTY ELECTRIC CODE.

WHEREAS, Article 25, Section 3 and Article 38A, Section 60, of the Annotated Code of Maryland authorized the Board of County Commissioners of St. Mary's County to adopt, amend and enforce an electrical code for St. Mary's County.

WHEREAS, the Board of County Commissioners cited the following benefits to be derived from the continued enforcement of an electric code:

(1) Greater protection of the public health, safety, and welfare.

(2) The provision of minimum standards for the protection of consumers and electricians.

(3) Greater universality of standards with neighboring jurisdictions.

WHEREAS, a public hearing was held by the Board of County Commissioners on January 5, 1993 on the adoption of the 1993 National Electric Code.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of St. Mary's County, Maryland this 19TH day of JANUARY, 1993 after due consideration and deliberation, that the 1993 National Electric Code is hereby adopted to replace and supersede the 1990 National Electric Code as the Electric Code for St. Mary's County, Maryland, for the installation of wiring and apparatus in new and existing buildings, structures, outside displays or signs as herein provided and each all of the regulations, provisions, conditions, and terms of said Electric Code are hereby referred and adopted and made a part hereof as if fully set out in this Ordinance. The provisions of the 1990 National Electric Code shall apply to all electrical work for which an application for inspection has been accepted by the Middle Department Inspection Agency prior to the effective date of this Ordinance.

ADOPTION DATE: JANUARY 19, 1993

EFFECTIVE DATE: April 1, 1993

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY

Carl M. Loffler, Jr., President

W. Edward Bailey, Commissioner

Robert T. Jarboe, Commissioner

John G. Lancaster, Commissioner

Barbara R. Thompson, Commissioner

Attest:

EDWARD V. COX, County Administrator

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:

JOSEPH R. DENSFORD, County Attorney

BOOK 008 PAGE 0329

No: 93-05

Subj: Board of Electrical Examiners - Rules and Regulations

3:51PM01/22/930 CO.COM $0.00

RESOLUTION

WHEREAS, the Code of St. Mary's County, Chapter 38, provides for a Board of Electrical Examiners to examine and license those who would install electrical wiring and apparatus in existing structures, buildings, outside displays or signs in new construction, alterations or repairs of electrical wiring in such uses; and

WHEREAS, the Board has the power to adopt rules and regulations for the transaction of business which shall have the full force of law; and

WHEREAS, the Board has developed, published for public view, and recommended to the Board of County Commissioners a document entitled Rules and Regulations, Board of Electrical Examiners; and

WHEREAS, The Board of County Commissioners has properly advertised and conducted a public hearing on January 5, 1993 for the purpose of obtaining public comment on the recommended document; and

WHEREAS, after considering public comments and after careful review the Board of County Commissioners considers the approval and adoption of the recommended document to be in the best public interest.

NOW, THEREFORE, the Board of County Commissioners of St. Mary's County hereby resolves to adopt an amendment to the Rules and Regulations of the Board of Electrical Examiners (Revised, March 1991) a copy of which is attached hereto and is made a part hereof.

ADOPTION DATE: JANUARY 19, 1993

EFFECTIVE DATE: February 1, 1993

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY

Carl M. Loffler, Jr., President

W. Edward Bailey, Commissioner

Robert T. Jarboe, Commissioner

John G. Lancaster, Commissioner

Barbara R. Thompson, Commissioner

ATTEST:

EDWARD V. COX
County Administrator

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:

JOSEPH R. DENSFORD
County Attorney

PROPOSED CHANGE TO RULES & REGULATIONS
ST. MARY'S COUNTY BOARD OF ELECTRICAL EXAMINERS
(proposed 7/14/92)

PAGE 3 ("F" DEFINITIONS)

2. A RESTRICTED LICENSE SHALL BE ISSUED TO A PERSON DETERMINED TO BE QUALIFIED BY THE BOARD OF ELECTRICAL EXAMINERS FOR INSTALLATION, REPAIR, OR MAINTENANCE OF LOW VOLTAGE AND LOW ENERGY WIRING AND CIRCUITS FOR FIRE ALARM AND BURGLAR ALARM SYSTEMS AS DEFINED IN THE NATIONAL ELECTRICAL CODE. THE LICENSE AUTHORIZES THE HOLDER TO INSTALL A BRANCH CIRCUIT FROM AN EXISTING DISTRIBUTION SYSTEM TO THE EQUIPMENT BEING INSTALLED.

BOOK 008 PAGE 0331

No.: 92-33
Subj: Pegg Road Property Acquisition

12:23PM01/26/938 CC.COM $0.00

RESOLUTION

A RESOLUTION to direct the Office of Planning and Zoning and the Department of Public Works to take certain actions relating to any future development of a tract of land owned by Mary H. Clyburn, Louis P. Jenkins and Tri-County Federal Savings Bank, a .394-acre portion of which land is being acquired by the Board of County Commissioners in a pending condemnation action, and directing the County Attorney to cause this Resolution to be recorded among the land records of St. Mary's County.

RECITALS

Pursuant to Resolution No. 91-31, on October 31, 1991, the County Commissioners commenced a condemnation action in the Circuit Court for St. Mary's County (captioned Board of County Commissioners of St. Mary's County v. John V. Curtis, et al., Case No. 91-1161) against Mary H. Clyburn, Louis P. Jenkins and Tri-County Federal Savings Bank (the "Property Owners") to acquire .394 acres in fee simple (the "Subject Property") from the Property Owners for the purpose of widening and extending the existing route of Pegg Road.

The Subject Property is a part of a larger parcel owned by the Property Owners consisting of 1.514 acres, which property is designated Tax Map 43, Parcel 448 ("Parcel 448"). Parcel 448 is zoned Residential-Low Density and is currently unsubdivided and improved by a single family residence.

The Department of Planning and Zoning has advised the County Commissioners that the maximum density of Parcel 448 under existing zoning laws is three detached residential units. The Department of Planning and Zoning has also advised the County Commissioners that it would not be inconsistent with the public welfare to permit Parcel 448 to be developed after the acquisition of the Subject Property by the County Commissioners at a density of three detached residential units.

The Department of Planning and Zoning and the Department of Public Works have advised the County Commissioners that it would not be inconsistent with the public welfare, in the event that Parcel 448 is developed to a density

of three detached residential units after the County Commissioners' acquisition of the Subject Property, to permit two points of access to Parcel 448 from Pegg Road.

The County Commissioners desire to permit Parcel 448, in the event that it is developed after the acquisition of the Subject Property by the County Commissioners, to be developed at a density of three detached residential units and, in the event that it is so developed, to enjoy two points of access from Pegg Road.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Mary's County:

Section 1. The Department of Planning and Zoning is directed to permit Parcel 448 to be developed at a density of three detached residential units after the acquisition of the Subject Property by the County Commissioners.

Section 2. The Department of Planning and Zoning and the Department of Public Works are directed to permit two points of access to Parcel 448 from Pegg Road to be constructed at such locations as they shall determine to be consistent with the public safety and welfare in the event that Parcel 448 is developed to a density of three detached residential units after the County Commissioners' acquisition of the Subject Property.

Section 3. The County Attorney is hereby directed to cause a certified copy of this Resolution to be recorded among the land records of St. Mary's County.

Section 4. This Resolution shall be effective immediately upon its adoption.

READ AND ADOPTED this 22ND day of DECEMBER, 1992.

COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY

Attest:

Edward V. Cox
County Administrator

Carl M. Loffler, Jr.
President

W. Edward Bailey
Commissioner

389.205778A:12/14/92
7686-330001

Robert T. Jarboe
Commissioner

John G. Lancaster
Commissioner

Barbara R. Thompson
Commissioner

APPROVED AS TO LEGAL FORM
AND SUFFICIENCY

Joseph R. Densford
County Attorney

389.205778A:12/14/92
7686-330001

BOOK 008 PAGE 0334

NO: 93-06

SUBJECT: TECHNOLOGY COUNCIL STEERING COMMITTEE FOR HIGHER EDUCATION FACILITY

12:17PM02/05/93B CO.COM $0.00

RESOLUTION

WHEREAS, the St. Mary's County Technology Council has demonstrated leadership and initiative in the identification for and ultimate funding of a Higher Education Facility to be located in St. Mary's County; and

WHEREAS, the St. Mary's County Technology Council is willing to continue its support for such Higher Education Facility by providing oversight of the requirements and design of such facility; and

WHEREAS, the construction of the facility will be undertaken by the St. Mary's County Building Authority, an instrumentality of the St. Mary's County Board of Commissioners; and

WHEREAS, the Board of Commissioners of St. Mary's County is desirous of obtaining the support of the St. Mary's County Technology Council in the oversight of the requirements and design;

NOW, THEREFORE, BE IT RESOLVED that the Board of St. Mary's County Commissioners establish a Steering Committee whose purpose is to provide direction to the St. Mary's County Building Authority in determining the requirements for the design and construction of the Higher Education Facility.

BE IT FURTHER RESOLVED that the members of the Steering Committee will be comprised of the Board of Directors of the St. Mary's County Technology Council and a representative from the Building Authority Commission.

BOARD OF COUNTY COMMISSIONERS
ST. MARY'S COUNTY, MARYLAND

Carl M. Loffler, Jr., President

W. Edward Bailoy, Commissioner

Robert T. Jarboe, Commissioner

John G. Lancaster, Commissioner

Barbara R. Thompson, Commissioner

ATTEST:

Edward V. Cox, County Administrator

ADOPTION DATE: FEBRUARY 2, 1993

EFFECTIVE DATE: FEBRUARY 2, 1993

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph R. Densford, County Attorney

BOOK 008 PAGE 0335

Resolution No. W/S 93-02
Subj.: Water and Sewer Plan Amendment
Metcom Community Sewer
Projects- Airedale Road, Tall
Timbers/South Potomac Shores,
St. George Island
(SPEC #91-0121)

RESOLUTION

12:17PM02/05/93B CO.COM $0.00

WHEREAS, on March 10, 1992 the Board of County Commissioners of St. Mary's County, Maryland adopted Resolution No. W/S 92-01, which amended the St. Mary's County Comprehensive Water and Sewer Plan for certain sewerage projects identified as the Airedale Road area of the First Election District, the Tall Timbers/South Potomac Shores area of the Second Election District, and the St. George Island area of the Ninth Election District of St. Mary's County, and established Equivalent Dwelling Unit (EDU) allocation and allocation criteria for each sewerage project.

WHEREAS, the Department of Planning and Zoning has subsequently determined that Resolution No. W/S 92-01 contains certain inaccuracies intended to be corrected herein. By memorandum dated September 8, 1992, the inaccuracies discovered by the Department of Planning were fully outlined and brought to the attention of the Board of County Commissioners.

WHEREAS, by letter dated November 23, 1992, the St. George Island Improvement Association gave their concurrence to the modification of the number of EDUs allocated to St. George Island as set forth in the memorandum dated September 8, 1992.

WHEREAS, the Board of County Commissioners deliberated on the modification of Resolution No. W/S 92-01 at its public meeting on February 2, 1993, and unanimously approved the request.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Mary's County, Maryland that Resolution No. W/S 92-01 is hereby modified in accordance with the memorandum dated September 8, 1992 attached hereto as Exhibit 1.

AND BE IT FURTHER RESOLVED that all other terms and conditions of Resolution No. W/S 92-01 shall remain in full force and effect.

AND BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon its adoption.

Date of Adoption: FEBRUARY 2, 1993.

ATTEST:

Edward V. Cox
EDWARD V. COX
County Administrator

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:

Joseph R. Densford
JOSEPH R. DENSFORD
County Attorney

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

CARL M. LOFFLER, JR., President

W. EDWARD BAILEY, Commissioner

ROBERT T. JARBOE, Commissioner

JOHN G. LANCASTER, Commissioner

BARBARA R. THOMPSON, Commissioner

ST. MARY'S COUNTY GOVERNMENT
DEPARTMENT OF PLANNING & ZONING
P.O. BOX 3000 • 328 WASHINGTON STREET • LEONARDTOWN, MARYLAND 20650
(301) 475-4670 • FAX (301) 475-4635

MEMORANDUM

To: Board of County Commissioners
From: Jon R. Grimm, Planning Director JRG
Joseph R. Densford, Law Director JRD
Larry K. Petty, Director, Metropolitan Commission
Date: September 8, 1992
Re: Resolution W/S 92-01; suggested revisions

As a follow-up to your direction after meeting on June 9, 1992, with Alfred Marmer, and in implementing Resolution W/S 92-01, we have discovered a few inaccuracies in the attachments, and we call them to your attention. We also recommend your adopting a follow-up resolution to correct the inaccuracies.

AIREDALE ROAD

Mr. Jon S. Lore has provided deeds to substantiate the division of parcel 54 into two lots and the acreage of parcel 57 to be 9.07 rather than 7.45. When Attachment 2 was initially drafted the status of these parcels relative to the Critical Area Ordinance was in error: they were listed as being within a Resource Conservation Area (RCA), when in fact they are in a Limited Development Area (LDA). Application of the policies which begin with paragraph 18 of Resolution W/S 92-01 should have assigned 2 EDUs rather than 1 to parcel 54, and 3 rather than 0 to parcel 57. The other changes are based on subsequent field inspections and a review of the construction drawings which are being used in designing the sewerage facility for this service area.

Summary of recommended revisions to Attachment 2:

Name	Parcel	Acreage	Critical Area	Existing EDUs per attachment	Potential EDUs per attachment	Revised Existing	Revised Potential	Notes
Raley, H.	46, 48	7.98	LDA	1	2	1	2	Tax records show parcels 46 and 48 have been combined. Listing only parcel 48, with an acreage of 7.98, does not change the number of potential EDUs.
Drury, T. E.	52	1.00	LDA	1	1	0	0	Vacant. Adjacent 0.68A same owner.
Schultz, Mehrl	54 - Lot 1	2.12	LDA	1	1	1	1	Attachment 2 does not acknowledge 2 lots within parcel 54 per deed 117/386 dated 1/18/65.
Lore, G. I.	54 - Lot 2	1.88	LDA	0	0	0	1	Ditto
Lore, G. I.	57	9.07	LDA	0	0	-	3	Per criterion 1 of Resolution 92-01 at page 2.
Tippet, O. N.	72	3.47	LDA	2	2	1	1	Cf. P. 73; revised per tax assessor's records.
Gerek, T.	73	2.00	LDA	3	2	3.	3	Cf. P. 72; revised per tax assessor's records.
Harding, F. L.	104	0.95	LDA	1	1	0	0	Vacant. Adjacent 1.09A same owner.
Norris, Joseph J.	106	3.20	LDA	1	2	1	1	Combined with parcel 195 per tax assessor.
[unknown]	243	??	RCA	0	1	-	0	No such parcel. May be part of P. 242.
				Totals:	12		12	
				Net Change:			0	

Attached is a draft of a revised Attachment 2 with these changes. This draft also shows the former parcel 75 correctly identified as 95, and supplies the formerly missing name of the owner of parcel 195. The result of these revisions would be no change in the number of potential EDUs.

TALL TIMBERS

Owners of properties with potentially eligible accessory apartments were invited to make themselves known, and eight responses were received. DPZ field checked the properties, and two were found to have legitimate dwellings which could be connected to the sewerage facility pursuant to the grant. Paragraph 10 of the Resolution should therefore be revised to identify 147 dwelling units rather than 145 dwelling units within the Tall Timbers service area (and 164 EDUs rather than 162 EDUs).

ST. GEORGE'S ISLAND

As the easements were being prepared for the new sewer line, it was discovered that Parcel 44 has both a house and a habitable trailer, and the list attached to the resolution shows only one structure on this property. The trailer is serveable under the terms of the grant, and the list should be amended to include it. The number of EDUs stipulated by Resolution 92-01 for St. George's island would increase from 219 to 220.

C: St. George's Island Improvement Association

Attachments

cc: Jarboe 4/7/92

BOOK 008 PAGE 0338

Airedale Road Sewer Project

Allocations per Resolution W/S 92-01

Record	Name	Parcel	Acreage	Existing EDUs	Potential EDUs	CA
1	Robinson, Johanna S.	41	2.88	0	1	LDA
2	Lumpkins, John T.	42	4.00	1	1	LDA
3	Marina (Drury)	43	1.25	5	5	LDA
4	Trosbach, Hamilton P.	43	1.00	1	1	LDA
5	Norris, Charles E.	44	1.50	1	1	LDA
6	Radebaugh, John M.	45	2.02	1	1	LDA
7	Norris, Charles E.	47	0.28	1	1	LDA
8	Raley, Harry I. (combined w/P.46)	48	7.98	1	2	LDA
9	Stone, Thomas B.	49	1.05	1	1	LDA
10	Drury, Francis Ruth	50	1.00	2	2	LDA
11	Drury, Teresa E.	51	0.68	1	1	LDA
12	Drury, Teresa E.	52	1.00	0	0	LDA
13	Everett, Walter R.	53	2.00	1	1	LDA
14	Lore, G. I. Rupert & Sons	54	4.00	1	2	LDA
15	Norton, George E.	55	2.00	1	1	LDA
16	Lore, G. I. Rupert & Sons	57	7.45	0	3	LDA
17	Harding, F. Leonard Jr.	58	1.62	1	1	LDA
18	Harding, F. Leonard Jr.	59	1.09	1	1	LDA
19	Hayden, Howard W.	62	2.46	1	1	LDA
20	Angle, F.	65	1.04	2	2	LDA
21	Ropshaw, Peter	69	0.90	1	1	LDA
22	Birch, Abuloa	71	5.58	2	2	LDA
23	Tippett, Oliver H.	72	3.47	1	1	LDA
24	Gerek, Teres[illegible]	73	2.00	3	3	LDA
25	Norris, P.	95	3.00	1	1	LDA
26	Messick, Ralph M.	100	1.94	1	1	LDA
27	Ridge School	101,103	14.00	7	7	LDA
28	Harding, F. Leonard Jr.	104	0.95	0	0	LDA
29	Norris, Joseph J. Combine parcel w. 195	106	3.20	0	1	LDA
30	Weasenforth, Lawrence C.	107	0.68	1	1	LDA
31	Guaza, Victor J.	111	3.33	1	1	LDA
32	Raley, John	128	0.66	1	1	LDA
33	Drury, Donald F.	129	1.00	1	1	RCA
34	Foote, Deane	130	2.50	1	1	LDA
35	Cofer, Billy M.	131	1.83	1	1	LDA
36	Foote, Dean Cofer	132	2.50	0	1	LDA
37	Haines, Eugene G.	133	2.42	1	1	LDA
38	McIntosh, Hayward Y.	134	0.82	1	1	LDA
39	Wise, Wayne	135	0.50	1	1	LDA
40	Cyrus, Royal	136	0.43	1	1	LDA
41	Fenhagen, R[illegible]ond L.	137	0.41	1	1	LDA
42	Marsolais, Ba[illegible]ra D.	138	14.00	1	1	RCA
43	Wright, Harry [illegible]	196	1.00	1	1	LDA
44	Drury, Donald S.	240	32.00	1	3	RCA(part)
45	Fenwick, John P.	241	8.93	0	1	RCA
46	No such parcel. May be part of P.242	243		0	0	RCA
47	Fallon, John J.	297	1.51	1	1	LDA
48	Norris, Patricia A.	307	1.22	1	1	LDA
49	Lewis, Atles F.	323	0.82	1	1	LDA
50	Marmor, Charlotte L.	335	16.00	1	1	RCA
51	Murphy, Nettie D.	410	1.00	1	1	RCA
52	Emery, Ellis R.	430	2.20	0	1	LDA
53	Griffith, John, M.	451	2.74	1	1	LDA
54	Sommarwat Bay Assoc.	523	15.75	2	2	RCA
55	Raley, Rob	534	2.00	1	1	LDA
56	Raley, Bruce	534	3.05	0	1	LDA
		Total		62	75	

Recommended changes

2:07PM02/12/93A CO.COM $0.00

BOOK 008 PAGE 0339

NO: 93-07

SUBJ: FY'93 SUPPLEMENTAL APPROPRIATIONS

O R D I N A N C E

WHEREAS, Senate Bill 1, the Second Budget Reconciliation Act for Fiscal Year 1993 reduces State assistance to the St. Mary's County Board of Education by $2,176,149.00, the St. Mary's County Library by $45,524.00 and the Charles County Community College at St. Mary's by $43,036.00 for a total of $2,264,709.00 and requires the St. Mary's County Commissioners to pay these sums to the State of Maryland to pay the Social Security Tax for certain educational personnel, and

WHEREAS, the St. Mary's County Commissioners believe it is in the best interest of the County to utilize $1,426,000 of Undesignated Fund Balance to offset a part of these costs, and this requires the County to amend the FY 93 General Fund Budget Appropriation.

WHEREAS, the St. Mary's County Director of Finance has certified in writing that such funds are available for this appropriation from the General Fund Unreserved Fund Balance.

NOW, THEREFORE, BE IT ORDAINED that the Board of County Commissioners after due notice conducted a public hearing on January 26, 1993 to present and explain the requirements to increase the Fiscal Year 1993 Budget in the amount of $ 1,426,000.00 (One Million Four Hundred Twenty-Six Thousand Dollars), and such increase is hereby approved this 9th day of February, 1993 by the Board of County Commissioners of St. Mary's County, Maryland.

BOOK 008 PAGE 0340

NO: 93-07

SUBJ: FY'93 SUPPLEMENTAL APPROPRIATIONS

Date of Adoption: February 9, 1993

Effective Date: February 9, 1993

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

Carl M. Loffler, Jr., President

W. Edward Bailey, Commissioner

Robert T. Jarboe, Commissioner

John G. Lancaster, Commissioner

Barbara R. Thompson, Commissioner

ATTEST:

Edward V. Cox
County Administrator

RECOMMENDED:

Charles H. Wade, Jr.
Director of Finance

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Joseph R. Densford
County Attorney

4:35PM03/04/93E CO.COM $0.00

RESOLUTION

No. 93-08

BOOK 008 PAGE 0341

SUBJ: Courtyards at Great Mill

A Resolution of the Board of Commissioners of St. Mary's County, Maryland, endorsing the development of rental housing in Lexington Park to be financed by the Department of Housing and Community Development of the State of Maryland (the "Department").

WHEREAS, the Board of Commissioners of St. Mary's County, Maryland, recognizes that there is a significant need for decent, safe and sanitary housing in St. Mary's County for families of limited income; and

WHEREAS, the Board of Commissioners of St. Mary's County, Maryland has adopted an Affordable Housing Plan which provides for the production of affordable housing over the next ten (10) years; and

WHEREAS, the Great Mills Apartments Limited Partnership, a Maryland Limited Partnership, proposes to acquire, construct, rehabilitate and/or operate a rental housing development comprised of approximately 120 units, of which 24 units will be low-income, known as Courtyards at Great Mill (the "Project"), and located on Mattaponi Boulevard, Lexington Park, Maryland, and

WHEREAS, the Department has received an application from the Great Mills Apartments Limited Partnership to finance the housing development described above, pursuant to its authority under Sections 2-201 through 2-208 (Multi-Family Bond Program) and 2-501 through 2-509 (Rental Housing Production Program) of Article 83B of the Annotated Code of Maryland; and

WHEREAS, the Department is willing to provide financing for the Project in the form of a loan in the approximate amount of $6,000,000 in order to assist in making it financially feasible; and

WHEREAS, the Regulations of the Department require that all developments financed by it be approved by the governing body of the locality in which the Project is situated and, where appropriate, by the chief elected executive official of that locality;

WHEREAS, the Regulations of the Department further require that a local contribution to the Project be made to assist in the financing of the Project.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Commissioners of St. Mary's County, Maryland, hereby endorses the acquisition, construction, rehabilitation and/or operation of the Project upon the site proposed as being consistent with the long-term goals of the Affordable Housing Plan; and HEREBY ENDORSES the provision of operating or capital assistance for the benefit of families of lower income in the proposed Project; and

BE IT FURTHER RESOLVED THAT the county investment in the Project be $48,000, representing $2,000 per unit for each of the twenty-four (24) low-income units in the Project, which amount will be a loan in the form of a credit against up to $2,000 per unit of impact fee. Repayment of the loan will be amortized at four percent (4%) interest over forty (40) years, payable in monthly installments, pursuant to terms and conditions consistent with state requirements.

BE IT FURTHER RESOLVED THAT copies of this Resolution be sent to the Secretary of the Department of Housing and Community Development of the State of Maryland.

ADOPTION DATE: 3/2/93

EFFECTIVE DATE: 3/2/93

BOARD OF COMMISSIONERS
ST. MARY'S COUNTY, MARYLAND

Carl M. Loffler, Jr., President

W. Edward Bailey, Commissioner

Robert T. Jarboe, Commissioner

John G. Lancaster, Commissioner

Barbara R. Thompson, Commissioner

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph R. Densford, County Attorney

SUBJ: ST. MARY'S COUNTY METROPOLITAN
COMMISSION BONDS OF 1993

BOOK 008 PAGE 0342

COUNTY COMMISSIONERS OF ST. MARY'S COUNTY

APPROVAL OF RESOLUTION OF ST. MARY'S COUNTY
METROPOLITAN COMMISSION

4:35PM03/04/93E CO.COM $0.00

Resolution of the County Commissioners of St. Mary's County, approving the passage and the adoption of a Resolution adopted on March 2, 1993 by the St. Mary's County Metropolitan Commission, which Resolution authorized and provided for the issuance and sale of not to exceed Seven Million Four Hundred Ten Thousand Dollars ($7,410,000)" St. Mary's County Metropolitan Commission Bonds of 1993" (the "Bonds"); approving and concurring in the form of the Bonds; authorizing the County to execute the form of endorsement which evidences the guarantee of the Bonds; pledging the full faith and credit of the County to the payment of the principal of and interest on such Bonds, when due; and generally relating to the issuance of such Bonds and the form thereof.

RECITALS

On March 2, 1993, St. Mary's County Metropolitan Commission (the "Commission") adopted a resolution (the "Commission Resolution") entitled as follows:

RESOLUTION OF ST. MARY'S COUNTY METROPOLITAN COMMISSION providing for the issuance and sale, upon the full faith and credit of County Commissioners of St. Mary's County, of not to exceed Seven Million Four Hundred Ten Thousand Dollars ($7,410,000) aggregate principal amount of bonds (the "Bonds") under the provisions of

236.202040A:2/24/93
7686-39

Sections 113-1 to 113-28, inclusive, of the Code of Public Local Laws of St. Mary's County (1978 Edition, as amended, being Article 19 of the Code of Public Local Laws of Maryland), as enacted by Chapter 369 of the Laws of Maryland of 1978 and amended by various Laws of Maryland, including Chapter 417 of the Laws of Maryland of 1979 and Chapters 94 and 87 of the Laws of Maryland of 1981, the Bonds to be designated "St. Mary's County Metropolitan Commission Bonds of 1993," and to be issued and sold for the purpose of providing funds for the design, construction, establishment, purchase or condemnation of various water and sewerage capital projects in St. Mary's County and to refund the St. Mary's County Metropolitan Commission Bonds of 1988; prescribing the form and tenor of the Bonds and the terms and conditions for the issuance and sale thereof at public sale, including the form of the notice of sale; prescribing the terms and conditions of the Bonds and all other details incident to the issuance, sale and delivery of the Bonds; providing for the disbursement of the proceeds of the Bonds; authorizing the preparation and distribution of a preliminary and final official statement in connection with the sale of the Bonds; providing for the levy and collection of assessments, taxes and charges to the extent necessary to provide for the payment of the interest on the Bonds and to pay the principal when due on the Bonds; providing for any necessary action by the Commission in connection with the levy and collection of taxes by the County in accordance with the guarantee of the County to be endorsed on the Bonds; and generally relating to the issuance, sale, delivery and payment of the Bonds.

The Commission Resolution authorized and provided for the issuance and sale of Bonds, in fully registered form to be designated "St. Mary's County Metropolitan Commission Bonds of

1993" in the aggregate principal amount of not to exceed $7,410,000.

The Board of County Commissioners of St. Mary's County, Maryland has considered the Commission Resolution and has determined that this Board approves and concurs in the passage of the Commission Resolution.

The Board of County Commissioners desires to authorize its officers to execute the form of endorsement which evidences the guarantee of County Commissioners of St. Mary's County to pay the principal of and interest on the Bonds.

NOW, THEREFORE, BE IT RESOLVED BY COUNTY COMMISSIONERS OF ST. MARY'S COUNTY:

Section 1: Acting pursuant to Section 113-6 of the Code of Public Local Laws of St. Mary's County (1978 Edition, as amended, being Article 19 of the Code of Public Local Laws of Maryland), County Commissioners of St. Mary's County, a body politic and corporate and a political subdivision of the State of Maryland (the "County"), hereby concurs in the judgment of the Commission as set forth by the terms of the Commission Resolution.

The County accordingly approves the issuance and sale of Bonds of the Commission designated St. Mary's County Metropolitan Commission Bonds of 1993 in an aggregate principal amount of not to exceed $7,410,000 upon the terms and conditions set forth in the Commission Resolution, all of which

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7686-39

terms, conditions, covenants and undertakings are hereby approved by the County and are adopted by the County as and for its own.

Section 2: The form of endorsement which evidences the guarantee by the County, on the full faith and credit of the County, of the payment of the principal of and interest on the St. Mary's County Metropolitan Commission Bonds of 1993 shall be as set forth in Section 8 of the Commission Resolution. The endorsement shall be signed and executed in the manner set forth in Section 5 of the Commission Resolution.

Section 3: The full faith and credit and unlimited taxing power of the County are hereby irrevocably pledged to the levy and collection of ad valorem taxes upon all the assessable property within the corporate limits of the County in rate and amount sufficient to provide for the payment of the principal of and interest on the St. Mary's County Metropolitan Commission Bonds of 1993 issued in the aggregate principal amount of not to exceed $7,410,000 as and when such taxes may become necessary in order to provide sufficient funds to meet the debt service requirements on the Bonds. If the ad valorem taxes prescribed in Section 113-7 of the Code of Public Local Laws of St. Mary's County described in the Commission Resolution are insufficient to pay the principal of and interest on the Bonds, when due, the County hereby covenants and agrees with each of the owners or holders, from time to

time, of the Bonds, in each and every fiscal year in which any such Bonds are outstanding, to levy and collect ad valorem taxes upon all the assessable property within the corporate limits of the County in rate and amount sufficient to provide for the payment of such principal and interest, when due, together with accrued interest to the date of payment.

Section 4: This Resolution shall take effect on the date of its adoption.

Adopted: March 2, 1993

COUNTY COMMISSIONERS OF ST. MARY'S COUNTY

SEAL

ATTEST:

Edward V. Cox
County Administrator

President

Commissioner

Commissioner

Commissioner

Commissioner

236.202040A:2/24/93
7686-39

SUBJ: COUNTY COMMISSIONERS OF ST. MARY'S
COUNTY PUBLIC FACILITIES BONDS OF 1993

BOOK 008 PAGE 0347

COUNTY COMMISSIONERS OF ST. MARY'S COUNTY
RESOLUTION NO. R-93-09

4:36PM03/04/93E CO.COM $0.00

A RESOLUTION of County Commissioners of St. Mary's County authorizing the issuance and sale of Eight Million Three Hundred Seventy Five Thousand Dollars ($8,375,000) aggregate principal amount of serial maturity, general obligation bonds under the provisions of Chapter 99 of the Laws of Maryland of 1991, the bonds to be designated "County Commissioners of St. Mary's County Public Facilities Bonds of 1993", the net proceeds of the sale thereof to be used and applied for the public purpose of financing the construction, improvement or development of certain capital projects in St. Mary's County, including road improvements, landfill improvements, airport improvements, water system improvements and school projects; prescribing the form and tenor of the bonds and the terms and conditions for the issuance and sale thereof at public sale, including the form of the notice of sale; prescribing the terms and conditions of the bonds and all other details incident to the issuance, sale and delivery of the bonds; providing for the disbursement of the proceeds of the bonds; authorizing the preparation and distribution of a preliminary and final official statement in connection with the sale of the bonds; providing for the levy and collection of any taxes necessary for the prompt payment of the maturing principal of and interest on the bonds, and providing that the full faith and credit and taxing power of County Commissioners of St. Mary's County shall be irrevocably pledged to the payment of such principal and interest; and generally relating to the issuance, sale, delivery and payment of the bonds.

BE IT RESOLVED BY COUNTY COMMISSIONERS OF ST. MARY'S COUNTY:

Section 1. Pursuant to the authority of Chapter 99 of the Laws of Maryland of 1991 (the "Act"), County Commissioners of St. Mary's County, a body politic and corporate and a political subdivision of the State of Maryland (the "County"),

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7686-39

hereby determines to borrow money and incur indebtedness for the public purpose of providing funds to pay a portion of the costs of financing the construction, improvement or development of the following capital projects approved by the St. Mary's County Board of County Commissioners on May 20, 1990, May 28, 1991, May 26, 1992, February 2, 1993 and February 23, 1993 and a portion of the costs of issuing the Bonds allocable to such projects, in the aggregate amount of $8,375,000:

Road Improvements		
Pegg Road	$ 400,000	
Indian Bridge Road	1,036,400	
Yowaiski Mill Road	610,000	
Roof Top Circle	46,870	
Miles Drive	51,300	$2,145,000
Community College		
Planning and Property Acquisition		2,260,000
Schools		
Park Hall Expansion & Renovation		2,230,000
Landfill		1,280,000
Airport Development		51,000
Water Systems		
Charlotte Hall		300,000
Airport		109,000
Total		$8,375,000

Section 2. To evidence the borrowing and indebtedness authorized in Section 1 of this Resolution, the County, acting pursuant to the authority of the Act, hereby determines to issue and sell, upon its full faith and credit, its serial

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maturity, general obligation bonds in the aggregate principal amount of Eight Million Three Hundred Seventy Five Thousand Dollars ($8,375,000), to be designated "County Commissioners of St. Mary's County Public Facilities Bonds of 1993" (the "Bonds").

Section 3. The Bonds shall be dated March 15, 1993 and shall be issued as fully registered bonds without coupons in the denominations of $5,000 or any integral multiple thereof. The Bonds shall mature, subject to prior redemption as hereinafter provided, in annual serial installments on November 1, as follows:

Year	Principal Amount	Year	Principal Amount
1994	$380,000	2002	$570,000
1995	410,000	2003	600,000
1996	430,000	2004	630,000
1997	450,000	2005	665,000
1998	470,000	2006	700,000
1999	495,000	2007	740,000
2000	515,000	2008	780,000
2001	540,000		

Section 4. (a) The Bonds which mature on or before November 1, 2003 shall not be subject to redemption prior to their maturities. The Bonds which mature on or after November 1, 2004 shall be subject to redemption at the option of the County, beginning November 1, 2003, as a whole at any time or in part on any interest payment date, in any order of maturity, and with respect to the Bonds of a maturity in any amount, selected by the County, at a redemption price, expressed as a percentage of the principal amount of the Bonds

to be redeemed, set forth in the table below, together with interest accrued to the date fixed for redemption:

Redemption Period (both dates inclusive)	Redemption Price
November 1, 2003 to October 31, 2004	102%
November 1, 2004 to October 31, 2005	101%
November 1, 2005 and thereafter	100%

(b) If less than all of the Bonds of any one maturity shall be called for redemption, the particular Bonds or portion of Bonds to be redeemed from such maturity shall be selected by lot by the Bond Registrar (hereinafter designated).

(c) When less than all of a Bond in a denomination in excess of $5,000 is so redeemed, then, upon the surrender thereof, there shall be issued without charge to the registered owner thereof, for the unredeemed balance of the principal amount of such Bond, at the option of such owner, Bonds in any of the authorized denominations as specified by the registered owner. The aggregate face amount of Bonds issued shall be equal to the unredeemed balance of the principal amount of the Bond surrendered, and the Bonds issued shall bear the same interest rate and shall mature on the same date as the unredeemed balance of the Bond surrendered.

(d) If the County elects to redeem all or a portion of the Bonds outstanding, it shall give a redemption notice to the registered owners of the Bonds to be redeemed by letter

mailed first class, postage prepaid at least thirty (30) days prior to the date fixed for redemption to the addresses of such registered owners appearing on the registration books kept by the Bond Registrar; provided, however, that the failure to mail the redemption notice or any defect in the notice so mailed, or in the mailing thereof, shall not affect the validity of the redemption proceedings; and provided further that the County shall publish such notice of redemption at least once (not less than thirty (30) days prior to the date fixed for redemption) in a financial journal or daily newspaper of general circulation in the Borough of Manhattan, New York, New York. The redemption notice shall state (i) whether the Bonds are redeemed in whole or in part and, if in part, the maturities and numbers of the Bonds to be redeemed, (ii) that the interest on the Bonds to be redeemed shall cease to accrue on the date fixed for redemption, (iii) the date fixed for redemption and the redemption price, and (iv) that the Bonds to be redeemed shall be presented for redemption and payment on the date fixed for redemption at the principal corporate trust office of the Paying Agent (hereinafter designated).

(e) From and after the date fixed for redemption, if notice has been duly and properly given and if funds sufficient for the payment of the redemption price and accrued interest are available on such date, the Bonds designated for redemption shall cease to bear interest. Upon presentation and surrender

for redemption in compliance with the redemption notice, the Bonds to be redeemed shall be paid by the Paying Agent at the redemption price. If they are not paid upon presentation, the Bonds designated for redemption shall continue to bear interest at the rates stated therein until paid.

Section 5: The Bonds shall bear interest at the interest rate or rates fixed at the time of the sale of the Bonds. Each Bond shall bear interest from the interest payment date next preceding the date on which it is authenticated, unless authenticated upon an interest payment date, in which event it shall bear interest from such interest payment date, or unless authenticated prior to the first interest payment date, in which event it shall bear interest from the date of the Bonds; provided, however, that if at the time of authentication of any Bond interest is in default, such Bond shall bear interest from the date to which interest has been paid. The interest on all Bonds shall be paid semi-annually on the first days of November and May, beginning November 1, 1993, of each year in which any Bonds may be outstanding.

All Bonds shall be issuable as fully registered Bonds without coupons and shall be registered in the name or names of the owner or owners thereof, on books kept for such purpose at the principal office of the Bond Registrar. Payment of the principal of and interest on the Bonds shall be made to the person appearing on the registration books maintained by the

Bond Registrar as the registered owner thereof, such principal to be payable at the principal corporate trust office of the Paying Agent upon presentation and surrender of such Bonds as the same become due and payable, and such interest to be payable by check mailed by the Paying Agent to the persons in whose names the Bonds are registered on the regular record date, which shall be the fifteenth day of the month immediately preceding the month in which each such interest payment date occurs (the "Regular Record Date") at the registered owner's address as shown on the registration books maintained by the Bond Registrar. Signet Trust Company is hereby designated as Bond Registrar and Paying Agent for the Bonds.

Any interest on any Bond which is payable but is not punctually paid or provision for the payment of which has not been made ("Defaulted Interest") shall forthwith cease to be payable to the registered owner on the relevant regular record date solely by virtue of such registered owner having been such registered owner; and such Defaulted Interest may be paid by the County, at its election in each case, as provided in paragraph (1) or (2) below:

(1) The County may elect to make payment of any Defaulted Interest on the Bonds to the persons in whose names such Bond is registered at the close of business on a record date for the payment of such Defaulted Interest (the "Special Record Date"), which shall be fixed in the following manner.

The County shall notify the Paying Agent in writing of the amount of Defaulted Interest proposed to be paid on the Bonds and the date of the proposed payment (which date shall be such as will enable the Paying Agent to comply with the next two sentences hereof), and at the same time the County shall deposit or cause to be deposited with the Paying Agent an amount of money equal to the aggregate amount proposed to be paid in respect of such Defaulted Interest or shall make arrangements satisfactory to the Paying Agent for such deposit prior to the date of the proposed payment, such money when deposited to be held in trust for the benefit of the persons entitled to such Defaulted Interest as provided in this paragraph. Thereupon the Paying Agent shall fix a Special Record Date for the payment of such Defaulted Interest which shall be not more than fifteen (15) nor less than ten (10) days prior to the date of the proposed payment. The Paying Agent shall promptly notify the County of such Special Record Date and, in the name of the County, shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefor to be mailed first class, postage prepaid to each registered owner at his address as it appears in the registration books maintained by the Bond Registrar not less than ten (10) days prior to such Special Record Date. The Paying Agent may, in its discretion, in the name of the County, cause a similar notice to be published at least once in a

newspaper of general circulation in each of Baltimore, Maryland and New York, New York but such publication shall not be a condition precedent to the establishment of such Special Record Date. Notice of the proposed payment of such Defaulted Interest and the Special Record Date therefor having been mailed as aforesaid, such Defaulted Interest shall be paid to the registered owners of the Bond as of the close of business on such Special Record Date.

(2) The County may make payment of any Defaulted Interest in any other lawful manner not inconsistent with the requirements of any securities exchange on which the Bonds may be listed, and upon such notice as may be required by such exchange, if, after notice given by the County to the Paying Agent of the proposed payment pursuant to this paragraph, such payment shall be deemed practicable, and approved in writing, by the Paying Agent.

Section 6. The Bonds shall be executed in the name of the County and on its behalf by the President of the Board of County Commissioners of St. Mary's County, whose signature may be by facsimile, and a facsimile of the corporate seal of the County shall be imprinted thereon, attested by the County Administrator, whose signature may be by facsimile. The Bonds shall be issued subject to registration as to principal and interest in the name or names of the owner or owners thereof on books kept for the registration and registration of transfer of

the Bonds at the principal corporate trust office of the Bond Registrar. Each Bond shall be authenticated by the manual signature of an authorized officer of the Bond Registrar. No Bonds issued hereunder shall be valid for any purpose or constitute an obligation of the County unless so authenticated. There shall be printed on each Bond the text of the approving legal opinion of bond counsel with respect to the Bonds. Such printed text shall be certified in the name of the County by the President of the Board of County Commissioners, whose signature may be by facsimile, to be a correct copy of the approving legal opinion of bond counsel. In case any official of the County whose signature appears on the Bond shall cease to be such official prior to the authentication and delivery of such Bond, or in the case that any such official shall take office subsequent to the date of issue of any such Bond, his signature, in either event, shall nevertheless be valid for the purposes herein intended.

Section 7. (a) The Bonds shall be transferable only upon the registration books kept at the principal corporate trust office of the Bond Registrar, by the registered owner thereof in person, or by his attorney duly authorized in writing, upon surrender thereof, together with a written instrument of transfer in the form attached thereto and satisfactory to the Bond Registrar and duly executed by the registered owner or his duly authorized attorney.

(b) The Bonds may be transferred or exchanged at the principal corporate trust office of the Bond Registrar. Upon any transfer or exchange, the County shall issue and the Bond Registrar shall authenticate and deliver a new registered Bond or Bonds of any of the authorized denominations in an aggregate principal amount equal to the principal amount of the Bond exchanged or transferred and maturing on the same date and bearing interest at the same rate. In each case, the Bond Registrar may require payment by any registered owner requesting the exchange or transfer of any tax, fee or other governmental charge, shipping charges and insurance that may be required to be paid with respect thereto, but otherwise no charge shall be made to the registered owner for the exchange or transfer.

(c) The Bond Registrar shall not be required to transfer or exchange any Bond after the mailing of notice calling such Bond or portion thereof for redemption; provided, however, that this limitation shall not apply to that portion of a Bond in excess of $5,000 which is not being called for redemption.

Section 8. Except as provided hereinafter or in a resolution or resolutions of the Board of County Commissioners adopted prior to the issuance of the Bonds, the Bonds shall be issued in substantially the following form. Appropriate variations and insertions may be made to provide dates, numbers

and amounts, and modifications not altering its substance may be made by the President of the Board of County Commissioners to carry into effect the purposes of this Resolution or to comply with recommendations of legal counsel. All of the covenants contained in the following form are hereby adopted by the County as and for the form of obligation to be incurred by the County, and the covenants and conditions contained therein are hereby made binding upon the County, including the promise to pay therein contained:

(Form of Bond)

[BOND FACE]

UNITED STATES OF AMERICA
STATE OF MARYLAND

No. R- $

COUNTY COMMISSIONERS OF ST. MARY'S COUNTY
PUBLIC FACILITIES BOND OF 1993

Maturity Date	Interest Rate	Original Issue Date	CUSIP
		March 15, 1993	

Registered Owner:

Principal Amount Dollars

County Commissioners of St. Mary's County, a body politic and corporate organized and existing under the Constitution and laws of the State of Maryland (the "County"), hereby acknowledges itself indebted for value received, and promises to pay to the registered owner shown above or his registered assigns or legal representatives, on the date specified above (unless this bond shall be redeemable, shall have been called for prior redemption and payment of the redemption price made or provided for), upon presentation and surrender of this bond at the principal corporate trust office of _____ (the "Bond Registrar" and "Paying Agent"), the Principal Amount shown above in any coin or currency which, at the time of payment, is legal tender for the payment of public and private debts and to pay to the registered owner hereof by check or draft, mailed to such registered owner at his address as it appears on the bond registration books kept by the Bond Registrar, interest on the principal sum at the rate per annum shown above until payment of such principal amount or until the prior redemption hereof, such interest being payable on November 1 and May 1 in each year, beginning November 1, 1993, in like coin or currency, accounting from the most recent date to which interest has been paid or, if no interest has been paid, from the original issue date shown above. All interest due on this bond shall be payable to the registered owner in whose name this bond is registered on such bond registration books as of the close of business on the Regular Record Date for such interest payment, which shall be the 15th day of the month immediately preceding the month in which each such interest payment date occurs. Any such interest not so punctually paid or duly provided for

shall forthwith cease to be payable to the registered owner on such Regular Record Date, and may be paid to the person in whose name this bond is registered as of the close of business on a Special Record Date for the payment of such defaulted interest to be fixed by the Bond Registrar, notice whereof being given by letter mailed first class, postage prepaid, to the registered owners not less than 10 days prior to such Special Record Date, at the addresses of such registered owners appearing on the registration books kept by the Bond Registrar, or may be paid at any time in any other lawful manner not inconsistent with the requirements of any securities exchange on which the bonds of this series may be listed and upon such notice as may be required by such exchange. If an interest payment date falls on a Saturday, a Sunday or a day on which the Bond Registrar is not required to be open, payment may be made on the next succeeding day that is not a Saturday, a Sunday or a day on which the Bond Registrar is not required to be open and no interest shall accrue for the intervening period.

ADDITIONAL PROVISIONS OF THIS BOND ARE SET FORTH ON THE REVERSE HEREOF AND SHALL FOR ALL PURPOSES HAVE THE SAME EFFECT AS IF SET FORTH HEREIN.

The full faith and credit and unlimited taxing power of County Commissioners of St. Mary's County are hereby unconditionally pledged to the payment of this bond and of the interest payable hereon according to its terms, and the County does hereby covenant and agree to pay punctually the principal of this bond and the interest hereon on the dates and in the manner prescribed herein, according to the true intent and meaning hereof.

It is hereby certified and recited that each and every act, condition and thing required to exist, to be done, to have happened, and to be performed precedent to and in the issuance of this bond, does exist, has been done, has happened and has been performed in full and strict compliance with the Constitution and laws of the State of Maryland and the Resolution (as defined on the reverse hereof), and that the issue of bonds, of which this bond is one, together with all other indebtedness of the County, is within every debt and other limit prescribed by the Constitution and laws of the State of Maryland and that due provision has been made for the levy and collection of an annual ad valorem tax or taxes upon all the legally assessable property within the corporate limits of the County in rate and amount sufficient to provide for the payment, when due, of the principal of and interest on this bond.

This bond shall not become obligatory for any purpose or be entitled to any benefit under the above-mentioned laws until this bond shall have been authenticated by an authorized officer of the Bond Registrar.

IN WITNESS WHEREOF, County Commissioners of St. Mary's County has caused this bond to be executed in its name by the facsimile signature of the President of the Board of County Commissioners and by its corporate seal

imprinted hereon in facsimile, attested by the facsimile signature of the County Administrator all as of the _____ day of _____, 1993.

COUNTY COMMISSIONERS OF
ST. MARY'S COUNTY

By: [Facsimile Signature]
President, Board of County
Commissioners

(SEAL)

ATTEST: [Facsimile Signature]
County Administrator

Date of
Authentication:

CERTIFICATE OF AUTHENTICATION

This bond is one of the registered bonds of County Commissioners of St. Mary's County Public Facilities Bonds of 1993.

_____, Baltimore, Maryland,
as Bond Registrar

By: _____
Authorized Officer

235.202040A:2/24/93
7686-39

(REVERSE SIDE OF BOND)

This bond is one of a duly authorized issue or series of bonds of the County aggregating $_____ in principal amount, all dated March 1, 1993 (the "Bonds"). The Bonds are issued pursuant to and in full conformity with the provisions of Chapter 99 of the Laws of Maryland of 1991 and by virtue of due proceedings had and taken by the Board of County Commissioners of St. Mary's County, particularly a resolution adopted on (the "Resolution").

The Bonds mature and are payable on November 1 in the following years and amounts and bear interest at the following rates per annum:

Maturity Date	Principal Amount	Interest Rate	Maturity Date	Principal Amount	Interest Rate
1994			2002		
1995			2003		
1996			2004		
1997			2005		
1998			2006		
1999			2007		
2000			2008		
2001					

The Bonds which mature on or after November 1, 2004 are subject to redemption at the option of the County, beginning November 1, 2003, as a whole at any time or in part on any interest payment date, in any order of maturity, and with respect to the Bonds of a maturity in any amount, selected by the County, at the following redemption prices, expressed as percentages of the principal amount of the Bonds to be redeemed, together with interest accrued to the date fixed for redemption:

Redemption Period (both dates inclusive)	Redemption Price
November 1, 2003 to October 31, 2004	102%
November 1, 2004 to October 31, 2005	101%
November 1, 2005 and thereafter	100%

If less than all of the Bonds of any one maturity are called for redemption, the particular Bonds or portion of Bonds to be redeemed from such maturity will be selected by lot by the Bond Registrar.

When less than all of a Bond in a denomination in excess of $5,000 is so redeemed, then, upon the surrender thereof, there shall be issued without charge to the registered owner thereof, for the unredeemed balance of the principal amount of such Bond, at the option of such owner, Bonds in any of

the authorized denominations as specified by the registered owner, the aggregate face amount of such Bonds not to exceed the unredeemed balance of the principal amount of the Bond surrendered, and to bear the same interest rate and to mature on the same date as the unredeemed balance of the Bond surrendered.

If the County elects to redeem all or a portion of the Bonds outstanding, it will give a redemption notice to the registered owners of the Bonds to be redeemed by letter mailed first class, postage prepaid at least thirty (30) days prior to the date fixed for redemption to the addresses of such registered owners appearing on the registration books kept by the Bond Registrar; provided, however, that the failure to mail the redemption notice or any defect in the notice so mailed, or in the mailing thereof, shall not affect the validity of the redemption proceedings; and provided further that the County shall publish such notice of redemption at least once (not less than thirty (30) days prior to the date fixed for redemption) in a financial journal or daily newspaper of general circulation in the Borough of Manhattan, New York, New York. The redemption notice shall state (i) whether the Bonds are redeemed in whole or in part and, if in part, the maturities and numbers of the Bonds to be redeemed, (ii) that the interest on the Bonds to be redeemed shall cease on the date fixed for redemption, (iii) the date fixed for redemption and the redemption price, and (iv) that the Bonds to be redeemed shall be presented for redemption and payment on the date fixed for redemption at the principal corporate trust office of the Paying Agent. From and after the date fixed for redemption, if notice has been duly and properly given, and if funds sufficient for the payment of the redemption price and accrued interest are available on such date, the Bonds designated for redemption shall cease to bear interest. Upon presentation and surrender for redemption in compliance with the redemption notice, the Bonds to be redeemed shall be paid by the Paying Agent at the redemption price. If they are not paid upon presentation, the Bonds designated for redemption shall continue to bear interest at the rates stated therein until paid.

The County has appointed _____, Baltimore, Maryland as Bond Registrar to open books for the registration and for the transfer of Bonds. This bond will be transferable only upon the registration books kept at the principal corporate trust office of the Bond Registrar, by the registered owner hereof in person, or by his attorney duly authorized in writing, upon surrender hereof, together with a written instrument of transfer in the form attached hereto and satisfactory to the Bond Registrar and duly executed by the registered owner or his duly authorized attorney. The County may deem and treat the person in whose name this bond is registered as the absolute owner hereof for the purpose of receiving payment of or on account of the principal or redemption price hereof and interest due hereon and for all other purposes.

This bond may be transferred or exchanged at the principal corporate trust office of the Bond Registrar. Upon any transfer or exchange, the County shall issue and the Bond Registrar shall authenticate and deliver a new registered bond or bonds of any of the authorized denominations in an

aggregate principal amount equal to the principal amount of the bond exchanged or transferred and maturing on the same date and bearing interest at the same rate. In each case, the Bond Registrar may require payment by the registered owner of this bond, requesting the exchange or transfer hereof, of any tax, fee or other governmental charge, shipping charges and insurance that may be required to be paid with respect thereto, but otherwise no charge shall be made to the registered owner hereof for the exchange or transfer.

The Bond Registrar shall not be required to transfer or exchange this bond after the mailing of notice calling this bond or portion hereof for redemption; provided, however, that this limitation shall not apply to that portion of this bond in excess of $5,000 which is not being called for redemption.

(Form of Assignment)

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto

PLEASE INSERT SOCIAL SECURITY OR OTHER
IDENTIFYING NUMBER OF ASSIGNEE

_____

_____

(PLEASE PRINT OR TYPEWRITE NAME AND ADDRESS,
INCLUDING ZIP CODE OF ASSIGNEE)

_____

the within bond and all rights thereunder and does hereby constitute and appoint

_____

attorney to transfer the within bond on the books kept for the registration thereof, with full power of substitution in the premises.

Dated:_____

Signature Guaranteed:

_____

Notice: Signatures must be guaranteed by a member firm of the New York Stock Exchange or a commercial bank or trust company.

_____

Notice: The signature to this assignment must correspond with the name as it appears upon the face of the within bond in every particular, without alteration or enlargement or any change whatever.

(Form of Legal Certification)

IT IS HEREBY CERTIFIED that the following is a true and correct copy of the complete approving legal opinion of Piper & Marbury, Baltimore, Maryland, with respect to the issue of bonds of which this bond is one, that the original of the approving legal opinion was manually executed, dated and issued as of the date of delivery of, and payment for, said issue of bonds and that an executed copy thereof is on file with the Bond Registrar.

COUNTY COMMISSIONERS OF
ST. MARY'S COUNTY

[Facsimile Signature]
President, Board of County
Commissioners

Section 9. The County shall sell the Bonds by the solicitation of competitive bids at public sale. Bids shall be received until 11:00 a.m. local Baltimore, Maryland time on the date fixed for sale. Sale will be held at the offices of Alex. Brown & Sons, Incorporated, 10 North Calvert Street, Baltimore, Maryland, on Tuesday, March 30, 1993. The Director of Finance shall conduct the sale of the Bonds in the name of the County and on its behalf for cash at no less than par to the bidder or bidders therefor whose bid or bids are determined to be the best responsible bid received in compliance with the terms and conditions of the official Notice of Sale. The sale shall be made upon award made by resolution of the Board of County Commissioners. Public notice of the sale shall be given by advertisement which shall be published in one or more daily or weekly newspapers having a general circulation in the County and may also be published in one or more journals having a circulation primarily among banks and investment bankers. At least one publication of the advertisement shall be made not less than ten (10) days before the sale of the Bonds. The notice of sale (which shall also constitute the form of advertisement to be published pursuant to this Section and the Act) and proposal for the Bonds shall be in substantially the form hereinafter set forth. The terms and conditions stated in the notice of sale and proposal are hereby adopted and approved as the terms and conditions under which the Bonds shall be

sold, issued and delivered at public sale. Appropriate variations and insertions shall be made to provide dates, numbers and amounts, and modifications not altering its substance may be made by the President of the Board of County Commissioners to carry into effect the purposes of this Resolution or to comply with recommendations of legal counsel.

NOTICE OF SALE

ST. MARY'S COUNTY, MARYLAND

GENERAL OBLIGATION BONDS

$_____ County Commissioners of St. Mary's County
Public Facilities Bonds of 1993

SEALED BIDS will be received by the Director of Finance of County Commissioners of St. Mary's County (the "County"), until 11:00 a.m. local Baltimore, Maryland time

_____, 1993

at the offices of _____, Baltimore, Maryland _____, for the purchase of the above-described bonds of the County. All Bonds shall be fully registered in form in the denomination of $5,000 each or any integral multiple thereof, shall be dated _____, 199_, and shall bear interest payable semi-annually on the first days of _____ and _____ commencing _____, 199_, until maturity or redemption. Principal of the Bonds shall be paid to the registered owner at the principal corporate trust office of _____, _____, _____ (the "Bond Registrar") upon presentment and surrender of the Bonds. Interest will be paid to the persons in whose names the Bonds are registered on the registration books maintained by the Bond Registrar on the 15th day of the month preceding each interest payment date by check mailed to each such person's address as it appears on such bond registration books.

The $_____ County Commissioners of St. Mary's County Public Facilities Bonds of 1993 (the "Bonds") are issued pursuant to the authority of Chapter 99 of the Laws of Maryland of 1991 (the "County Enabling Act") and are authorized to be issued, sold and delivered by a resolution of the Board of County Commissioners of St. Mary's County adopted on _____, 1993, as amended (the "Resolution"). The Bonds mature annually, subject to prior redemption, on the first day of November in the following years and in the following aggregate amounts:

Maturities:

Year of Maturity	Principal Amount	Year of Maturity	Principal Amount
1994		2002	
1995		2003	
1996		2004	
1997		2005	
1998		2006	
1999		2007	
2000		2008	
2001			

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Redemption:

Bonds that mature on or before November 1, 2003 are not subject to redemption prior to their maturities. Bonds that mature on or after November 1, 2004, are subject to redemption beginning November 1, 2003, either as a whole, at any time or in part on any interest payment date, in any order of maturities, at the option of the County, at a redemption price expressed as a percentage of the principal amount of the Bonds to be redeemed as set forth in the table below, together with interest accrued to the date fixed for redemption.

Period During Which Redeemed (both dates inclusive)	Redemption Price
November 1, 2003, to October 31, 2004	102%
November 1, 2004, to October 31, 2005	101%
November 1, 2005, and thereafter	100%

If less than all of the Bonds of any one maturity are called for redemption, the particular Bonds to be redeemed from such maturity shall be selected by lot by the Bond Registrar in such manner as the Bond Registrar in its sole discretion may determine.

Award of Bonds:

The Bonds will be awarded to the bidder naming the lowest true interest cost for all the Bonds in any legally acceptable proposal and offering to pay not less than par and accrued interest. The lowest true interest cost will be determined with respect to each proposal by doubling the semiannual interest rate, compounded semiannually, necessary to discount the debt service payments from the payment dates to March 15, 1993, and to the price bid, excluding interest accrued to the date of delivery of the Bonds. If two or more responsible bidders offer to purchase the Bonds at the same lowest true interest cost, the Bonds shall be awarded to the bidder offering the highest premium, and if the highest premium is offered by two or more such bidders (or if no premium is offered by any of such bidders), the Bonds may be apportioned between such bidders, with their consent, or the County may, in its discretion, award the Bonds to one of such bidders. The right is reserved to the County to reject any or all proposals and to waive any irregularity or informality in any proposal. The judgment of the County shall be final and binding upon all bidders with respect to the form and adequacy of any proposal received and as to its conformity to the terms of this Notice of Sale. THE SUCCESSFUL BIDDER SHALL MAKE A BONA FIDE PUBLIC OFFERING OF THE BONDS AT THE INITIAL OFFERING PRICES AND SHALL PROVIDE THE RELATED CERTIFICATION DESCRIBED BELOW.

The County will not accept and will reject any bid for less than all of the above described Bonds. The right is reserved to reject any and all bids. ALL BIDDERS SUBMITTING A PROPOSAL FOR THE BONDS MUST ALSO SUBMIT A

PROPOSAL FOR THE $_____ ST. MARY'S COUNTY METROPOLITAN COMMISSION BONDS OF 1993 (THE "COMMISSION BONDS"). NO PROPOSAL FOR THE BONDS WILL BE ACCEPTED BY THE COUNTY UNLESS THE BIDDER HAS ALSO SUBMITTED A PROPOSAL FOR THE COMMISSION BONDS. SEPARATE AWARDS MAY BE MADE TO DIFFERENT BIDDERS FOR THE BONDS AND THE COMMISSION BONDS.

Terms of Sale:

Bidders shall state in their proposals the rate or rates of interest to be paid on all the Bonds, on which rate or rates their proposals are based and submitted. The rates so named must be in multiples of 1/8 or 1/20 of 1%, and the highest rate may not exceed the lowest rate by more than 3%. Bidders may specify more than one rate of interest to be borne by the Bonds but may not specify more than one rate for the Bonds of any single maturity. A zero rate may not be named for any maturity.

As promptly as reasonably practicable after the bids are opened, the County will notify the bidder to whom the Bonds will be awarded, if and when such award is made, and such bidder, upon such notice, shall advise the County of the initial reoffering prices to the public of each maturity of the Bonds (the "Initial Reoffering Prices").

Each proposal must be submitted on the required form of proposal accompanying the Preliminary Official Statement on an "all or nothing" basis. The proposal must be enclosed in a sealed envelope addressed to St. Mary's County, Maryland, c/o _____, Baltimore, Maryland 21201, and marked on the outside "Bid for Bonds".

A certified check, bank cashier's, treasurer's or official check drawn upon or certified by a responsible banking institution in the amount of $167,500 and made payable to the order of County Commissioners of St. Mary's County must accompany each proposal as security for compliance with said proposal. The check of the successful bidder will be collected and the proceeds thereof retained by the County to be applied in part payment for the Bonds. No interest will be allowed on any such deposit. IN THE EVENT THE SUCCESSFUL BIDDER SHALL FAIL TO COMPLY WITH THE TERMS OF HIS OR HER BID, THE PROCEEDS OF SUCH CHECK WILL BE RETAINED AS AND FOR FULL LIQUIDATED DAMAGES. Checks of unsuccessful bidders will be returned promptly after the Bonds are awarded.

Purpose:

The proceeds of the Public Facilities Bonds for which proposals are solicited herein will be used to provide financing for the following public purposes: road and airport improvements, water system improvements, schools and landfills.

Security:

All Bonds herein described are general obligations of the County and will constitute an unconditional pledge of the full faith and credit and unlimited taxing power of St. Mary's County, Maryland.

Legal Opinion:

The Bonds of each series will be issued and sold subject to approval as to legality by Piper & Marbury of Baltimore, Maryland, Bond Counsel, whose approving opinion substantially in the form included in the Preliminary Official Statement referred to below will be delivered, upon request, to the purchaser or purchasers of the bonds, without charge, and the text of the applicable opinion will also be printed on each Bond.

When delivered, the Bonds shall be duly executed and authenticated and registered in such names and in such denominations as the successful bidder shall have requested in writing not less than seven (7) business days prior to the closing; and the remaining aggregate principal amount of the Bonds of each issue for which no instructions have been received by such date will be issued as one Bond in the denomination of such remaining aggregate principal amount or as Bonds in such denominations as shall be mutually agreed upon by the successful bidder and the County and registered in the name of the successful bidder.

CUSIP Numbers:

It is anticipated that CUSIP identification numbers will be printed on the Bonds, but neither the failure to print any such number on any Bond nor any error with respect thereto shall constitute cause for a failure or refusal by the successful bidder to accept delivery of and pay for the Bonds in accordance with the terms of this Notice of Sale.

Closing Documents:

The Bonds will be accompanied by the customary closing documents, including a no-litigation certificate, effective as of the date of delivery, stating that there is no litigation pending affecting the validity of any of the Bonds. It shall be a condition to the obligation of the successful bidder to accept delivery of and pay for the Bonds that simultaneously with or before delivery and payment for the Bonds such successful bidder shall be furnished a certificate of the appropriate County officials to the effect that to the best of their knowledge and belief, the Official Statement (and any amendment or supplement thereto) (except for the Reoffering Information, as to which no view will be expressed) as of the date of sale and as of the date of delivery of the Bonds does not contain any untrue statement of a material fact and does not omit to state a material fact necessary to make the statements therein, in light of the circumstances under which they were made, not misleading and that between the date of sale and the date of delivery of the Bonds there has been no material adverse change in the financial position or revenues of the County, except as reflected or contemplated in the Official Statement.

As soon as practicable after the award of the Bonds to the successful bidder on the day of sale, the County will authorize an Official Statement, which is expected to be substantially in the form of the Preliminary Official Statement referred to below. If so requested by the successful bidder at or before the close of business on the date of the sale, the County will include in the Official Statement such pricing and other information with respect to the terms of the reoffering of the Bonds by the successful bidder ("Reoffering Information"), if any, as may be specified and furnished in writing by the successful bidder. If no Reoffering Information is specified and furnished by the successful bidder, the Official Statement will include the interest rates on the Bonds resulting from the bid of the successful bidder and the other statements with respect to reoffering contained in the Preliminary Official Statement. The successful bidder shall be responsible to the County and its officials for the Reoffering Information, and for all decisions made by the successful bidder with respect to the use or omission of the Reoffering Information in any reoffering of the Bonds, including the Official Statement. The successful bidder will also be furnished, without cost, with up to 300 copies of the Official Statement (and any amendment or supplement thereto).

THE BIDDERS, BY SUBMITTING THEIR BIDS, AGREE TO PROVIDE THE COUNTY, SIMULTANEOUSLY WITH OR BEFORE DELIVERY OF THE BONDS, A CERTIFICATE ACCEPTABLE TO BOND COUNSEL STATING (i) THE INITIAL REOFFERING PRICES, EXPRESSED AS A PERCENTAGE OF PAR, TO THE PUBLIC OF EACH MATURITY OF THE BONDS (THE "REOFFERING PRICES"); (ii) THAT THE SUCCESSFUL BIDDER HAS MADE A BONA FIDE PUBLIC OFFERING OF THE BONDS OF EACH MATURITY AT (OR BELOW) THE INITIAL REOFFERING PRICES; AND (iii) THAT A SUBSTANTIAL AMOUNT OF THE BONDS WAS SOLD TO THE PUBLIC (EXCLUDING BOND HOUSES, BROKERS AND OTHER INTERMEDIARIES) AT SUCH INITIAL REOFFERING PRICES. Bond Counsel advises that (i) such certificate must be made on the best knowledge, information and belief of the successful bidder, (ii) the sale to the public of 10% or more in par amount of the Bonds of each maturity at (or below) the Initial Reoffering Prices would be sufficient to certify as to the sale of a substantial amount of the Bonds, and (iii) reliance on other facts as a basis for such certification would require evaluation by Bond Counsel to assure compliance with the statutory requirement to avoid the establishment of an artificial price for the Bonds. In the event that all or any part of the Bonds are initially reoffered with bond insurance secured by the successful bidder, the successful bidder shall be required to notify promptly the Director of Finance of the County at the time of sale of such event and shall provide the Director of Finance with any information he reasonably requests regarding such bond insurance, including the amounts paid for such insurance. The County will, at the request and expense of the successful bidder, include customary language in the official statement and the form of bond regarding the insurance policy upon receipt of such opinions or certificates as the County reasonably may request regarding the insurance policy upon receipt of such opinions or certificates as the County reasonably may request regarding the accuracy of any information to be included in the Official Statement and the binding nature of the obligations contained in the insurance policy with respect to the Bonds. The County shall have no obligation to provide the successful bidder or the bond insurance company with any other documents or opinions relating to the Bonds.

Delivery and Payment:

Delivery of the Bonds, without expense, will be made by the County to the purchaser or purchasers on _____, ____, or as soon as practicable thereafter, in New York, New York and, thereupon, said purchaser or purchasers will be required to accept delivery of the Bonds purchased and pay, in federal funds, the balance of the purchase price due.

The Preliminary Official Statement, together with this Notice of Sale and the required form of proposal may be obtained from the office of the Director of Finance, St. Mary's County, Maryland, Governmental Center, Leonardtown, Maryland 20650; or from Alex. Brown & Sons, Inc., 135 East Baltimore St., Baltimore, Maryland 21202 (410/783-3087), financial advisor to the County.

By order of
COUNTY COMMISSIONERS OF ST. MARY'S COUNTY

235.202040A:02/24/93
7686-34

Proposal for Public Facilities Bonds

_____, 199_

St. Mary's County, Maryland

Ladies and Gentlemen:

Subject to the provisions and in accordance with the terms of the annexed Notice of Sale which is made a part of this Proposal, we offer to purchase the obligations of St. Mary's County, Maryland described in such Notice of Sale being $_____ aggregate principal amount of St. Mary's County Public Facilities Bonds of 1993 (the "Bonds"), such Bonds to be dated March 15, 1993, to mature in the several years shown in the table below (subject to prior redemption as provided in such Notice of Sale), and to bear interest at the respective rates, as set forth below:

Year of Maturity	Interest Rate	Year of Maturity	Interest Rate
1994.....	_____%	2002.....	_____%
1995.....	_____	2003.....	_____
1996.....	_____	2004.....	_____
1997.....	_____	2005.....	_____
1998.....	_____	2006.....	_____
1999.....	_____	2007.....	_____
2000.....	_____	2008.....	_____
2001.....	_____		

Our bid amount for purposes of determining the winning bidder is equal to:

the principal amount of the Bonds.....	$ 8,375,000
plus a dollar premium in the amount of.....	+_____
making a total of.....	$_____

We will pay an amount equal to the principal amount of the bonds, plus the premium amount stated above, plus accrued interest from March 15, 1993 to the date of delivery of the Bonds.

We enclose herewith a certified check upon, or a cashier's, treasurer's or official check of, a responsible banking institution, payable to the order of St. Mary's County, Maryland, in the amount of $_____ which check is to be returned to us if this proposal is not accepted. If this proposal is accepted, said sum is to be held as security for the performance of this proposal, and is to be applied to the purchase price of the Bonds when the Bonds are delivered and paid for under the terms of this proposal, or is

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to be retained as and for full liquidated damages in case we fail so to take up and pay for the Bonds.

WE UNDERSTAND THAT (A) WE ARE TO PROVIDE A CERTIFICATION REGARDING THE PUBLIC SALE OF THE BONDS AS DESCRIBED IN THE NOTICE OF SALE ON OR PRIOR TO THE CLOSING DATE AND (B) IF NOTIFIED THAT WE ARE THE SUCCESSFUL BIDDER, WE WILL BE REQUIRED TO ADVISE THE COUNTY OF THE INITIAL REOFFERING PRICES (AS DESCRIBED IN THE NOTICE OF SALE) FOR EACH MATURITY OF THE BONDS AT THE TIME OF SUCH NOTIFICATION. In this regard, you may contact and rely on the information provided by _____, whose telephone number is _____.

_____

_____

_____

_____

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(This is requested to expedite and facilitate prompt determination of the best bid. It is not a part of the proposal. The omission or inaccuracy of these figures will not affect the validity of the proposal.

Aggregate amount of interest from date of Bonds to final maturity ..... $_____

True interest cost ..... _____%

For your information you will find attached a list of the group of underwriters associated with us in this proposal.

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Section 10. As soon as may be practicable after the sale hereinabove provided for has been held, the Bonds shall be suitably prepared in definitive form, executed and delivered to the purchaser upon receipt of the purchase price therefor, plus interest accrued to the date of delivery, less the good faith deposit accompanying the proposal. The President of the Board of County Commissioners, the County Administrator and the Director of Finance and all other officers and employees of the County are expressly authorized, empowered and directed to take any and all action necessary to complete and close the award, sale and delivery of the Bonds to the purchaser thereof.

Section 11. The Director of Finance is hereby designated to receive payment on behalf of the County of the proceeds of the sale of the Bonds. Such proceeds shall be deposited in the proper accounts of the County and shall be used and applied by the County exclusively and solely for the public purposes described in Section 1 of this Resolution, including the payment, repayment or redemption of any advances or interim financing heretofore undertaken in connection with such public purposes. If the proceeds received from the sale of the Bonds exceed the amount actually expended or required for such public purposes, the amount of such unexpended excess shall be set apart in a separate fund and applied to the payment of the next principal maturity of the Bonds or to the redemption of any part of the Bonds or to the purchase and

cancellation of Bonds, unless a resolution is adopted by the Board of County Commissioners to provide for the expenditure of that excess for some other valid purpose authorized by the Act.

Section 12. For the purpose of paying the principal of and interest on the Bonds when due, the County shall levy or cause to be levied, for each and every fiscal year during which the Bonds may be outstanding, upon all real and tangible personal property within its corporate limits subject to assessment for unlimited County taxation, ad valorem taxes in rate and amount sufficient to provide for the payment, when due, of the principal of and interest on the Bonds maturing in each such fiscal year; and, if the proceeds from the taxes so levied in any fiscal year are inadequate for such payment, additional taxes shall be levied in the succeeding fiscal year to make up such deficiency. The full faith and credit and unlimited taxing power of the County are hereby irrevocably pledged to the prompt payment of the principal of and interest on the Bonds as and when they become due and payable and to the levy and collection of the taxes hereinabove prescribed as and when such taxes may become necessary in order to provide sufficient funds to meet the debt service requirements of the Bonds. The County hereby covenants and agrees with each of the registered owners of the Bonds to levy and collect the taxes hereinabove prescribed and to take any further action that may

be appropriate from time to time during the period that the Bonds remain outstanding and unpaid to provide the funds necessary to pay promptly the principal thereof and the interest due thereon. The County may apply to the payment of the principal of or interest on the Bonds any funds received by it from the State of Maryland or the United States of America or any governmental agency or instrumentality, or from any other source, if such funds are granted for the purpose of assisting the County in accomplishing the type of project or projects which the Bonds are issued to finance, and to the extent of any such funds received or receivable in any fiscal year, the taxes hereby required to be levied may be reduced proportionately.

Section 13. (a) The President of the Board of County Commissioners and the Director of Finance shall be the officials of the County responsible for the issuance of the Bonds within the meaning of Section 1.103-13(a)(2)(ii)(C) of the Arbitrage Regulations (defined below). The President of the Board of County Commissioners and the Director of Finance shall also be the officials of the County responsible for the execution and delivery (on the date of the issuance of the Bonds) of a certificate of the County (the "Tax and Section 148 Certificate") that complies with the requirements of Section 148 of the Internal Revenue Code of 1986, as amended ("Section 148"), and the applicable regulations thereunder (the

"Arbitrage Regulations"), and such officials are hereby authorized and directed to execute and deliver the Tax and Section 148 Certificate to counsel rendering an opinion on the validity of the Bonds on the date of the issuance of the Bonds.

(b) The County shall set forth in the Tax and Section 148 Certificate its reasonable expectations as to relevant facts, estimates and circumstances relating to the use of the proceeds of the Bonds or of any moneys, securities or other obligations to the credit of any account of the County which may be deemed to be proceeds of the Bonds pursuant to Section 148 or the Arbitrage Regulations (collectively, the "Bond Proceeds"). The County covenants and agrees with the registered owners of the Bonds that the facts, estimates and circumstances set forth in the Tax and Section 148 Certificate will be based on the County's reasonable expectations on the date of the issuance of the Bonds and will be, to the best of the certifying officials' knowledge, true and correct as of that date.

(c) The County covenants and agrees with the registered owners of the Bonds that it will not make, or (to the extent that it exercises control or direction) permit to be made, any use of the Bond Proceeds that would cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 and the Arbitrage Regulations and that it will comply with those provisions of Section 148 and the Arbitrage Regulations as may

be applicable to the Bonds as long as the Bonds remain outstanding and unpaid.

(d) The County further covenants that it shall make such use of the proceeds of the Bonds, regulate the investment of the proceeds thereof, and take such other and further actions as may be required to maintain the excludability from gross income for federal income tax purposes of interest on the Bonds. All officers, employees and agents of the County are hereby authorized and directed to take such actions, and to provide such certifications of facts and estimates regarding the amount and use of the proceeds of the Bonds, as may be necessary or appropriate from time to time to comply with, or to evidence the County's compliance with, the covenants set forth in this Section.

(e) The County further covenants with each of the registered owners of any of the Bonds (i) that it will not take any action or (to the extent that it exercises control or direction) permit any action to be taken that would cause the Bonds or a portion of the Bonds to be "federally guaranteed" within the meaning of Section 149(b) of the Internal Revenue Code of 1986, as amended, and (ii) that it will not make, or (to the extent that it exercises control or direction) permit to be made, any use of the proceeds of the Bonds or a portion of such proceeds that would cause the Bonds or a portion of the Bonds to be "private loan bonds" within the meaning of Section 141(c) of the Internal Revenue Code of 1986, as amended.

(f) The President of the Board of County Commissioners may make such covenants or agreements in connection with the issuance of such Bonds as he shall deem advisable in order to assure the registered owners of such Bonds that interest thereon shall be and remain excludable from gross income for federal income tax purposes, and such covenants or agreements shall be binding on the County so long as the observance by the County of any such covenants or agreements is necessary in connection with the maintenance of the exclusion of the interest on such Bonds from gross income for federal income tax purposes. The foregoing covenants and agreements may include such covenants or agreements on behalf of the County regarding compliance with the provisions of the Internal Revenue Code of 1986, as amended, as the President of the Board of County Commissioners shall deem advisable in order to assure the registered owners of such Bonds that the interest thereon shall be and remain excludable from gross income for federal income tax purposes, including (without limitation) covenants or agreements relating to the investment of Bond Proceeds, the payment of certain earnings resulting from such investment to the United States, limitations on the times within which, and the purpose for which, Bond Proceeds may be expended, or the use of specified procedures for accounting for and segregating Bond Proceeds. Such covenants and agreements may be set forth in the Tax and Section 148 Certificate.

Section 14. This Resolution shall become effective immediately upon its passage.

ADOPTED this second day of March, 1993.

COUNTY COMMISSIONERS OF
ST. MARY'S COUNTY

Carl M. Loffler, Jr., President

W. Edward Bailey, Commissioner

Robert T. Jarboe, Commissioner

John G. Lancaster, Commissioner

Barbara R. Thompson, Commissioner

ATTEST:

Edward V. Cox, County
Administrator

235.202040A:02/24/93
7686-34

BOOK 008 PAGE 0384

RESOLUTION NO. 93-11

Subj: Abandonment of a Portion of County Route 30826 (Tall Timbers Road)

RESOLUTION

12:56PM03/11/930 CG.COM $0.00

WHEREAS, the Board of County Commissioners of St. Mary's County, Maryland, is authorized to close and abandon certain public roads within St. Mary's County, Maryland, pursuant to Article 25, Section 135, et seq., of the Annotated Code of Maryland.

WHEREAS, the Board of County Commissioners, following the procedures set forth in Article 25, Section 135, et seq., has received a petition from the adjacent property owner, requesting that a portion of County Route 30826, also known as Tall Timbers Road, be abandoned from its intersection with Tall Timbers Road to the barricade, a distance of approximately 300 feet.

WHEREAS, the Board of County Commissioners conducted a public hearing on the petition to abandon the portion of the aforesaid Tall Timbers Road on February 16, 1993, following due public notice of said hearing.

WHEREAS, after the consideration of all public comments, information and documentation pertaining to the abandonment of the aforesaid Tall Timbers Road, the Board of County Commissioners has determined that the public interest will best be served by granting said petition.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Mary's County, Maryland, that the aforesaid section of Tall Timbers Road is hereby declared to be officially abandoned.

This Resolution shall take effect upon the transfer of the property to the adjacent property owner.

Witness our signatures this 2nd day of March, 1993.

ATTEST

Edward V. Cox, County Administrator

BOARD OF COUNTY COMMISSIONERS OF
ST. MARY'S COUNTY, MARYLAND

Carl M. Loffler, Jr., President

W. Edward Bailey, Commissioner

Robert T. Jarboe, Commissioner

John G. Lancaster, Commissioner

Barbara R. Thompson, Commissioner

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:

Joseph R. Densford
County Attorney

BOOK 008 PAGE 0385

No: 93-12
SUBJ: Land Preservation and Recreation Plan

RESOLUTION

9:29AM03/25/930 CO.COM $0.00

WHEREAS, The Maryland Office of Planning and the Department of Natural Resources requires each jurisdiction in the State of Maryland to develop a local plan for incorporation into the State Land Preservation and Recreation Plan; and

WHEREAS The Land Preservation and Recreation Plan establishes planning goals, objectives, strategies, and priorities for preserving valuable natural areas, protecting land and water resources, and satisfying the recreational needs of county residents; and

WHEREAS, St. Mary's County is blessed with an abundance of natural resources; and

WHEREAS, St. Mary's County has experienced rapid growth since 1980; and

WHEREAS, the challenge to St. Mary's County is to properly manage this growth so as to preserve its valuable resources; and

WHEREAS, the local plan was presented in open session to the Recreation and Parks Board on January 21, 1993, the Planning Commission on January 25 and February 8, 1993, and to the Board of County Commissioners on February 9, 1993; and

WHEREAS, the Plan was approved by the Recreation and Parks Board on February 18, 1993, and by the Planning Commission on February 22, 1993; and

NOW, THEREFORE, The Board of County Commissioners hereby approves and adopts the St. Mary's County Land Preservation and Recreation and Parks Plan to be submitted to the Maryland Office of Planning and to be incorporated into St. Mary's County's Comprehensive Plan.

ADOPTION DATE 3/16/93
EFFECTIVE DATE 3/16/93

BOARD OF COUNTY COMMISSIONERS
ST. MARY'S COUNTY, MARYLAND

Carl M. Loffler, Jr., President

W. Edward Bailey, Commissioner

Robert T. Jarboe, Commissioner

John G. Lancaster, Commissioner

Barbara R. Thompson, Commissioner

ATTEST:

Edward V. Cox
County Administrator

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

Joseph R. Densford
County Attorney

SUBJ: METROPOLITAN COMMISSION
BONDS OF 1993

BOOK 008 PAGE 0386

COUNTY COMMISSIONERS OF ST. MARY'S COUNTY
RESOLUTION NO. R-93-14

A RESOLUTION of the Board of County Commissioners of St. Mary's County, approving the passage and adoption by St. Mary's County Metropolitan Commission on March 30, 1993 of a resolution (the "Award Resolution") awarding the Commission's general obligation, fully registered bonds to be designated "St. Mary's County Metropolitan Commission Bonds of 1993" authorized to be issued pursuant to a resolution adopted by the Commission and approved by the Board on March 2, 1993; and determining various matters in connection with the sale of the Bonds.

10:56AM04/05/93D CO.COM $0.00

RECITALS

On March 2, 1993, St. Mary's County Metropolitan Commission (the "Commission"), a body corporate and politic and a public instrumentality created and existing under and pursuant to the Constitution and laws of the State of Maryland, adopted a resolution (the "Authorizing Resolution") authorizing the issuance and public sale of its general obligation bonds designated "St. Mary's County Metropolitan Commission Bonds of 1993" in aggregate principal amount not to exceed $7,410,000 (the "Bonds") and determining various matters in connection with the issuance and sale of the Bonds. On March 2, 1993 the Board of County Commissioners of St. Mary's County (the "Board") adopted a resolution approving the adoption by the Commission of the Authorizing Resolution.

On March 30, 1993 the public sale of the Bonds was held at the offices of Alex. Brown & Sons Incorporated, 10 North Calvert Street, 8th Floor, Baltimore, Maryland 21202, at 11:00 a.m., local Baltimore, Maryland time in accordance with the terms of the Notice of Sale approved by the Authorizing Resolution.

On March 30, 1993 the Commission adopted a resolution (the "Award Resolution") (i) awarding the sale of the Bonds to the manager of the syndicate submitting the best bid for the Bonds (as defined in the Award Resolution, the "Successful Bidder") and (ii) fixing the Final Aggregate Principal Amount (defined in the Authorizing Resolution) of the Bonds, the Final Principal Amount (defined in the Authorizing Resolution) of each maturity of the Bonds, and the rates of interest per annum to be borne by the Bonds, all in accordance with the Authorizing Resolution, the terms of the Notice of Sale approved thereby, and the bid submitted by the Successful Bidder.

302.202040A:03/26/93
7686-39

This Board concurs in the findings and judgment of the Commission set forth in the Award Resolution and deems it desirable to approve of the sale of the Bonds to the Successful Bidder therefor named in the Award Resolution.

NOW, THEREFORE, BE IT RESOLVED BY COUNTY COMMISSIONERS OF ST. MARY'S COUNTY:

Section 1. It concurs in the findings and judgment of the Commission as set forth by the terms of its resolution duly adopted on March 30, 1993 and entitled:

> Resolution of the St. Mary's County Metropolitan Commission (the "Commission") supplementing a resolution adopted by the Commission and approved by the Board of County Commissioners of St. Mary's County on March 2, 1993 (the "Authorizing Resolution") by providing for the award of general obligation, fully registered bonds to be designated "St. Mary's County Metropolitan Commission Bonds of 1993" authorized to be issued pursuant to the Authorizing Resolution; fixing the interest rates payable upon the bonds so authorized and awarding the bonds to the successful bidder therefor upon the basis of the bids received this day in accordance with the official Notice of Sale approved by the Authorizing Resolution; ratifying and confirming the distribution of the Preliminary Official Statement and authorizing the preparation and distribution of the final Official Statement; and generally concerning various matters in connection with the sale of the bonds.

Section 2. This Board accordingly approves (i) the award of the sale of the Bonds to the Successful Bidder named in the Award Resolution, (ii) the Final Aggregate Principal Amount of the Bonds, (iii) the Final Principal Amount of each maturity of the Bonds, and (iv) the rates of interest per annum to be borne by the Bonds, all as set forth in the Award Resolution.

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Section 3. This Resolution shall take effect on the date of its adoption.

Adopted: March 30, 1993

Carl M. Loffler, Jr., President

W. Edward Bailey, Commissioner

Robert T. Jarboe, Commissioner

(SEAL)

John G. Lancaster, Commissioner

Barbara R. Thompson, Commissioner

ATTEST:

Edward V. Cox,
County Administrator

302.202040A:03/26/93
7686-39

SUBJ: PUBLIC FACILITIES BONDS OF 1993
(AWARD)

BOOK 008 PAGE 0389

COUNTY COMMISSIONERS OF ST. MARY'S COUNTY
RESOLUTION NO. R-93-13

8:46AM04/08/93E CO.COM $0.00

A RESOLUTION of County Commissioners of St. Mary's County providing for the award of Eight Million Three Hundred Seventy-five Thousand Dollars ($8,375,000) aggregate principal amount of general obligation bonds designated Public Facilities Bonds of 1993, authorized to be issued pursuant to Resolution No. R-93-09 passed on March 2, 1993; fixing the interest rates payable upon the bonds so authorized and awarding the bonds to the successful bidder therefor upon the basis of the bids received this day in accordance with the official Notice of Sale prescribed in such Resolution; and ratifying and confirming the distribution of the Preliminary Official Statement and authorizing the preparation and distribution of the final Official Statement.

RECITALS

Resolution No. R-93-09 (the "Resolution") of County Commissioners of St. Mary's County (the "County") authorized the public sale of Eight Million Three Hundred Seventy-Five Thousand Dollars ($8,375,000) aggregate principal amount of the County's general obligation bonds, designated Public Facilities Bonds of 1993 (the "Bonds"). The public sale was held at the offices of Alex. Brown & Sons, Incorporated, 10 N. Calvert Street, Baltimore, Maryland 21202, at 11:00 a.m., local Baltimore, Maryland time in accordance with the terms of the Notice of Sale prescribed by the Resolution, which Notice of Sale was duly published in accordance with the Resolution.

The County is now ready (1) to accept the best bid for the Bonds, at the total purchase price named by the bidder in such bid and (2) to fix the interest rates payable on the Bonds in accordance with the terms of such bid.

299.I02040A:03/26/93
7686-39

NOW, THEREFORE, BE IT RESOLVED BY COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, that:

Section 1. The syndicate headed by Ferris, Baker, Watts, Inc. (the "successful bidder") for the Eight Million Three Hundred Seventy-Five Thousand Dollars ($8,375,000) aggregate principal amount of Public Facilities Bonds of 1993 is hereby found and determined to be the bidder whose bid is in the best interest of the County.

Section 2. The bid of the successful bidder for the Bonds is hereby accepted.

Section 3. The Bonds are hereby awarded to the successful bidder at the total purchase price named in its bid. When prepared in definitive form, the Bonds shall be duly executed and delivered to the successful bidder in accordance with the terms and conditions of the Notice of Sale at such place in Baltimore, Maryland or New York, New York, or at such other location, as the successful bidder and the Director of Finance or the County Administrator may mutually agree. The delivery of the Bonds shall be made upon receipt of the total purchase price for the Bonds, being the principal amount of the Bonds, plus the premium, if any, stated in the bid of the successful bidder, plus accrued interest, less the good faith deposit received from the successful bidder to secure its bid. The total purchase price for the Bonds shall be paid to the Director of Finance or the County Administrator, as agent of the County for the purpose of receiving the purchase price and

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7686-39

delivering the Bonds to the successful bidder. Immediately upon receipt thereof, the purchase price shall be deposited in the proper accounts of the County and used and applied as provided in the Resolution.

Section 4. The Bonds shall bear interest at the following rates:

Year of Maturity	Principal Amount	Interest Rate	Year of Maturity	Principal Amount	Interest Rate
1994	$380,000	7.0 %	2001	$540,000	4.90 %
1995	410,000	7.0 %	2002	570,000	5.0 %
1996	430,000	7.0 %	2003	600,000	5.10 %
1997	450,000	5.85 %	2004	630,000	5.20 %
1998	470,000	4.40 %	2005	665,000	5.30 %
1999	495,000	4.60 %	2006	700,000	5.40 %
2000	515,000	4.80 %	2007	740,000	5.50 %
			2008	780,000	5.60 %

Such rates of interest are hereby fixed as and for the rates of interest payable on the Bonds.

Section 5. The Director of Finance (and in his absence such other official of the County present at the sale or the financial advisor to the County) is hereby authorized and directed to collect the check of the successful bidder and to retain the proceeds thereof to be applied in part payment for the Bonds and to return the checks received with the proposals not hereby accepted, all in accordance with the provisions of the Notice of Sale.

Section 6. The distribution of the Preliminary Official Statement dated March 19, 1993 is hereby confirmed and ratified.

299.202040A:03/26/93
7686-39

Section 7. The President together with such other officials as the President shall deem appropriate shall distribute the Official Statement for the Bonds.

Section 8. This Resolution shall become effective immediately upon its passage.

ADOPTED this 30th day of March, 1993.

Carl M. Loffler, Jr.
President

(SEAL)

W. Edward Bailey
Commissioner

Robert T. Jarboe
Commissioner

John G. Lancaster
Commissioner

Barbara R. Thompson
Commissioner

ATTEST:

Edward V. Cox
County Administrator

299.202040A:03/26/93
7686-39

BOOK 008 PAGE 0393

Resolution No. 93-15

Subj: Department of Defense Facilities Support

3:27PM04/21/930 CO.COM $0.00

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND, SUPPORTING THE CONCEPTS AND PROCESS OF THE DEFENSE BASE REALIGNMENT AND CLOSURE COMMISSION.

WHEREAS, the Defense Base Closure and Realignment Commission is currently reviewing recommendations from the Secretary of Defense of facilities and activities to be considered by the Commission for realignment and closure;

WHEREAS, these recommendations affect certain activities located in or slated to be located in St. Mary's County, Maryland;

WHEREAS, for over fifty years St. Mary's County has hosted various facilities of the Department of Defense, much to the benefit of this County and our Country;

WHEREAS, the Board of County Commissioners continues to most strongly support the activities of the Department of Defense in St. Mary's County, and the process of realignment being undertaken by the Base Closure Commission.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of St. Mary's County shall take such public actions and initiatives as may be necessary to fully support the presence of Department of Defense activities and facilities in St. Mary's County, Maryland;

BE IT FURTHER RESOLVED that the Board of County Commissioners of St. Mary's County, Maryland, pledge to ensure that adequate public facilities, housing, elementary, secondary, undergraduate and graduate education programs, recreation and other support infrastructure shall be available to meet the present and future needs of Department of Defense facilities located in St. Mary's County.

BE IT FURTHER RESOLVED that upon adoption, a copy of this resolution be forwarded to the Defense Base Closure and Realignment Commission.

ADOPTION DATE: 4/20/93

EFFECTIVE DATE: 4/20/93

BOARD OF COMMISSIONERS
ST. MARY'S COUNTY, MARYLAND

Carl M. Loffler, Jr., President

W. Edward Bailey, Commissioner

Robert T. Jarboe, Commissioner

John G. Lancaster, Commissioner

Barbara R. Thompson, Commissioner

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph R. Densford, County Attorney

No. Z-93-01

Subj: Text Change to Zoning Ordinance to Incorporate the Critical Area Ordinance

BOOK 008 PAGE 0394

ZONING ORDINANCE AMENDMENT

WHEREAS, the Board of County Commissioners of St. Mary's County, Maryland, passed Resolution No. Z-90-02 adopting The St. Mary's County, Maryland, Ordinance for the Chesapeake Bay Critical Area Program by reference into the St. Mary's County Zoning Ordinance on March 27, 1990, as required by the Natural Resources Article, Sec. 8-1801, et seq. of the Annotated Code of Maryland; and

1:41PM 04/27/93 CD:COM $0.00

WHEREAS, the Planning Commission unanimously has recommended amendments to the St. Mary's County, Maryland Ordinance for the Chesapeake Bay Critical Area Program (Critical Area Ordinance) after public hearing, duly advertised and held; and

WHEREAS, the Board of County Commissioners on August 18, 1992, conducted a public hearing on the incorporation of the Critical Area Ordinance, by a proposed amendment, into the St. Mary's County Zoning Ordinance, following publication of notice as required by law; and

WHEREAS, following the public hearing the Board of County Commissioners unanimously voted to recommend the approval of the amendment to the Chesapeake Bay Critical Area Commission on October 20, 1992; and

WHEREAS, the Critical Area Commission voted on March 3, 1993, to approve the Critical Area Ordinance submitted by the Board of County Commissioners with two exceptions as described in their March 15, 1993, letter; and

WHEREAS, the Board of County Commissioners has determined that the St. Mary's County Zoning Ordinance, Section 38 should be amended to incorporate the Critical Area Ordinance.

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED, by the Board of County Commissioners of St. Mary's County, Maryland this 20TH day of APRIL, 1993, that the St. Mary's County Ordinance for the Chesapeake Bay Critical Area Program, Section 38.02 of the St. Mary's County Zoning Ordinance is hereby repealed in its entirety, and reenacted as approved by the Chesapeake Bay Critical Area Commission on March 3, 1993, and adopted herein by reference as Section 38.2.

EFFECTIVE DATE: This Ordinance shall take effect on MAY 3, 1993.

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

CARL M. LOFFLER, JR., President

W. EDWARD BAILEY, Commissioner

ROBERT T. JARBOE, Commissioner

JOHN G. LANCASTER, Commissioner

BARBARA THOMPSON, Commissioner

ATTEST:

EDWARD V. COX
County Administrator

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:

JOSEPH R. DENSFORD
County Attorney

BOOK 008 PAGE 395

No. 93-16
SUBJ: NATURAL GAS CODE

ORDINANCE

WHEREAS, Article 56, Section 444 of the Annotated Code of Maryland authorizes the various political subdivisions within the State of Maryland to enact and enforce plumbing regulations which meet or exceed the minimum standards promulgated by the Secretary of the Department of Licensing and Regulation.

9:18AM05/17/93B CO.COM $0.00

WHEREAS, the Secretary of the Department of Licensing and Regulation has adopted certain regulations governing the installation of gas appliances and gas piping requirements which are set forth in the Code of Maryland Regulations (COMAR), Section 09.20.20.01.

WHEREAS, the Board of County Commissioners of St. Mary's County, Maryland has adopted the Maryland State Plumbing Code, as set forth in Chapter 249 of the St. Mary's County Code.

WHEREAS, the St. Mary's County Plumbing Board has determined that with the initiation of natural gas service within St. Mary's County, there will be an increasing number of commercial and residential installations using natural gas.

WHEREAS, the St. Mary's County Plumbing Board has recommended that the Board of County Commissioners adopt a Natural Gas Code to regulate the licensing of persons performing the installation of natural gas service within St. Mary's County, and establish minimum standards for such installation.

WHEREAS, the Board of County Commissioners, after due public notice, held a public hearing on April 20, 1993 to consider the adoption of a Natural Gas Code.

WHEREAS, after consideration of the recommendation of the St. Mary's County Plumbing Board and the testimony and evidence presented at the public hearing, the Board of County Commissioners finds it to be in the best interest of the public health, safety and welfare to adopt a Natural Gas Code governing the licensing of persons performing the installation of natural gas service within St. Mary's County, and providing minimum standards for such installation.

NOW, THEREFORE, BE IT ORDAINED this 11th day of May, 1993 by the Board of County Commissioners of St. Mary's County, Maryland, as follows:

This Ordinance shall be known as the "St. Mary's County Natural Gas Code." The St. Mary's County Department of Planning and Zoning shall be considered the Plumbing and Gas Permit Office. The St. Mary's County Plumbing Board shall hereafter be designated as the St. Mary's County Plumbing and Gas Board.

This Department shall have the responsibility for the administration and enforcement of this Ordinance with the St. Mary's County Plumbing and Gas Board providing supervision and guidance.

The Department of Planning and Zoning shall collect permit and inspection fees for St. Mary's County based on a rate to be fixed from time to time by the Board of County Commissioners. The Department of Planning and Zoning shall establish a fee schedule for administering the tests for persons seeking a gas fitter's license, as provided below.

The rate will be designated on the application for a Natural Gas Permit. The rate schedule will be reviewed periodically by the Plumbing and Gas Board and revised by the Board of County Commissioners as deemed necessary and appropriate to offset any and all expenses incurred through the administration and/or enforcement of this Ordinance.

The fee schedule shall be calculated to provide for one (1) inspection of underground work, one (1) inspection of rough-in work and one (1) final inspection. Additional fees shall be imposed for any additional inspections, as set forth on the application for the Natural Gas Permit.

The right to inspect any job site without prior notice during normal working hours is herein reserved by the Department of Planning and Zoning.

No natural gas installations, except as provided for herein, shall be performed until proper permits are obtained and drawings and pipe sizing have been submitted to and approved by the Department of Planning and Zoning.

In the event that a Master Gas Fitter is removed or withdraws from an installation, and for whatever reason, the Department of Planning and Zoning shall not approve the transfer of the permit to a new Master Gas Fitter unless and until written notice by certified mail is given to the original Master Gas Fitter, giving fifteen (15) days notice, or a signed release, from the original Master Gas Fitter is presented at the time the permit transfer is requested.

MINIMUM STANDARDS ESTABLISHED

The following minimum requirements shall govern the issuance of Gas Fitters licenses and the installation of natural gas service in St. Mary's County.

All natural gas work performed in St. Mary's County shall conform to the NF-PA-54 ANSI-Z 223.1 and 2 lb. guideline for copper tubing in effect at the time of adoption of this Ordinance or as amended from time to time by the Board of County Commissioners, based on the recommendation of the St. Mary's County Plumbing and Gas Board.

Master Gas Fitter

All persons seeking to perform natural gas fitting work in St. Mary's County must first secure a St. Mary's County Master Gas Fitters License, except as provided for herein.

To qualify for a St. Mary's County Master Gas Fitters License, a person must provide written proof of a valid and current Master Gas Fitters License from another jurisdiction in the State of Maryland.

If a person does not have a valid and current Master Gas Fitters License in the State of Maryland, then he must have a valid and current Master Plumbers License to be qualified to take the St. Mary's County Natural Gas Test, with a passing grade of at least 75%.

Journey Person

All persons seeking to perform natural gas fitting work as a Journey Person in St. Mary's County must provide written proof of a valid and current Journey Person Gas Fitters License from another jurisdiction in the State of Maryland, except as provided for herein.

If a person does not have a valid and current Journey Person Gas Fitters License in the State of Maryland, then he must have a valid and current Journey Person Plumbers Certificate from the State of Maryland to be qualified to take the St. Mary's County Natural Gas Test for Journey Person, with a passing grade of at least 75%.

Apprentice Gas Fitter

All persons seeking to perform natural gas fitting work as an apprentice in St. Mary's County must provide written proof of a valid and current State of Maryland Apprentice Certificate, except as provided for herein.

Heating and Air Conditioning Contractors

All persons seeking to perform the service, repair, replacement or installation of natural gas appliances shall be licensed by the State of Maryland as heating and air conditioning contractors. Persons possessing this license shall not be required to obtain a Master Gas Fitters License to perform the work described herein and below under, "Work Exempt From Permits".

ISSUANCE OF NATURAL GAS PERMITS

Prior to the issuance of a Natural Gas Permit, mechanical plans and specifications may be required in duplicate and shall be approved by the Natural Gas Inspector. A pipe sizing drawing shall be required for all gas installations.

A Natural Gas Permit will be issued to the Master Gas Fitter for the sole purpose of authorizing the work to be performed by the licensed Master Gas Fitter personally or by the licensed employees of the Master Gas Fitter's company, under his supervision.

BOOK 008 PAGE 0397

WORK REQUIRING GAS FITTING PERMIT

A Natural Gas Permit shall be required for the following:

(1) New natural gas systems, additions, alterations, extensions or relocation of gas lines, equipment or meters

(2) Installation of new natural gas equipment or meters on existing rough-in

(3) **Retrofit of equipment to be served by natural gas**

(4) Installation of new underground piping

(5) Replacement, relocation or repair of existing underground piping

(6) Testing of leaking existing gas piping after repair

(7) Conversion burner installation

Only one (1) Natural Gas Permit shall be issued for each installation or portion thereof. Permits are not transferable, except as herein provided.

WORK EXEMPT FROM PERMITS

The service, repair, replacement or installation of natural gas appliances (furnaces, ranges, dryers, gas air conditioners, etc.) past the gas cock at the appliance being serviced, repaired, replaced or installed.

INSPECTIONS

The Department of Planning and Zoning shall be notified at least 48 hours in advance by the Master Gas Fitter when such work is ready for each of the following inspections:

(1) Underground piping and testing
(2) Rough In - walls and testing
(3) Final Inspection - working system

CERTIFICATE OF FINAL APPROVAL

If the prescribed tests and final inspection indicate that the work complies in all respects with the provisions of this Ordinance, a certificate of final approval shall be issued by the Department of Planning and Zoning for such work.

If a certificate of final approval is not issued by the Department of Planning and Zoning within eighteen (18) months of the issuance date of the Natural Gas Permit, said permit shall thereafter become void, and a new permit with payment of the appropriate fees shall be required.

SUSPENSION AND REVOCATION OF LICENSE

If natural gas work is installed contrary to the original permit, approved plans and specifications of this Ordinance, and if such deficiencies are not corrected within five (5) days after written notice of the deficiencies is given by the Department of Planning and Zoning to the owner, general contractor, the supervising engineer or architect and the Master Gas Fitter, they shall all and separately be deemed in violation of this Ordinance and subject to the penalties provided herein, until such violations are correct and approved by the Department of Planning and Zoning.

It shall further be within the discretion of the Department of Planning and Zoning to suspend a St. Mary's County Gas Fitters License for a minimum period of thirty (30) days and a maximum of ninety (90) days, after an appropriate notice, hearing and finding of a violation of this Ordinance.

Failure to comply with the minimum standards contained herein shall be sufficient reason for the revocation of a Gas Fitters License by the St. Mary's County Plumbing and Gas Board.

BOOK 008 PAGE 0398

VIOLATIONS AND PENALTIES

Any person who shall practice or engage in the work of a Master, Journey Person or Apprentice Gas Fitter without having complied with the provisions of this Ordinance and any person not licensed as a Master, Journey Person or Apprentice Gas Fitter in St. Mary's County who shall violate any of the provisions of this Ordinance shall be guilty of a civil violation and, upon conviction, shall be fined not less than Five Hundred Dollars ($500.00) nor more than Five Thousand Dollars ($5,000.00) for each offense.

Date of Adoption: May 11, 1993

Effective Date: June 1, 1993

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

CARL M. LOFFLER, JR., President

W. EDWARD BAILEY, Commissioner

ROBERT T. JARBOE, Commissioner

JOHN G. LANCASTER, Commissioner

BARBARA R. THOMPSON, Commissioner

ATTEST:

EDWARD V. COX
County Administrator

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:

JOSEPH R. DENSFORD
County Attorney

NATURAL GAS FEE SCHEDULE

BOOK 003 PAGE 0399

NEW INSTALLATION

Single Family Residence	$ 60.00
Duplex	$ 100.00
Triplex	$ 120.00
Trailer	$ 60.00
Multi-Family	$ 25.00 per unit
Condo	$ 25.00 per unit
Townhouses	$ 25.00 per unit
Mod	$ 60.00
Commercial Business	$ 75.00 per unit

LICENSE FEES (2 Yr)

Master Gas Fitters	$ 50.00
Journeypereson	$ 40.00
Apprentice	$ 20.00

NO: 93 - 17

BOOK 008 PAGE 0400

SUBJ: **ST. MARY'S COUNTY PUBLIC ETHICS ORDINANCE** (Revised)

ORDINANCE

WHEREAS, The 1979 Session of the Maryland General Assembly passed the Maryland Public Ethics Law (Chapter 513 of the Acts of 1979) which has become Article 40A of the Annotated Code of Maryland; and

10:08AM05/27/93B CO.COM $0.00

WHEREAS, Section 6 of Article 40A requires each County to enact provisions similar to those contained in the Maryland Public Ethics Law (Chapter 513 of the Acts of 1979) which has become Article 40A of the Annotated Code of Maryland; and

WHEREAS, The Board of County Commissioners, adopted on June 29, 1982, as Ordinance No. 82-12 the St. Mary's County Public Ethics Ordinance and amended it on July 1, 1984, December 17, 1985, November 12, 1986, October 13, 1987, and June 4, 1991; and

WHEREAS, The Board of County Commissioners now concludes it necessary to further amend the Public Ethics Ordinance having conducted a Public Hearing for this purpose on May 4, 1993.

NOW, THEREFORE, BE IT ORDAINED By the Board of County Commissioners that the St. Mary's County Public Ethics Ordinance as hereinafter set forth is hereby adopted and made effective May 18, 1993.

SECTION 1. - TITLE

This Chapter may be cited as the St. Mary's County Public Ethics Ordinance.

SECTION 2. - STATEMENT OF PURPOSE AND POLICY

A. St. Mary's County, recognizing that our system of representative government is dependent in large measure upon the people having trust and confidence in their public officials and employees, finds and declares that the people have a right to be assured that the impartiality and independent judgment of public officials and employees will be maintained.

B. This confidence and trust is eroded when the conduct of St. Mary's County business is subject to improper influence or even the appearance of improper influence.

C. For the purpose of guarding against improper influence, the Board of County Commissioners of St. Mary's County enacts this Public Ethics Ordinance.

SECTION 3. - DEFINITIONS

The definitions contained in this section of the Ordinance shall be observed and applied except where the context clearly indicates otherwise, or a different definition is adopted for a particular section or subsection of the Ordinance. Words used in the present tense shall include the future tense and words used in the singular number shall include the plural number and the plural number include the singular unless the obvious construction of the wording indicates otherwise. Words used in the masculine gender shall include the feminine and words in the feminine gender shall include the masculine.

Whenever used, the word "shall" is mandatory and the word "may" permissive.

"Business entity" means corporation, general or limited partnership, sole proprietorship, joint venture, unincorporated association or firm, institution, trust, foundation or other organization, whether or not operated for profit.

"Commission" means the St. Mary's County Ethics Commission established pursuant to Section 4(a) of this Ordinance.

"Compensation" means any money or thing of value regardless of form, received or to be received by any person subject to this Ordinance from a business entity for service rendered. If lobbying is only a portion of a person's employment, "compensation" means a prorated amount based on the time devoted to lobbying compared to the time devoted to other employment duties. For reporting purposes, a prorated amount shall be labeled as such.

"Doing business with" means:

A. Having or negotiating a contract that involves the commitment (either in a single or combination of transactions within a calendar year) of $3,500 or more, of county or county-controlled funds; or

B. Being registered as a lobbyist in accordance with Section 8 of this Ordinance; or

C. Being regulated by the County or an agency thereof.

"Financial interest" means:

A. Ownership of any interest as the result of which a person has received, within the past calendar year, or is presently receiving, or in the future is entitled to receive more than $1,000 per calendar year; or

B. Ownership of, or interest in more than five (5%) percent of a business entity.

"Gift" means the transfer of anything of economic value regardless of the form without adequate and lawful consideration. "Gift" does not include the solicitation, acceptance, receipt or regulation of political campaign contributions regulated in accordance with the provisions of Article 33, Section 26-1, et seq., Annotated Code of Maryland, or any other provision of state or local law regulating the conduct of elections or the receipt of political campaign contributions.

"Honoraria" means the payment of money or any thing of value for:

a. Speaking to, participating in, or attending a meeting, a conference, or other function; or

b. Writing an article, other than a book, that has been or is intended to be published.

"Immediate family" means spouse and/or dependent child.

"Interest" means any legal or equitable monetary interest, whether or not subject to an encumbrance or a condition, which is owned or held, in whole or in part, jointly or severally, directly, or indirectly.

"Interest" does not include:

A. An interest held in the capacity of a personal representative, executor, administrator, agent, representative, custodian, fiduciary, or trustee;

B. An interest in a checking account or time or demand deposit in a financial institution;

C. An interest in an insurance or endowment policy or annuity contract under which a company promises to pay a fixed number of dollars either in a lump sum or periodically for life or some other specified period; or

D. A common trust fund or a trust which forms part of a pension or profit-sharing plan which has been determined by the Internal Revenue Code, as amended from time to time.

"Lobbying" means:

A. Communicating in the presence of a St. Mary's County official or employee with the intent to influence any official action of that official or employee; or

B. Engaging in activities having the express purpose of soliciting others to communicate with a St. Mary's County official or employee with the intent to influence any official action of that official or employee.

"Official and/or employee" means any person elected to, appointed to or employed by St. Mary's County or any St. Mary's County agency, board, commission, or similar entity, whether or not paid in whole or in part with St. Mary's County funds, and whether or not compensated.

"Person" includes an individual or business entity.

"Volunteer Member" means any member of any board or commission who serves without compensation or who is paid only a nominal sum or is reimbursed only for actual and necessary expenses approved by the appropriate county official.

SECTION 4. - ADMINISTRATION

A. There shall be a St. Mary's County Ethics Commission which shall consist of five (5) members appointed by the Board of County Commissioners. The Commission members shall be appointed for staggered terms of three (3) years. The Commission shall select its chairman in January of each year by majority vote. A member shall serve until a successor has been appointed. The Commission, upon request, shall be assisted in carrying out its responsibilities by the County Attorney, or such other counsel as the County Commissioners may from time to time appoint.

B. This Commission shall be the advisory body responsible for interpreting this Ordinance and advising persons subject to it as to its application.

C. The Commission shall be responsible for hearing and deciding any complaint filed regarding an alleged violation of this Ordinance.

D. The Commission shall be the custodian of all statements, registrations, reports, and complaints submitted in accordance with this Ordinance.

E. The Commission shall be responsible for conducting information and education programs regarding the purpose and implementation of this Ordinance.

F. Persons governed by this Ordinance may request the Commission for an advisory opinion concerning its application to them. The Commission shall respond within a reasonable time to the requests, providing interpretations based on the facts provided or reasonably available to it. The Commission may, in its discretion also respond to such requests from persons not specifically governed by this Ordinance. Copies of the responses shall be made available to the public in accordance with and subject to any applicable state or county law regarding public records. Information which may identify the person who is the subject of the opinion shall be deleted to the fullest extent possible from advisory opinions.

BOOK 003 PAGE 0403

G. Persons may file, under oath, a written signed complaint with the Commission alleging a violation of any of the provisions of this Ordinance. Also, the Commission, on its own motion, may issue complaints alleging violations of the Ordinance. Upon receipt of a complaint, after reviewing the allegations, the Commission may:

1. Dismiss the complaint if deemed plainly frivolous or if the facts alleged do not indicate a violation of the Ordinance.

2. Conduct an investigation into the allegations of the complaint, or refer the complaint to the County Attorney or other legal counsel for investigation and report. Counsel shall refer the evidence collected to the Commission for its disposition.

3. Based upon the Commission's investigation, or the investigation and report of counsel, the Commission may, if appropriate, proceed as follows:

   a. Dismiss the Complaint.

   b. Notify the Complainant and the Respondent that if any action is taken by the respondent to cure the violation or violations within a time period specified by Commission regulations, the complaint may be dismissed if such dismissal is not contrary to the purposes of the Ordinance.

   c. If not dismissed pursuant to (a) or (b) above, the Commission shall hold a hearing on the complaint.

H. 1. Respondent may be represented by counsel, and the proceeding shall be conducted in accordance with regulations governing hearings as adopted by the Commission.

2. Any final determination resulting from the hearing shall include findings of fact, conclusions of law and recommendations. If a violation is found, the Commission may take and/or recommend any enforcement action provided for by Section 9 of the Ordinance.

3. If aggrieved by a final order of the Commission, the respondent may request judicial review in accordance with the provisions of Chapter 1100, Subtitle B, of the Maryland Rules of Procedure, and any final order of the Commission shall be stayed automatically until the time for requesting judicial review has expired. If a timely appeal for judicial review is filed, the final order shall be further stayed until final disposition by the reviewing court.

4. If in the course of considering any complaint filed with it, or made upon its own motion, the Commission has reasonable grounds to believe that the respondent named in the complaint may have committed a criminal offense, the matter shall be promptly referred to the appropriate prosecuting authority. All pertinent evidence under the control of the Commission shall be made available to the prosecuting authority.

5. Following the filing of a Complaint and unless and until the matter is referred for prosecution or finding of a violation has been made, the proceedings of the Commission in connection with the Complaint shall be conducted in a confidential manner unless such confidentiality is waived by the respondent.

6. In carrying out the provisions of the Ordinance, the Commission may issue subpoenas in aid of investigations, to compel attendance and testimony of

witnesses at hearings and for the production of books, papers, records, documents or other tangible objects. Such subpoenas may be judicially enforced.

I. The Commission shall by majority vote have the authority to exempt from the definition of "Gift" a specific thing or class of things of economic value which the Commission, upon a finding in writing, determines not to be detrimental to the impartial conduct of the business of the County and that the gift is purely personal and private in nature.

J. The Commission may grant exemptions and modifications to the provisions of Sections 5 and 6 of this Ordinance if it determines that the application of those provisions would:

1. Constitute an unreasonable invasion of privacy, and

2. Significantly reduce the availability of qualified persons for public service, and further

3. Not be required to preserve the purpose of this Ordinance.

K. The Commissioners may adopt rules and regulations in order to carry out the provisions of the Ordinance.

SECTION 5. CONFLICTS OF INTEREST

A. Participation prohibitions. Except as permitted by other provisions of this Ordinance or by Commission regulation or opinion, a St. Mary's County official or employee shall not participate in:

1. Any matter, except in the exercise of an administrative or ministerial duty which does not affect the disposition or decision with respect to that matter, if, to his knowledge, he, his spouse, child, parent, brother or sister has an interest therein.
2. Any matter, except in the exercise of an administrative or ministerial duty, when any of the following is a party thereto:

   a. Any business entity in which he has a business interest of which he may reasonably be expected to know;

   b. Any business entity of which he is an officer, director, trustee, partner or employee, or in which entity he knows or may reasonably be expected to know that any of the relatives listed above have such an interest;

   c. Any business entity which the official or employee knows is his creditor or obligee or that of a member of his immediate family as defined herein with respect to a thing of economic value. For the purposes of this subsection, retail credit accounts and any liability of less than $1,000 are exempted.

B. If a disqualification pursuant to this Section 5 leaves any St. Mary's County agency, board, commission or similar entity with less than a quorum capable of acting, or, if the disqualified official or employee is required by law to act, or, is the only person authorized to act, the disqualified person shall disclose the nature and circumstances of the conflict of interest and a satisfactory explanation of the necessity to participate and act in a letter directed to the Ethics Commission, which shall be a public record. The Ethics Commission in a public meeting, shall review the conflict of interest and vote on the appropriateness of the official's participation. In its deliberations the Ethics Commission will consider the degree and extent of conflict, the effect the official's participation would have on the spirit

of the Ordinance, and whether the official's participation would or would not be in the best interest of St. Mary's County. The Ethics Commission's decision will be transmitted in writing to the involved official, and be a matter of public record. If the Ethics Commission finds that participation would be inappropriate, the involved official will not participate.

C. Outside Employment Restrictions. Except as permitted by other provisions of this Ordinance or by ruling or regulation of the Commission when such interest is disclosed, or when the employment does not create a conflict of interest or appearance of conflict, a St. Mary's County official or employee may not:

1. Be employed by or have a financial interest in any business entity subject to his authority or that of the St. Mary's County agency, board or commission with which he is affiliated, or any entity which is negotiating or has entered into a contract with that agency, board or commission; or

2. Hold any employment relationship or have a financial interest which would impair the impartiality or independence of judgment of the official or employee.

3. The prohibitions in paragraphs 1. And 2. Do not apply to:

   a. An official or employee who is appointed to a regulatory or licensing authority pursuant to a requirement that persons subject to the jurisdiction of such authority be represented in appointments to it;

   b. An official or employee whose duties are ministerial and not involved with the decision-making processes of the agency, board or commission, if the private employment or financial interest does not create a conflict of interest or an appearance of a conflict of interest, as permitted and in accordance with the regulations adopted by the Commission.

   c. Subject to other provisions of law, including Section 5 of this Ordinance, any member of a board or commission in regard to a financial interest or employment held at the time of appointment, provided it is publicly disclosed to and approved by the appointing authority and the Commission.

4. The prohibitions in paragraph 1. above do not apply to volunteer members of boards and commissions.

D. Solicitation or acceptance of gifts. A St. Mary's County official or employee shall not:

1. Solicit any gift nor knowingly accept any gift, directly or indirectly, from any person or business entity that he knows or has reason to know:

   a. Is doing business with the office, agency, board or commission with which such official or employee is affiliated; or

   b. Has an interest that may be substantially and materially affected, in a manner distinguishable from that of the public generally, by the performance or non-performance of his official duty.

2. However, unless a gift of any of the following would tend to impair the impartiality and the independence of judgment of the official or employee receiving it or, if of significant value, would give the appearance of doing so, or, if of significant value, the recipient official or employee believes, or

has the reason to believe, that it is designed to do so, an official or employee may accept:

a. Meals and beverages;

b. Ceremonial gifts or awards which have no significant monetary value;

c. Unsolicited gifts of nominal value or trivial items of informational value;

d. Reasonable expenses for food, travel, lodging and scheduled entertainment of the official or the employee for a meeting which is given in return for participation in a panel or speaking engagement at the meeting;

e. Gifts of tickets or free admission extended to an elected official or employee to attend a professional or intercollegiate sporting event or charitable, cultural, or political events, if the purpose of this gift or admission is a courtesy or ceremony extended to the office;

f. Gifts from a person related by blood or marriage, or a spouse, child, ward, financially dependent parent, or other relative who shares the official's or employee's legal residence, or a child, ward, parent or other relative over whose financial affairs the person has legal or actual control; or

g. Honoraria. Except as provided in subparagraph h. Of this section.

h. (1) Except as provided in paragraph (2) of this subparagraph, officials or employees may not accept honoraria if:

(a) The payor has an interest that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of the recipient's official duty; and

(b) The offering of the honorarium is in any way related to the individual's official position.

(2) The prohibition under this subsection does not apply to:

(a) Payment of or reimbursement for reasonable expenses for the official's meals, travel, and lodging actually incurred by the official in speaking to, participating in, or attending a meeting, conference, or other function or in writing an article, other than a book, that has been or is intended to be published; or

(b) Acceptance or receipt of gifts described under subsection 2.b. and c. of this section.

E. General Restrictions. A St. Mary's County official or employee shall not:

1. Use the prestige of his office or employment for his financial benefit or that of another, or for the financial benefit of any business entity in which he has a financial interest.

2. Represent a person before or involving any St. Mary's county agency, board or commission.

3. Except when any such representation is on a contingent fee basis, the prohibition in subparagraph 2, above, does not apply to any volunteer member of a board or commission; provided, however, that no volunteer member shall assist or represent any person in any matter before or involving the board or commission with which they are affiliated, whether or not compensated.

4. Within one year following termination of County service, act as a compensated representative of another in connection with any specific matter in which he participated substantially as a county official or employee.

5. Other than in the discharge of his official duties, use confidential information acquired in his official county position for his own benefit or that of another.

SECTION 6. - FINANCIAL DISCLOSURE

A. The following officials, employees, members of the following boards, commissions and agencies, and candidates for office as such when the positions are elective, are required to file the financial disclosure statements as provided in this section:

1. County Commissioners
2. County Treasurer
3. Airport Commission
4. Economic Development Commission
5. Electrical Examiners Board
6. Housing Authority
7. Metropolitan Commission
8. Planning Commission
9. Plumbing Board
10. Recreation and Parks Board
11. Zoning Board of Appeals
12. County Administrator
13. County Attorney
14. Assistant County Attorney
15. Director of Finance
16. Personnel Officer
17. Procurement Officer .
18. Director, Department of Public Works
19. Director, Economic and Community Development
20. Director, Office on Aging
21. Director, Emergency Management Agency
22. Director, Planning and Zoning
23. Director, Recreation and Parks
24. Chief, Inspection and Enforcement
25. Plumbing Inspector
26. Director, Office of Community Services
27. Ethics Commission
28. Building Authority Commission

B. The officials and employees identified in Subsection A. hereof shall file the required statement with the Commission on or before the 30th day of April of each year for the calendar year immediately preceding during any part of which the official or employee held an office or position.

C. Any person who is newly appointed to a position listed in subsection A. above shall, within thirty (30) days following the date on which such appointment becomes official, file a financial disclosure statement containing the necessary information for the calendar year immediately preceding the official appointment date. Such filing does not relieve responsibility for filing the financial disclosure statement annually as required by this ordinance.

D. 1. Any official or employee who leaves an office identified in Subsection A. for any reason, except the official's death, shall within thirty (30) days after the departure date file a financial disclosure statement covering any period or periods for which the official or employee has not filed such a statement, including all required information up to the date of departure.

2. An official or employee who leaves one office identified in subsection A. hereof for another such office shall not be required to file a financial disclosure statement in accordance with subsection A. above if the official or employee has filed the currently required statement in the former position or office.

E. Candidates for County Commissioner or County Treasurer, or for any other position listed in Subsection A. that may hereafter become elective, shall file with the Commission on or before August 15 of each election year in which the person is a candidate the required financial disclosure statement covering the twelve months preceding the date of filing the statement.

F. All financial disclosure statements required by this Section shall be on a form provided by the commission, shall be signed and sworn to before a notary public by the person required to file and shall disclose the following information concerning the interests of said person:

1. <u>INTERESTS IN REAL PROPERTY:</u>

a. A listing of all real property, wherever located, in which the person has an interest, including the location of the property by either street address, mailing address or otherwise, and also including its size in acres, or square footage or its dimensions; and

b. The nature of the property (whether residential, commercial, industrial, etc.) And the extent of the interest held, including any conditions thereto and encumbrances thereon; i.e., Mortgages, liens, life estate, reversionary interest, etc; and

c. The identity of any other person with an interest in the property.

2. <u>INTERESTS IN BUSINESS ENTITIES</u>

a. The name and address of all business entities in which a financial interest as defined herein was held at any time during the reporting period, whether or not the business entity does business with the county.

b. If any business entity listed in response to the reporting requirement in subparagraph a. above is either (a) doing business with the county or doing business in the county, or (b) is the owner of real property in the county, then the names and addresses of all partners, shareholders or other investors holding a five percent (5%) or greater ownership interest in such entity or entities shall be listed if legally and reasonably ascertainable.

3. Gifts received during the reporting period from persons or business entities doing business with the County and as to each such gift the nature and value thereof, the identity of the donor from whom or on behalf of whom, directly or indirectly, it was received, and if given to another person at the direction of the official or employee required to file, the identity of that person.

4. Any office, directorship, partnership or salaried employment in any business entity held during the reporting period other than those listed in response to subsections 2. and 3. above in which an interest was held.

5. The name and address of any person to whom or entity to which the official or employee was indebted at any time during the reporting period. For the purpose of this subsection, "indebtedness" does not include retail credit accounts or any liability of less than $1,000.

G. When April 30 or August 15 fall on a Saturday, Sunday or legal holiday, the financial disclosure filing date shall be extended to the next working day.

SECTION 7. - PUBLIC INSPECTION

All statements, registrations and reports filed pursuant to this Ordinance shall be maintained by the Commission and shall be made available during normal office hours for examination and copying by the public, subject, however, to such reasonable fees and administrative procedures as the Commission may establish from time to time. These documents shall be retained for four (4) years from the date of receipt.

Any person examining and/or copying a financial disclosure statement shall be required to record his name, telephone number, home address, and the name of the person whose financial disclosure statement was examined and/or copied. This record shall be forwarded to the person whose financial disclosure statement is so examined or copied.

SECTION 8. - LOBBYING DISCLOSURE

A. Any person who lobbies a St. Mary's County official or employee and who, in connection with such lobbying, expends or reasonably expects to expend in a given calendar year in excess of $500 on gifts, including, but not limited to, meals, tickets, admission passes, awards or honoraria for county officials and/or employees shall file a registration statement with the Commission not later than seven (7) days of the first of the two above alternatives to occur.

B. The registration statement shall include identification of the registrant by name, occupation, mailing address and telephone number and similar information about the person on whose behalf the registrant is acting. It shall also identify the subject matter about which the registrant is lobbying.

C. Registrants under this section shall file a written report by April 15 following any calendar year during which they were registered disclosing the value, date, and nature of any gifts, including but not limited to, meals, tickets or admission passes, awards or honoraria provided to County officials and/or employees during the preceding calendar year. The official or employee shall be identified by name and official title.

SECTION 9. - ENFORCEMENT

A. The Commission may issue a cease and desist order against any person found to be in violation of this Ordinance and may seek enforcement of such order in the Circuit Court for St. Mary's County. The Court may issue a cease and desist order and may also impose a fine or civil penalty of up to $500 for any violation of the provisions of this Ordinance.

B. On recommendation of the Commission, a county official or employee found to have violated this Ordinance may be subject to disciplinary or other appropriate personnel action.

C. The Commission may issue letters of reprimand.

SECTION 10. - EFFECT OF ADOPTION

The above and preceding is adopted to have the full force and effect of law in St. Mary's County.

ADOPTED THIS DATE: May 18, 1993

EFFECTIVE THIS DATE: May 18, 1993

ATTEST:

Edward V. Cox
County Administrator

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:

Joseph R. Densford
County Attorney

BOARD OF COUNTY COMMISSIONERS
ST. MARY'S COUNTY, MARYLAND

Carl M. Loffler, Jr., President

W. Edward Bailey, Commissioner

Robert T. Jarboe, Commissioner

John G. Lancaster, Commissioner

Barbara R. Thompson, Commissioner

RESOLUTION NO.: 93-18

SUBJECT: 1993-1994 Operating and Capital Budgets, Fire and Rescue Capital Revolving Fund, Special Assessments Fund, Recreation and Parks Enterprise Fund, Wicomico Shores Enterprise Fund, Energy Tax, and the County's Property Tax Rate

BOOK 00E PAGE 0411

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R E S O L U T I O N

WHEREAS, Chapter 27, Section 6 of the Code of Public Local Laws of St. Mary's County authorizes and empowers the Board of County Commissioners to adopt the Annual Budget and Appropriation Act by June 1 of each year and impose a property tax rate for the ensuing fiscal year.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of St. Mary's County, Maryland that the County's Operating Budget is approved in the amount of $70,340,522; the Capital Budget in the amount of $13,014,137; the Recreation and Parks Enterprise Fund in the amount of $720,308; the Wicomico Shores Enterprise Fund in the amount of $901,086; the Special Assessment Fund in the amount of $55,173; and Energy Tax Rates are $0.00357 per kilowatt-hour for electricity, $0.05850 per gallon for liquefied petroleum gas and $0.05073 per gallon for fuel oil; and the County's Property Tax Rate is hereby assessed at $2.27 per $100.00 of assessed valuation.

THIS DATE:

May 25, 1993

BOARD OF COUNTY COMMISSIONERS OF
ST. MARY'S COUNTY, MARYLAND

Carl M. Loffler, Jr., President

W. Edward Bailey, Commissioner

Robert T. Jarboe, Commissioner

John G. Lancaster, Commissioner

Barbara Thompson, Commissioner

ATTEST:

Edward V. Cox
County Administrator

Charles H. Wade, Jr.
Director of Finance

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph R. Densford
County Attorney

RESOLUTION NO: 93-19

BOOK 008 PAGE 0412

SUBJECT: FIRE TAX

RESOLUTION

1:18PM06/07/93E CO.COM $0.00

WHEREAS, Chapter 49 of the Code of Public Local Laws of St. Mary's County, Maryland authorizes and directs the Board of County Commissioners of St. Mary's County, Maryland to levy a fire tax of not more than fourteen cents ($.14) on every $100.00 of assessed valuation of all real and personal property in the Election Districts wherein the question of levying said Fire Tax has been submitted to and approved by a referendum of the legally qualified voters; and

WHEREAS, In Election Districts 1, 2, 3, 4, 5, 6, 7, 8 and 9, the Fire Tax has been voted upon and approved by the legally qualified voters.

NOW, THEREFORE, be it resolved by the Board of County Commissioners of St. Mary's County, the Fire Tax is hereby assessed on every $100.00 of assessed valuation of all real and personal property, effective July 1, 1993, as follows:

Election District 1	$.09
Election District 2	$.05
Election District 3	$.06
Election District 4	$.11/$.09*
Election District 5	$.09
Election District 6	$.11
Election District 7	$.11
Election District 8	$.11
Election District 9	$.05

*Those properties serviced by the 5th District Fire Department to be taxed at $.09 and those serviced by the 7th District Fire Department will be taxed at $.11.

THIS DATE:

May 25, 1993

BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND

Carl M. Loffler, Jr., President

W. Edward Bailey, Commissioner

Robert T. Jarboe, Commissioner

John G. Lancaster, Commissioner

Barbara R. Thompson, Commissioner

ATTEST:

Edward V. Cox
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph R. Densford
County Attorney

Resolution No. 93-20
Subject: Wicomico Scenic River Study
and Management Plan

BOOK 00S PAGE 0413

RESOLUTION

1:18PM06/07/93E CO. COM $0.00

WHEREAS, the Maryland General Assembly adopted the Scenic and Wild Rivers Act (Annotated Code of Maryland, Article-Natural Resources, Section 8-401 through 8-411) in 1968; and

WHEREAS, the Wicomico River is one of nine river systems that have been designated as components of the Maryland Scenic and Wild Rivers system under this legislation; and

WHEREAS the policy established for the State's Scenic and Wild Rivers Program is to preserve and protect the Natural values for these rivers, enhance their water quality, and fulfill vital conservation purposes by the wise use of resources with the surrounding environment; and

WHEREAS, the study proposes several recommendations as to how the Wicomico's natural, scenic, and cultural heritage may be conserved and protected; and

WHEREAS, St. Mary's County has many miles of shoreline along the Wicomico River and numerous tributaries, which constitute an environmental resource of important value to county residents and visitors to the area; and

WHEREAS, in March 1992, the Wicomico River Citizens Advisory Board with assistance provided by the Scenic and Wild Rivers Program, completed and approved a report on the Wicomico entitled, "The Wicomico Scenic River Study Management Plan"; and

WHEREAS, the St. Mary's County Planning Commission unanimously endorsed and recommended approval of the Wicomico Scenic River Study and Management Plan following public hearing; and

WHEREAS, the Board of County Commissioners conducted a public hearing on May 11, 1993 to consider these recommendations,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY that it hereby APPROVES The Wicomico Scenic River Study and Management Plan to serve as a policy guideline and reference document and so that it may be forwarded to the Maryland Department of Natural Resources' Scenic and Wild Rivers Review Board and the Maryland General Assembly for their approval.

Date of Adoption: June 1, 1993

Effective Date: June 1, 1993

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY MARYLAND

CARL M. LOFFLER, JR., President

W. EDWARD BAILEY, Commissioner

ROBERT T. JARBOE, Commissioner

JOHN G. LANCASTER, Commissioner

BARBARA R. THOMPSON, Commissioner

Attest:

EDWARD V. COX
County Administrator

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:

JOSEPH R. DENSFORD
County Attorney

RESOLUTION

BOOK 00E PAGE 0414 1:20PM06/07/93E CO.COM $0.00

No. 93-21

SUBJ: St. Mary's Freedom Landing, Inc.
Special Housing Opportunities Program

A Resolution of the Board of Commissioners of St. Mary's County, Maryland, approving the development of special housing facilities in Great Mills, Maryland to be financed by the Community Development Administration ("CDA"), an agency in the Division of Housing Finance of the Department of Housing and Community Development of the State of Maryland (the "Department").

WHEREAS, the Board of Commissioners of St. Mary's County, Maryland, recognizes that there is a significant need for decent, safe and sanitary housing facilities in St. Mary's County for families of limited income with special housing needs; and

WHEREAS, the St. Mary's Freedom Landing, Inc., a Maryland Corporation, proposes to acquire, own, and operate two (2) special housing facilities, known as St. Mary's Freedom Landing, Inc., and located at 3016 Sayre Drive and 3064 Dee Court in Great Mills, Maryland (the "Project"); and

WHEREAS, pursuant to Article 83B, §2-201 through 2-208, Annotated Code of Maryland and the regulations promulgated thereunder known as the Special Housing Opportunities Program (the "Act"), the Department is willing to provide financing for the Project in order to assist in making it financially feasible; and

WHEREAS, the Act requires approval of CDA's financing of the Project by the Board of Commissioners of St. Mary's County, Maryland;

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Commissioners of St. Mary's County, Maryland, hereby endorses the Project upon the proposed site; and HEREBY endorses the provisions of capital assistance for the benefit of families of limited income with special housing needs in the proposed Project; and

BE IT FURTHER RESOLVED THAT copies of this Resolution be sent to the Secretary of the Department of Housing and Community Development of the State of Maryland.

ADOPTION DATE: 6/1/93

EFFECTIVE DATE: 6/1/93

BOARD OF COMMISSIONERS
ST. MARY'S COUNTY, MARYLAND

Carl M. Loffler, Jr., President

W. Edward Bailey, Commissioner

Robert T. Jarboe, Commissioner

John G. Lancaster, Commissioner

Barbara R. Thompson, Commissioner

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph R. Densford, County Attorney

BOOK 008 PAGE 0415

Resolution No. W/S 93-01
Subj: St. Mary's County
Comprehensive Water and
Sewerage Plan
1993 Complete Revision

RESOLUTION

9:10AM06/09/93E CO.COM $0.00

WHEREAS, the Planning Commission has prepared and recommended a complete revision of the St. Mary's County Comprehensive Water and Sewerage Plan pursuant to Title 9, Subtitle 5 of the Natural Resources Article of the Annotated Code of Maryland; and

WHEREAS, this Board of County Commissioners held a public hearing on said revised plan on December 15, 1992; and

WHEREAS, the Director of the Department of Planning and Zoning has certified that said revised plan is consistent with the growth management objectives of the 1988 Comprehensive Plan; and

WHEREAS, John Castle, a professional engineer from the Metropolitan Commission, has examined and reviewed sections of said plan covering engineering aspects of water and sewerage projects for adequacy and cost effectiveness to meet defined needs in the State of Maryland in accordance with COMAR §26.03.01;

NOW, THEREFORE, WE THE BOARD OF COUNTY COMMISSIONERS HEREBY APPROVE AND ADOPT, complete revision of the St. Mary's County Comprehensive Water and Sewerage Plan, as modified by this Board during its January 19, 1993 review thereof, as required by the Annotated Code of Maryland and submitted to the Maryland Department of the Environment.

Date of Adoption: JANUARY 26, 1993.

Effective Date: MAY 24, 1993.

ATTEST:

Edward V. Cox
EDWARD V. COX
County Administrator

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY

Joseph R. Densford
JOSEPH R. DENSFORD
County Attorney

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

CARL M. LOFFLER, JR., President

W. EDWARD BAILEY, Commissioner

Robert T. Jarboe
ROBERT T. JARBOE, Commissioner

JOHN G. LANCASTER, Commissioner

Barbara R. Thompson
BARBARA R. THOMPSON, Commissioner

NO. 93-23

SUBJ: Wilderness Cluster Subdivision

BOOK 008 PAGE 0416

10:43AM06/15/930 CO.COM $0.00

RESOLUTION

The following Resolution was adopted by the Board of St. Mary's County Commissioners on the 8TH day of June, 1993.

WHEREAS, St. Mary's County entered into a Public Works Agreement with Rosebank Brothers, Inc. dated May 6, 1992, specifically guaranteeing the construction of the roads and their appurtenances on or before the expiration date, May 1, 1993, in the Wilderness Cluster Subdivision, Section 3, located in the Third (3rd) Election District, St. Mary's County, Maryland; and

WHEREAS, the Public Works Agreement, by and between St. Mary's County and Rosebank Brothers, Inc., was guaranteed by Letter of Credit No. 92-341-05, dated May 27, 1992, in the amount of One Hundred Thirty-Eight Thousand, Six Hundred and 00/100 Dollars ($138,600.00) issued by the Potomac Savings Bank, F.S.B.; and

WHEREAS, the work guaranteed by said Public Works Agreement and Letter of Credit No. 92-341-05 was not completed by the expiration date of May 1, 1993, St. Mary's County attempted to collect Letter of Credit No. 92-341-05 issued by the Potomac Savings Bank, F.S.B., in the amount of $138,600.00 on May 28, 1993; however, the referenced Letter of Credit was not honored upon presentation at the Potomac Savings Bank, F.S.B.

NOW, THEREFORE, BE IT RESOLVED that because the Letter of Credit guaranteeing said construction of the roads and their appurtenance was not honored by the Potomac Savings Bank, F.S.B., all development rights within the Wilderness Cluster Subdivision, Section 3, are hereby withdrawn in accordance with the Public Works Agreement. All development rights shall be renewed upon execution of a new Public Works Agreement and sufficient surety to guarantee the completion of the work to be performed in this Subdivision.

ATTEST:

Edward V. Cox

BOARD OF ST. MARY'S COUNTY COMMISSIONERS

Carl M. Loffler, Jr., President

W. Edward Bailey, Commissioner

Robert T. Jarboe, Commissioner

John G. Lancaster, Commissioner

Barbara R. Thompson, Commissioner

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph R. Dennford
County Attorney

NO. 93-22

SUBJ: Road Name Change; Beach Road (County Route 30910 to Veras Road

BOOK 00C PAGE 0417

RESOLUTION

10143AM06/15/93D CO.COM $0.00

The following Resolution was adopted by the Board of St. Mary's County Commissioners on the 8TH day of June, 1993.

WHEREAS, a Petition has been presented to the Board of County Commissioners requesting a change in the name of Beach Road (County Route 30910), located in the Seventh (7th) Election District, St.Mary's County, Maryland, to Veras Road, from its intersection with Bay View Road to the end, a distance of approximately 1/10 of a mile.

WHEREAS, at the request of the citizens along the road, the petition was presented to the Board of County Commissioners and a Public Hearing was duly advertised and held on Tuesday, May 25, 1993.

WHEREAS, in the interest of public convenience and in the effort to comply with the petitioners' desire to change the name of Beach Road, County Route 30910, the Board of County Commissioners has, by motion duly made and seconded, voted to honor said Petition.

NOW, THEREFORE, BE IT RESOLVED that Beach Road, County Route 30910, located in Colton's Point, Maryland, shall be renamed Veras Road.

This Resolution shall become effective when the appropriate signs are erected on the road.

ATTEST:

Edward V. Cox

BOARD OF ST. MARY'S COUNTY COMMISSIONERS

Carl M. Loffler, Jr., President

W. Edward Bailey, Commissioner

Robert T. Jarboe, Commissioner

John G. Lancaster, Commissioner

Barbara R. Thompson, Commissioner

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:

Joseph R. Densford
County Attorney

NO: 93 - 24

SUBJ: Maryland Small Cities Community Development
Block Grant - Tulagi Place Town Center

BOOK 008 PAGE 0418

RESOLUTION

2:50PM06/17/930 CO.COM $0.00

WHEREAS, the Board of County Commissioners of St. Mary's County, Maryland, recognizes that there is a significant need for the elimination and removal of slum and blight in the area immediately adjacent to the Patuxent River, Naval Air Warfare Center - Air Division; and

WHEREAS, the St. Mary's County Department of Economic and Community Development has prepared for submission by the Board of County Commissioners an application for a SFY92 Maryland Small Cities Community Development Block Grant in the amount of $800,000 to be used for Lexington Park Eighth Election District Housing Strategies; and

WHEREAS, the regulations of the Maryland Small Cities Community Development Block Grant require that the legislative body of the jurisdiction pass a resolution authorizing the submission of such application;

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of St. Mary's County, Maryland, hereby authorize the submission of the application for a Maryland Small Cities Community Development Block Grant in the amount of $800,000; and

BE IT FURTHER RESOLVED that Carl M. Loffler, Jr., President of the Board of County Commissioners of St. Mary's County, Maryland is hereby authorized to execute the Maryland Small Cities Community Development Block Grant application and any other documentation necessary to obtain approval; and

BE IT FURTHER RESOLVED that this Resolution shall take effect on the 15th of June, 1993.

DATE OF ADOPTION: June 15, 1993

ATTEST:

Edward V. Cox
County Administrator

BOARD OF COUNTY COMMISSIONERS
ST. MARY'S COUNTY, MARYLAND

Carl M. Loffler, Jr., President

W. Edward Bailey, Commissioner

Robert T. Jarboe, Commissioner

John G. Lancaster, Commissioner

Barbara R. Thompson, Commissioner

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:

Joseph R. Densford
County Attorney

BOOK 008 PAGE 0419

RESOLUTION NO. 93-25
Page 1 of 3

2:50PM06/17/930 CO.COM $0.00

A RESOLUTION authorizing St. Mary's County to enter into a Participation Agreement with the Department of Transportation of Maryland for the purpose of securing the payment of the principal of and interest on County Transportation Revenue Refunding Bonds to be issued by the Department of Transportation of Maryland pursuant to Subtitle 5 of Title 3 of the Transportation Article of the Annotated Code of Maryland and Section 8-209 of the State Finance and Procurement Article of the Annotated Code of Maryland to be designated "Department of Transportation--County Transportation Revenue Bonds - Refunding Series 1993," for the purpose of refunding certain County Transportation Bonds issued by the Department of Transportation of Maryland, in order to realize savings in the effective costs of debt service to St. Mary's County and other participating counties; pledging the County's share of Highway User Revenues and certain other revenues to pay debt service on those bonds; and authorizing the officers of St. Mary's County to take such further action as may be necessary and proper to consummate the issuance and sale of such refunding bonds.

WHEREAS, St. Mary's County (the "County") has participated in the proceeds of the sale of certain issues of County Transportation Bonds issued from time to time by the Department of Transportation of Maryland (the "Department"), and in connection therewith has entered into certain agreements with the Department as described in the form of proposed Participation Agreement attached hereto and made a part hereof; and

WHEREAS, the Department has determined that it would be in the public interest to refund the Third, Sixth, Seventh, and Eighth Series of the Department's County Transportation Bonds - First Issue (the "Outstanding Bonds") for the public purpose of realizing savings in the effective costs of debt service to the several counties of the State of Maryland which have participated in the proceeds of the Outstanding Bonds; and

WHEREAS, the Department proposes to issue and sell its Department of Transportation - County Transportation Revenue Bonds - Refunding Series 1993 (the "Refunding Bonds") in an aggregate principal amount which will be sufficient, together with other funds available therefor, for the purpose of refunding the Outstanding Bonds, such Refunding Bonds to be issued pursuant to Subtitle 5 of Title 3 of the Transportation Article of the Annotated Code of

Maryland (as added by Chapter 539 of the Laws of Maryland of 1993, House Bill No. 611) and Section 8-209 of the State Finance and Procurement Article of the Annotated Code of Maryland; and

WHEREAS, the Department has submitted to the County for execution a proposed Participation Agreement in the form attached hereto and made a part hereof; and

WHEREAS, the Participation Agreement obligates the County to pay its proportionate share of debt service on the Refunding Bonds by pledging for that purpose its share of Highway User Revenues under Subtitle 4 of Title 8 of the Transportation Article and, if necessary, to use other revenues of the County to pay debt service; and

WHEREAS, the County has determined that, in order to realize savings through a reduction in the effective costs of debt service, it would be in the public interest to enter into the proposed Participation Agreement with the Department, substantially in the form attached hereto and made a part hereof, for the purpose of securing the payment of the principal of and interest on the Refunding Bonds; now therefore

SECTION 1. Be it resolved by the St. Mary's County Commissioners that the proposed Participation Agreement to be entered into between the County and the Department of Transportation of Maryland, in substantially the form attached hereto and made a part hereof, be and it is hereby approved; and that the President of the St. Mary's County Commissioners is hereby authorized and directed to execute the proposed Participation Agreement on behalf of the County, in substantially the form attached hereto and made a part hereof, with such changes and insertions as he shall deem to be in the best interests of the County, and his execution of the proposed Participation Agreement shall constitute conclusive evidence of his approval of the final form thereof.

SECTION 2. And be it further resolved by the St. Mary's County Commissioners that the President of the St. Mary's County

Commissioners and the other officers of the County are hereby authorized to take such other and further action as may be necessary and proper to consummate the transaction contemplated by the proposed Participation Agreement, including the issuance and sale by the Department of Transportation of Maryland of the Refunding Bonds referred to in the recitals hereof.

SECTION 3. And be it further resolved by the St. Mary's County Commissioners, that this Resolution shall take effect from the date of its adoption.

Adopted: June 15, 1993.

BOARD OF COUNTY COMMISSIONERS OF
ST. MARY'S COUNTY, MARYLAND

Carl M. Loffler, Jr., President

W. Edward Bailey, Commissioner

Robert T. Jarboe, Commissioner

John G. Lancaster, Commissioner

Barbara R. Thompson, Commissioner

ATTEST:

Edward V. Cox
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph R. Densford
County Attorney

BOOK 00E PAGE 0422

NO.: 93-26

SUBJ.: ST. MARY'S COUNTY INCOME TAX

2:50PM06/17/930 CO.COM $0.00

R E S O L U T I O N

WHEREAS, the 1992 General Assembly, 1st Special Session, amended 10-106 (a) (1) of the Tax General Article of the Maryland Annotated Code authorizing each County to set, by ordinance or resolution, a County Income Tax equal to at least 20% but not more than 60%, to be applied to the State Income Tax for an individual; and

WHEREAS, the Board of County Commissioners of St. Mary's County conducted a public hearing on June 1, 1993 to present to the public for comment, an increase of the County Income Tax from 50% to 60% to be applied to the State Income Tax for an individual; and

WHEREAS, the Board of County Commissioners of St. Mary's County believes it to be in the best interest of County citizens to impose the 60% County Income Tax to be applied to the State Income Tax of the individual.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Mary's County that the County Income Tax of 60% be imposed effective January 1, 1994.

THIS DATE:
JUNE 15, 1993

BOARD OF COUNTY COMMISSIONERS OF
ST. MARY'S COUNTY, MARYLAND

Carl M. Loffler, Jr., President

W. Edward Bailey, Commissioner

Robert T. Jarboe, Commissioner

John G. Lancaster, Commissioner

Barbara R. Thompson, Commissioner

ATTEST:

Edward V. Cox
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph R. Densford
County Attorney

LIBER 009 FOLIO 423

NO. 93-27
SUBJ: Fast Track Review

RESOLUTION

3:04PM06/25/93A CO.COM $0.00

WHEREAS, the Board of County Commissioners of St. Mary's County, Maryland adopted Resolution No. 88-24 on September 4, 1984 establishing "fast track review" for contracts associated with Federal Government projects; and

WHEREAS, the St. Mary's County Economic Development Commission has requested that Resolution No. 88-24 be amended to allow a greater range of business interests the opportunity to access the "fast track" when appropriate;

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of St. Mary's County, Maryland that Resolution No. 88-24 is hereby rescinded and the fast track review program is established as set forth below.

FAST TRACK REVIEW PROGRAM

From time to time it is necessary to review construction projects in a shorter time than is normally required. In recognition of this need, the County Commissioners have established a "Fast Track" review. Fast tracking is defined as an order to county agencies and a request to other agencies involved in the review process to grant authorized projects priority over others in the queue. Fast tracking also allows suspended deadlines for Planning Commission and/or Technical Evaluation Committee meetings. The Fast Track program does not exempt projects from any rules, regulations or reviews and does not guarantee project approval.

Commercial and industrial projects desiring a Fast Track review should submit an application to the Department of Planning and Zoning (DPZ) who will forward a copy to the Department of Economic and Community Development (DECD). Commercial and industrial projects must meet the following minimum criteria to be considered:

- Project site should be consistent with the St. Mary's County Comprehensive Land Use Plan and properly zoned.

- Project site should be served by appropriate infrastructure.

- Project should evidence a significant positive economic impact through documentation of impacts such as the following:

Component	Guidelines
Permanent Job Creation	10 or more jobs
Capital Investment	$250,000
Other Benefit to the Community	

- Project must document the need to be expedited and the ability to be expedited.

- Project financing must be committed.

- Project officers must meet with the Department of Planning and Zoning to discuss the project's potential for fast tracking.

The Department of Economic and Community Development and the Department of Planning and Zoning will review the projects and present their findings to the Board of County Commissioners. The Board will determine projects to be authorized for Fast Track review.

DATE OF ADOPTION June 22, 1993

EFFECTIVE DATE June 22, 1993

ATTEST:

Edward V. Cox
County Administrator

BOARD OF COUNTY COMMISSIONERS
ST. MARY'S COUNTY, MARYLAND

Carl M. Loffler, Jr., President

W. Edward Bailey, Commissioner

Robert T. Jarboe, Commissioner

John G. Lancaster, Commissioner

Barbara R. Thompson, Commissioner

APPROVED AS TO LEGAL FORM
AND SUFFICIENCY:

Joseph R. Densford
County Attorney

No. Z 93- 02
Subj: "LITTLE CREEK"
CRITICAL AREA GROWTH
ALLOCATION (ISUB # 91-1717)

LIBER 098 FOLIO 125

RESOLUTION

10:12AM06/28/93E CO.COM $0.00

WHEREAS, Virginia Knight has made application for critical area growth allocation review of a 120 unit development for a change in overlay classification from Resource Conservation Area (RCA) to Limited Development Area (LDA) through the use of 8.38 acres of growth allocation. The parent parcel contains 59.3912 acres, 51.87 acres of which are located within the Critical Area. The development envelope contains 8.38 acres, all of which is located within the Critical Area and situated on the south-east side of Patuxent Boulevard. The subject property is located in the Eighth Election District of St. Mary's County, Maryland, and is shown on Tax Map 34, Block 6 as Parcel 126.

WHEREAS, following the posting of notice on the subject property, publication of notice and written notification of all contiguous property owners by certified mail, the St. Mary's County Planning Commission conducted a public hearing on the application on January 25, 1993.

WHEREAS, following deliberation on February 22, 1993, the Planning Commission, by a vote of 4-1 recommended to the Board of County Commissioners of St. Mary's County that the subject property not be approved for a change in overlay classification from RCA to LDA through the use of 8.38 acres of growth allocation because of several outstanding issues identified and entered into the record in the staff report dated February 18, 1993.

WHEREAS, the Board of County Commissioners, following the posting of notice on the subject property, publication of notice and written notification of all contiguous property owners by certified mail, conducted a public hearing on the application on March 30, 1993, which was continued from March 23, 1993 at the applicant's request.

WHEREAS, the Board of County Commissioners deliberated on the application at a public meeting on April 27, 1993 and considered the request and the Planning Commission and staff recommendations entered into the record in the staff reports dated March 16 and April 2, 1993.

WHEREAS, in accordance with the St. Mary's County Critical Area Ordinance, Procedure for Processing section, page 33, number 7: "If the Commissioners feel that none of the development proposals submitted is worthy, the [Board] may elect to not award any growth allocation in a given year."

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Mary's County, Maryland this 22ND day of JUNE 1993 that the aforementioned critical area growth allocation application is hereby DENIED for the reasons of incompatibility with the surrounding neighborhood and technical design issues as elaborated in the staff report dated March 16, 1993 and the subject property remains classified as "RCA".

Adopted this 22ND day of JUNE 1993.

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY

Carl M. Loffler, Jr., President

W. Edward Bailey, Commissioner

Robert T. Jarboe, Commissioner

John G. Lancaster, Commissioner

Barbara R. Thompson, Commissioner

ATTEST:

EDWARD V. COX
County Administrator

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:

JOSEPH R. DENSFORD
County Attorney

LIBER 088 FOLIO 426

Resolution No. 93-28
Subj: Impact Fees
(Amendment)

RESOLUTION

12:57PM07/02/930 CO.COM $0.00

WHEREAS, the Board of County Commissioners adopted Resolution No. 91-10 on April 16, 1991 (effective May 1, 1991) to provide that the Impact Fees are due and payable upon the issuance of a certificate of use and occupancy or one year from issuance of a building permit, whichever occurs first; and

WHEREAS, the Board of County Commissioners held public deliberations on June 22, 1993 and June 29, 1993 to discuss the collection of delinquent Impact Fees.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Mary's County, Maryland that Resolution Nos. 89-21 and 91-10 are hereby amended to provide that in the event Impact Fees on new residential construction are not paid within the time provided in Resolution No. 91-10, there shall be assessed a late charge of three percent (3%) for each delinquent Impact Fee, and interest shall accrue on the delinquent Impact Fee at the rate of one percent (1%) per month from the date of delinquency.

Date of Adoption: 6/29, 1993.

Effective Date: 6/29, 1993.

ATTEST:

Edward V. Cox
EDWARD V. COX
County Administrator

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:

Joseph R. Densford
JOSEPH R. DENSFORD
County Attorney

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

Carl M. Loffler
CARL M. LOFFLER, JR., President

W. Edward Bailey
W. EDWARD BAILEY, Commissioner

Robert T. Jarboe
ROBERT T. JARBOE, Commissioner

John G. Lancaster
JOHN G. LANCASTER, Commissioner

BARBARA R. THOMPSON, Commissioner

SUPPLEMENTAL RESOLUTION

A RESOLUTION authorizing St. Mary's County to enter into an Amendment to a Participation Agreement with the Department of Transportation of Maryland for the purpose of adding certain series of outstanding bonds to be refunded by County Transportation Revenue Refunding Bonds to be issued by the Department of Transportation of Maryland pursuant to Subtitle 5 of Title 3 of the Transportation Article of the Annotated Code of Maryland and Section 8-209 of the State Finance and Procurement Article of the Annotated Code of Maryland to be designated "Department of Transportation--County Transportation Revenue Bonds - Refunding Series 1993," issued by the Department of Transportation of Maryland, in order to realize savings in the effective costs of debt service to St. Mary's County and other participating counties; and authorizing the officers of St. Mary's County to take such further action as may be necessary and proper to consummate the issuance and sale of such refunding bonds.

12:21PM07/14/93B CO.COM $0.00

WHEREAS, by Resolution 93-25 adopted June 15, 1993, St. Mary's County has authorized the President of the St. Mary's County Commissioners to enter into a Participation Agreement in connection with the refunding of certain outstanding series of County Transportation Bonds issued from time to time by the Department of Transportation of Maryland (the "Department"); and

WHEREAS, the Department has determined that it would be in the public interest to refund the Third, Sixth, Seventh, Eighth, Ninth, Tenth and Eleventh Series, and if appropriate, certain other outstanding Series of the Department's County Transportation Bonds - First Issue (the "Outstanding Bonds") for the public purpose of realizing savings in the effective costs of debt service to the several counties of the State of Maryland which have participated in the proceeds of the Outstanding Bonds; and

LIBER COS 0423

WHERREAS, the Department proposes to issue and sell its Department of Transportation - County Transportation Revenue Bonds - Refunding Series 1993 (the "Refunding Bonds") in an aggregate principal amount which will be sufficient, together with other funds available therefor, for the purpose of refunding the Outstanding Bonds, such Refunding Bonds to be issued pursuant to Subtitle 5 of Title 3 of the Transportation Article of the Annotated Code of Maryland (as added by Chapter 539 of the Laws of Maryland of 1993, House Bill No. 611) and Section 8-209 of the State Finance and Procurement Article of the Annotated Code of Maryland, and

WHEREAS, the Department has previously submitted to the County for execution and approval a proposed Participation Agreement (the "Participation Agreement") related to the Refunding Bonds; and

WHEREAS, Schedule A of the Participation Agreement lists certain outstanding series of the Department's County Transportation Bonds - First Issue, together with outstanding participation agreements related to those series; and

WHEREAS, the County has determined that, in order to realize the maximum possible savings through a reduction in the effective costs of debt service, it would be in the public interest to add certain additional series of outstanding bonds to be refunded by the Refunding Bonds and is therefore authorizing the President of the St. Mary's County Commissioners to execute an Amendment to the Participation Agreement related to the Refunding Bonds to add additional series of bonds to be refunded and to make such other appropriate changes as the President of the St. Mary's County Commissioners deems appropriate; Now therefore,

SECTION 1. Be it resolved by the St. Mary's County Commissioners, That the President of the St. Mary's County Commissioners is hereby authorized and directed to execute any appropriate amendments to the Participation Agreement on behalf of the County, with such changes, amendments, insertions and supplements to the Participation Agreement as he or she shall deem to be in the best

interests of the County, including but not limited to, the inclusion of additional outstanding Series of County Transportation Bonds and his or her execution of any amendment to the Participation Agreement shall constitute conclusive evidence of his or her approval of the final form thereof.

SECTION 2. And be it further resolved by the St. Mary's County Commissioners that the President of the St. Mary's County Commissioners and the other officers of the County are hereby authorized to take such other and further action as may be necessary and proper to consummate the issuance and sale by the Department of Transportation of Maryland of the Refunding Bonds referred to in the recitals hereof.

SECTION 3. And be it further resolved by the St. Mary's County Commissioners, That this Resolution shall take effect from the date of its adoption.

Adopted: July 13, 1993.

BOARD OF COUNTY COMMISSIONERS OF
ST. MARY'S COUNTY, MARYLAND

Carl M. Loffler, Jr., President

W. Edward Bailey, Commissioner

Robert T. Jarboe, Commissioner

John G. Lancaster, Commissioner

Barbara R. Thompson, Commissioner

ATTEST:

Edward V. Cox
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph R. Densford
County Attorney

LIBER 008 FOLIO 430

REVISED SCHEDULE A TO PARTICIPATION AGREEMENT

A. $59,270,000 Department of Transportation - County Transportation Bonds - First Issue, Third Series

1. Participation Agreement dated October 1, 1980 between the Department and Allegany County securing the County's $1,200,000 share of the proceeds of those bonds

2. Participation Agreement dated October 1, 1980 between the Department and Mayor and City Council of Baltimore County securing the City's $50,000,000 share of the proceeds of those bonds

3. Participation Agreement dated October 1, 1980 between the Department and Dorchester County securing the County's $300,000 share of the proceeds of those bonds

4. Participation Agreement dated October 1, 1980 between the Department and Anne Arundel County securing the County's $5,300,000 share of the proceeds of those bonds

5. Participation Agreement dated October 1, 1980 between the Department and Caroline County securing the County's $300,000 share of the proceeds of those bonds

6. Participation Agreement dated October 1, 1980 between the Department and St. Mary's County securing the County's $1,520,000 share of the proceeds of those bonds

7. Participation Agreement dated October 1, 1980 between the Department and Queen Anne's County securing the County's $650,000 share of the proceeds of those bonds

B. $22,270,000 Department of Transportation - County Transportation Bonds - First Issue, Sixth Series

1. Participation Agreement dated October 14, 1983 between the Department and Cecil County securing the County's $2,820,000 share of the proceeds of the bonds

2. Participation Agreement dated August 16, 1983 between the Department and St. Mary's County securing the County's $665,000 share of the proceeds of the bonds

3. Participation Agreement dated July 22, 1983 between the Department and Allegany County securing the County's $1,025,000 share of the proceeds of the bonds

4. Participation Agreement dated October 14, 1983 between the Department and Mayor and City Council of Baltimore securing the City's $10,000,000 share of the proceeds of the bonds

5. Participation Agreement dated October 14, 1983 between the Department and Dorchester County securing the County's $250,000 share of the proceeds of the bonds

6. Participation Agreement dated June 28, 1983 between the Department and Queen Anne's County securing the County's $600,000 share of the proceeds of the bonds

7. Participation Agreement dated October 14, 1983 between the Department and Prince George's County securing the County's $6,910,000 share of the proceeds of the bonds

C. $24,210,000 Department of Transportation - County Transportation Bonds - First Issue, Seventh Series

1. Participation Agreement dated December 7, 1984 between the Department and Anne Arundel County securing the County's $1,500,000 share of the proceeds of the bonds

2. Participation Agreement dated December 7, 1984 between the Department and Dorchester County securing the County's $250,000 share of the proceeds of the bonds

3. Participation Agreement dated December 7, 1984 between the Department and Mayor and City County of Baltimore securing the City's $8,000,000 share of the proceeds of the bonds

4. Participation Agreement dated December 7, 1984 between the Department and Prince George's County securing the County's $12,860,000 share of the proceeds of the bonds

5. Participation Agreement dated December 4, 1984 between the Department and St. Mary's County securing the County's $1,600,000 share of the proceeds of the bonds

304.Z00929:06/28/93
5431-190028

D. $8,795,000 Department of Transportation - County Transportation Bonds - First Issue, Eighth Series

1. Participation Agreement dated August 20, 1985 between the Department and Calvert County securing the County's $1,000,000 share of the proceeds of the bonds

2. Participation Agreement dated August 20, 1985 between the Department and St. Mary's County securing the County's $1,400,000 share of the proceeds of the bonds

3. Participation Agreement dated August 20, 1985 between the Department and Prince George's County securing the County's $6,395,000 share of the proceeds of the bonds

E. $11,415,000 Department of Transportation - County Transportation Bonds - First Issue, Ninth Series

1. Participation Agreement dated May 28, 1986 between the Department and Calvert County securing the County's $2,000,000 share of the proceeds of the bonds

2. Participation Agreement dated July 18, 1986 between the Department and Caroline County securing the County's $275,000 share of the proceeds of the bonds

3. Participation Agreement dated July 18, 1986 between the Department and Prince George's County securing the County's $7,240,000 share of the proceeds of the bonds

4. Participation Agreement dated July 18, 1986 between the Department and St. Mary's County securing the County's $1,000,000 share of the proceeds of the bonds

5. Participation Agreement dated July 18, 1986 between the Department and Washington County securing the County's $900,000 share of the proceeds of the bonds

F. $18,255,000 Department of Transportation - County Transportation Bonds - First Issue, Tenth Series

1. Participation Agreement dated November 3, 1987 between the Department and Baltimore City securing the County's $6,000,000 share of the proceeds of the bonds

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2. Participation Agreement dated November 3, 1987 between the Department and Calvert County securing the County's $1,000,000 share of the proceeds of the bonds

3. Participation Agreement dated November 3, 1987 between the Department and Carroll County securing the County's $2,625,000 share of the proceeds of the bonds

4. Participation Agreement dated October 13, 1987 between the Department and Dorchester County securing the County's $350,000 share of the proceeds of the bonds

5. Participation Agreement dated November 3, 1987 between the Department and Prince George's County securing the County's $7,080,000 share of the proceeds of the bonds

6. Participation Agreement dated November 3, 1987 between the Department and St. Mary's County securing the County's $1,200,000 share of the proceeds of the bonds

G. $7,255,000 Department of Transportation - County Transportation Bonds - First Issue, Eleventh Series

1. Participation Agreement dated November 18, 1988 between the Department and Anne Arundel County securing the County's $1,500,000 share of the proceeds of the bonds

2. Participation Agreement dated November 18, 1988 between the Department and Cecil County securing the County's $855,000 share of the proceeds of the bonds

3. Participation Agreement dated November 18, 1988 between the Department and Charles County securing the County's $2,600,000 share of the proceeds of the bonds

4. Participation Agreement dated November 18, 1988 between the Department and St. Mary's County securing the County's $1,300,000 share of the proceeds of the bonds

5. Participation Agreement dated November 18, 1988 between the Department and Washington County securing the County's $1,000,000 share of the proceeds of the bonds

H. $9,950,000 Department of Transportation - County Transportation Bonds - First Issue, Twelfth Series

1. Participation Agreement dated November 24, 1989 between the Department and Carline County securing the County's $350,000 share of the proceeds of the bonds

2. Participation Agreement dated November 24, 1989 between the Department and Cecil County securing the County's $1,250,000 share of the proceeds of the bonds

3. Participation Agreement dated November 24, 1989 between the Department and Dorchester County securing the County's $350,000 share of the proceeds of the bonds

4. Participation Agreement dated November 24, 1989 between the Department and Prince George's County securing the County's $8,000,000 share of the proceeds of the bonds

I. $16,550,000 Department of Transportation - County Transportation Bonds - First Issue, Thirteenth Series

1. Participation Agreement dated November 28, 1990 between the Department and Anne Arundel County securing the County's $1,200,000 share of the proceeds of the bonds

2. Participation Agreement dated November 28, 1990 between the Department and Caroline County securing the County's $500,000 share of the proceeds of the bonds

3. Participation Agreement dated November 28, 1990 between the Department and Cecil County securing the County's $4,000,000 share of the proceeds of the bonds

4. Participation Agreement dated November 28, 1990 between the Department and Charles County securing the County's $8,500,000 share of the proceeds of the bonds

5. Participation Agreement dated November 28, 1990 between the Department and Dorchester County securing the County's $350,000 share of the proceeds of the bonds

6. Participation Agreement dated November 28, 1990 between the Department and Washington County securing the County's $2,000,000 share of the proceeds of the bonds

J. $8,300,000 Department of Transportation - County Transportation Bonds - First Issue, Fourteenth Series

1. Participation Agreement dated October 23, 1991 between the Department and Baltimore City securing the County's $5,000,000 share of the proceeds of the bonds

2. Participation Agreement dated October 23, 1991 between the Department and Cecil County securing the County's $1,300,000 share of the proceeds of the bonds

3. Participation Agreement dated October 23, 1991 between the Department and Washington County securing the County's $2,000,000 share of the proceeds of the bonds

NO. : 93-30

LBER 008 PAGE436 SUBJ: PUBLIC ACCOMMODATIONS TAX

ORDINANCE

WHEREAS, the Board of County Commissioners adopted Ordinance No. 86-14 and Resolution No. 88-19 imposing a public accommodations tax; and

WHEREAS, the Board of County Commissioners has reviewed the March 5, 1993 Federal Register Publication of federal per diem rates for lodging and meals and has determined that the different rates for Calvert County place St. Mary's County providers in a noncompetitive position; and

2:33PM07/16/938 CO.COM $0.00

WHEREAS, the Board of County Commissioners has been assured by our federal legislators that the rates will be reviewed for accuracy and fairness; and

WHEREAS, the Board of County Commissioners has determined that the public accommodations tax intensifies the competitive disparity between Calvert County's and St. Mary's County's providers; and

WHEREAS, the Board of County Commissioners duly publicized and conducted a public hearing as required by law on June 22, 1993 for the purpose of considering the suspension of the public accommodations tax.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners that effective August 1, 1993 the public accommodations tax is suspended until such time that the federal per diem rate is revised to be more fair to St. Mary's County.

ADOPTION DATE: 7/13/93

EFFECTIVE DATE: 8/1/93

BOARD OF COUNTY COMMISSIONERS
ST. MARY'S COUNTY, MARYLAND

Carl M. Loffler, Jr., President

W. Edward Bailey, Commissioner

Robert T. Jarboe, Commissioner

John G. Lancaster, Commissioner

Barbara R. Thompson, Commissioner

ATTEST:

Edward V. Cox
County Administrator

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

Joseph R. Densford
County Attorney

No.: 93-31
Subj: St. Mary's County Animal Control Regulations

LIBER 008 FOLIO 437 **ORDINANCE**

WHEREAS, Resolution No. 67-3 was adopted by the Board of County Commissioners of St. Mary's County on August 29, 1967 as Chapter 212 (Dogs) of the Code of St. Mary's County; and

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WHEREAS, on June 15, 1993, following due public notice, the Board of County Commissioners held a public hearing on the proposed amendments to Chapter 212 of the Code of St. Mary's County; and

WHEREAS, the Board of County Commissioners duly considered the public comments and staff recommendations;

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of St. Mary's County, Maryland that Resolution No. 67-3 is hereby rescinded and the St. Mary's County Animal Control Regulations dated July 13, 1993 are hereby adopted as amended Chapter 212 of the Code of St. Mary's County.

ADOPTION DATE: 7/13/93

EFFECTIVE DATE: 7/13/93

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

CARL M. LOFFLER, JR., President

W. EDWARD BAILEY, Commissioner

ROBERT T. JARBOE, Commissioner

JOHN G. LANCASTER, Commissioner

BARBARA R. THOMPSON, Commissioner

ATTEST:

EDWARD V. COX
County Administrator

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

JOSEPH R. DENSFORD
County Attorney

LIBER 008 PAGE 438

ST. MARY'S COUNTY

ANIMAL CONTROL REGULATIONS

July 13, 1993

ANIMAL CONTROL

CHAPTER 212

LIBER 008 PAGE 439

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History: Adopted by the Board of County Commissioners of St. Mary's County 8/29/67 as Resolution No. 67-3.

Statement of Purpose: These Regulations are hereby established by the Board of County Commissioners of St. Mary's County to provide for the safety of the public, the humane care and treatment of animals and to encourage responsible pet ownership.

§212.1 DEFINITIONS

As used in these Regulations the following terms are defined below:

Animal: Every domestic animal including not but limited to dogs and cats.

Animal At Large: Any animal off the premises of the owner, and not under the restraint of a person capable of controlling the animal.

Animal Control: St. Mary's County Animal Control shall include but not be limited to any individual designated by the County Commissioners to enforce these regulations and State Code.

Animal Exposed to Rabies: Any animal which has been bitten by an animal which either has rabies or has been in proximity or contact with an animal that has rabies, or any animal which has not been bitten but which has been in proximity to or in contact with or has otherwise been exposed for any period of time to an animal which has rabies. The determination whether an animal is infected with rabies shall be made by the Health Officer for St. Mary's County and the Maryland Department of Health and Mental Hygiene.

Animal/Veterinary Hospital: Any establishment maintained or operated by a licensed veterinarian for the immunization, hospitalization, surgery, or diagnosis, prevention and treatment of diseases and injuries of animals.

Animal Shelter: Any facility operated by a municipal agency or its agents, for the purpose of impounding animals under the authority of these Regulations or State Code for care, confinement, return to owner, adoption, or euthanasia.

Animal Warden: Any Animal Warden employed by St. Mary's County Commissioners to enforce these Regulations and the State Code.

Auction: Any place or facility where animals are regularly bought, sold, or traded, except for those facilities otherwise defined in these Regulations.

Cage: Any enclosure of limited space, enclosed on the bottom, top and all sides by a wall or otherwise, in which animals are placed for any purpose, including confinement or display.

Commercial Animal Establishment: Any person, partnership or corporation or other legal entity that has as its primary purpose the sale, transfer, or conveyance of any animal/animal services for money. It shall include but not be limited to any pet shop, grooming shop, auction, zoological park, circus, performing animal

exhibition, boarding or breeding kennel/cattery or any establishment with the purpose of training, leasing, or selling guard dogs. It shall not include animal hospitals, animal shelters or humane society facilities.

Commercial Kennel/Cattery: Any establishment for the commercial breeding, boarding, grooming, sale or training of dogs/cats for which a fee is charged; provided that an animal hospital maintained by a licensed veterinarian as part of the practice of veterinary medicine for the treatment of animals shall not be considered a "Commercial Kennel/Cattery".

Cruelty: Any act or omission prohibited under Section 212.5 below.

Domestic Animal: Any animal kept for pleasure rather than utility; an animal of a species that has been bred and raised to live in or about the habitation of humans and is dependent on people for food and shelter.

Grooming Shop: A commercial establishment where animals are bathed, clipped, plucked, or otherwise groomed.

Guard Dog: Any dog that is trained specifically and/or used to protect private property, a secured area or persons.

Humane Organizations: A non-profit organization dedicated to the rescue, rehabilitation and adoption of injured, lost or surrendered pets, assisting in low cost spay/neuter, and the humane education of both adults and children.

Owner: Any person, partnership, or corporation owning, keeping, or harboring one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for three consecutive days or more.

Pet Shop: Any person, partnership, or corporation, whether operated separately or in connection with another business enterprise that buys any species of animal for resale of pets.

Public Nuisance: Any act or omission prohibited under Section 212.11 below.

Restraint: Any animal humanely secured by a leash or lead and/or under the control of a responsible person and obedient to that person's commands.

Sanitary: A condition of good order and cleanliness which minimizes the probability of transmission of disease and/or the creation of a public nuisance or health hazard.

State Code: Any and all animal laws of the Annotated Code for the State of Maryland.

Vaccination: An anti-rabies vaccination using a vaccine type approved by the Maryland State Department of Health and Mental Hygiene or the Maryland Public Health Veterinarian.

Vicious/Dangerous Animal: As defined under Section 212.12 below.

Wild Animal: Domesticated animals that roam at large, prey on other animals for food and do not reside with an owner.

§212.2 DUTY OF ALL ANIMAL OWNERS TO BE RESPONSIBLE OWNERS

A. It shall be the duty of every owner of any animal, or anyone having any animal in his possession or custody, to exercise reasonable care and to take all necessary steps and precautions to protect other people, property, and animals from injuries or damage which might result from their animals' behavior, regardless of whether such behavior is motivated by mischievousness, playfulness, or ferocity.

B. In the event that the owner or keeper of any animal is a minor, the parent or guardian of such minor shall be responsible to ensure that all provisions of these Regulations and the State Code are complied with.

C. No animal may be sold or given to a minor without the written consent of the minor's parent or legal guardian.

§212.3 DIRECTOR OF ANIMAL CONTROL

The Emergency Management Director shall be responsible for the enforcement of these Regulations, including but not limited to public safety, public nuisance, prevention of cruelty to animals, and minimum standards for animal care.

§212.4 ANIMAL WARDEN

A. Any Animal Warden employed by the Board of County Commissioners of St. Mary's County, Maryland shall exercise that authority necessary to enforce the provisions of these Regulations and the State Code. Among their other duties, wardens are specifically authorized and empowered by these Regulations to:

(1) Humanely impound animals whose owner or custodian are found to be in violation of these Regulations or the State Code, and humanely transport those animals to the Tri-County Shelter;

(2) Make a prompt and reasonable effort to locate and notify the owner or custodian of an impounded animal, including coordinating with the shelter staff, posting impoundment notice on suspected owner's door and review lost reports to locate possible owners;

(3) Issue notices of violations to the owner or custodian of an animal when it is found to be in violation of these Regulations or the State Code;

(4) Promptly seek qualified medical assistance to injured or diseased stray animals which come into the custody of Animal Control.

(a) For this purpose, neither the Warden administering such assistance, St. Mary's County or any of its employees or agents shall be liable for acts committed or omitted while rendering such assistance unless such act or omission constitutes gross negligence or actual malice.

(5) Conduct public information programs on these Regulations and adoption, spay/neuter, health care, and other programs as directed.

(6) Conduct inspections of commercial animal establishments as provided in these Regulations.

(7) Receive unwanted animals for adoption or euthanasia.

(8) Initiate a complaint or other form of enforcement of these Regulations and/or the State Code.

(a) Prior to a complaint being filed by a Warden with the District Court of Maryland, the Warden shall have probable cause that a violation of these Regulations or the State Code has occurred.

B. It shall be a violation of these Regulations to interfere with a Warden performing the duties as prescribed in these Regulations and the State Code.

C. It shall be unlawful for anyone to remove animals from traps (set by Animal Control or designee) other than the Animal Wardens or designee.

D. It shall be unlawful to dispose of any animals placed in a box or other similar enclosure in any county trash disposal facility (or any public or private area).

§212.5 CRUELTY USCR 038 PAGE 444

A. It shall be a violation of these Regulations for any person to:

(1) Abandon an animal; i.e., trash disposal, rental properties, side of the road, private/public areas;

(2) Torture, torment, cruelly beat/kill, injure intentionally, mutilate, run down with a vehicle intentionally, overdrive, overload, or otherwise abuse any animal;

(3) Administer poison to any animal or knowingly place or leave any poisonous or other harmful substance with intent to injure or kill any animal other than vermin;

(4) Use or permit any animal to be used for the purpose of fighting with any other animal;

(5) Cause, arrange, or authorize these acts;

(6) Have the charge or custody of an animal and inflict unnecessary suffering or pain upon the animal, or unnecessarily fail to provide the animal with nutritious food in sufficient quantity necessary veterinary care, proper drink, air, space, shelter, or protection from the elements.

B. In the case of activities in which physical pain may unavoidably be caused to animals, such as medical and scientific activities, food processing, customary and normal veterinary and agricultural husbandry practices, and hunting, "cruelty" means a failure to employ the most humane method reasonably available.

§212.6 RABIES PREVENTION

A. It shall be the duty of every resident of the County owning a dog or cat three (3) months old or older to have such dog or cat inoculated with an anti-rabies vaccine approved by the Director of Public Health. Inoculation shall be repeated as often as the Director of Public Health may from time to time specify. The inoculation shall be administered by a licensed veterinarian. The rabies certificate issued by the veterinarian shall be carefully preserved by the owner or custodian of the dog or cat and exhibited promptly upon the request for inspection by the Warden, Health Officer, or any other law enforcement officer, or their agents, to include

shelter staff when redeeming an animal at the shelter. The vaccination status of an animal should always be verified in person either by a health agent, warden or veterinarian exam.

B. **Quarantine Requirements.** As directed by the Health Department, an animal who has bitten a person or otherwise exposes a human to rabies shall be quarantined for ten (10) days in the following manner:

(1) Confinement of the animal to a house, garage or other escape proof enclosure or building approved by the Health Department or its designated agent.

(2) The animal shall not be removed from the structure unless on a leash and under the immediate control of an adult.

(3) Contact with other animals or persons other than the primary caretakers shall be prohibited.

(4) The animal shall not be removed from the quarantine premises unless permission is obtained from the local Health Officer or his designated agent.

(5) If the animal becomes ill or begins to show behavioral changes, the owner shall immediately notify the Health Department, which shall determine an appropriate course of action.

(6) If the animal dies, the owner shall immediately notify the Health Department and make the animal available for rabies testing.

(7) If the animal escapes, the owner shall immediately notify the Sheriff's Department, Warden and Health Department.

(8) Until the animal is cleared by the Health Department from quarantine, the owner shall not kill, give away, sell or otherwise dispose of the animal without written permission from the Health Department.

(9) If a veterinarian's examination is not required by the Health Department on the last day of the quarantine, the owner shall report by telephone to the Health Department the health status of the animal.

(10) If the animal is unvaccinated against rabies at the time of exposure, the animal shall not be vaccinated until released from quarantine by the Health Department.

(11) If unvaccinated, the owner shall take the animal to a licensed veterinarian for a physical rabies exam and vaccination within five (5) days of the end of quarantine.

(12) If an animal is not properly quarantined it shall be impounded by a Warden or his designee.

(13) It is the responsibility of the St. Mary's County Health Department for the enforcement of all quarantine requirements.

§212.7 LICENSING

A. The sale of licenses shall be through the St. Mary's County Treasurer, Animal Control, or other designee of the St. Mary's County Treasurer.

(1) It shall be unlawful for any person, firm or corporation to own, keep or harbor a dog six (6) months old or older without a current St. Mary's County license. The license period shall be concurrent with the fiscal year, namely from July 1 to June 30, with all fees payable to the County Treasurer.

(2) Owners of certified Seeing Eye dogs, hearing dogs, governmental police dogs, or other certified dogs that are trained to assist the physically handicapped shall not be required to pay the annual fee but shall be required to obtain and display the license..

(3) Animal shelters operated by chartered humane organizations or the County for the purpose of housing stray, abandoned, sick or injured animals shall be exempt from licensing prior to adoption or return to owner.

(4) Applications for license shall be made to the County Treasurer or a duly authorized agent. Before any license shall be issued, the owner shall produce a valid rabies certificate issued by a licensed veterinarian certifying that the dog is currently vaccinated against rabies. Before any unsexed license shall be issued, the owner shall produce a certificate of surgical sterilization issued by a licensed veterinarian certifying that the dog has been spayed or neutered.

(5) If a dog shall become six (6) months of age or an unlicensed dog of licensing age shall come into the possession of any person between July 1 and June 30 of any fiscal year, the full license fee for that current fiscal year shall be paid forthwith by said owner or harborer of such dog.

(6) License certificates shall include the date of issuance and expiration date, the owner's name and address, home telephone number, the animal's sex, breed, age, color and markings, rabies vaccination date, rabies tag number, animal's name.

(7) A license tag shall be issued with the license certificate. This tag shall be worn by the dog at all times, except when confined in a kennel or when participating in a competition where such displays are prohibited.

(8) No person may use any license for any dog other than the animal for which it was issued.

(9) The license certificate shall be made available upon request by any health or public safety officer, Animal Control Warden, or their agents.

(10) The annual fee for a dog license shall be:

Unneutered Male	$6.00
Unspayed Female	$6.00
Neutered Male	$3.00
Spayed Female	$3.00

(11) Beginning August 1, 1993, there will added to each license a penalty of $25.00 for noncompliance.

B. Commercial Animal Establishment Licensing. No person, partnership or corporation shall operate a commercial animal establishment without first obtaining a commercial animal establishment license in compliance with this Section. License applications shall be accompanied by written verification from St. Mary's County Government that the applicant complies with the St. Mary's County Zoning Ordinance as amended from time to time.

(1) No fee shall be required of any government operated zoological park.

(2) All dogs and cats offered for sale by a commercial animal establishment must be examined by a licensed veterinarian within the last three (3) months prior to sale.

(a) Any animal under veterinarian treatment may not be offered for sale without written release from the veterinarian.

(b) Any owner or employee of a commercial animal establishment who knows of or should have known of any animal defect or illness

shall make a purchaser aware of this information in writing prior to sale.

(3) Records or forms must be maintained for a period of one (1) year for any animal purchased for resale. Records shall contain the following but are not limited to:

(a) Animal Description - breed, sex, color, and age.

(b) The origin of purchase to include the supplier and the date of receipt.

(c) Medical records and any required treatment program.

(4) Every facility regulated by these Regulations shall be considered a separate enterprise requiring an individual license.

(5) The license period shall run for one year from the date of issuance. Renewal applications for licenses shall be made 30 days prior to expiration of said license. The license fee shall be $15.00 with a $2.00 penalty for noncompliance.

§212.8 ANIMAL CARE

A. No owner or custodian of an animal shall fail to provide the animal with sufficient, wholesome and nutritious food; palatable water in sufficient quantities; proper air; shelter, space, and protection from the weather; veterinary care when needed to prevent suffering; and humane care and treatment.

(1) In the case of farm animals, nothing in this Section shall be construed as imposing shelter requirements or standards more stringent than normally accepted husbandry practices.

B. Indoor and outdoor enclosures for animals shall meet the following minimum standards:

(1) Be structurally sound and maintained in good repair to protect the animals from injury and to contain the animal;

(2) Provide sufficient space to allow each animal adequate freedom of movement;

(3) Be routinely cleaned to remove excretions and other waste materials, dirt

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and trash, to provide humanely clean conditions to minimize health hazards and obnoxious odors;

(4) Provide palatable water that is always available and that is kept in a vessel secured to prevent tipping.

(5) Indoor housing facilities shall provide adequate ventilation by natural or mechanical means and the ambient temperature shall be compatible with the health of the animal.

C. In addition to the above, outdoor enclosures shall meet the following minimum standards:

(1) When sunlight is likely to cause heat exhaustion, sufficient shade by natural or artificial means shall be provided to protect the animal from direct sunlight.

(2) If an animal is confined outdoors unattended, it shall be the duty of each and every owner or custodian to provide said animal with proper shelter as described below:

(a) WEATHERPROOF - Shelter must be solid. There shall be no cracks or openings other than entrance. The shelter shall not have any metal or plastic primary interior surfaces.

(b) ELEVATED - Floor must be off the ground at least two (2) inches.

(c) DOOR FLAP - Entrance must be covered with a flexible flap and/or entrance placed down wind when necessary to protect the animal from the elements of weather.

(d) BEDDING - Bedding must be dry. Straw, leaves, hay, cedar chips or other material must be provided as needed during cold and inclement weather.

(e) SIZE - Large enough to allow the animal to enter, stand, turn around and lie down comfortably. Small enough to allow the animal to warm interior with its body.

D. If a chain, rope, or line is used to tie an animal, it shall be of sufficient length (minimum length of two and one-half [2 1/2] times the animals body length) to safely and humanely allow the animal freedom of movement without becoming entangled with obstructions.

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E. A person shall not allow an animal to ride in the unenclosed area of a motor vehicle unless the animal is confined by a securely affixed, well ventilated container, cage, or other device designed to safely prevent the animal from falling or jumping from the motor vehicle.

§212.9 ANIMAL AT LARGE

A. It shall be unlawful for any person, partnership or corporation to allow their animal to be at large.

B. This section shall not apply to a dog undergoing supervised obedience training or while actually engaged in the sport of hunting in an authorized area while supervised by a competent person possessing a valid hunting license.

C. Without permission of the proper authority, the owner or custodian of any animal may not permit the animal to be on public or private school grounds on a day when school is in session or in a public recreation area unless:

(1) The animal is controlled by a leash or similar restraining device.

(2) The presence of the animal is in an organized activity such as a dog show.

D. No animal accidentally at large with a person in immediate pursuit shall be deemed at large.

E. A person who is aware of an animal being at large or who finds a stray animal shall report the condition to the Animal Shelter or Warden.

F. A warden and/or authorized representative of Animal Control who observes an animal at large may pursue that animal on public and/or private property.

G. The Animal Warden or designee is authorized and directed, whenever possible, to seize and impound any animal running at large. When not able to catch an animal running at large and when all other options have been exhausted, they are authorized and may shoot or otherwise kill the animal.

§212.10 FEMALE IN SEASON

A. Every female dog or cat in season shall be humanely confined in a building or secure enclosure in such a manner that such female dog or cat cannot come in contact with an unneutered male of the same species except for planned breeding.

This does not exclude normal waste elimination while under physical restraint and direct supervision on the owner or custodian's property.

§212.11 PUBLIC NUISANCE

A. No person shall keep or maintain any animal in such manner as to cause or permit the animal to be a public nuisance. A public nuisance is when an owner or custodian allows an animal to:

(1) Be at large;

(2) Damage the property of anyone other than its owner or custodian;

(3) Molest pedestrians or passersby;

(4) Intimidate pedestrians or passersby. Intimidation is defined as a reasonable prudent person under same and/or similar circumstances and whether that person would have been intimidated by the actions of the animal in question.

(5) Chase vehicles;

(6) Bark or make other harsh or excessive noise so as to disturb the quiet, comfort, or repose of members of the community as reflected by reasonable persons with normal sensitivities to noise;

(7) Foul the air by odor and thereby create unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;

(8) Allow to defecate on public property or urinate or defecate on private property.

§212.12 DANGEROUS AND/OR VICIOUS ANIMALS

A. For the purpose of these Regulations a dangerous and/or vicious animal shall be defined as:

(1) Any animal which has inflicted injury on a human being without provocation on public or private property;

(a) Any person may kill any licensed or unlicensed dog which attacks him while he is peacefully standing, moving or riding outside the enclosure of the dog's owner or custodian;

(2) Any animal which has injured or killed a domestic animal without provocation;

(a) Any person may kill any licensed or unlicensed dog found out of the enclosure of its owner or custodian and not under his immediate care actually in the act of wounding or killing persons, livestock or fowl.

(3) Any animal owned or harbored primarily or in part for the purpose of animal fighting, or any animal trained for animal fighting;

(4) Any animal not owned by a governmental or law enforcement unit, used primarily to guard public or private property.

(5) No animal shall be declared dangerous and/or vicious if the threat, injury or damage was sustained by a person who:

(a) At the time was committing a willful trespass or other criminal act upon the premises of the owner or custodian of the animal; or

(b) Was teasing, tormenting, abusing, or assaulting the animal; or

(c) Has in the past been observed or reported to have teased, tormented, abused, or assaulted the animal; or

(d) Was committing or attempting to commit a crime;

(e) Deliberately placed the animal in the position of protecting or defending its young or other animal;

(f) Caused pain or injury to the animal immediately prior to the attack.

B. Upon determination of an animal being dangerous and/or vicious by the Animal Warden, the Warden may require any or all of the following:

(1) Any dangerous and/or vicious animal must be kept in its own enclosure.

(2) Where any owner or custodian of a dangerous and/or vicious animal maintains their animal outside, a portion of their property shall be fenced with a perimeter or area fence. Within this perimeter fence, the animal

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shall be humanely confined inside a pen or kennel of adequate size. The pen or kennel shall not share common fencing with the area of perimeter fence. The kennel or pen must have secure sides; a secure top attached to all sides; the sides must either be buried two (2) feet into the ground, sunken into a concrete pad, or otherwise secured to prevent escape by digging. The gate to the kennel must be locked.

(3) Whenever outside of its enclosure, but on the owner's or custodian's property, a dangerous and/or vicious animal shall be attended by the owner or custodian and restrained by a secure collar and leash of sufficient strength to prevent escape.

(4) All owners or custodians of any dangerous and/or vicious animal shall display in a prominent place on their premises, and at each entrance and exit to the area where such animal is confined, a sign easily readable by the public using the words "DANGEROUS ANIMAL".

(5) Except when being transported in, and humanely and securely confined within a vehicle, no dangerous and/or vicious animal shall be permitted off the property of his owner or custodian except when it is:

(a) Attended by its owner or custodian; and

(b) Is humanely restrained by a secure collar and leash (not to exceed six (6) feet in length); both collar and leash to be of sufficient strength to prevent escape; and

(c) Is humanely muzzled by any means sufficient to prevent biting persons or domestic animals.

(6) The animal be neutered at the expense of the owner.

(7) Ownership or custody of an animal deemed dangerous and/or vicious by the Animal Warden shall not be transferred without prior notification to the Warden or designee.

(8) The animal be humanely euthanized.

(9) Any Police Officer or Animal Warden has full authority to kill any dog that is known to be living in the county in a wild state. There shall be no liability on such persons, police officers or animal wardens in damages or otherwise for killing of animals as permitted in these regulations.

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C. The animal warden or designee is authorized whenever possible to seize any animal known to be dangerous and vicious and found to be running at large. When not able to catch the animal, and when all other options have been exhausted, they are authorized and may shoot or otherwise kill the animal.

§212.13 IMPOUNDMENT/REDEMPTION/ADOPTION

A. Any animal observed in violation of these Regulations or the State Code shall be immediately and humanely impounded and housed with the Animal Shelter or its designated agent.

(1) In addition to, or in lieu of, impounding an animal, the Warden may issue to the known owner of such animal a notice of violation.

B. Impounded domestic animals shall be kept for not less than three (3) working days unless said animal is contagiously ill or severely injured.

C. An owner reclaiming an impounded animal shall pay the fees established by the Sheltering Authority. The fees for subsequent impounds occurring within twelve (12) months shall be doubled.

(1) Upon the third impoundment within twelve (12) months, the animal shall remain in the Shelter until the owner appears before the Director. The Director shall determine the necessary means to address the violations and levy fines and fees.

D. In addition to paying the established fees, an owner reclaiming an impounded animal shall show proof of a current rabies vaccination and county license, or shall pay the license fees required to comply with Section 212.7 of these Regulations and other expenses incurred by the County in caring for the impounded animal.

E. Except as otherwise provided in these Regulations, any animal impounded and not redeemed by its owner within three (3) working days following notice of impoundment shall be deemed abandoned. The animal shall become the property of the County, which shall place for adoption or euthanize the animal in accordance with the State Code and Shelter policy.

F. No unclaimed dog or cat shall be released for adoption without being sterilized or without written agreement from the adopter guaranteeing that such animal will be sterilized within thirty (30) days for adults or at a specified date in the contract for puppies and kittens. A deposit established by the Sheltering Authority shall

LIBER 008 PAGE 155

be paid at the time of adoption and refunded once proof of sterilization is presented.

G. Any animal considered by the Sheltering Authority to be unhealthy, dangerous or otherwise unsafe shall not be placed for adoption.

H. The Animal Shelter shall deny applications for adoption as provided by established Shelter policy and procedure.

I. No wild animal shall be placed for adoption.

J. No animal shall be knowingly sold or given away for use in experimentation or research.

K. The County, its employees, or agents shall not be liable for any damage to person or property caused by an animal adopted or reclaimed from the Shelter.

§212.14 FEES

A. Any fees established within these Regulations may be evaluated and adjusted annually.

§212.15 FINES

A. The fines for violations are as follows:

212.4	Interference with a Warden	$50.00
212.6	Rabies Prevention	
	Failure to vaccinate	$25.00
	Failure to quarantine	$50.00
212.7	Failure to License	$25.00
212.8	Animal Care (Per offense. Not to exceed $100 per animal)	$25.00
212.9	Animal at Large	
	1st Offense	$25.00
	2nd Offense	$50.00
	All Subsequent Violations (per animal)	$100.00

212.10	Female in Season	$35.00
212.11	Public Nuisance	$50.00
212.12	Dangerous and/or Vicious	
	1st Offense	$50.00
	2nd Offense	$100.00

After 2nd offense, animal will be removed from the owner for public safety, and will be secured at the Tri-County Animal Shelter pending an investigation.

§212.16 ENTERING INTO CONTRACTS WITH OUTSIDE SERVICES

A. No statement, provision or regulation set forth herein shall be construed to prevent the County Commissioners of St. Mary's County, Maryland from entering into a contract with any outside service for the administration of all or any portion of these Regulations.

§212.17 CONFLICTING ORDINANCES

A. All other Regulations of St. Mary's County that are in conflict with these Regulations are hereby repealed to the extent of such conflict.

§212.18 SEVERABILITY CLAUSE

A. If any part of these Regulations shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of these Regulations.

No: Z-93-03
Subject: Amendment to the Zoning Ordinance and Subdivision Regulations to Incorporate Regulations for Addressing Property

LIBER 008 FOLIO 457

ORDINANCE

AN ORDINANCE AMENDING THE ST. MARY'S COUNTY, MARYLAND ZONING ORDINANCE AND SUBDIVISION REGULATIONS, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT AND AMENDMENT THEREOF, TO INCORPORATE REGULATIONS FOR ADDRESSING PROPERTY IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 66B AND ARTICLE 41, SECTIONS 18-101 THROUGH 18-108, OF THE ANNOTATED CODE OF MARYLAND, AS AMENDED.

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WHEREAS, Article 66B of the Annotated Code of Maryland, as amended, empowers the Board of County Commissioners of St. Mary's County, Maryland to enact a zoning ordinance and subdivision regulations to promote the health, safety, morals and general welfare of St. Mary's County, and to provide for their administration, enforcement and amendment; and

WHEREAS, the Maryland General Assembly adopted Article 41, Sections 18-101 through 18-108, requiring all counties to have in operation an enhanced 911 emergency telephone system on or before July 1, 1995 to promote the safety and well-being of the citizens of the State; and

WHEREAS, the enhanced 911 system provides automatic number identification and automatic location identification of the 911 caller, and the automatic location identification requires the implementation of a permanent addressing system for the enhanced 911 system to be effective; and

WHEREAS, on May 24, 1993, following due public notice, the Planning Commission held a public hearing on a proposed amendment to the Zoning Ordinance to add a new section 64.0 and an amendment to Section 4.1 of the Subdivision Regulations to govern property addressing, and recommended to the Board of County Commissioners the adoption of same; and

WHEREAS, on June 22, 1993, following due public notice, the Board of County Commissioners held a public hearing on said proposed amendments to the Zoning Ordinance and Subdivision Regulations; and

WHEREAS, on July 6, 1993 the Board of County Commissioners approved said amendments as recommended by the Planning Commission; and

WHEREAS, all procedural requirements of Article 66B of the Annotated Code of Maryland, as amended, with regard to the preparation of the recommendation of the Planning Commission and subsequent action of the Board of County Commissioners have been met.

NOW THEREFORE BE IT RESOLVED AND ORDAINED by the Board of County Commissioners of St. Mary's County, Maryland, that the attached Section 64.0 of the St. Mary's County Zoning Ordinance and the amended Section 4.1 of the St. Mary's County Subdivision Regulations are hereby adopted.

DATE OF ADOPTION: July 13, 1993

EFFECTIVE DATE: July 13, 1993

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

CARL M. LOFFLER, JR., President

W. EDWARD BAILEY, Commissioner

ROBERT T. JARBOE, Commissioner

JOHN G. LANCASTER, Commissioner

BARBARA R. THOMPSON, Commissioner

ATTEST:

EDWARD V. COX, County Administrator

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

JOSEPH R. DENSFORD, County Attorney

7/13/93 **64.00 NAMING AND RENAMING OF ROADS AND ASSIGNMENT OF ADDRESSES**

64.1. PURPOSE AND AUTHORITY

1. PURPOSE

The purpose of this regulation is to establish a system for assignment of street names and numbering of houses in St. Mary's County, thus eliminating the confusion and potential hazards to public safety which might otherwise exist.

2. AUTHORITY

These regulations are based on the statutory authority contained in Article 66B, Code of Public General Laws of Maryland, May 1971, as amended, Article 41, Section 18-101 through 18-108.

64.2. APPLICATION, EFFECTIVE DATE, AND TERRITORIAL LIMITS

This regulation shall take effect immediately after adoption and shall apply to St. Mary's County. In no case, however, shall any provision of this regulation be deemed applicable within any incorporated municipality.

64.3. DEFINITIONS

COUNTY means St. Mary's County, Maryland.

DRIVEWAY means a private access road, drive or lane to an individual residence which is contained within the lot or parcel and is not intended to serve any other lot or parcel of land.

GRID ADDRESS NUMBERING SYSTEM means a grid system has been laid out and tied to the Maryland Coordinate System which consists of north-south and east-west lines superimposed in the form of a uniform grid over the state of Maryland.

HOUSE NUMBER means the five digit coordinate number and street name assigned to any structure or parcel of land.

PARCEL OF LAND means any lot, parcel, dock, pier or wharf used to identify the site where a dwelling or place of business and/or storage is to be erected, located or situated.

PLANNING DIRECTOR means the director of the Department of Planning and Zoning, the person designated by the Board of County Commissioners to administer the provisions of this Ordinance. The Director or his designee may delegate administrative responsibilities to any member of the Department of Planning and Zoning staff as needed.

PRIVATE ROAD/COMMON DRIVEWAY means a private access, drive or lane to more than one residence which is contained within the lot or parcel which is not dedicated to the county.

PROPERTY means a building, structure or parcel of land or the combination of any of the above.

ROAD means a public or private right-of-way, including streets, avenues, drives, circles, highways, and other similar terms, but not alleys.

STREET DIRECTION means the direction any street or road travels the longest in distance (i.e. north-south or east-west).

TAX ASSESSMENT MAPS means maps prepared by the Maryland Department of Assessments and Taxation which show properties and roads in St. Mary's County.

64.4. ROAD NAMING AND ADDRESSING MANUAL AND MAPS

1. The Planning Director shall prepare and maintain a Road Naming and Addressing Manual which describes in detail the criteria, procedures, and methods used to name roads and to assign address numbers. This manual shall include the development of a grid system from which the address numbers will be derived.

2. The Planning Director shall prepare and maintain a set of maps which display property boundaries, the address grid system and the names and route numbers of roads.

64.5. OFFICIAL ROAD NAME LIST

1. The Planning Director shall submit to the Board of County Commissioners, and the Commissioners shall approve by resolution, an Official Road Name List. For each road, the list shall include the following minimum information:

   a. The road type. Road types shall include, but not be limited to county, state, other public, private, and municipal.

   b. A route number if applicable for cross reference.

   c. The designated prevailing direction of the road.

2. Prior to adoption of the Official Road Name List, the Board of County Commissioners shall hold a public hearing and afford the public an opportunity to comment on the proposed road names.

3. After adoption, the Official Road Name List may be amended from time to time by the Board of County Commissioners to change the name of or to delete a listed road. The County Commissioners shall hold a public hearing on the proposed changes prior to their adoption.

4. Any new road opened, platted, or created after the effective date of this Ordinance shall be incorporated into the Official Road Name List by the Planning Director if the road meets the criteria contained in the Road Naming and Addressing Manual. The Planning Director shall have the authority to approve the name of any new road without a hearing before the Board of County Commissioners.

64.6. ADDRESS NUMBERS

1. All properties containing a home, business, or other primary use or structure shall have an address number assigned in accordance with the criteria and procedures specified in the Road Naming and Addressing Manual. The Planning Director shall prepare and maintain the list of properties and addresses.

2. Any subdivision plat submitted for approval after the effective date of this Ordinance shall include the address number for each lot. Address numbers shall be assigned in accordance with the criteria and procedures specified in the Road Naming and Addressing Manual.

3. The Planning Director shall assign an address number to a property prior to the issuance of a building permit, where such address does not already exist.

64.7. NOTIFICATION, USE, AND DISPLAY OF ADDRESS NUMBERS

1. Following the initial assignment of addresses, the Planning Director shall mail a notification of the new address to the owner of the property by U.S. mail, first class postage prepaid.

2. The owner of any property who receives notification of a new address number shall be responsible for informing all tenants or occupants of their new address.

3. The owner or occupant shall have a period of one (1) year from the date the notification is mailed to make all address changes or adjustments. Thereafter, the address number assigned under this Ordinance shall be the only street address used by the owner or occupant of the property.

4. Within one (1) year from the date the notification of the new address is mailed, the owner shall have placed on their property, in a location visible from the road upon which the address number is assigned, figures at least three (3) inches high showing the number of the house or building. Numbers placed on both sides of mailboxes or signs shall satisfy this requirement only if the home or building is clearly identifiable in relation to the mailbox or sign.

5. Temporary display of addresses for new structures shall be maintained during construction.

6. Permanent display of addresses per the Road Naming and Addressing Manual shall be maintained upon completion of the construction and before a certificate of occupancy is issued.

64.8. COMPLIANCE WITH SECTION

No owner of real property shall number, attempt to number or fail to number the property or the principal building thereon other than in conformity with this section. The county shall send a written notice, by first class mail, to any owner not in compliance with this section, to the owner's address as stated in the records of the county, directing specific compliance with any provision of this section. Failure or refusal of such owner, within 10 days of such notice, to comply with the directives stated therein shall constitute a violation of this section.

64.9. VIOLATIONS

The County Commissioners or the Planning Director may institute injunction or other appropriate action or proceedings to compel compliance with the provisions of this section.

LIBER 008 FOLIO 101

ARTICLE IV

REQUIREMENTS FOR PHYSICAL IMPROVEMENTS, RESERVATIONS AND DESIGN STANDARDS

4.1 GENERAL.

A. Road Ordinance 76-7, as amended, and Water and Sewerage Plan, as amended, shall apply.

B. Monuments.

The applicant shall have placed permanent reference monuments as required by Article 21, Section 3-108, Code of Public General Laws of Maryland.

C. Subdivision Name.

7/13/93 The proposed name of the subdivision and streets shall not duplicate, nor too closely approximate phonetically, the name of any other subdivision or street covered by these regulations. Street names and house numbers shall be assigned, displayed, maintained or changed pursuant to Article VI of the St. Mary's County Zoning Ordinance.

D. Identification Signs.

Identification signs shall be erected at the entrance to every subdivision as approved by the Planning Commission, except for minor subdivisions.

4.2 SEDIMENTATION CONTROL.

Applicant shall comply with sedimentation control measures pursuant to St. Mary's County Sedimentation Control Ordinance of July 1, 1971, as amended.

4.3 ROADS.

A. General Requirements.

1. Frontage Requirements.

Except for Basic, Minor and Farmstead Subdivision, no single family detached home lot shall be approved unless it has public road frontage as

No: Z-93-04
Subj: Official Road Name List

LIBER 008 FOLIO 102

RESOLUTION

WHEREAS, Section 64.0 of the St. Mary's County Zoning Ordinance and Section 4.1 of the St. Mary's County Subdivision Regulations provide for the naming and renaming of roads and the assignment of addresses in St. Mary's County to implement an enhanced 911 emergency telephone system; and

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WHEREAS, Section 64.5 of the St. Mary's County Zoning Ordinance provides for the establishment and maintenance of the Official Road Name List; and

WHEREAS, Section 64.5 provides that the Planning Director shall submit to the Board of County Commissioners, and the County Commissioners shall approve by Resolution, an Official Road Name List; and

WHEREAS, St. Mary's County is initiating its addressing system and requires the initial establishment of the Official Road Name List; and

WHEREAS, the Official Road Name List may be amended from time to time by the Board of County Commissioners to change the name of or to delete a listed road and the County Commissioners shall hold a public hearing on the proposed changes prior to their adoption; and

WHEREAS, any new road opened, platted, or created shall be incorporated into the Official Road Name List by the Planning Director if the road meets the criteria contained in the Road Naming and Addressing Manual, and the Planning Director has the authority to approve the name of any new road without a hearing before the Board of County Commissioners.

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of St. Mary's County, Maryland that the St. Mary's County Official Road Name List maintained by the Department of Planning and Zoning dated July 13, 1993 is hereby adopted and shall be amended as provided in Section 64.5 of the St. Mary's County Zoning Ordinance.

DATE OF ADOPTION: July 13, 1993

EFFECTIVE DATE: July 13, 1993

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

CARL M. LOFFLER, JR., President

W. EDWARD BAILEY, Commissioner

ROBERT T. JARBOE, Commissioner

JOHN G. LANCASTER, Commissioner

BARBARA R. THOMPSON, Commissioner

ATTEST:

EDWARD V. COX
County Administrator

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

JOSEPH R. DENSFORD
County Attorney

No: Z-93-05
Subj: St. Mary's County Road Naming and Addressing Manual

USER COS [illegible]CB **RESOLUTION**

WHEREAS, Section 64.0 of the St. Mary's County Zoning Ordinance and Section 4.1 of the St. Mary's County Subdivision Regulations provide for the naming and renaming of roads and the assignment of addresses in St. Mary's County to implement an enhanced 911 emergency telephone system; and

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WHEREAS, Section 64.0 of the St. Mary's County Zoning Ordinance provides that the Director of Planning and Zoning shall prepare and maintain a Road Naming and Addressing Manual which describes in detail the criteria, procedures, and methods used to name roads and to assign address numbers and provides for the notification, use and display of addresses; and

WHEREAS, the Department of Planning and Zoning in cooperation with the Enhanced 911/Uniform Addressing Task Force has developed a Road Naming and Addressing Manual for St. Mary's County that was presented at the June 22, 1993 public hearing on the amendments to the Zoning Ordinance and Subdivision Regulations.

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners of St. Mary's County, Maryland that the attached St. Mary's County, Maryland Road Naming and Addressing Manual dated July 13, 1993 is hereby adopted.

ADOPTION DATE: July 13, 1993

EFFECTIVE DATE: July 13, 1993

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

CARL M. LOFFLER JR., President

W. EDWARD BAILEY, Commissioner

ROBERT T. JARBOE, Commissioner

JOHN G. LANCASTER, Commissioner

BARBARA R. THOMPSON, Commissioner

ATTEST:

EDWARD V. COX
County Administrator

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

JOSEPH R. DENSFORD
County Attorney

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ST. MARY'S COUNTY, MARYLAND
ROAD NAMING AND ADDRESSING MANUAL

COMPREHENSIVE ADDRESSING AND
ENHANCED 911 EMERGENCY SYSTEM

prepared by

ST. MARY'S COUNTY ENHANCED 911 / UNIFORM ADDRESSING TASK FORCE
ST. MARY'S COUNTY DEPARTMENT OF PLANNING AND ZONING
ST. MARY'S COUNTY EMERGENCY MANAGEMENT AGENCY

July 13, 1993

USER CDS DATE 105

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INTRODUCTION AND PURPOSE

The St. Mary's County Board of County Commissioners, realizing the need for a comprehensive addressing program for the unincorporated parts of the county, appointed a county-wide Task Force on July 2, 1991, and charged it with developing a uniform property addressing system.

The product of this task will make it possible for fire, police, ambulance and public utility companies to locate residences and properties and to more effectively react to individual calls for emergency service and will enable the United States Postal Service to provide mail delivery based on permanent uniform addresses, eliminating the route system and its inherent problems.

In addition, the task force was directed to link the addresses with an Enhanced 911 Emergency System to increase the effectiveness of this system and to reduce response times by emergency vehicles.

Comprehensive addressing and the Enhanced 911 System will assign a single permanent number for use as both a location identifier and a mailing address for all properties in the unincorporated areas of St. Mary's County.

LIBER 008 FOLIO 107

1.0 MAPPING AND GRID LAYOUT

1. Base Maps

The base maps originated with the Maryland Department of Assessments and Taxation "tax maps". The base maps and associated databases are maintained in digital and printed form at the Department of Planning & Zoning (DPZ).

2. Grid System

a. A grid system has been laid out and tied to the Maryland Coordinate System (1983 datum) which consists of north-south and east-west lines superimposed in the form of a uniform grid over the State of Maryland. The State of Maryland has recently established a new more precise grid, which utilizes 1983 Datum (year adopted), replacing the commonly familiar old state grid system based on 1927 datum.

b. Using this coordinate system (1983 Datum) avoids the need for the prefixes north, south, east and west in front of road names. This system will use northing and easting coordinate positions for assignment of new addresses. The grids on each tax map have been further subdivided to create blocks which are 1,000 feet square. These block grids serve as references from which to begin a sequence of numbers for assignment to properties along roads.

c. The determined position and address number assigned will relate to the direction of the road. Once this is established, the coordinate point where the premises driveway intersects the road will be the new Enhanced 911 address. This numbering system will enable the Department of Planning and Zoning to use the new state coordinates for relating the tax maps with the database giving a way to pin point the location while showing the Department of Planning and Zoning all the necessary information to locate the premises in question.

2.0 ROADS

1. Criteria for Including Roads

a. For the purposes of comprehensive addressing, a road is defined as follows:

(1) A public or private way for vehicular traffic including rights-of-way, streets, avenues, drives, circles, highways and other similar terms.

(2) Four types of roads were identified within St. Mary's County:

(a) PV Private
(b) MU Municipal
(c) CO County
(d) MD Maryland State

b. The Task Force has compiled a comprehensive road name list with the assistance of the Department of Planning and Zoning and the Department of Public Works. After review, this list was submitted to and approved by the County Commissioners, and is now known as the Official Road Name List. This list is included as part of the Ordinance for Naming and Renaming of Roads and Assignment of Address Numbers. It includes all county, state, other public, private, and municipal roads.

c. Private roads shall be or will be included in the Official Road Name List if the road provides access to four or more homes or businesses. If there are less than four existing homes served by a road, but additional vacant lots which may be developed in the future are potentially served thereby, then the road shall be included. In some situations a private road providing access to four or more homes may not be included on the list if the road is of very short length, and if the access to the properties is readily apparent from the main road.

d. The Official Road Name List may be amended from time to time by the County Commissioners to change the name of or to delete a listed road. The County Commissioners may hold a public hearing on the proposed changes prior to their adoption.

e. The Official Road Name List may also be expanded to include new roads. These will generally be new roads in new subdivisions, but may also include older rights-of-way. The following rule shall apply for new roads:

(1) Any new road opened, platted, or created after the effective date of this Ordinance shall be incorporated into the Official Road Name List by the Planning Director if the road is in one of the following categories:

(a) Any county, state, or other public road regardless of the number of abutting properties.

(b) A private road if it provides access to four (4) or more lots, properties or units.

2. Road Names

a. The objective of the road naming operation is to establish official names for each road which can be clearly distinguished from all other roads. Therefore, all roads with no name, duplicate road names, or names sounding phonetically similar, have been or will be named or renamed. Generally, it is the objective to eliminate all such duplications or similarities. An exception to this rule may be made if two roads are located in widely separated areas of the county.

b. For existing roads where renaming was or is required, the following sources were or may be used to name roads, in this general order of priority:

(1) The official name, if any.
(2) Tax maps, current St. Mary's County Official Road Data Index.
(3) Subdivision plats, subdivision names, developer's names.
(4) Private signs.
(5) Deed references to farm, property, or historical site names.
(6) Names known to or suggested by landowners on the road.
(7) Nearby geographic features, such as creeks or points.

There are only a few roads in St. Mary's County which connect to adjoining counties. The names of these roads in St. Mary's County do not necessarily correspond with their names within the adjoining county. This has the advantage of more clearly defining the location of a premise with respect to county lines and emergency service areas.

c. For new roads, the following rules shall apply:

The subdivider or developer shall identify the road on the plat or site plan and shall submit the proposed road name to the Planning Director for approval. The Planning Director shall use the following guidelines in approving road names:

(1) The road name should not duplicate any existing official road name.

(2) The road name may contain words similar to those in an existing road name, as long as the two names are clearly distinguishable. For example, Cedar Point Road and Cedar Cove Road are acceptable names. Smith Drive and Smith Lane are unacceptable duplications.

(3) "Lane" and "Way" extensions are required for private roads, especially short roads, dead-end roads, or roads serving few properties.

(4) "Road" extensions are preferred for public roads, roads which provide access to other

roads, and are classified as Major Collectors as defined in the St. Mary's County Road Ordinance.

(5) "Circle" extensions shall be used only where a road makes a circle or loop.

(6) "Court" extensions may be used for short dead-end roads serving no more than 30 lots as defined in the St. Mary's County Road Ordinance.

(7) An extension of an existing road, whether public or private, shall have the same name as the existing road.

(8) Generally, road names should not exceed 15 letters in length.

(9) New road names shall not contain numbers or number words, such as "1st Street" or "Third Avenue".

Upon approval, a new road name will be used to assign address numbers to abutting properties.

d. Street and road name signs for all public and private roads and streets should be installed through St. Mary's County Department of Public Works for this project's initial change. The signs should conform to standards of the St. Mary's County Road Ordinance 76-7 as amended.

3. Direction of Roads

a. The direction of a road determines whether numbers will be assigned from the north-south or east-west coordinates of the grid system. The direction of a road shall be determined by its overall predominant direction, either north-south or east-west. If a road is a perfect diagonal, an arbitrary decision will be made to treat it as a north-south or an east west road.

b. As a general rule, a single direction of north-south or east-west will be applied to each road. The designated direction of a road will be changed under only special circumstances. The preferred action, if a road changes direction drastically and for a substantial length, is to break it at an intersection or corner, and to give each directional segment a different name.

c. A loop road has two intersections on a main road. Between the two intersections the road makes a loop or partial circle. If the loop road has a greater distance along its east-west axis, then it has an east-west direction. If it has a greater distance along its north-south axis, then it has a north-south direction.

d. A true circle road makes a complete circle and returns to the same intersection point. If the circle is at the end of a road so that it forms a "pan" on the end of a "handle", then it has the same direction of the "handle" segment of the road. If the circle required a turn off of the main road, then its direction is determined by the longest distance on the east-west or north-south axis, as for a loop road.

3.0 ASSIGNING NUMBERS

1. Blocks and Numbering Interval

a. The block length is based on a grid pattern 1,000 feet square, both east-west and north-south. Each block contains 100 numbers, and is indexed on the top and right margin of each map.

b. Blocks will begin and end at the point where the grid line crosses the road, regardless of the relationship to road intersections or other physical features. The purpose of this rule is to establish a close relationship between the address number and the grid in all parts of St. Mary's County.

c. Because most roads are curvilinear or diagonal, rather than straight north-south or east-west, a

LSER COS 10479

numbering system based strictly on the grid pattern will result in a variable numbering interval along most roads. This is because each road, depending upon its route, will have a different length between the block grid lines.

d. If a road is straight and has a true east-west or north-south direction, then the numbering interval will be 20 feet on each side of the road. This is determined by dividing the 1,000 foot block length by 100 numbers, which gives one number per 10 feet. This is for both sides of the road, so the interval on each side is 20 feet. As a road becomes more diagonal or curvilinear, this numbering interval will be based strictly on the block grid measurement.

e. With a numbering interval based strictly on the block grid, there will be sufficient numbers available to adapt the addressing system to the curvilinear pattern of roads typical in St. Mary's County.

f. There are several situations where it may be necessary to depart from a numbering interval based strictly on the block grid. These are:

(1) Loop roads.

(2) True circles.

(3) Roads which change direction drastically for a short distance, and then continue in the overall predominant direction.

For these roads, the numbering interval will be 50 feet measured along both sides of the road until the end point of the road is reached or until numbering based on the block grids can be resumed.

2. Number Assignment Rules

Below are the general rules for the assignment of address numbers. There may be exceptions to these rules. General rules for a system as intricate as a system of roads and properties will not hold in all cases. Adjustments will be necessary and must be made. Once a method is chosen for a particular situation and agreed upon by the *Numbering System Committee*, the same method will be used in all similar situations.

a. Direction of Increase - The sequence of numbers in a block will increase from south to north and west to east.

b. Odd-Even Sides - Even numbers are assigned to the northerly and easterly sides of roads, and odd numbers to the southerly and westerly sides.

c. Numbering Point - Numbers are assigned for a premise based on the grid coordinate for the intersection of the drive and the road. If there is no drive to the property, then the number is assigned based on the front entrance to the structure.

d. Cul-de-sacs - Are numbered in conformance with the road on which they are located. There will be an even and an odd side. This will permit a future extension of the road beyond the cul-de-sac.

e. True Circles or Loops - Are numbered in accordance with their determined direction (see Direction of Roads). For an east circle, begin numbering at the southern most intersection or point. For a north circle, begin numbering at the western most intersection or point.

f. Corner Lots - Are assigned a number from the road upon which the driveway enters. If a corner building has a driveway on each road, or has no driveway, the number will be assigned to the side that is most readily identified as the front entrance. Dual addresses will not be assigned.

g. Units With Outside Entrances - Separate numbers are assigned to individual units in a single structure, if the individual unit has its own separate entrance. This may include duplex units, an

upstairs apartment with an outside entrance, townhouses, and a commercial use that is part of a residence having its own separate entrance.

h. Multi-Family/Apartment Complex - Where a multi-family complex has only one drive from a road, a single number will be assigned to the drive and sub-numbers to the buildings facing the drive or drive court. Continuity of numbers on both sides of a road will be maintained if possible.

i. Shopping Centers - Numbers are assigned within a shopping center on the grid interval along the principal frontage road. Individual stores are assigned separate numbers.

j. Accessory and Auxiliary Buildings - Accessory buildings such as barns, sheds, garages, and poultry houses will not normally be assigned a number or sub-number. An auxiliary building of a commercial or industrial use may be assigned an individual number if it has a separate drive, or if business is also transacted in the building.

k. Mobile Home Parks - Are assigned one number and each mobile home space is numerically designated by a lot sub-number. If the development is a mobile home subdivision, or if the spaces of a mobile home park are consistent with normal subdivision lot sizes, then the properties are treated as individual premises and assigned separate numbers.

l. Landlocked Parcels - Landlocked parcels with rear dwellings are assigned numbers according to the drive location or corresponding position along the road if there is no drive. They are not to receive a sub-number suffix unless there is no other way to assign an address.

m. Shared Drives - If two or more homes or units share a drive, each is given separate sequential numbers based on the grid coordinate of the drive intersection.

n. Vacant Properties - Generally, address numbers are not assigned to vacant properties since the location of future buildings is not known and the resulting number may not be in sequence with numbers on the opposite side of the road. In addition, vacant properties may have frontage on more than one road, and may be subdivided in the future. An exception to this rule may be made when the vacant property consists of a subdivision lot.

3. Exemptions

Consideration may be given to exempt certain areas which meet the following guidelines:

a. The area is clearly defined and distinguishable, such as a subdivision.

b. There is either no room for further development or the present addressing system realistically allows for the full potential growth.

c. Generally, the number assignment rules as outlined in this manual apply to the existing addresses.

Where an exemption has been granted, requirements for displaying address numbers still apply (see section 5.0 below).

4.0 NUMBER SYSTEM MAINTENANCE

A primary objective of this program is to interface the Address Numbering System with the Emergency 911 System. A database that combines elements of the tax assessment records on land ownership and the C & P Telephone Company database of telephone numbers is maintained at DPZ.

For maintenance of the system, the types of data updates are described below.

USCR 038 [illegible]172

1. Telephone System Maintenance

In accordance with the policy of the C & P Telephone Company, no new telephone service can be installed unless the premises has an address number assigned under this system. If the individual requesting service does not know his address number, he should be directed as follows:

a. If the person is a tenant, he should first be directed to check with his landlord. Under the Ordinance, landlords are responsible for informing all tenants or occupants of their address number.

b. If the person is a property owner, he should be directed to contact the DPZ.

2. Finding a Number

a. DPZ will provide address information by telephone only to property owners. As noted above, under the Ordinance, landlords are responsible for informing all tenants or occupants of their address numbers. A computer database is maintained for quickly locating numbers.

b. The following steps are a suggested procedure for finding an address number which is not in the computer, or which may have been misrecorded.

(1) If the property is in a subdivision recorded since the Numbering System was established, obtain the subdivision name and lot number, and check the plat.

(2) If the tax map, parcel number, and lot number are known, check the database.

(3) If neither of the above, obtain the property owner's name and search the database using the owner's last name. If the person owns more than one property or has multiple units, this may not be sufficient. If the premises in question cannot be clearly identified, request the person to come to the office and go to step #4.

(4) At DPZ have the property owner locate the premises on the tax map. Retry steps (2) and (3). If an address still cannot be found, it will be necessary to assign a new address number. Use the procedures under Assigning a New Address Number.

3. Assigning a New Address Number

a. Locate the premise on the appropriate tax map. Identify the tax map, parcel number, lot number (if any), and road name, designated direction and route number. Ideally, the location of drive intersection with the named road should be known.

b. Double check the database to make sure that there is not an address number already assigned to this property.

c. If the premises is on a new road, the Planning Director must first approve a name and direction for the road.

d. The address number will be determined at the intersection of the drive and the named road. If there is not a driveway and the lot has not been developed, the number will be assigned near the intersection of a side property boundary and the named road.

e. Find the road direction (east-west or north-south) by checking the Official Road Name List.

f. For an east-west road, use this procedure to determine the address number:

(1) If the road has an east-west direction, the block numbers are shown on the top of the tax map. Find the block line to the left of the drive intersection and its grid number. For example, say this block number is 24000.

LSCR 008 PAGE 173

(2) Use the 60" scale on an engineers scale to measure the distance from the block line to the intersection of the driveway and the road. The scale has 100 increments for the 1,000 foot distance on a tax map between block lines. For example, if the measured distance from the block line to the drive intersection is 540 feet, the scale will read 54 at this point.

(3) Determine on which side of the road the premise is located. For a east-west road, even numbers are assigned to the north side and odd numbers to the south side. Another way to look at this is if one travels in the direction of increase, the even numbers are always on the left side of the road, and the odd numbers are always on the right side.

(4) In our example, the premises is on the south or right side of an east-west road. Since the scaled increment was 54, use the next higher odd number or 55. The address number for the premises is the sum of this number and the block number: 24000 + 55 = 24055.

B. For a north-south road the procedures for determining the address number are similar:

(1) If the road has a north-south direction, the block numbers are shown on the right side of the tax map. Find the block line below the drive intersection and its grid number. For example, say this block number is 66000.

(2) Use the 60" scale on an engineers scale to measure the distance from the block line to the intersection. The scale has 100 increments for the 1000 foot distance on the tax map between block lines. For example, if the measured distance from the block line to the drive intersection is 380 feet, the scale will read 38 at this point.

(3) Determine on which side of the road the premises is located. For a north-south road, even numbers are assigned to the east side and odd numbers to the west side. Another way to look at this is if one travels in the direction of increase, the even numbers are always on the right side of the road, and the odd numbers are always on the left side.

(4) In our example, the premises is on the west or left side of a north-south road. Since the scaled increment was 38, use the next higher odd number, or 39. The address number for the premises is the sum of this number and the block number: 66000 + 39 = 66039.

4. Address Numbers for New Subdivision Lots

For new subdivision lots, the Ordinance requires that any plat submitted for approval shall include the address numbers for each lot. Therefore, the surveyor or engineer is responsible for obtaining the address for each lot from the DPZ as part of the final subdivision submission process. Address numbers shall be drawn in ink on the subdivision plat.

5. Address Numbers for Building Permits

No building permit shall be issued without an address number for the premises. Follow the procedures under Finding a Number and/or Assigning a New Address Number as appropriate.

5.0 DISPLAYING ADDRESS NUMBERS

The Ordinance states that the new address number shall be displayed within one (1) year from the date that notification of the new address is mailed to the owner. This is for the initial implementation of the new numbering system. For any premise numbered later or for which a building permit is issued, the number should be displayed upon completion of the work or before a certificate of occupancy is issued.

The following are guidelines for displaying numbers. These guidelines may be refined by the local volunteer fire company and the Emergency Management Agency:

1. The number shall be displayed in a location visible from the road upon which the address number is assigned.

2. Numbers should always be placed on both sides of the mailbox. However, displaying the number on the mailbox may not be all that is necessary under some circumstances. If any of the facts listed below exist, then the number must also be displayed as described in 3 and/or 4 below:

   a. There is no mailbox.

   b. The mailbox is on the opposite side of the road from the home.

   c. There are multiple mailboxes at the location, or the home or building which goes with the mailbox is not clearly identifiable.

3. Numbers may be placed on the house, but only if they are readily visible from the road (usually within 50 feet) and the view of the numbers is not blocked by trees or shrubs.

4. Numbers may be placed on a sign or post at the entrance to the right-of-way or shared driveway. One post, 38" to 40" high, shall be erected for a right-of-way or shared driveway serving more than one but less than four addresses and shall have affixed to it the address numbers to each house or unit served by that right-of-way or shared driveway. The post shall meet the specifications as shown on Appendix I to this Manual. If the house or unit is not visible from the point at which the individual driveway breaks from the right-of-way or shared driveway, an additional post must be erected at that point with the address number of that dwelling or unit.

5. Numbers should be at least three (3) inches high.

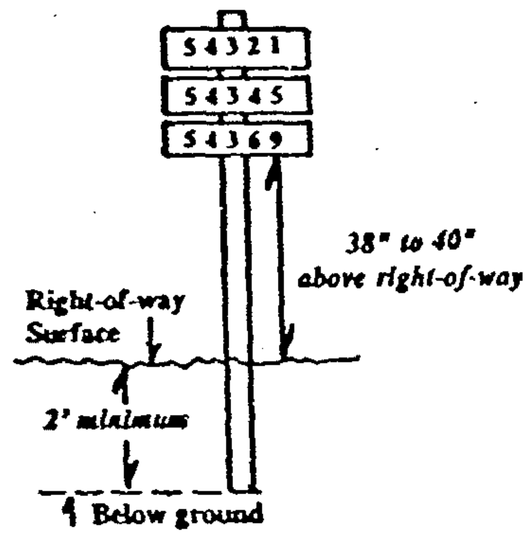
6. Numbers should be plain block numerals, not script or written numbers.

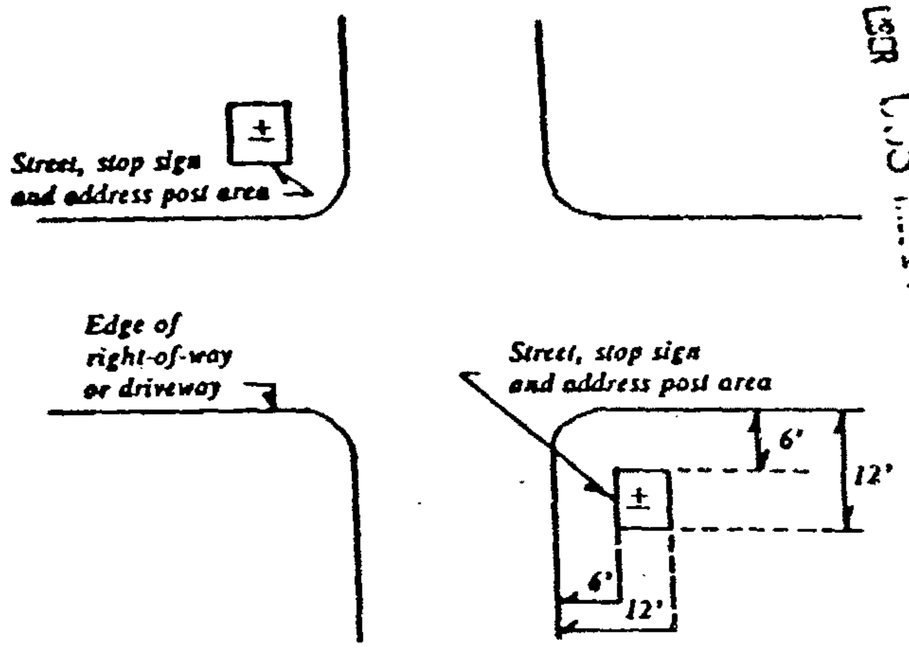
7. Numbers shall be set on a background of contrasting color, preferably white or black.

8. Do not place numbers on utility poles, County road sign posts, or anywhere within the road right-of-way (except mailboxes).

9. Temporary display of addresses for new structures shall be maintained during construction.

If you receive your mail at a Post Office Box, then your mailing address will not change. However, you must still post the new address on your property so that it can be located by emergency vehicles.





Note: *Posts should be at least 2' in the ground. Numbers should be block style and a minimum 3" high. Black numbers on white background is prefered.*

Note: *Location of posts must not obscure any potential traffic hazard. At any location where the typical placement of a post interferes with a safe sight distance, an alternate location must be found.*

St. Mary's County Department of Planning & Zoning	***APPENDIX 1***	***ADDRESS POST LOCATION RURAL ROAD***	**Revised:**

LIBER 1008 PAGE 476

Z-93-06
Subj: MAYDEL MANOR MINOR S/D
CRITICAL AREA GROWTH
ALLOCATION (ISUB # 92-1113)

ORDINANCE

WHEREAS, the Cryer Company has made application for critical area growth allocation review of a four (4) lot minor subdivision for a change in overlay classification from Resource Conservation Area (RCA) to Limited Development Area (LDA) through the use of 6.0 acres of growth allocation. The parent parcel contains 84 acres, 33.98 acres of which are located within the Critical Area. The development parcel contains 6.0 acres, all of which are located within the Critical Area and situated off of Maryland Route 244 on Breton Beach Road. The subject property is located in the Third Election District of St. Mary's County, Maryland, and is shown on Tax Map 48, Block 15, Part of Parcel 16.

WHEREAS, following the posting of notice on the subject property, publication of notice and written notification of all contiguous property owners by certified mail, the St. Mary's County Planning Commission conducted a public hearing on the application on January 25, 1993.

10:47AM08/09/93B CO.COM $0.00

WHEREAS, following deliberation on February 22, 1993, the Planning Commission, by a unanimous vote, recommended to the Board of County Commissioners of St. Mary's County that the subject property be approved for a four (4) lot minor subdivision requiring a change in overlay classification from RCA to LDA through the use of 6.0 acre of growth allocation, subject to the following conditions:

1. The applicant shall address all Environmental Review Team (ERT) and Technical Evaluation Committee (TEC) comments necessary for growth allocation after the approval by the Board of County Commissioners, but prior to the submission of the project to the Maryland Critical Area Commission.

WHEREAS, the Board of County Commissioners, after posting notice on the subject property, publication of notice and written notification of all contiguous property owners by certified mail, conducted a public hearing on the application on March 23, 1993.

WHEREAS, the Board of County Commissioners deliberated on the application at a public meeting on April 27, 1992 and approved the request by a unanimous vote subject to the aforesaid recommendations and plat revisions, including adding the appropriate notes to the plats, per Department of Planning and Zoning staff and Planning Commission recommendations. Specific plat notes include, but are not limited to, the following:

1. Approximately 33.98 acres of this site lie within Maryland's Critical Area. Any and all development activities proposed within this area are subject to Critical Area regulations and will not be permitted until all appropriate local, State and Federal agencies have approved the development plan.

2. The 100 ft. Critical Area Buffer must remain in natural vegetation and may not be disturbed except as provided under Section 38.02, St. Mary's County Critical Area Ordinance (90-02), part 8, Habitat Protection.

3. No development is permitted in wetlands, without approval from the appropriate local, State and Federal agencies.

4. Any and all afforested or reforested areas created under the provisions of the St. Mary's County Critical Area Regulations and designated on the plat shall be preserved from future disturbance.

5. Approximately 20.27 acres of Parcel 16 must retain its natural features in accordance with the covenants to be recorded among the Land Records of St. Mary's County.

WHEREAS, the Critical Area Commission unanimously approved the requested Growth Allocation at their meeting on July 7, 1993.

WHEREAS, in accordance with the Zoning Ordinance, §38.2.18(3), "projects approved for growth allocation shall demonstrate substantial progress toward completion within three (3) years of the date of approval. If after three (3) years the project does not demonstrate substantial progress, the LDA classification shall be withdrawn by the Board of County Commissioners, and the previous classification shall be reinstated. Substantial progress as defined included installation of all required public improvements such as roads, community or shared sewer and/or water facilities, etc., as required by the county or state."

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of St. Mary's County, Maryland, this 20TH day of JULY, 1993 that the aforementioned critical area growth allocation application is hereby GRANTED, and the subject property is hereby reclassified from RCA to LDA through the use of 6.0 acres of growth allocation, subject to the conditions set forth above.

Date of Adoption: July 20, 1993

Effective Date: July 20, 1993

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY

Carl M. Loffler, Jr., President

W. Edward Bailey, Commissioner

Robert T. Jarboe, Commissioner

John G. Lancaster, Commissioner

Barbara R. Thompson, Commissioner

ATTEST:

EDWARD V. COX
County Administrator

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:

JOSEPH R. DENSFORD
County Attorney

LIBER 008 PAGE 478

Z-93-07
Subj: McGUYRE'S SUBDIVISION
CRITICAL AREA GROWTH
ALLOCATION (ISUB # 91-0429)
OVERLAY MAP AMENDMENT

ORDINANCE

WHEREAS, Thomas A. McGuyre has made application for critical area growth allocation review of a single lot subdivision for a change of overlay classification from Resource Conservation Area (RCA) to Limited Development Area (LDA) through the use of 1.5 acres of growth allocation. The parent parcel contains 30.88 acres, 26.73 acres of which are located within the Critical Area. The subject property is located in the Third Election District of St. Mary's County, Maryland, and is shown on Tax Map 39, Block 18, Parcel 127.

10:48AM08/09/93 CO.COM $0.00

WHEREAS, following the posting of notice on the subject property, publication of notice and written notification of all contiguous property owners by certified mail, the St. Mary's County Planning Commission conducted a public hearing on the application on January 25, 1993.

WHEREAS, following deliberation on February 22, 1993, the Planning Commission, by a unanimous vote, recommended to the Board of County Commissioners of St. Mary's County that the subject property be approved for a single lot subdivision requiring a change in overlay classification from RCA to LDA through the use of 1.5 acres of growth allocation, subject to the following condition:

1. The applicant shall address all Environmental Review Team (ERT) and Technical Evaluation Committee (TEC) comments necessary for growth allocation after the approval by the Board of County Commissioners, but prior to the submission of the project to the Maryland Critical Area Commission.

WHEREAS, the Board of County Commissioners, after posting notice on the subject property, publication of notice and written notification of all contiguous property owners by certified mail, conducted a public hearing on the application on March 23, 1993.

WHEREAS, the Board of County Commissioners deliberated on the application at a public meeting on April 27, 1992 and approved the request by a unanimous vote subject to the aforesaid recommendations and plat revisions, including adding the appropriate notes to the plats, per Department of Planning and Zoning staff and Planning Commission recommendations. Specific plat notes include, but are not limited to, the following:

1. Approximately 26.73 acres of this site lie within Maryland's Critical Area. Any and all development activities proposed within this area are subject to Critical Area regulations and will not be permitted until all appropriate local, State and Federal agencies have approved the development plan.

2. The 100 ft. Critical Area Buffer must remain in natural vegetation and may not be disturbed except as provided under Section 38.02, St. Mary's County Critical Area Ordinance (90-02), part 8, Habitat Protection.

3. No development is permitted in wetlands, without approval from the appropriate local, State and Federal agencies.

4. Any and all forested areas created under the provisions of the St. Mary's County Critical Area Regulations and designated on this plat hereon shall be preserved from future disturbance.

WHEREAS, the Critical Area Commission unanimously approved the requested Growth Allocation at their meeting on July 7, 1993.

WHEREAS, in accordance with the Zoning Ordinance, §38.2.18(3) "projects approved for growth allocation shall demonstrate substantial progress toward completion within three (3) years of the date of approval. If after three (3) years the project does not demonstrate substantial progress, the LDA classification shall be withdrawn by the Board of County Commissioners, and the previous classification shall be reinstated. Substantial progress as defined included installation of all required public improvements such as roads, community or shared sewer and/or water facilities, etc., as required by the county or state."

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of St. Mary's County, Maryland, this 20TH day of JULY, 1993 that the aforementioned critical area growth allocation application is hereby GRANTED, and the subject property is hereby reclassified from RCA to LDA through the use of 1.5 acres of growth allocation, subject to the conditions set forth above.

Date of Adoption: July 20, 1993

Effective Date: July 20, 1993

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY

Carl M. Loffler, Jr., President

W. Edward Bailey, Commissioner

Robert T. Jarboe, Commissioner

John G. Lancaster, Commissioner

Barbara R. Thompson, Commissioner

ATTEST:

EDWARD V. COX
County Administrator

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:

JOSEPH R. DENSFORD
County Attorney

LIBER 008 PAGE 480

Z-93-08
Subj: CALVERT ESTATES AND CHESAPEAKE INDUSTRIAL PARK
Design Competition Growth Allocation Overlay Map Amendment

10:49AM08/09/93B CO.COM $0.00

ORDINANCE

WHEREAS, Philip H. Dorsey, III and Maryland Capital Corporation have made application for critical area growth allocation review of a mixed residential and industrial use project for a change in overlay classification from Limited Development Area (LDA) to Intensely Developed Area (IDA) through the use of 9.25 acres of growth allocation. The parent parcels contain approximately 28.9 acres, 24.9 of which are located in the Critical Area. The development parcel contains 12.75 acres, 9.25 acres of which are located in the Critical Area. The subject property is located in the Third Election District, south of Route 5, between Cedar Lane and Gregory Road, shown on Tax Map 40, Parcels 52, 57 and 113.

WHEREAS, the Planning Commission and the Board of County Commissioners approved this project for growth allocation during the first round of applications during 1991.

WHEREAS, the Critical Area Commission denied the requested allocation on October 2, 1991 with specific findings and recommendations for Critical Area program amendments which would permit requested growth allocation approval.

WHEREAS, on April 20, 1993 following due public notice and process, and following Critical Area Commission approval on March 3, 1993, the Board of County Commissioners adopted the required program amendments to enable processing of the Growth Allocation request.

WHEREAS, pursuant to the reconsideration provisions of §38.2.16(4a and 4c) on March 16, 1993, the Board of County Commissioners resubmitted the requested Growth Allocation to the Critical Area Commission for approval subject to the following conditions:

1. Approximately 24.9 acres of this site lite within Maryland's Critical Area. Any and all development activities proposed within this area are subject to Critical Area regulations and will not be permitted until all appropriate local, State and Federal agencies have approved the development plan.

2. The 100 ft. Critical Area Buffer must remain in natural vegetation and may not be disturbed except as provided under Section 38.02, St. Mary's County Critical Area Ordinance (90-02), part 8, Habitat Protection.

3. No development is permitted in wetlands, without approval from the appropriate local, State and Federal agencies.

4. Any and all afforested or reforested areas created under the provisions of the St. Mary's County Critical Area Regulations and designated on this plat hereon shall be preserved from future disturbance.

5. Part of Parcel 52 must retain 15.65 acres (adjoining Town Run and Gregory Drive) natural features in accordance with the "set aside" covenants to be recorded among the Land Records of St. Mary's County.

WHEREAS, in accordance with Zoning Ordinance §38.2.18(3) "projects approved for growth allocation shall demonstrate substantial progress toward completion within three (3) years of the date of approval. If after three years the project does not demonstrate substantial progress, the IDA or LDA classification shall be withdrawn by the Board of County Commissioners, and the previous classification shall be reinstated. Substantial progress as defined includes installation of all required public improvements, such as roads, community or shared sewer and/or water facilities, etc., as required by the county or state."

LIBER 0108 FOLIO 491

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of St. Mary's County, Maryland, this 20TH day of July, 1993, that the aforementioned Critical Area Growth Allocation application is hereby GRANTED, and the portion of subject property as reflected in the Critical Area Growth Allocation application constituting 9.25 acres is hereby reclassified from LDA to IDA through the use of 9.25 acres of Growth Allocation, subject to the conditions set forth above.

Date of Adoption: July 20 1993

Effective Date: July 20 1993

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY

Carl M. Loffler, Jr., President

W. Edward Bailey, Commissioner

Robert T. Jarboe, Commissioner

John G. Lancaster, Commissioner

Barbara R. Thompson, Commissioner

ATTEST:

EDWARD V. COX
County Administrator

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:

JOSEPH R. DENSFORD
County Attorney

Resolution No. W/S 93-03
Subj: Semiannual amendment to the 1993 Complete Revision of the Comprehensive Water and Sewerage Plan

LIBER 008 PAGE 482

3:53PM08/27/930 CO.COM $0.00

RESOLUTION

WHEREAS section 1.5.2 of the 1993 Complete Revision of the St. Mary's County Comprehensive Water and Sewerage Plan (CWSP) sets forth the procedures for amending the plan semiannually; and

WHEREAS, pursuant to those procedures, certain amendments to the text and maps of the plan described in ATTACHMENT A hereto were considered and APPROVED by the Planning Commission at a public hearing held June 28, 1993, having been found to be consistent with Section 9-506(a)(3) of the Anotated Code of Maryland; and

WHEREAS the Board of County Commissioners held a public hearing regarding same on July 27, 1993; and

WHEREAS the Board by a unanimous vote did APPROVE said amendments,

NOW THERFORE BE IT RESOLVED that the 1993 Complete Revision of the St. Mary's County Comprehensive Water and Sewerage Plan be amended as described in ATTACHMENT A hereto.

BE IT FURTHER RESOLVED that this Resolution shall become effective upon its adoption.

Date of adoption and effective date: August 24, 1993.

BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND

CARL M. LOFFLER, JR., President

W. EDWARD BAILEY, Commissioner

ROBERT T. JARBOE, Commissioner

JOHN G. LANCASTER, Commissioner

BARBARA R. THOMPSON, Commissioner

Attest:

EDWARD V. COX, County Administrator

Approved as to legal form and sufficiency:

JOSEPH R. DENSFORD, County Attorney

LIBER 008 PAGE 483

TEXT AMENDMENTS

Language in bold italics is to be added, and language which is stricken through is to be **deleted.**

1.5.2 Comprehensive Water and Sewerage Plan Review - Semi-Annual Amendment

...

B. Amendments to this plan to accommodate new subdivisions, planned unit developments or nonresidential developments will be processed twice each year. Applications must be submitted by the third Wednesday in March for ***review by the technical evaluation committee in April, a public hearing before the planning commission in May, and*** a public hearing ***before the board of county commissioners*** in June; or they must be submitted by the third Wednesday in September for ***review by the technical evaluation committee in October, a public hearing before the planning commission in November, and*** a hearing ***before the board of county commissioners*** in December. ...

...

1.7.2 Recommendations of the Water Policy Task Force ...

A. Recommendations made by the task force include:

(1) ~~Proceed with~~ ***Pursue*** the development of a test well into the Magothy Formation ~~in cooperation with the Water Resources Administration (WRA) and~~ ...

...

(3) Request that MGS ***and USGS*** well monitoring data and WRA pumpage reports be routinely supplied to the Metropolitan Commission and the St. Mary's County Health Department and expand the monitoring program to include Metropolitan Commission owned wells.

...

2.6 LAND USE

2.6.1 The built environment

... ~~A table~~ ***Table 2-5*** at the end of this chapter prepared by the Maryland Office of Planning summarizes land use patterns and trends.

3.1 WATER RESOURCES

Despite some perceptions to the contrary, St. Mary's County is very fortunate to have aquifers that are readily available for consumption. Three major freshwater aquifers, the Patapsco, Aquia and Piney Point, underlie the county and two others, the Magothy and Mattaponi, may be used in limited areas. A graphic representation of the relative location of the aquifers can be seen in Figure 2-1 ***at the end of chapter 2***. [Insert said Figure 2-1 into Chapter 2.]

...

3.4 WATER CONSERVATION

The Water Policy Task Force fully supports water conservation measures as a means to save water, energy, and the expense of additional water handling facilities. ~~The ASME standards for toilets have been changed to a maximum 1.6 gallon flush. The State Plumbing Code is lagging in adopting this standard.~~ ***As of January 1, 1992 the state plumbing code was revised to require 1.6 gallons per flush toilet. On January 1, 1994 federal legislation requiring this same standard will take effect.*** The Water Policy Task Force recommends that the County Commissioners, with the county plumbing board, change the county plumbing code to require 1.6 gallon flush toilets.

...

3.5 MONITORING

The MGS ground water monitoring network and the WRA water appropriation permitting system provide water level and pumpage data. This information should ***continue to*** be routinely provided to the Metropolitan Commission and the St. Mary's County Health Department. ...

LIBER 008 PAGE 484

Table 4-7, Financial Management: insert replacement figures which have been provided by Maryland Department of the Environment.

MAP AMENDMENTS

1. Case 92-1412: Per Mr. Rory Feicht's request that the sewerage service area category be changed from S-6 (planned to be served in six to ten years) to S-3D (planned to be served in three to five years) on 1.079 acres described as Parcel 15, Grid 5, Tax Map 42 (this property is located on the north side of Old Rolling Road approximately 0.6 miles from Maryland Route 235 in the California area of the 8th Election District, and is zoned RL within the Lexington Park Development District), the category is hereby changed as indicated.

2. Case 92-2011: Per Mr. Larry O'Brien's (on behalf of Mr. Ron Langley) request that the sewerage service area category be changed from NPS (no planned service) to S-3D (planned to be served in three to five years), and that the water service area category be changed from NPS to W-3D on 4 acres described as part of Parcel 55, Grid 19, Tax Map 51 (this property is located on the south side of Maryland Route 5 approximately 1,600 feet east of Maryland Route 246 in the Great Mills area of the 8th Election District, and is zoned RPD in the Rural Preservation District), the categories are hereby changed as indicated.

3. Case 92-0929: Per Mr. Daniel L. Rebarchick's request that the service area category be changed from S-6 and W-6 to S-3D and W-3D on 10.87 acres described as Parcel 158, Grid 9, Tax Map 34 (this property is located on the east side of Maryland Route 235 approximately one mile north of that route's junction with Maryland Route 4 in the California area of the 8th Electric District, and is zoned C General Commercial in the Lexington Park Development District), the categories are hereby changed as indicated.

4. Per August 10, 1993, letter from St. Mary's County Health Department to the Department of Planning and Zoning, and as called to the attention of the Board of County Commissioners on said date in a public meeting, a health hazard has been identified within Lots 2, 3, 4 and 5 of Parcel 10 of Grid 9 of Tax Map 34 in the 6th Election District, which hazard would be corrected by service from the public sewerage facilities planned for this general vicinity; the service area category for said lots is hereby changed from S-6 to S-3 in anticipation of the health hazard being corrected.

LIBER 008 PAGE 485

RESOLUTION NO. 93-33

Subject: Abandonment of Public Turning and Parking Area; County Route 3537 (Gross Lane)

RESOLUTION

3:56PM08/27/93 CO.COM $0.00

WHEREAS, the Board of County Commissioners of St. Mary's County, Maryland, is authorized to close and abandon certain public roads within St. Mary's County Maryland, pursuant to Article 25, Section 135, et seq. of the Annotated Code of Maryland.

WHEREAS, the Board of County Commissioners following the procedures set forth in Article 25, Section 135, et seq., received a petition from certain property owners requesting that a public turning and parking area located at the end of County Route 3537, also known as Gross Lane, be officially closed and abandoned as a public turning and parking area.

WHEREAS, the Board of County Commissioners conducted a public hearing on the petition to close and abandon the aforesaid public turning and parking area on August 3, 1993, following due notice of such hearing.

WHEREAS, after the consideration of all public comments, information and documentation pertaining to the closing and abandonment of the aforesaid public turning and parking area located at the end of Gross Lane, County Route 3537, the Board of County Commissioners has determined that the public interest will be best served by granting said petition.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Mary's County, Maryland, that the aforesaid public turning and parking area is hereby declared to be officially closed and abandoned.

This Resolution shall take effect upon the transferring of the property to the adjoining property owner(s).

Witness our signatures this 24th day of August, 1993.

ATTEST:

Edward V. Cox
County Administrator

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

Carl M. Loffler, Jr., President

W. Edward Bailey, Commissioner

Robert T. Jarboe, Commissioner

John G. Lancaster, Commissioner

Barbara R. Thompson, Commissioner

APPROVED AS TO LEGAL FORM
AND SUFFICIENCY:

Joseph R. Densford
County Attorney

/mj

No. 93-32

Subj: Chapter 247, St. Mary's County Code
Electrical Inspections

LIBER 008 PAGE 186

RESOLUTION

8:06AM09/01/93A CO.COM $0.00

WHEREAS, the Code of St. Mary's County requires all electrical work to be installed in accordance with the National Electric Code; and,

WHEREAS, the orderly administration of the electrical inspections process requires certain policy and procedural questions to be resolved by the Board of County Commissioners,

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners that the following procedures shall govern the installation and inspection of electrical work in St. Mary's County:

A. Inspections of electrical work shall be in accordance with the current electric code adopted by the Board of County Commissioners.

B. Electrical inspections shall be filed with the responsible county agency or contractor (e.g. MDIA).

C. Should the occasion arise that a change in electrician be requested for whatever reason, the responsible agency shall not process inspections unless there is presented at the time of request:

1. Written proof of attempted notification of all parties (certified letter) or,

2. A signed release.

Any prior policy or procedure set forth for electrical inspections in St. Mary's County that is not in agreement with the above is hereby rescinded.

Adopted this 24TH day of AUGUST, 1993.

This Resolution shall become effective: AUGUST 24, 1993

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY

Carl M. Loffler, Jr., President

W. Edward Bailey, Commissioner

Robert T. Jarboe, Commissioner

John G. Lancaster, Commissioner

Barbara R. Thompson, Commissioner

ATTEST:

EDWARD V. COX
County Administrator

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:

JOSEPH R. DENSFORD
County Attorney

LIBER C08 PAGE 487

COUNTY COMMISSIONERS OF ST. MARY'S COUNTY

Resolution No. R-93-34

11:55AM09/08/93A CO.COM $0.00

RESOLUTION OF THE COUNTY COMMISSIONERS OF ST. MARY'S COUNTY providing for the issuance and sale of Six Million Dollars ($6,000,000) aggregate principal amount of general obligation bonds pursuant to the provisions of Chapter 358 of the Laws of Maryland of 1992, the bonds to be designated "County Commissioners of St. Mary's County St. Mary's Hospital Bonds of 1993" (the "Bonds"), to be issued and sold for the public purpose of financing a part of the cost of expansion, reconstruction, rehabilitation, renovation and improvement of the St. Mary's Hospital of St. Mary's County (the "Institution") in Leonardtown, Maryland, including the cost of acquisition of property, development of property rights, acquisition and installation of furnishings and equipment, and related financial, planning, architectural and engineering services; prescribing the form, tenor and all other matters relating to the issuance of the Bonds; determining that the best interests of the County will be served by selling the bonds at public sale; prescribing the form of notice of sale in connection with the bonds and determining all other details in connection with said sale; authorizing the execution and delivery of an amendment to the Loan Agreement dated as of June 29, 1982, between the County and the Institution as amended by the First Supplemental Loan Agreement dated June 17, 1983, and the Second Supplemental Loan Agreement dated December 1, 1986, to provide that the Institution will pay as and when due from its own sources of revenues the maturing principal of and interest on the Bonds and an amendment to the Mortgage dated as of June 29, 1982, as amended by the First Supplemental Mortgage dated June 17, 1983, and a Second Supplemental Mortgage dated December 1, 1986, securing the Institution's obligations under the Loan Agreement, as amended; appointing a trustee under this Resolution and specifying the rights, duties, privileges and immunities of the trustee; creating funds to be held by the trustee and providing for their disbursement; providing for the investment of moneys held by the trustee; providing for the levy and collection of all taxes necessary for the prompt payment of the maturing principal of and interest on the Bonds; and generally providing for the authorization, issuance, sale and delivery of the Bonds.

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RECITALS

1. Pursuant to Chapter 475 of the Laws of Maryland of 1980, as amended by Chapter 711 of the Laws of Maryland of 1981, and Resolution No. R-82-7 adopted by the Board of County Commissioners of St. Mary's County on June 15, 1982 (the "1982 Resolution"), the County issued, sold and delivered $13,915,000 aggregate principal amount of general obligation bonds designated "County Commissioners of St. Mary's County St. Mary's Hospital Bonds of 1982", dated July 1, 1982 (the "1982 Bonds"), the proceeds of which were loaned to, or expended for the benefit of, the Institution pursuant to a Loan Agreement dated as of June 29, 1982 (the "1982 Loan Agreement"), to finance a portion of the cost of acquiring, constructing and equipping a 114-bed replacement hospital facility for the Institution in Leonardtown, Maryland. The Loan Agreement obligated the Institution to provide funds to pay when due the debt service on the 1982 Bonds.

2. Pursuant to Resolution R-83-12 adopted by the County on June 17, 1983 (the "1983 Resolution"), the County issued, sold and delivered $17,150,000 aggregate principal amount of general obligation bonds designated "County Commissioners of St. Mary's County, St. Mary's Hospital Refunding Bonds of 1983", dated July 1, 1983 (the "1983 Refunding Bonds"), the proceeds of which were used to advance refund all of the 1982 Bonds. In addition, the County and Institution amended the 1982 Loan Agreement to provide that the Institution is obligated to provide funds to pay when due the debt service on the 1983 Refunding Bonds. The proceeds of the 1983 Refunding Bonds have been applied to the payment of the 1982 Bonds, and the 1982 Bonds are no longer outstanding.

3. Pursuant to Resolution No. R-86-31 adopted by the County on December 10, 1986 (the "1986 Resolution"), the County issued, sold and delivered $15,835,000 aggregate principal amount of general obligation bonds designated "County Commissioners of St. Mary's County St. Mary's Hospital Refunding Bonds of 1986," dated December 1, 1986 (the "1986 Refunding Bonds"), the proceeds of which were used to advance refund the 1983 Refunding Bonds maturing on or after July 1, 1994. In addition, the County and the Institution amended the 1982 Loan Agreement to provide that the Institution is obligated to provide funds to pay when due the debt service on the 1986 Refunding Bonds. The proceeds of the 1986 Refunding Bonds together with other moneys provided by the Institution have been applied to the payment of the 1983 Refunding Bonds, and the 1983 Refunding Bonds are no longer outstanding. $14,670,000 of the 1986 Refunding Bonds remains outstanding.

4. Chapter 358 of the Laws of Maryland of 1992 authorizes the County to issue its general obligation bonds and to loan the proceeds of the sale thereof to the Institution for the purpose of constructing and acquiring hospital facilities.

NOW, THEREFORE, BE IT RESOLVED BY COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, that:

Section 1. Issuance of Bonds Authorized. Acting pursuant to the authority of Chapter 358 of the Laws of Maryland of 1992 County Commissioners of St. Mary's County, a body politic and corporate and political subdivision of the State of Maryland (the "County"), shall issue and sell, upon its full faith and credit, in the manner hereinafter provided, Six Million Dollars ($6,000,000) of its general obligation bonds designated as "St. Mary's Hospital Bonds of 1993" (the "Bonds"), the net proceeds of such sale to be used to provide funds to be loaned to St. Mary's Hospital of St. Mary's County (the "Institution") to finance a part of the cost of expansion, reconstruction, rehabilitation, renovation, and improvement of the hospital buildings and facilities of the Institution located in Leonardtown, Maryland, and known as "St. Mary's Hospital of St. Mary's County", including the cost of acquisition and installation of furnishings and equipment, and related financial, planning, architectural, and engineering services, and any other expenses necessary or incident thereto (the "Project"). The net proceeds of such sale may also be used to finance any lawful modification of such Project or other "hospital improvements" (as defined in the Act) as may be provided by subsequent resolution or resolutions of the Board of County Commissioners of St. Mary's County (the "Board").

Section 2. Denomination and Maturities of Bonds. The Bonds shall be dated September 1, 1993, shall bear interest from the most recent date as to which interest has been paid, or if no interest has been paid, from September 1, 1993 at the rate or rates per annum set forth in the resolution adopted by the Board pursuant to Section 9 of this Resolution, payable on March 1, 1994, and semiannually thereafter on September 1 and March 1 in each year that the Bonds are outstanding, shall be issued only as fully registered bonds in the denomination of Five Thousand Dollars ($5,000) each or any integral multiple thereof, and shall be numbered from one consecutively upward in the order of their maturities. The Bonds shall mature, subject to prior redemption as hereinafter provided, on the first day of September as follows:

Year of Maturity	Principal Amount	Year of Maturity	Principal Amount
1994	$145,000	2001	$400,000
1995	305,000	2002	420,000
1996	320,000	2003	440,000
1997	330,000	2004	460,000
1998	350,000	2005	485,000
1999	365,000	2006	505,000
2000	380,000	2007	535,000
		2008	560,000

Section 3. Redemption of Bonds. (a) The Bonds which mature on or before September 1, 2003, shall not be subject to redemption prior to their maturities. The Bonds which mature on or after September 1, 2004, shall be subject to redemption, as a whole at any time or in part on any interest payment date, in any order of maturity selected by the County, at the option of the County on or after September 1, 2003, at a redemption price, expressed as percentages of the principal amount of the Bonds to be redeemed, set forth in the table below, together with interest accrued to the date fixed for redemption:

Redemption Period (both dates inclusive)	Redemption Price
September 1, 2003 to August 31, 2004	102%
September 1, 2004 to August 31, 2005	101
September 1, 2005 and thereafter	100

(b) If less than all of the Bonds of any one maturity shall be called for redemption, the particular Bonds to be redeemed shall be selected by lot by the Trustee in such manner as the Trustee in its sole discretion may determine.

(c) Not less than thirty (30) days prior to the date of redemption of any Bonds the County shall cause notice of such redemption to be mailed, postage prepaid, to all registered owners of Bonds to be redeemed at their addresses as they appear on the registration books hereinafter provided for; provided, however, that the failure to mail such notice or any defect in the notice so mailed or in the mailing thereof shall not affect the validity of the proceedings for the redemption of the Bonds. The redemption notice shall state: (i) whether the Bonds are to be redeemed in whole or in part and, if in part, the maturities and numbers of the Bonds to be redeemed; (ii) that the interest on the Bonds to be redeemed shall cease to accrue on the date fixed for redemption; (iii) the date

fixed for redemption and the redemption price; and (iv) that the Bonds to be redeemed shall be presented for redemption and payment on the date fixed for redemption at the principal corporate trust office of the Trustee.

(d) If less than all of a Bond in a denomination in excess of $5,000 is redeemed, then, upon the surrender thereof, there shall be issued without charge to the registered owner thereof, for the unredeemed balance of the principal amount of such Bond, of the registered owner, Bonds in any authorized denomination specified by the registered owner, the amount of Bonds so issued shall not exceed the unredeemed balance of the principal amount of the Bonds surrendered, and the Bonds issued shall bear the same interest rate and mature on the same date as the unredeemed balance of the Bond surrendered.

(e) From and after the date fixed for redemption, if funds sufficient for the payment of the redemption price and accrued interest are on deposit with the Trustee, the Bonds called for redemption shall cease to bear interest. Upon presentation for redemption on or after the date fixed for redemption at the principal corporate trust office of the Trustee in Baltimore, Maryland, the Bonds so called for redemption shall be paid by the Trustee at the redemption price, plus accrued interest. If any such Bond is not paid upon presentation in accordance with this Resolution, then such Bonds shall continue to bear interest at the rate stated in such Bond until paid.

Section 4. Manner of Execution of Bonds. The Bonds, when issued, shall be executed in the name of the County and on its behalf by the President of the Board, whose signature may be by facsimile, and a facsimile of the seal of the County shall be imprinted on each of the Bonds, attested to by the signature of the County Administrator whose signature may be by facsimile. The facsimile of the signature of the President of the Board, the facsimile of the signature of the County Administrator and the facsimile of the seal of the County shall be engraved, printed or lithographed on each of the Bonds. Each Bond shall be authenticated by the manual signature of an authorized officer of the Trustee. If any officer whose facsimile signature appears on such Bond shall cease to be such officer before delivery of such Bonds, such signature shall, nevertheless, be valid and sufficient for all purposes as if the officer had remained in office until such delivery. No Bonds issued hereunder shall be valid for any purpose or constitute an obligation of the County unless so authenticated. There shall be printed on each Bond the text of the approving legal opinion of bond counsel with respect to the

Bonds. Such printed text shall be certified, in the name of the County, to be a correct copy of said opinion by the facsimile signature of the President of the Board.

Section 5. Place and Medium of Payment. The Bonds shall be payable as to principal or redemption price thereof and interest thereon in lawful money of the United States of America.

The principal of the Bonds shall be payable to the person appearing on the registration books of the County provided for herein as the registered owner thereof, such principal to be payable at the principal corporate trust office of the Trustee in Baltimore, Maryland, upon presentation and surrender of such Bonds, on the date such principal is payable or if such date is not a Business Day (hereinafter defined) then on the next succeeding Business Day.

Payment of the interest on the Bonds shall be made by check mailed on or before each interest payment date (or if such date is not a Business Day, then on the succeeding Business Day) by the Trustee to the persons in whose names such Bonds shall be registered as of the close of business on the Regular Record Date which shall be the fifteenth (15th) day of the month immediately preceding each interest payment date, notwithstanding any transfer or exchange of such Bonds subsequent to such date, at their addresses as they appear on the registration books of the County. Payment of any defaulted interest may be paid to the person in whose name such Bond is registered as of the close of business on the Special Record Date which shall be the date to be fixed by the Trustee for the payment of such defaulted interest, (such Special Record Date shall be not less than ten (10) or more than fifteen (15) days prior to the date set for payment of such defaulted interest), notice whereof being given by letter mailed first class, postage prepaid, to such registered owner not less than 10 days prior to such Special Record Date, at the address of such person appearing on the Bond Register, or may be paid at any time in any other lawful manner not inconsistent with the requirements of any securities exchange on which the Bonds may be listed and upon such notice as may be required by such exchange.

"Business Day" means any day other than a Saturday, Sunday or day on which banking institutions under the laws of the state governing the Trustee are authorized or obligated by law or required by executive order to remain closed.

Section 6. Registration and Exchange of Bonds. The Bonds shall be negotiable instruments for all purposes and shall be transferable by delivery subject only to the provisions for registration and registration of transfer endorsed on the Bonds as hereinafter provided.

The County shall cause books for registration and the registration of transfer of Bonds to be prepared (the "Bond Register"). The registration books shall be kept by the Trustee, which is hereby designated "Bond Registrar" for the purpose of registering the Bonds and the transfers of the Bonds. The holder of any Bond may register such Bond only upon such books.

The Bonds shall be transferable only upon the Bond Register, by the registered owner thereof in person or by his attorney duly authorized in writing, upon surrender thereof together with a written instrument of transfer in the form attached thereto and satisfactory to the Trustee and duly executed by the registered owner or his duly authorized attorney. Upon surrender of any Bond at the principal corporate trust office of the Trustee in Baltimore, Maryland, together with a written instrument of transfer described above, such Bond may be exchanged for an equal aggregate principal amount of Bonds of other authorized denominations, bearing interest at the same rate and having the same stated maturity date.

In all cases in which Bonds shall be exchanged hereunder, the County shall execute and the Trustee shall authenticate and deliver at the earliest practicable time Bonds in accordance with the provisions of this Resolution. All Bonds surrendered in any such exchange shall forthwith be cancelled by the Trustee. The County or the Trustee may make a charge for every such exchange of Bonds sufficient to reimburse it for any tax, fee or other governmental charge, shipping charges and insurance that may be required to be paid with respect to such exchange, but no other charge shall be made to any holder for the privilege of exchanging Bonds under the provisions of this Resolution.

Neither the County nor the Trustee shall be required to register the transfer of any Bond or make any exchange of any Bond after mailing of notice calling such Bond or any portion thereof for redemption; provided, however, that this limitation shall not apply to that portion of a Bond in excess of $5,000 which is not being called for redemption.

The County and the Trustee may deem and treat the person in whose name any Bond shall be registered as the absolute owner thereof (whether or not such Bond shall be overdue and notwithstanding any notation of ownership or other writing thereon made by anyone other than the County or the Trustee) for the purpose of receiving payment of or on account of the principal or redemption price of such Bond, and for all other purposes, and neither the County nor the Trustee shall be affected by any notice to the contrary. All such payments so made to any such registered owner, or upon his order, shall be valid and, to the extent of the sum or sums so paid, effectual to satisfy and discharge the liability for moneys payable upon any such Bond.

Section 7. Form of Bonds. Except as provided hereinafter or in a resolution or resolutions of the Board adopted prior to the issuance of the Bonds, the Bonds shall be in substantially the following form, with necessary or appropriate variations, omissions and exceptions as permitted or required by this Resolution, which form, together with all of the covenants and conditions therein contained, is hereby adopted by the County as and for the form of obligation to be incurred by the County and said covenants and conditions, including the promise to pay therein contained, are hereby made binding upon the County:

LIBER CCG PAGE 495

(Form of Bond)
[BOND FACE]

UNITED STATES OF AMERICA
STATE OF MARYLAND

No. _____ $_____

COUNTY COMMISSIONERS OF ST. MARY'S COUNTY
ST. MARY'S HOSPITAL BOND OF 1993

Maturity Date	Interest Rate	Dated Date	CUSIP
		September 1, 1993	

Registered Owner:

Principal Amount: Dollars

County Commissioners of St. Mary's County, a body politic and corporate organized and existing under the Constitution and laws of the State of Maryland (the "County"), hereby acknowledges itself indebted for value received, and promises to pay to the registered owner shown above or registered assigns or legal representative, on the Maturity Date shown above (unless this bond shall be redeemable, shall have been called for prior redemption and payment of the redemption price made or provided for), in any coin or currency which, at the time of payment, is legal tender for the payment of public and private debts, upon presentation and surrender of this bond on the date such principal is payable or, if such date is not a Business Day (hereinafter defined) then on the next succeeding Business Day, at the principal corporate trust office of The First National Bank of Maryland, in Baltimore, Maryland (the "Trustee"), and to pay to the registered owner hereof by check or draft payable in like coin or currency, mailed to such registered owner at his address as it appears on the bond registration books maintained by the Trustee (the "Bond Register") interest on such principal amount at the Interest Rate per annum shown above until payment of such principal amount, or until the prior redemption hereof, such interest being payable semi-annually on the first days of September and March in each year (each, an "Interest Payment Date") commencing on March 1, 1994, accounting from the most recent date to which interest has been paid or, if no interest has been paid, from September 1, 1993. All interest due on this bond shall be payable to the registered owner in whose name this bond is registered on the Bond Register as of the close of business on the regular record date, which shall be the fifteenth day of the month preceding each regular interest payment date (the "Regular Record Date"), and shall be made by check mailed by the Trustee on

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the Interest Payment Date (or if such date is not a Business Day, on the next succeeding Business Day) to such person at his address as it appears on the Bond Register. Any such interest not so punctually paid or duly provided for shall forthwith cease to be payable to the registered owner on such Regular Record Date, and may be paid to the person in whose name this bond is registered as of the close of business on a date for the payment of such defaulted interest to be fixed by the Trustee (the "Special Record Date") (such Special Record Date shall be not less than 10 or more than 15 days prior to the date set for payment of such defaulted interest), notice whereof being given by letter mailed first class, postage prepaid, to the registered owners not less than 10 days prior to such Special Record Date, at the addresses of such registered owners appearing on the Bond Register, or may be paid at any time in any other lawful manner not inconsistent with the requirements of any securities exchange on which the bonds of this series may be listed and upon such notice as may be required by such exchange.

"Business Day" means a day other than a Saturday, Sunday or day on which banking institutions under the laws of the state governing the Trustee are authorized or obligated by law or required by executive order to remain closed.

ADDITIONAL PROVISIONS OF THIS BOND ARE SET FORTH ON THE REVERSE HEREOF AND SHALL FOR ALL PURPOSES HAVE THE SAME EFFECT AS IF SET FORTH HEREIN.

The full faith and credit and unlimited taxing power of County Commissioners of St. Mary's County are hereby unconditionally pledged to the payment of this bond and of the interest payable hereon according to its terms, and the County does hereby covenant and agree to pay punctually the principal of this bond and the interest hereon on the dates and in the manner prescribed herein, according to the true intent and meaning hereof.

It is hereby certified and recited that each and every act, condition and thing required to exist, to be done, to have happened, and to be performed precedent to and in the issuance of this bond, does exist, has been done, has happened and has been performed in full and strict compliance with the Constitution and laws of the State of Maryland and the Resolution (as defined on the reverse hereof), and that the issue of bonds, of which this bond is one, together with all other indebtedness of the County, is within every debt and other limit prescribed by the Constitution and laws of the State of Maryland and that due provision has been made for the levy and collection of an annual ad valorem tax or taxes upon all the legally assessable property within the corporate limits of the County in rate and amount sufficient to provide for the payment, when due, of the principal of and interest on this bond.

This bond shall not become obligatory for any purpose or be entitled to any benefit under the above-mentioned laws until this bond shall have been authenticated by an authorized officer of the Trustee.

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IN WITNESS WHEREOF, County Commissioners of St. Mary's County has caused this bond to be executed in its name by the facsimile signature of the President of the Board of County Commissioners and by its corporate seal imprinted hereon in facsimile, attested by the facsimile signature of the County Administrator all as of the first day of September, 1993.

COUNTY COMMISSIONERS OF
ST MARY'S COUNTY

By [Facsimile Signature]
President, Board of County
Commissioners

(S E A L)

ATTEST: [Facsimile Signature]
County Administrator

CERTIFICATE OF AUTHENTICATION

This bond is one of the registered bonds of County Commissioners of St. Mary's County St. Mary's Hospital Bonds of 1993.

_____
as Trustee

By:_____
Authorized Officer

Date of Authentication:

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7686-37

(REVERSE SIDE OF BOND)

This bond is one of a duly authorized issue of bonds of the County aggregating $_____ in principal amount, all dated September 1, 1993 (the "Bonds"). The Bonds are issued pursuant to and in full conformity with the provisions of Chapter 358 of the Laws of Maryland of 1992 and by virtue of due proceedings had and taken by the Board of County Commissioners, particularly a resolution adopted by the Board of County Commissioners of St. Mary's County on August 31, 1993 (the "Resolution").

The Bonds mature and are payable on September 1 in the following years and amounts and bear interest at the following rates per annum:

Year of Maturity	Principal Amount	Interest Rates	Year of Maturity	Principal Amount	Interest Rates
	$	%		$	%
1994			2002		
1995			2003		
1996			2004		
1997			2005		
1998			2006		
1999			2007		
2000			2008		
2001					

The Bonds which mature on or after September 1, 2004 are subject to redemption beginning September 1, 2003, as a whole at any time or in part on any interest payment date, in any order of maturity selected by the County, at the option of the County, at the following redemption prices, expressed as percentages of the principal amount of the Bonds to be redeemed, together with interest accrued to the date fixed for redemption:

Redemption Period (both dates inclusive)	Redemption Price
September 1, 2003 to August 31, 2004	102%
September 1, 2004 to August 31, 2005	101
September 1, 2005 and thereafter	100

If less than all of the Bonds of any one maturity are called for redemption, the particular Bonds or portion of Bonds to be redeemed from such maturity will be selected by lot by the Trustee in such manner as the Trustee in its sole discretion may determine.

When less than all of a Bond in a denomination in excess of $5,000 is so redeemed, then, upon the surrender thereof, there shall be issued without charge to the registered owner thereof, for the unredeemed balance of the principal amount of such Bond, at the option of such owner, Bonds in any of the authorized denominations as specified by the registered owner, the aggregate face amount of such Bonds not to exceed the unredeemed balance of

the principal amount of the Bond surrendered, and to bear the same interest rate and to mature on the same date as the unredeemed balance of the Bond surrendered.

If the County elects to redeem all or a portion of the Bonds outstanding, it will give a redemption notice to the registered owners of the Bonds to be redeemed by letter mailed first class, postage prepaid, at least thirty (30) days prior to the date fixed for redemption to the addresses of such registered owners appearing on the registration books kept by the Trustee; provided, however, that the failure to mail the redemption notice or any defect in the notice mailed, or in the mailing thereof, shall not affect the validity of the redemption proceedings. The redemption notice shall state (i) whether the Bonds are redeemed in whole or in part and, if in part, the maturities and numbers of the Bonds to be redeemed, (ii) that the interest on the Bonds to be redeemed shall cease on the date fixed for redemption, (iii) the date fixed for redemption and the redemption price, and (iv) that the Bonds to be redeemed shall be presented for redemption and payment on the date fixed for redemption at the principal corporate trust office of the Trustee, in Baltimore, Maryland. From and after the date fixed for redemption, if notice has been duly and properly given, and if funds sufficient for the payment of the redemption price and accrued interest are available on such date, the Bonds designated for redemption shall cease to bear interest. Upon presentation and surrender for redemption in compliance with the redemption notice, the Bonds to be redeemed shall be paid by the Trustee at the redemption price. If they are not paid upon presentation, the Bonds designated for redemption shall continue to bear interest at the rates stated therein until paid.

The County has appointed the Trustee as bond registrar to keep books for the registration and for the transfer of Bonds (the "Bond Register"). This bond will be transferable only upon the registration books kept at the principal corporate trust office of the Trustee in Baltimore, Maryland, by the registered owner hereof in person, or by his attorney duly authorized in writing, upon surrender hereof, together with a written instrument of transfer in the form attached hereto and satisfactory to the Trustee and duly executed by the registered owner or his duly authorized attorney.

This bond is transferable only upon the Bond Register. Upon any transfer or exchange, the County shall issue and the Trustee shall authenticate and deliver a new registered bond or bonds of any of the authorized denominations in an aggregate principal amount equal to the principal amount of the bond exchanged or transferred and maturing on the same date and bearing interest at the same rate. In each case, the Trustee may require payment by the registered owner of this bond requesting the exchange or transfer hereof of any tax, fee or other governmental charge, shipping charges and insurance that may be required to be paid with respect thereto, but otherwise no charge shall be made to the registered owner hereof for the exchange or transfer.

Neither the County nor the Trustee shall not be required to transfer or exchange this bond after mailing of notice of calling this bond or any portion hereof for redemption; provided, however, that this limitation shall not apply to any portion of this bond in excess of $5,000 which is not being called for redemption.

The County may deem and treat the person in whose name this bond is registered as the absolute owner hereof (whether or not this bond is overdue and notwithstanding any notation hereon made by anyone other than the County or the Trustee) for the purpose of receiving payment of or on account of the principal or redemption price of this bond, and for all other purposes, and neither the County nor the Trustee shall be affected by any notice to the contrary. All payments made to the registered owner hereof, or upon his order, shall be valid and, to the extent of the sum or sums so paid, effectual to satisfy and discharge the liability for moneys payable upon this bond.

(Form of Assignment)

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto

PLEASE INSERT SOCIAL SECURITY OR OTHER
IDENTIFYING NUMBER OF ASSIGNEE

_____

_____

(PLEASE PRINT OR TYPEWRITE NAME AND ADDRESS,
INCLUDING ZIP CODE OF ASSIGNEE)

_____

the within bond and all rights thereunder and does hereby constitute and appoint

_____attorney to

transfer the within bond on the books kept for the registration thereof, with full power of substitution in the premises.

Dated:_____

Signature Guaranteed:

_____

Notice: Signatures must be guaranteed by a member firm of the New York Stock Exchange or a commercial bank or trust company.

_____

Notice: The signature to this assignment must correspond with the name as it appears upon the face of the within bond in every particular, without alteration or enlargement or any change whatever.

(Form of Legal Certification)

IT IS HEREBY CERTIFIED that the following is a true and correct copy of the complete approving legal opinion of Piper & Marbury, Baltimore, Maryland, with respect to the issue of bonds of which this bond is one, that the original of the approving legal opinion was manually executed, dated and issued as of the date of delivery of, and payment for, said issue of bonds and that an executed copy thereof is on file with the Trustee.

COUNTY COMMISSIONERS OF
ST. MARY'S COUNTY

[Facsimile Signature]
President, Board of County
Commissioners

[Here insert text of approving legal opinion.]

Section 8. Changes in Form of Bonds. The President of the Board of County Commissioners is hereby authorized to make such changes in the form of bond set forth in Section 7 hereof as he shall deem necessary to carry into effect the purposes of this Resolution or to comply with recommendations of legal counsel; provided, however, that the President shall make no change affecting the substance of such form.

Section 9. Sale of Bonds; Application of Good Faith Deposit; Delivery of Bonds. The County shall sell the Bonds by the solicitation of competitive bids at public sale. Bids shall be received until 11:00 a.m. local Baltimore, Maryland time on the date fixed for sale. Sale will be held at the offices of The First National Bank of Maryland, Corporate Trust Department, Sixteenth Floor, Suite 1601, 25 South Charles Street, Baltimore, Maryland, on Tuesday, September 14, 1993. The Director of Finance shall conduct the sale of the Bonds in the name of the County and on its behalf for cash at no less than par to the bidder or bidders therefor whose bid or bids are determined to be the best responsible bid received in compliance with the terms and conditions of the official Notice of Sale. The sale shall be made upon award made by resolution of the Board of County Commissioners. Public notice of the sale shall be given by advertisement which shall be published in one or more daily or weekly newspapers having a general circulation in the County and may also be published in one or more journals having a circulation primarily among banks and investment bankers. At least one publication of the advertisement shall be made not less than ten (10) days before the sale of the Bonds. The notice of sale (which shall also constitute the form of advertisement to be published pursuant to this Section and the Act) and proposal for the Bonds shall be in substantially the form hereinafter set forth. The terms and conditions stated in the notice of sale and proposal are hereby adopted and approved as the terms and conditions under which the Bonds shall be sold, issued and delivered at public sale. Appropriate variations and insertions shall be made to provide dates, numbers and amounts, and modifications not altering its substance may be made by the President of the Board of County Commissioners to carry into effect the purposes of this Resolution or to comply with recommendations of legal counsel.

ST. MARY'S COUNTY, MARYLAND

NOTICE OF SALE OF

$6,000,000

COUNTY COMMISSIONERS OF ST. MARY'S COUNTY
ST. MARY'S HOSPITAL BONDS OF 1993

Dated September 1, 1993

Sealed proposals will be received until 11:00 a.m., local Baltimore, Maryland time on Tuesday, September 14, 1993, by the Director of Finance of St. Mary's County, Maryland, at the offices of The First National Bank of Maryland, Corporate Trust Department, Sixteenth Floor, Suite 1601, 25 South Charles Street, Baltimore, Maryland 21201, for the purchase of the above-described general obligation bonds of the County (the "Bonds"), aggregating $6,000,000, all dated September 1, 1993, maturing, subject to prior redemption, as herein stated, on the first day of September as follows:

Maturing (September 1)	Principal Amounts Maturing	Maturing (September 1)	Principal Amounts Maturing
1994	$145,000	2002	$420,000
1995	$305,000	2003	$440,000
1996	$320,000	2004	$460,000
1997	$330,000	2005	$485,000
1998	$350,000	2006	$505,000
1999	$365,000	2007	$535,000
2000	$380,000	2008	$560,000
2001	$400,000		

County Commissioners of St. Mary's County will not consider and will reject any proposal for the purchase of less than all of the Bonds for which a proposal is made.

The Bonds will be fully registered in form in the denominations of $5,000 each or any integral multiple thereof and will bear interest payable semiannually on the first days of March and September, commencing March 1, 1994, until maturity or redemption. Principal of the Bonds will be paid to the registered owner at the principal corporate trust office of The First National Bank of Maryland, Baltimore, Maryland (the "Bond Registrar"), upon presentment and surrender of the Bonds. Interest will be paid to the persons in whose names the Bonds are registered on the registration books maintained by the Bond Registrar on the Regular Record Date, which is the fifteenth day of the month immediately preceding the month in which each such interest payment date occurs, by check mailed to each such person's address as it appears on such bond registration books.

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The Bonds which mature on or before September 1, 2003, are not subject to redemption prior to their maturities. The Bonds which mature on or after September 1, 2004, are subject to redemption at the option of the County beginning September 1, 2003, as a whole at any time or in part on any interest payment date, in any order of maturity and, with respect to the Bonds of a maturity in any amount, selected by the County, at a redemption price, expressed as a percentage of the principal amount of the Bonds to be redeemed, set forth in the table below, together with interest accrued to the date fixed for redemption:

Period During Which Redeemed (both dates inclusive)	Redemption Price
September 1, 2003 to August 31, 2004	102%
September 1, 2004 to August 31, 2005	101
September 1, 2005 and thereafter	100

The Bonds will be awarded to the bidder naming the lowest true interest cost for all the Bonds in any legally acceptable proposal and offering to pay not less than par and accrued interest. The lowest true interest cost will be determined with respect to each proposal by doubling the semiannual interest rate, compounded semiannually, necessary to discount the debt service payments from the payment dates to September 1, 1993 and to the price bid, excluding interest accrued to the date of delivery of the Bonds. If two or more responsible bidders offer to purchase the Bonds at the same lowest true interest cost, the Bonds shall be awarded to the bidder offering the highest premium, and if the highest premium is offered by two or more such bidders (or if no premium is offered by any of such bidders), the Bonds may be apportioned between such bidders, with their consent, or the County may, in its discretion, award the Bonds to one of such bidders. The right is reserved to the County to reject any or all proposals and to waive any irregularity or informality in any proposal. The Director of Finance's judgment shall be final and binding upon all bidders with respect to the form and adequacy of any proposal received and as to its conformity to the terms of this Notice of Sale.

Bidders shall state in their proposals the rate or rates of interest to be paid on all the Bonds, on which rate or rates their proposals are based and submitted. The rates so named must be in multiples of 1/8 or 1/20 of 1%, and the highest rate may not exceed the lowest rate by more than 3%. Bidders may specify more than one rate of interest to be borne by the Bonds but may not specify more than one rate for the Bonds of any single maturity. A zero rate may not be named for any maturity. As promptly as reasonably practicable after the bids are opened, the County will notify the bidder to whom the Bonds will be awarded, if and when such award is made, and such bidder, upon such notice, shall advise the County of the initial reoffering prices to the public of each maturity of the Bonds (the "Initial Reoffering Prices").

Each proposal must be submitted on the form accompanying the Preliminary Official Statement and must be enclosed in a sealed envelope

addressed to the Director of Finance, St. Mary's County, Maryland c/o Ronald J. Kruppa, The First National Bank of Maryland, Corporate Trust Department, Sixteenth Floor, Suite 1601, 25 South Charles Street, Baltimore, Maryland 21201, and marked on the outside "Bid for Bonds"

A certified check, bank cashier's, treasurer's or official check drawn upon or certified by a responsible banking institution in the amount of $120,000 and made payable to the order of "County Commissioners of St. Mary's County, Maryland", must accompany each proposal as security for compliance with said proposal. The check of the successful bidder will be collected and the proceeds thereof retained by the County to be applied in part payment for the Bonds. No interest will be allowed on any such deposit. In the event the successful bidder shall fail to comply with the terms of his bid, the proceeds of such check will be retained as and for full liquidated damages. Checks of unsuccessful bidders will be returned promptly after the Bonds are awarded. THE SUCCESSFUL BIDDER SHALL MAKE A BONA FIDE PUBLIC OFFERING OF THE BONDS AT THE INITIAL REOFFERING PRICES AND SHALL PROVIDE THE RELATED CERTIFICATION DESCRIBED BELOW.

The Bonds are authorized by Chapter 358 of the Laws of Maryland of 1992 and a resolution adopted by the Board of County Commissioners of St. Mary's County, on August 31, 1993.

The proceeds of the Bonds for which proposals are solicited herein will be used to provide financing for the construction and acquisition of certain hospital facilities for St. Mary's Hospital of St. Mary's County.

The full faith and credit and unlimited taxing power of County Commissioners of St. Mary's County are unconditionally pledged to the payment of the Bonds and of the interest to accrue thereon.

The issuance of the Bonds will be subject to legal approval by Piper & Marbury, Baltimore, Maryland, whose opinion shall be substantially in the form set forth as an exhibit to the Preliminary Official Statement concerning the Bonds. The opinion will be delivered upon request, without charge to the successful bidder for the Bonds, and the certified text of the opinion will be printed on each Bond.

When delivered, the Bonds shall be duly executed and authenticated and registered in such names and in such denominations as the successful bidder shall have requested in writing not less than seven (7) business days prior to the closing; and the remaining aggregate principal amount of the Bonds of each maturity for which no instructions have been received by such date will be issued as one bond of such maturity in the denomination of such remaining aggregate principal amount, or as bonds in such denominations as may be mutually agreed upon by the successful bidder and the County, and registered in the name of the successful bidder.

It is anticipated that CUSIP identification numbers will be printed on the Bonds, but neither the failure to print any such number on any Bond nor any error with respect thereto shall constitute cause for failure or refusal

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by the successful bidder to accept delivery of and pay for the Bonds in accordance with the terms of this Notice of Sale.

As soon as practicable after the award of the Bonds to the successful bidder therefor on the day of sale, the County will authorize its Official Statement, which is expected to be substantially in the form of the Preliminary Official Statement referred to above. If so requested by the purchaser or purchasers at or before the close of business on the date of the sale, the County will include in the Official Statement such pricing and other information with respect to the terms of the reoffering of the Bonds by the successful bidder therefor ("Reoffering Information"), if any, as may be specified and furnished in writing by such bidder. If no Reoffering Information is specified and furnished by the successful bidder, the Official Statement will include the interest rates on the Bonds resulting from the bid of the successful bidder and the other statements with respect to reoffering contained in the Preliminary Official Statement. The successful bidder shall be responsible to the County and its officials for the Reoffering Information furnished by such bidder and for all decisions made by such bidder with respect to the use or omission of the Reoffering Information in any reoffering of the Bonds including the presentation or exclusion of any Reoffering Information in any documents, including the Official Statement. The successful bidder will also be furnished, without cost, with up to 200 copies of the Official Statement (and any amendments or supplements thereto).

SIMULTANEOUSLY WITH OR BEFORE DELIVERY OF THE BONDS THE SUCCESSFUL BIDDER SHALL FURNISH TO THE COUNTY A CERTIFICATE ACCEPTABLE TO BOND COUNSEL STATING (i) THE INITIAL REOFFERING PRICES, EXPRESSED AS A PERCENTAGE OF PAR, TO THE PUBLIC OF EACH MATURITY OF THE BONDS; (ii) THAT THE SUCCESSFUL BIDDER HAS MADE A BONA FIDE PUBLIC OFFERING OF THE BONDS OF EACH MATURITY AT (OR BELOW) THE INITIAL REOFFERING PRICES; AND (iii) THAT A SUBSTANTIAL AMOUNT OF THE BONDS WAS SOLD TO THE PUBLIC (EXCLUDING BOND HOUSES, BROKERS AND OTHER INTERMEDIARIES) AT SUCH INITIAL REOFFERING PRICES. Bond Counsel advises that (i) such certificate must be made on the best knowledge, information and belief of the successful bidder, (ii) the sale to the public of 10% or more in par amount of the Bonds of each maturity at (or below) the Initial Reoffering Prices would be sufficient to certify as to the sale of a substantial amount of the Bonds, and (iii) reliance on other facts as a basis for such certification would require evaluation by Bond Counsel to assure compliance with the statutory requirement to avoid the establishment of an artificial price for the Bonds.

The Bonds shall be delivered on or about September 30, 1993, at the expense of the County, at such place in Baltimore, Maryland, or New York, New York, as shall be mutually agreed upon by the County and the successful bidder, or at such other date or place as shall be mutually agreed upon by the County and the successful bidder (provided that delivery other than in Baltimore, Maryland, or New York, New York, shall be at the expense of the successful bidder), upon payment of the principal amount of the Bonds plus the premium, if any, set forth in the Proposal for Bonds, plus accrued interest to the date of delivery, less the amount of the good faith deposit. Such payment shall be made in Federal funds.

The Bonds will be accompanied by the customary closing documents, including a no-litigation certificate, effective as of the date of delivery, stating that there is no litigation pending affecting the validity of the Bonds.

It shall be a condition to the obligation of the successful bidder to accept delivery of and pay for the Bonds that simultaneously with or before delivery and payment for the Bonds such successful bidder shall be furnished a certificate of the appropriate County officials to the effect that, to the best of their knowledge and belief, the Official Statement (and any amendment or supplement thereto) (except for the Reoffering Information, as to which no view will be expressed) as of the date of sale and as of the date of delivery of the Bonds does not contain any untrue statement of a material fact and does not omit to state a material fact necessary to make the statements therein, in light of the circumstances under which they were made, not misleading and that between the date of sale and the date of delivery of the Bonds there has been no material adverse change in the financial position or revenues of the County, except as reflected or contemplated in the Official Statement.

The Bonds will not be designated "qualified tax-exempt obligations" pursuant to Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

The Preliminary Official Statement, which is in a form "deemed final" as of its date by the County for purposes of SEC Rule 15c2-12 but is subject to revision, amendment and completion in the Official Statement, together with this Notice of Sale and the required form of proposal may be obtained from the office of the Director of Finance, St. Mary's County, Maryland, Governmental Center, Leonardtown, Maryland 20650, or Alex. Brown & Sons Incorporated, 135 E. Baltimore Street, Baltimore, Maryland 21202, (410) 783-3087.

By order of
COUNTY COMMISSIONERS OF ST. MARY'S COUNTY

(Form of Proposal for Bonds)

PROPOSAL FOR BONDS

September 14, 1993

Director of Finance
St. Mary's County, Maryland
c/o Ronald J. Kruppa
The First National Bank of Maryland
Corporate Trust Department
Sixteenth Floor
Suite 1601
25 South Charles Street
Baltimore, Maryland 21201

Dear Sir:

Subject to the provisions and in accordance with the terms of the annexed Notice of Sale which is incorporated by reference herein and made a part of this Proposal for Bonds, we offer to purchase the obligations of County Commissioners of St. Mary's County described in such Notice of Sale, being $6,000,000 aggregate principal amount of County Commissioners of St. Mary's County St. Mary's Hospital Bonds of 1993, such bonds to be dated September 1, 1993, to mature in the several years shown in the table below (subject to prior redemption as provided in such Notice of Sale), and to bear interest at the rates per annum set opposite such years, respectively.

For the aggregate principal amount of $6,000,000, we will pay the par value of said obligations, namely $6,000,000, plus a premium of _____ Dollars ($_____), plus interest on said bonds accrued from the date of said bonds (September 1, 1993) to the date of delivery for said bonds, which will bear interest at the following rates:

Maturing December 1	Principal Amount	Interest Rate	Maturing December 1	Principal Amount	Interest Rate
1994	$145,000	%	2001	$400,000	%
1995	305,000		2002	420,000	
1996	320,000		2003	440,000	
1997	330,000		2004	460,000	
1998	350,000		2005	485,000	
1999	365,000		2006	505,000	
2000	380,000		2007	535,000	
			2008	560,000	

We enclose herewith a certified check, bank cashier's, treasurer's or official check drawn upon or certified by a responsible banking institution, payable to the order of "County Commissioners of St. Mary's County, Maryland" in the amount of $120,000, which check is to be returned to us if this proposal is not accepted. If this proposal is accepted, said sum is to be

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held as security for the performance of this Proposal for Bonds, and is to be applied to the purchase price of the bonds when the bonds are delivered and paid for under the terms of this proposal, or is to be retained as and for full liquidated damages in case we fail so to take up and pay for the bonds.

WE UNDERSTAND THAT (A) WE ARE TO PROVIDE A CERTIFICATION REGARDING THE PUBLIC SALE OF THE BONDS AS DESCRIBED IN THE NOTICE OF SALE ON OR PRIOR TO THE CLOSING DATE AND (B) IF NOTIFIED THAT WE ARE THE SUCCESSFUL BIDDER, WE WILL BE REQUIRED TO ADVISE THE COUNTY OF THE INITIAL REOFFERING PRICES (AS DESCRIBED IN THE NOTICE OF SALE) FOR EACH MATURITY OF THE BONDS AT THE TIME OF SUCH NOTIFICATION. In this regard, you may contact and rely on the information provided by _____, whose telephone number is _____.

For your information you will find attached a list of underwriters associated with us in this proposal.

_____

_____

_____

and Associates (See List Attached)

NOTE: Not part of proposal. The following information is requested to expedite and facilitate prompt determination of the best bid. The omission or inaccuracy of these figures will not affect the validity of the proposal. For your information you will find attached a list of the group of underwriters associated with us in this proposal.

Aggregate amount of interest from
date of bonds to final maturity.....$_____
True interest cost.....%_____

_____

The above good faith check has been returned and receipt thereof is fully acknowledged.

_____

_____

Bidder

By: _____

Title: _____

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Section 10. As soon as may be practicable after the sale hereinabove provided for has been held, the Bonds shall be suitably prepared in definitive form, executed and delivered to the purchaser upon receipt of the purchase price therefor, plus interest accrued to the date of delivery, less the good faith deposit accompanying the proposal. The President of the Board of County Commissioners, the County Administrator and the Director of Finance and all other officers and employees of the County are expressly authorized, empowered and directed to take any and all action necessary to complete and close the award, sale and delivery of the Bonds to the purchaser thereof.

Section 11. Amendment to Loan Agreement and Mortgage. The County shall execute an amendment to the Loan Agreement between the County and the Institution dated as of June 29, 1982, as amended by the First Supplemental Loan Agreement dated June 17, 1983, and the Second Supplemental Loan Agreement dated December 1, 1986, and the Mortgage dated as of June 29, 1982, as amended by the First Supplemental Mortgage dated June 17, 1983, and the Second Supplemental Mortgage dated December 1, 1993, granted by the Institution as security for its obligations under the Loan Agreement in substantially the forms attached hereto as Exhibits A and B, respectively (the Loan Agreement and the Mortgage, together with any amendments or supplements thereto, are hereinafter referred to as the "Loan Agreement" and the "Mortgage", respectively). The President of the Board is hereby authorized, prior to the execution of such amendments, to make such changes or modifications in such amendments as may be required or deemed appropriate by him in order to accomplish the purposes of the transaction authorized by this Resolution, provided however that such changes or modifications in such amendments shall include only such changes to the Loan Agreement and the Mortgage as shall be necessary to provide for the payment of the debt service on the Bonds and to secure such payments. The execution of such amendments by the President of the Board shall be conclusive evidence of the due execution of such instruments on behalf of the County.

Section 12. Creation of Funds and Accounts to be Held by the Trustee. The following funds and separate accounts within the funds are hereby created for the Bonds and shall be held and maintained for the Bonds by the Trustee under this Resolution:

Debt Service Fund:
Interest Account;
Principal Account;
Construction Fund;
Debt Service Reserve Fund;
Rebate Fund; and
Redemption Fund.

The complete designation of each such fund or account shall consist of the words "County Commissioners of St. Mary's County - St. Mary's Hospital of St. Mary's County 1993 Project" preceding the name of the fund or account so that the Debt Service Fund shall bear the full designation "County Commissioners of St. Mary's County - St. Mary's Hospital of St. Mary's County 1993 Project Debt Service Fund."

Section 13. Application of Bonds Proceeds; Bonds Not to be Arbitrage Bonds; Application of Moneys in Rebate Fund. (a) Upon receipt of the proceeds of the Bonds, excluding accrued interest, if any, thereon, the County shall deposit such proceeds in the Construction Fund. Accrued interest shall be deposited in the Interest Account.

(b) The President of the Board (the "Section 148 Certifying Official") shall be responsible for the execution and delivery (on the date of issuance of the Bonds) of a certificate of the County (the "Section 148 Certificate") which complies with the requirements of Section 148 of the Internal Revenue Code of 1986 ("Section 148") and the applicable regulations thereunder (the "Arbitrage Regulations"), and the Section 148 Certifying Official is hereby authorized and directed to execute the Section 148 Certificate and to deliver the same to counsel rendering an opinion on the validity of the Bonds on the date of the issuance of the Bonds.

(c) The County shall set forth in the Section 148 Certificate its reasonable expectations as to relevant facts, estimates and circumstances relating to the use of the proceeds of the Bonds, or of any moneys, securities or other obligations on deposit to the credit of any of the funds created or established by this Resolution or held by the Trustee pursuant to the Loan Agreement or of any other moneys, securities or other obligations which may be deemed to be proceeds of the Bonds pursuant to Section 148 or the Arbitrage Regulations (collectively, the "Bond Proceeds"). The County covenants with each of the holders of any of the Bonds that the facts, estimates and circumstances set forth in the Section 148 Certificate will be based on the County's reasonable expectations on the date of issuance of the Bonds and will be, to the best of the Section 148 Certifying Official's knowledge, true, correct and complete as of that date.

(d) The County covenants with each of the holders of any of the Bonds that it will not make, or (to the extent it exercises control or direction) permit to be made, any use of the Bond Proceeds which would cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 and the Arbitrage Regulations.

(e) The County further covenants that it will comply with Section 148 and the Arbitrage Regulations which are applicable to the Bonds on the date of issuance of the Bonds and which may subsequently lawfully be made applicable to the Bonds.

(f) The County will hold and shall invest Bond Proceeds within its control (if such proceeds are invested) in accordance with the expectations of the County set forth in the Section 148 Certificate. The County shall (i) direct the Trustee to transfer amounts on deposit in any fund or account created by this Resolution to the Rebate Fund and (ii) direct the Institution to deposit funds with the Trustee for deposit to the Rebate Fund or otherwise make funds available to the County for the payment of rebates to the United States of America, all in accordance with the expectations of the County set forth in the Section 148 Certificate.

(g) The County shall make timely payment, but only from the sources hereafter described, of any rebate amount (or installment thereof) required to be paid to the United States of America in order to preserve the exclusion from gross income for purposes of federal income taxation of interest on the Bonds and shall include with any such payment such other documents, certificates or statements as shall be required to be included therewith under then-applicable law and regulations.

(h) Upon receipt of written notice from the County directing the transfer of amounts on deposit in any fund or account created by this Resolution to the Rebate Fund, the Trustee shall make the transfer referred to therein, any other provision of this Resolution to the contrary notwithstanding. Amounts on deposit in the Rebate Fund from time to time required to be rebated to the United States of America pursuant to Section 148 shall be made available by the Trustee to the County for the payment of such rebates upon the written direction of the County and shall not be pledged to the payment of the principal or redemption price of or interest on any Bonds.

(i) The Section 148 Certifying Official may execute a certificate or certificates supplementing or amending the Section 148 Certificate, and actions taken by the County subsequent to the execution of such certificate and the filing

of the same with the Trustee shall be in accordance with the Section 148 Certificate as amended or supplemented; provided, however, that the County shall execute or file any such certificate only upon delivery to the Trustee of an opinion of Bond Counsel addressed to the County and the Trustee to the effect that actions taken by the County in accordance with the amending or supplementing certificate will not adversely affect the exemption from federal income taxation of interest on the Bonds.

Section 14. Construction Fund; Application of Moneys. (a) As soon as practicable after the delivery of the Bonds, the County shall pay from the Construction Fund to the firms, corporations or persons entitled thereto the legal, administrative, financing and incidental expenses of the County relating to the issuance of the Bonds and not otherwise paid or caused to be paid or provided for by the Institution.

(b) Except as otherwise provided in this Resolution, any moneys deposited in the Construction Fund shall be used only to finance the costs of or relating to the Project (including interest on the Bonds during construction), necessary incidental expenses and reimbursement to the Institution for such costs and expenses paid by the Institution in connection with the Project.

(c) Upon receipt of moneys from the County or the Institution with instructions from the County or the Institution that such moneys be deposited in the Construction Fund, the Trustee shall deposit such moneys in the Construction Fund as instructed.

(d) Payments pursuant to paragraphs (a) and (b) of this section shall be made in accordance with requisitions signed by any two Authorized Officers of the Institution (defined in the Loan Agreement) and approved by two Authorized Officers of the County (defined in the Loan Agreement) (which approval shall not be unreasonably withheld), stating the names of the payees, the purpose of each payment in terms sufficient for identification and the respective amounts of such payment. Payments pursuant to paragraph (b) of this section shall be substantiated by a certificate filed with the Trustee describing in reasonable detail the purpose for which such moneys were used and the amount thereof supported by appropriate paid invoices, to the extent required by the County, and further stating the opinion that such purposes constitute a necessary part of the cost of the Project, such substantiating certificate to be signed by an Authorized Officer of the Institution.

(e) As soon as practicable after the date of completion of the Project, the Institution shall deliver to the Trustee a certificate signed by an Authorized Officer of the Institution certifying the balance of moneys then remaining in the Construction Fund and the amounts, if any, to be retained in the Construction Fund to pay any unpaid costs of the Project. The Trustee shall, as directed by the County, thereupon either (i) leave such balance in the Construction Fund to be applied to the payment of the cost of facilities, equipment or improvements (x) approved in writing by the County and the Institution and (y) which constitute "hospital improvement" within the meaning of the Act, or (ii) transfer such balance, less any amounts to be so retained, including any outstanding amounts for which the Institution may be paid pursuant to paragraph (b) of this Section, to the Debt Service Reserve Fund or the Redemption Fund.

Completion of the Project shall be determined by a certificate signed by an Authorized Officer of the Institution and delivered within ten (10) days after the date of completion to the Trustee and the County.

Section 15. Deposit and Application of Voluntary Payments. Voluntary payments made by the Institution to the Trustee in accordance with Section 7.01 of the Loan Agreement shall be deposited in the Redemption Fund. Moneys deposited in the Redemption Fund shall be applied by the Trustee for the purchase or redemption of Bonds as the County shall direct.

Section 16. Debt Service Fund; Application of Moneys. (a) The Debt Service Fund shall be a fund held by the Trustee in trust and, pending the application of such Fund as provided in this Resolution, shall be subject to a lien and charge in favor of the holders of the Bonds and for the further security of such holders until paid out or transferred as herein provided.

(b) The County assigns, transfers and sets over to the Trustee all of the payments to the County from the Institution with respect to the Bonds under the Loan Agreement (excepting only the rights of the County to indemnification by the Institution and to payments to the County for administrative expenses incurred by the County itself) and directs payment to the Trustee of any and all amounts payable to the County by the Institution under the Loan Agreement, except those payments noted which are to be made to the County itself with respect to the Bonds. Upon receipt of such payments from the Institution and such other moneys as may be paid to the Trustee by the County for deposit in the Debt Service Fund, the Trustee shall deposit the same in the Debt

Service Fund; provided, however, that administrative expenses consisting of the compensation and expenses of the Trustee under the Resolution shall not be paid to the Trustee for deposit in the Debt Service Fund, but shall be paid to the Trustee for retention by the Trustee itself.

(c) So long as any of the Bonds are outstanding, the County shall promptly deposit in the Debt Service Fund sufficient amounts to pay the principal of and interest on the Bonds as the same become due and payable, if and to the extent that payments received from the Institution and deposited in the Debt Service Fund, together with moneys, if any, received from the Debt Service Reserve Fund pursuant to Section 18 of this Resolution, should be insufficient to pay such principal or interest.

(d) The Trustee shall on each interest payment date (or if such date is not a Business Day, on the next succeeding Business Day) pay or cause to be paid out of the Interest Account in the Debt Service Fund the interest due on the Bonds. Interest due shall be paid as provided in Section 5 hereof. The Trustee shall pay out of the Interest Account any amounts required for the payment of accrued interest upon any purchase or redemption of the Bonds.

(e) The Trustee shall on September 1 of each of the years 1994 to 2008 (or if such date is not a Business Day, on the next succeeding Business Day), inclusive, pay or cause to be paid out of the Principal Account in the Debt Service Fund the principal amount due on the Bonds, upon presentation and surrender of the requisite Bonds.

(f) The Trustee shall have no obligation to pay to the County, the Institution, any holder of Bonds or any other person interest on amounts held by the Trustee for payment of the principal of or the interest on the Bonds between the date on which such principal or interest is payable and the date on which such principal or interest is paid.

Section 17. Redemption Fund; Application of Moneys. Moneys in the Redemption Fund shall be applied by the Trustee to the purchase of Bonds at a purchase price not exceeding the redemption price applicable on the next interest payment date on which Bonds are redeemable, in such manner as the County may direct. The Trustee shall endeavor to purchase Bonds, whether or not such Bonds shall then be subject to redemption, at the most advantageous price obtainable with reasonable diligence, but no such purchase shall be made by the Trustee within the period of forty-five (45) days immediately preceding any interest payment date on which Bonds are subject to call for

redemption under the provisions of this Resolution except from moneys other than the moneys set aside or deposited for the redemption of Bonds. If forty-five (45) days prior to any interest payment date on which Bonds are subject to redemption, moneys in excess of One Hundred Thousand Dollars ($100,000) shall then remain in the Redemption Fund (exclusive of amounts set aside for Bonds previously purchased or redeemed), the Trustee shall apply such moneys to the redemption of Bonds as provided in Section 3(a) hereof, at the lowest redemption price applicable to such redemption.

Upon the receipt of moneys from the County with instructions from the County that such moneys be deposited in the Redemption Fund, the Trustee shall deposit such moneys in the Redemption Fund as instructed.

The Trustee shall have no obligation to pay to the County, the Institution, any holder of the Bonds or any other person interest on amounts held by the Trustee in the Redemption Fund for the payment of the redemption price of Bonds between the date on which such redemption price is payable and the date on which such redemption price is paid.

Section 18. Debt Service Reserve Fund; Application of Moneys. Upon the receipt of moneys from the County with instructions from the County that such moneys be deposited in the Debt Service Reserve Fund, the Trustee shall deposit such moneys in the Debt Service Reserve Fund as instructed. Moneys in the Debt Service Reserve Fund shall be deposited by the Trustee in the Debt Service Fund if and to the extent that payments received from the Institution and deposited in the Debt Service Fund should be insufficient to pay the principal of and interest on the Bonds as the same become due and payable. The County may at any time direct that moneys in the Debt Service Reserve Fund be deposited in the Redemption Fund.

Section 19. Investment of Moneys. (a) Subject to the provisions of Section 13 hereof, moneys in any of the funds and accounts established by Section 12 shall be invested by the Trustee, as shall be directed by the County upon the advice of the Institution (or, in the absence of such direction, as determined by the Trustee in its discretion), but only as follows:

(i) Moneys in the Debt Service Fund, Construction Fund, Rebate Fund and Debt Service Reserve Fund only in Investment Obligations (as hereinafter defined) maturing in such amounts and on such dates as may be necessary to provide moneys to meet the payments from such Funds; and

(ii) Moneys in the Redemption Fund only in Investment Obligations maturing or redeemable at the option of the holder not later than the next succeeding interest payment date on which the Bonds are subject to redemption.

(b) "Investment Obligations" means (i) Government Obligations, (ii) Agency Obligations, (iii) negotiable or non-negotiable certificates of deposit issued by banks or trust companies and continuously secured (to the extent not fully insured by the Federal Deposit Insurance Corporation), for the benefit of the County, either (a) by lodging with a bank or trust company, as collateral security, Government Obligations, or with the approval of the Trustee, other marketable securities eligible as security for the deposit of trust funds under applicable regulations of the Comptroller of the Currency of the United States or applicable state law or regulations, having a market value (exclusive of accrued interest) not less than the amount of such deposit or (b) if the furnishing of security as provided in clause (a) of this paragraph is not permitted by applicable law, in such other manner as may then be required or permitted by applicable state or Federal laws and regulations regarding the security for, or granting a preference in the case of, the deposit of trust funds, (iv) Short Term Investment Funds, (v) repurchase agreements which county commissioner counties are permitted to invest funds in pursuant to applicable law and (vi) such other securities in which the County is permitted to invest under pursuant to applicable law. "Agency Obligations" means direct obligations (including bonds, notes or participation certificates) of, or obligations the principal of and the interest on which are unconditionally guaranteed by, any agency or instrumentality of the United States of America, including, without limitation, (i) Federal Home Loan Banks, Federal National Mortgage Association, Government National Mortgage Association, the Export-Import Bank of the United States, the Tennessee Valley Authority, the Federal Financing Bank and the Farmers Home Administration and (ii) either on a consolidated or system-wide basis, Federal Land Banks, Federal Intermediate Credit Banks or Banks for Cooperatives. "Short Term Investment Funds" means any mutual fund maintained or available to the Trustee (including any proprietary mutual fund of the Trustee for which the Trustee or an affiliate of the Trustee serves as an investment advisor or provides services to such mutual fund and receives reasonable compensation therefor) the portfolio of which is limited to Investment Obligations described in (i), (ii), (iii) and (v) above.

(c) Interest earned, profits realized and losses suffered by reason of any investment of the Debt Service Fund, the Construction Fund, the Debt Service Reserve Fund and the

Redemption Fund shall be credited or charged, as the case may be, to the fund or account for which such investment shall have been made.

(d) The Trustee may sell or redeem any obligations in which moneys shall have been invested as in this Section provided, to the extent necessary, in its discretion, to provide cash in the respective funds or accounts, to make any payments required to be made therefrom, or to facilitate the transfers of moneys between various funds and accounts as may be required or permitted from time to time pursuant to the provisions of this Section.

(e) In computing the value of the assets of the Interest Account, the Principal Account, the Construction Fund, the Debt Service Reserve Fund and the Redemption Fund, investments and accrued interest thereon shall be deemed a part thereof. Such investments shall be valued at cost or current market value, whichever is the lower, or at the redemption price thereof, if then redeemable at the option of the holder.

(f) The proceeds from the sale of any instrument shall be paid into the fund or account, as the case may be, for which the sale thereof was made.

(g) Neither the Trustee nor the County shall be liable for any depreciation in the value of any obligations in which moneys of the funds or accounts shall be invested, as aforesaid, or for any loss arising from any investment permitted herein. The investments authorized by this Section shall at all times be subject to the provisions of applicable law, as amended from time to time.

Section 20. Application of Moneys in Certain Funds for Retirement of Bonds. Notwithstanding any other provisions of this Resolution, if at any time the amounts held in the Debt Service Fund, the Debt Service Reserve Fund and the Redemption Fund are sufficient to pay the principal or redemption price of all Bonds outstanding and the interest accruing on such Bonds to the next date on which such Bonds are redeemable, or payable, whichever is earlier, the Trustee shall so notify the County. Upon receipt of such notice, the County shall request the Trustee to redeem all such outstanding Bonds. The Trustee shall, upon receipt of such request in writing by the County, proceed to redeem all such Bonds in the manner provided for redemption of such Bonds by this Resolution.

Section 21. Covenant to Pay Principal and Interest; Pledge of Full Faith and Credit. The full faith and credit and unlimited taxing power of the County are hereby irrevocably

pledged to the payment of the maturing principal of and interest on the Bonds as and when they become payable. In each and every fiscal year that any of the Bonds are outstanding, the County shall levy or cause to be levied ad valorem taxes in rate and amount sufficient to provide for or assure the payment, when due, of the principal of and interest on all the Bonds maturing in each such fiscal year as and when such taxes become necessary in order to provide sufficient funds to meet the debt service requirements on the Bonds. If the moneys received by the County or by the Trustee from the Institution or the proceeds of the taxes so levied in any such fiscal year prove inadequate for such payment, additional taxes shall be levied in the succeeding fiscal year to make up any deficiency. The County may apply to the payment of the principal of and interest on any of the Bonds any funds received by it from the State of Maryland, the United States of America, any agency or instrumentality of either, or from any other source, if such funds are granted for the purpose of assisting the County or the Institution in financing the Project and, to the extent of any such funds received or receivable in any fiscal year, taxes that might otherwise be required to be levied hereunder may be reduced or need not be levied.

Section 22. Appointment of Trustee; Paying Agent; Registrar; Acceptance of Trustee. The First National Bank of Maryland, a national banking association organized and existing under the laws of the United States of America, is hereby appointed Trustee for the Bonds. The Trustee shall also be the Paying Agent and Bond Registrar. The Trustee shall signify its acceptance by written notice delivered to the County and upon delivery of such notice shall be deemed to have accepted the trusts and the duties of Trustee. Such written notice shall consist of a counterpart or counterparts of this Resolution bearing the following form of acceptance executed by the Trustee, and such counterparts shall then constitute one and the same trust agreement between the County and the Trustee for the benefit of the holders from time to time of the Bonds:

> "The First National Bank of Maryland, Baltimore, Maryland, Trustee, hereby accepts the trusts under the foregoing St. Mary's Hospital 1993 Bond Resolution adopted August ____, 1993 and the duties and obligations imposed upon the Trustee thereby, intending hereby to create obligations under seal under the laws of the State of Maryland with force and effect as an agreement and indenture of trust."

The Trustee's acceptance of the trusts and the duties of Trustee also shall constitute acceptance of the trusts and duties of Paying Agent and Bond Registrar.

Section 23. Trustee Entitled to Indemnity. The Trustee shall be under no obligation to institute any suit, or to undertake any proceeding under this Resolution, or to enter any appearance or in any way defend in any suit in which it may be made defendant, or to take any steps in the execution of the trusts hereby created or in the enforcement of any rights and powers hereunder, until it shall be indemnified to its satisfaction against any and all costs and expenses, outlays and counsel fees and other reasonable disbursements, and against all liability. The Trustee may, nevertheless, begin suit, or appear in and defend suit, or do anything else in its judgment proper to be done by it as the Trustee, without indemnity, and in such case the County shall reimburse the Trustee for all costs and expenses, outlays and counsel fees and other reasonable disbursements properly incurred in connection therewith. If the County shall fail to make such reimbursement, the Trustee may reimburse itself from any moneys in its possession under the provisions of this Resolution and shall be entitled to a preference therefor over any of the Bonds.

Section 24. Responsibilities of Trustee. (a) The recitals contained in this Resolution and in the Bonds shall be taken as the statements of the County or the Institution (as the case may be) and the Trustee assumes no responsibility for the correctness of the same. The Trustee makes no representations as to the validity or sufficiency of this Resolution, or of the Bonds or in respect of the security afforded by this Resolution, and the Trustee shall incur no responsibility in respect thereof. The Trustee shall be under no responsibility or duty with respect to: (i) the issuance of the Bonds for value; (ii) the application of the proceeds thereof except to the extent that such proceeds are received by it in its capacity as Trustee or Paying Agent; (iii) the application of any moneys paid to the County or others in accordance with this Resolution except as to the application of any moneys paid to it in its capacity as Trustee or Paying Agent; (iv) determining whether the yield on any investments made hereunder would cause, or whether any other facts exist which would cause, the Bonds to become "arbitrage bonds" under Section 148 of the Code; (v) making any determinations with respect to any insurance or insurance companies; (vi) collecting any insurance proceeds; (vii) determining whether or when the interest on the Bonds is not excludable from gross income of the holders thereof; or (viii) determining the arbitrage rebate amount or making any other arbitrage

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calculation. The Trustee shall not be liable in connection with the performance of its duties hereunder except for its own negligence or willful misconduct.

(b) The duties and obligations of the Trustee shall be determined by the express provisions of this Resolution, and the Trustee shall not be liable except for the performance of such duties and obligations as are specifically set forth in this Resolution.

(c) The Trustee shall not be liable for any action taken or omitted by it in good faith and believed by it to be authorized or within the discretion, rights or powers conferred upon it by this Resolution.

(d) The Trustee shall provide to the Institution a monthly report stating as to each month (i) the obligations in which moneys in the Debt Service Fund, Construction Fund Debt Service Reserve Fund and Redemption Fund are invested and (ii) such other matters as the Trustee and the Institution shall approve, which report shall be in form and substance satisfactory to the Institution and the Trustee. The County shall be furnished with a copy of each such report.

Section 25. Property Held in Trust. All moneys and securities held by the Trustee at any time pursuant to the terms of this Resolution shall be and hereby are assigned, transferred and set over unto the Trustee in trust for the purposes and under the terms and conditions of this Resolution.

Section 26. Evidence on Which Trustee May Act. The Trustee shall be protected in acting upon any notice, resolution, request, consent, order, certificate, report, opinion, bond or other paper or document believed by it to be genuine, and to have been signed or presented by the proper party or parties. The Trustee may consult with counsel, who may or may not be Bond Counsel, counsel to the County or counsel to the Institution, and the opinion of such counsel shall be full and complete authorization and protection in respect of any action taken or suffered by it in good faith and in accordance therewith. Whenever the Trustee shall deem it necessary or desirable that a matter be proved or established prior to taking or suffering any action under this Resolution, such matter (unless such other evidence in respect thereof be hereby specifically prescribed) may be deemed to be conclusively proved and established by a certificate signed by an Authorized Officer of the County. Such certificate shall be full warrant for any action taken or suffered in good faith under the provisions hereof, but in its discretion the Trustee may in lieu thereof accept other evidence of such fact or

matter or may require such further or additional evidence as it may deem reasonable. Except as otherwise expressly provided herein, any request, order, notice or other direction required or permitted to be furnished pursuant to any provision hereof by the County to the Trustee shall be sufficiently executed if executed in the name of the County by an Authorized Officer.

Section 27. Compensation. Unless otherwise provided by contract with the Trustee, the County shall pay to the Trustee, from time to time, reasonable compensation for all services rendered by it hereunder, including its services as Paying Agent and Bond Registrar, together with all its reasonable expenses, charges, counsel fees and other disbursements and those of its attorneys, agents and employees, incurred in and about the administration and execution of the trusts hereby created and the exercise of its powers and the performance of its duties hereunder and the Trustee shall have a lien therefor on any and all funds at any time held by it hereunder prior to any of the Bonds for which such services have been rendered. The County shall indemnify and save the Trustee harmless against any expenses and liabilities which the Trustee may incur in the exercise and performance of its powers and duties hereunder, and which are not due to its negligence or willful misconduct. None of the provisions contained in this Resolution shall require the Trustee to expend or risk its own funds or otherwise incur financial liability in the performance of any of its duties or in the exercise of any of its rights or powers, if there is reasonable ground for believing that the repayment of such funds or liability is not reasonably assured to it. If the County shall fail to make any payment required by this Section, the Trustee may make such payment from any moneys in its possession under the provisions of this Resolution and shall be entitled to a preference therefor over any of the Bonds except the Rebate Fund.

Section 28. Permitted Acts. The Trustee and its directors, officers, employees or agents may become the owner of or may in good faith buy, sell, own, hold and deal in Bonds and may join in any action which any holder of Bonds may be entitled to take as fully and with the same rights as if it were not the Trustee. The Trustee may act as depository, or in any other capacity with respect to, the County or any committee formed to protect the rights of holders of Bonds, whether or not such committee shall represent the holders of a majority in principal amount of the Bonds outstanding hereunder.

Section 29. Bond Registrar. (a) The County shall provide an adequate inventory of Bond certificates to facilitate transfers. The Trustee covenants that it will maintain Bond certificates in safekeeping and will use

reasonable care in maintaining such Bond in safekeeping, which shall be not less than the care it maintains for debt securities of other governments or corporations for which it serves as registrar, or which it maintains for its own Bond.

(b) The Trustee as Bond Registrar will maintain the records of the Bond Register in accordance with the Trustee's general practices and procedures in effect from time to time. The Trustee shall not be obligated to maintain such Bond Register in any form other than those which the trustee has currently available and currently utilizes at the time. The Bond Register may be maintained in written form or in any other form capable of being converted into written form within a reasonable time.

(c) The Trustee will provide the County, at any time requested by the County, with a copy of the information contained in the Bond Register. The County may also inspect the information in the Bond Register at any time the offices of the Trustee are customarily open for business, provided that reasonable time is allowed the Trustee to provide an up-to-date listing or to convert the information into written form. The Trustee will not release or disclose the content of the Bond Register to any person other than to or at the written request of, an authorized officer or employee of the County, except upon receipt of a subpoena or court order. Upon receipt of a subpoena or court order, the Trustee will notify the County so that the County may contest such subpoena or court order.

(d) The Trustee will, at such reasonable intervals as it determines, surrender to the County, Bonds certificates (or evidence of the destruction thereof) in lieu of which or in exchange for which other Bonds have been issued, or which have been paid.

(e) The County may direct the Trustee in writing to register, authenticate and deliver a new Bond in exchange for a mutilated Bond surrendered to the Trustee. The County may direct the Trustee in writing to register, authenticate and deliver a new Bond in lieu of a Bond with respect to which the County or the Trustee has received written representations from the Holder that the certificates representing such Bond has been destroyed, lost, or stolen, without the surrender or production of the original certificate. The County may direct the Trustee in writing to pay on behalf of the County the principal and premium, if any, of a Bond with respect to which it has received written representations from the Holder that the certificate representing such Bond has been destroyed, lost or stolen, following the stated maturity or redemption date of the Bond, without the surrender or production of the original certificate.

The County may direct the Trustee to issue a replacement Bond, or to pay the principal and premium, if any, of a Bond with respect to which it has received written representations that the certificate representing such Bond has been destroyed, lost or stolen, following the stated maturity or redemption date of such Bond, only if there is delivered to the County and the Trustee such security or indemnity as they may require to save both the Trustee and the County harmless. On satisfaction of the Trustee and the County, the certificate number on the Bond registered will be cancelled with a notation that it has been mutilated, destroyed, lost or stolen and a new Bond will be issued of the same series and of like tenor and principal amount bearing a number (according to the Bond Register) not contemporaneously outstanding. The Trustee may charge the Holder the Trustee's fees and expenses in connection with issuing a new Bond in lieu of or exchange for a mutilated, destroyed, lost or stolen Bond.

(f) The Trustee will, within a reasonable time after receipt of written request from the County, (a) furnish the County information as to the Bonds it has paid, Bonds it has delivered upon the transfer or exchange of any Bonds hereof, and Bonds it has delivered in exchange for or in lieu of mutilated, destroyed, lost or stolen Securities and (b) provide debt service account activity statements.

Section 30. Trustee Protected in Relying on Certain Documents. The Trustee shall be protected and shall incur no liability in acting or proceeding, or in not acting or not proceeding, in good faith, reasonably and in accordance with the terms of this Resolution, upon any resolution, order, notice, request, consent, waiver, certificate, statement, affidavit, requisition, bond or other paper document which it shall in good faith reasonably believe to be genuine and to have been adopted or signed by the proper board or person or to have been prepared and furnished pursuant to any of the provisions of this Resolution, or upon the written opinion of any attorney, architect, engineer, insurance consultant, management consultant or accountant believed by the Trustee to be qualified in relation to the subject matter, and the Trustee shall be under no duty to make any investigation or inquiry into any statements contained or matters referred to in any such instrument. The Trustee shall not be under any obligation to see to the recording or filing of this Resolution, or otherwise to the giving to any person of notice of the provisions hereof except as expressly required in connection with the Loan Agreement.

Section 31. Resignation of Trustee. The Trustee, or any successor thereof, may at any time resign and be discharged of its duties and obligations hereunder by giving not less than thirty (30) days' written notice to the County and publishing notice thereof, specifying the date when such resignation shall take effect, at least once in a newspaper of general circulation in the City of Baltimore, Maryland, and in a financial journal or newspaper published or circulating in the City of New York, New York, the first publication in each newspaper to be made within ten (10) days after the giving of such written notice. Such resignation shall take effect upon the date specified in such notice unless a successor shall have been previously appointed by the County as provided in Section 36, in which event such resignation shall take effect immediately on the appointment of such successor and the acceptance of such appointment by such successor.

Section 32. Removal of Trustee. The Trustee for the Bonds, or any successor thereof, may be removed at any time by the holders of a majority in principal amount of the Bonds outstanding, excluding any Bonds held by or for the account of the County, by an instrument or concurrent instruments in writing signed and acknowledged by such holders of the Bonds or by their attorneys-in-fact, duly authorized, and delivered to the County. Facsimile copies of each such instrument providing for any such removal shall be delivered by the County to the Trustee and any successor thereof. The Trustee for the Bonds or any successor thereof may also be removed at any time for any breach of trust or for acting or proceeding in violation of, or for failing to act or proceed in accordance with, any provision of this Resolution with respect to the duties and obligations of the Trustee by any court of competent jurisdiction upon the application of the County pursuant to resolution or of the holders of not less than ten per centum (10%) in aggregate principal amount of the outstanding Bonds.

Section 33. Successor Trustee. (a) In case the Trustee, or any successor thereof, shall resign, be removed, be dissolved, become incapable of acting, or shall be adjudged a bankrupt or insolvent, or if a receiver, liquidator or conservator of the Trustee or of its property shall be appointed, or if any public officer shall take charge or control of the Trustee, or of its property or affairs, the position of such Trustee as Trustee shall thereupon become vacant. If the position of Trustee shall become vacant for any of the foregoing reasons or for any other reason, a successor Trustee may be appointed within one (1) year after any such vacancy shall have occurred by the holders of a majority in principal amount of the outstanding Bonds, excluding any Bonds held by or for the account of the County, by an instrument or

concurrent instruments in writing signed and acknowledged by such holders of the Bonds or their attorneys-in-fact, duly authorized, and delivered to such successor Trustee, with notification thereof being given to the predecessor Trustee, the County and the Institution. Until such successor Trustee shall have been appointed by the holders of the Bonds, the County shall forthwith appoint a Trustee to act until such appointment is made by the holders of the Bonds. Copies of any resolution of the County providing for any such appointment shall be delivered by the County to the Trustee so appointed, the predecessor Trustee and the Institution. The County shall publish notice of any such appointment at least once in a newspaper of general circulation in the City of Baltimore, Maryland, and in a financial journal or newspaper published or circulating in the City of New York, New York, the first publication in each newspaper to be within twenty (20) days after such appointment. Any appointment made by the County shall, immediately and without further act, be superseded and revoked by an appointment subsequently made by holders of the Bonds.

(b) If in a proper case no appointment of a successor shall be made within forty-five (45) days after the giving of written notice in accordance with this Section 36 or after the occurrence of any other event requiring or authorizing such appointment, the Trustee or any holder of Bonds may apply to any court of competent jurisdiction for the appointment of such a successor, and the court may thereupon, after such notice, if any, as the court may deem proper, appoint such successor.

(c) Any successor appointed under the provisions of this Section shall be a bank or trust company or national banking association having (i) its principal office located in the State of Maryland, (ii) an established trust department and (iii) a capital and surplus aggregating at least $50,000,000, if there be such a bank or trust company or national banking association willing and able to accept the appointment on reasonable and customary terms and authorized by law to perform all the duties required by this Resolution.

Section 34. Transfer of Rights and Property to Successor Trustee. Any successor appointed under the provisions of Section 33 shall execute, acknowledge and deliver to its predecessor, and also to the County, an instrument in writing accepting such appointment, and thereupon such successor, without any further act, deed or conveyance, shall become fully vested with all moneys, estates, properties, rights, immunities, powers, duties, obligations and trusts of its predecessor hereunder, with like effect as if originally appointed as Trustee. However, the Trustee then ceasing to act

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shall nevertheless, on request of the County or of such successor, execute, acknowledge and deliver such instruments of conveyance and further assurance and do such other things as may reasonably be required for more fully and certainly vesting in and confirming to such successor all the rights, immunities, powers and trusts of such Trustee and all the right, title and interest of such Trustee in and to any property held by it hereunder, and shall pay over, assign and deliver to such successor any moneys or other properties subject to the trusts and conditions herein set forth. Should any deed, conveyance or instrument in writing from the County be required by such successor for more fully and certainly vesting in and confirming to it any such moneys, estates, properties, rights, powers, duties or obligations, any and all such deeds, conveyances and instruments in writing shall, on request and so far as may be authorized by law, be executed, acknowledged and delivered by the County.

Section 35. Merger, Conversion or Consolidation of the Trustee. Any company into which the Trustee may be merged or with which it may be consolidated or any company resulting from any merger, conversion or consolidation to which it shall be a party or any company to which such Trustee may sell or transfer all or substantially all of its corporate trust business, provided that such company shall be a bank or trust company or national banking association qualified to be a successor to such Trustee under the provisions of Section 33, shall be the successor to such Trustee, without any further act, deed or conveyance.

Section 36. Amendment. Before any Bonds are delivered, and thereafter if the rights of holders of the Bonds are not materially and adversely affected or if the holders of more than 50% of the Bonds then outstanding give their written consent, this Resolution may be amended by the County, but no such amendment may modify the rights or obligations of the Institution without its written consent or those of the Trustee without its written consent.

Section 37. Severability of Invalid Provision. If any one or more of the covenants or agreements provided in this Resolution on the part of the County or the Trustee to be performed should be contrary to law, then such covenant or covenants, agreement or agreements shall be null and void and shall in no way affect the validity of the other provisions of this Resolution or of the Bonds.

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Section 38. Notices. Any notice or other instrument delivered to the County pursuant to this Resolution shall be in writing and shall be sent by registered or certified mail to it at its offices in Leonardtown, Maryland, or such other address as it shall designate to the Trustee in writing, and any notice or other instrument delivered to the Trustee pursuant to this Resolution shall be in writing and shall be sent by registered or certified mail to it at the principal corporate trust office of the Trustee in Baltimore, Maryland.

Section 39. Section Headings. The section headings have been prepared for convenience only and are not part of this Resolution and shall not be taken as an interpretation of any provision of this Resolution.

Section 40. Intention as to Seal and Contract. It is intended that this Resolution when signed on behalf of the County and the Trustee and duly delivered between them shall constitute a contractual obligation under seal under the laws of the State of Maryland with force and effect as an agreement and indenture of trust.

Section 41. Official Statement. The distribution of an Official Statement pertaining to the Bonds is hereby authorized, the final form of such Official Statement to be approved by the President of the Board of County Commissioners as evidenced by his signature thereon. The distribution of a Preliminary Official Statement with respect to the Bonds is hereby approved. The Official Statement shall be in substantially the form of such Preliminary Official Statement, with such changes, modifications, additions and deletions as the President of the Board of County Commissioners may approve.

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Section 42. Effective Date. This Resolution shall take effect immediately.

ADOPTED this 31st day of August, 1993.

(SEAL)

COUNTY COMMISSIONERS OF
ST. MARY'S COUNTY

Carl M. Loffler, Jr., President

Attest:

Edward V. Cox

Edward V. Cox, County
Administrator

W. Edward Bailey, Commissioner

Robert T. Jarboe, Commissioner

John G. Lancaster, Commissioner

Barbara R. Thompson, Commissioner

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ACCEPTANCE OF DUTIES BY THE TRUSTEE

The First National Bank of Maryland, a national banking association, organized and existing under the laws of United States of America and having its principal office in the City of Baltimore, Maryland, Trustee, hereby accepts the trusts under the foregoing St. Mary's Hospital 1993 Bond Resolution adopted August 31, 1993 and the duties and obligations imposed on the Trustee thereby, intending hereby to create obligations under seal under the laws of the State of Maryland with force and effect as an agreement and indenture of trust.

THE FIRST NATIONAL
BANK OF MARYLAND,
as Trustee

(Seal)

By: _____

Attest:

_____

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STATE OF MARYLAND, CITY OF BALTIMORE, TO WIT:

On this the ____ day of September, 1993, before me, the undersigned, a Notary Public in and for the State of Maryland, personally appeared _____, who acknowledged himself to be a Vice President of The First National Bank of Maryland, a national banking association, duly organized and existing under the laws of the United States of America and having its principal office in the City of Baltimore, Maryland, and that he, as such officer, being authorized so to do, executed the foregoing Acceptance of Duties by the Trustee for the purposes therein contained, by signing his name thereto as a Vice President of The First National Bank of Maryland, and causing the corporate seal of The First National Bank of Maryland to be affixed thereto and attested by an assistant cashier.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal, this ____ day of September, 1993.

_____
Notary Public
(SEAL)

My Commission Expires:

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ACKNOWLEDGMENT OF HOSPITAL

The undersigned hereby acknowledges receipt of notice of the assignment by County Commissioners of St. Mary's County set forth in Section 16(b) of Resolution No. R-93-___, adopted by the Board of County Commissioners of St. Mary's County on August 31, 1993 (the "Resolution") and, intending to be legally bound, hereby agrees with the Trustee therein named (1) that the undersigned shall pay directly to the Trustee all moneys due and to become due from the undersigned with respect to the Bonds under the Loan Agreement referred to in the Resolution, (2) that the undersigned shall perform for the benefit of the Trustee all the duties and undertakings of the undersigned under the Loan Agreement referred to in the Resolution, and (3) that the Trustee shall not be obligated by reason of the assignment to perform or be responsible for the performance of any of the duties, undertakings or obligations of the County under the Loan Agreement. The undersigned reaffirms on behalf of the Hospital the Hospital's obligation to pay all moneys due and to become due from the undersigned with respect to the Bonds under the Loan Agreement referred to in the Resolution.

IN WITNESS WHEREOF, the undersigned has caused this Acknowledgement to be duly executed, sealed, and delivered as of the _____ day of August, 1993.

ST. MARY'S HOSPITAL
OF ST. MARY'S COUNTY

(SEAL)

ATTEST:

By: _____
Roberta M. Loker,
President
Board of Directors

_____
Judith Christie,
Secretary

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Exhibits to Resolution

Exhibit A - Third Supplemental Loan Agreement

Exhibit B - Third Supplemental Mortgage

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LIBER 008 PAGE 534 EXHIBIT A

THIRD SUPPLEMENTAL LOAN AGREEMENT

THIRD SUPPLEMENTAL LOAN AGREEMENT, dated as of September 1, 1993, by and between COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, a body politic and corporate and a political subdivision of the State of Maryland (the "County") and ST. MARY'S HOSPITAL OF ST. MARY'S COUNTY, a charitable, non-profit organization organized and existing under the laws of the State of Maryland (the "Institution").

RECITALS

1. Pursuant to Chapter 475 of the Laws of Maryland of 1980, as amended by Chapter 711 of the Laws of Maryland of 1981, and Resolution No. R-82-7 adopted by the Board of County Commissioners of St. Mary's County on June 15, 1982 (the "1982 Resolution"), the County issued, sold and delivered $13,915,000 aggregate principal amount of general obligation bonds designated "County Commissioners of St. Mary's County St. Mary's Hospital Bonds of 1982", dated July 1, 1982 (the "1982 Bonds"), the proceeds of which were loaned to, or expended for the benefit of, the Institution pursuant to a Loan Agreement dated as of June 29, 1982 (the "1982 Loan Agreement"), to finance a portion of the cost of acquiring, constructing and equipping a 114-bed replacement hospital facility for the Institution in Leonardtown, Maryland. The Loan Agreement obligated the Institution to provide funds to pay when due the debt service on the 1982 Bonds.

2. Pursuant to Resolution R-83-12 adopted by the County on June 17, 1983 (the "1983 Resolution"), the County issued, sold and delivered $17,150,000 aggregate principal amount of general obligation bonds designated "County Commissioners of St. Mary's County, St. Mary's Hospital Refunding Bonds of 1983", dated July 1, 1983 (the "1983 Refunding Bonds"), the proceeds of which were used to advance refund all of the 1982 Bonds. In addition, the County and Institution amended the 1982 Loan Agreement to provide that the Institution is obligated to provide funds to pay when due the debt service on the 1983 Refunding Bonds. The proceeds of the 1983 Refunding Bonds have been applied to the payment of the payment of the 1982 Bonds, and the 1982 Bonds are no longer outstanding.

3. Pursuant to Resolution No. R-86-31 adopted by the County on December 10, 1986 (the "1986 Resolution"), the County issued, sold and delivered $15,835,000 aggregate principal amount of general obligation bonds designated "County Commissioners of St. Mary's County St. Mary's Hospital

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Refunding Bonds of 1986, dated December 1, 1986 (the "1986 Refunding Bonds"), the proceeds of which were used to advance refund the 1983 Refunding Bonds maturing on or after July 1, 1994. In addition, the County and the Institution amended the 1982 Loan Agreement to provide that the Institution is obligated to provide funds to pay when due the debt service on the 1986 Refunding Bonds. The proceeds of the 1986 Refunding Bonds together with other moneys provided by the Institution have been applied to the payment of the 1983 Refunding Bonds, and the 1983 Refunding Bonds are no longer outstanding. $14,670,000 of the 1986 Refunding Bonds remains outstanding (the "Outstanding Bonds").

4. Pursuant to Chapter 358 of the Laws of Maryland of 1992, and Resolution No. R-93-__ adopted by the County on August 31, 1993 (the "1993 Resolution"), the County issued, sold and delivered $6,000,000 aggregate principal amount of general obligation bonds designated "County Commissioners of St. Mary's County St. Mary's Hospital Bonds of 1993, dated September 1, 1993 (the "1993 Bonds"), the proceeds of which were loaned to the Institution pursuant to the 1982 Loan Agreement, as supplemented and amended by this Third Supplemental Loan Agreement (collectively, the "Loan Agreement") for the purpose of constructing and acquiring certain improvements to the existing hospital facilities of the Institution (the "Project").

5. In order to ensure that the amounts payable under the Loan Agreement will be sufficient to pay debt service on the 1993 Bonds and the Outstanding Bonds, the County and the Institution have determined to enter into this Third Supplemental Loan Agreement.

NOW, THEREFORE, COUNTY COMMISSIONERS OF ST. MARY'S COUNTY and ST. MARY'S HOSPITAL OF ST. MARY'S COUNTY, intending to be legally bound hereby and in consideration of the mutual covenants hereinafter contained, DO HEREBY AGREE as follows:

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 EXHIBIT A

ARTICLE I

DEFINITIONS

Section 1.01. As used in this Third Supplemental Loan Agreement, unless the context or use clearly indicates another or different meaning or intent, the terms defined in the Loan Agreement dated as of June 29, 1982, between the County and the Institution shall have the same meaning in this Third Supplemental Loan Agreement, except that the following terms shall have the meanings specified:

"Outstanding Bonds" means the 1986 Refunding Bonds which mature on or after July 1, 1994;

"Third Supplemental Loan Agreement" means this Third Supplemental Loan Agreement executed by and between the County and the Institution, dated as of September 1, 1993;

"Third Supplemental Mortgage" means the Third Supplemental Mortgage executed by and between the Institution and the County, dated as of September 1, 1993;

"Trustee" shall mean the Trustee for the 1993 Refunding Bonds appointed pursuant to the 1993 Resolution.

"1986 Trustee" means The First National Bank of Maryland, as trustee under the 1986 Refunding Resolution and any successor trustee appointed and serving under the 1986 Refunding Resolution;

"1986 Refunding Resolution" means Resolution No. 86-31 of the County authorizing the issuance, sale and delivery of the 1986 Refunding Bonds, adopted by the Board of County Commissioners of St. Mary's County on December 10, 1986, including resolutions amendatory thereof or supplemental thereto; and

"1986 Refunding Bonds" means the bonds designated "County Commissioners of St. Mary's County St. Mary's Hospital Refunding Bonds of 1986", dated December 1, 1986, in the aggregate principal amount of $15,835,000, issued as general obligations of the County.

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EXHIBIT A

ARTICLE II

MODIFICATION OF LOAN AGREEMENT

Section 2.01. Article III of the Loan Agreement is hereby modified and amended by deleting Section 3.02 and Section 3.06 thereof in their entirety and substituting in lieu thereof the following:

"Section 3.02. County to Issue Bonds. The County agrees to use its best efforts to issue, sell and deliver its Bonds, in accordance with the terms of the Resolution, in the aggregate principal amount of Six Million Dollars ($6,000,000).

The proceeds of the Bonds shall be used to finance the Cost of the Project, and the payment of legal, financing, administrative and other expenses incurred by the County and by the Institution in connection with the Project and the financing thereof."

"Section 3.06. Amounts Payable. The Insitution covenants to pay to the County an amount equal to the sum of (i) the total interest becoming due on the 1993 Bonds and the Outstanding Bonds to the respective dates of payment thereof; (ii) the total principal amount of the 1993 Bonds and the Outstanding Bonds; and (iii) all redemption premiums (if any) payable on the redemption of the 1993 Bonds and the Outstanding Bonds prior to stated payment dates, less any amount available for such payments from the funds and accounts established under the 1993 Resolution or the 1986 Refunding Resolution, as the case may be. In addition, the Institution covenants to pay to the County its administrative expenditures, which are any and all of those expenditures described in paragraph (e) of this Section.

All such amounts shall be paid to the Trustee, the 1986 Trustee or to the County, as the case may be, in the following manner and at the following times:

(a) The Institution shall pay to the Trustee for deposit in the Interest Account created by the 1993 Resolution (the "1993 Interest Account") the following amounts at the following times: (i) on or before the first day of October, 1993, and on or before the first day of each calendar month thereafter through February 1, 1994, an amount equal to one-fifth of the difference between the interest payable on the 1993 Bonds on March 1, 1994 and $_____; and (ii) on or before the first day of each calendar month thereafter, so long as any of the 1993 Bonds are outstanding and unpaid, an amount equal to the lesser of (a) one-sixth of the difference between

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the interest payable on the 1993 Bonds on the next succeeding date on which an installment of interest on the 1993 Bonds is due and payable as specified in the 1993 Resolution and the amount remaining in the 1993 Interest Account after the payment of interest due on the 1993 Bonds on the date six months preceding the next succeeding date on which an installment of interest on the 1993 Bonds is due, or (b) the amount which, together with the amount then on deposit in the 1993 Interest Account, will provide an amount sufficient to pay the interest payable on the 1993 Bonds on the next succeeding date on which an installment of interest on the 1993 Bonds is due and payable as specified in the 1993 Resolution; provided, however, that if for any reason the amount on deposit in the 1993 Interest Account on any interest payment date is insufficient to make the required payment of interest, the Institution shall forthwith pay any such deficiency.

(b) The Institution shall pay to the Trustee for deposit in the Principal Account created by the 1993 Resolution (the "1993 Principal Account") the following amounts at the following times: (i) on or before the first day of October, 1993 and on or before the first business day of each calendar month through August 1, 1994, an amount at least equal to one-eleventh of the total principal payable on the 1993 Bonds due on September 1, 1994; (ii) on or before the first day of each calendar month thereafter an amount at least equal to one-twelfth of the total amount of principal payable on the Bonds on the next succeeding date on which any of the Bonds mature and become payable as specified in the 1993 Resolution, or (iii) the amount which, together with the amount then on deposit in the 1993 Principal Account, will provide an amount sufficient to pay the principal payable on the 1993 Bonds on the next succeeding date on which any of the 1993 Bonds mature and become payable as specified in the 1993 Resolution; provided, however, that if for any reason the amount on deposit in the 1993 Principal Account on any principal payment date is insufficient to make the required payment of principal, the Institution shall forthwith pay any such deficiency.

(c) The Institution shall pay to the 1986 Trustee for deposit in the Interest Account created by the 1986 Refunding Resolution (the "1986 Interest Account") on or before the first day of each calendar month, so long as any of the Outstanding Bonds are outstanding and unpaid, an amount equal to the lesser of (i) one-sixth of the difference between the interest payable on the Outstanding Bonds on the next succeeding date on which an installment of interest on the Outstanding Bonds is due and payable as specified in the 1986 Refunding Resolution and the amount remaining in the 1986 Interest Account after the payment of interest due on the Outstanding Bonds on the date six months

preceding the next succeeding date on which an installment of interest on the Outstanding Bonds is due, or (ii) the amount which, together with the amount then on deposit in the 1986 Interest Account, will provide an amount sufficient to pay the interest payable on the Outstanding Bonds on the next succeeding date on which an installment of interest on the Outstanding Bonds is due and payable as specified in the 1986 Refunding Resolution; provided, however, that if for any reason the amount on deposit in the 1986 Interest Account on any interest payment date is insufficient to make the required payment of interest, the Institution shall forthwith pay any such deficiency.

(d) The Institution shall pay to the 1986 Trustee for deposit in the Principal Account created by the 1986 Refunding Resolution (the "1986 Principal Account") on or before the first day of each calendar month the amount equal to the lesser of (i) an amount at least equal to one-twelfth of the total amount of principal payable on the Outstanding Bonds on the next succeeding date on which any of the Outstanding Bonds mature and become payable as specified in the 1986 Refunding Resolution, or (ii) the amount which, together with the amount then on deposit in the 1986 Principal Account, will provide an amount sufficient to pay the principal payable on the Outstanding Bonds on the next succeeding date on which any of the Outstanding Bonds mature and become payable as specified in the 1986 Refunding Resolution; provided, however, that if for any reason the amount on deposit in the 1986 Principal Account on any principal payment date is insufficient to make the required payment of principal, the Institution shall forthwith pay any such deficiency.

(e) The Institution shall pay to the County an amount equal to the sum of the following two (2) items as and when due: (i) any reasonable and necessary expenditure of the County for fees and expenses of auditing, legal fees and expenses, and fees and expenses of the Trustee and the 1986 Trustee and the paying agent or agents and registrar for the 1993 Bonds or the Outstanding Bonds designated in or pursuant to the 1986 Refunding Resolution or the 1993 Resolution, and (ii) all other expenditures reasonably and necessarily incurred by the County by reason of its financing of the Project, including (without limitation) any payment made by the County from its own funds with respect to the principal of or interest on the 1993 Bonds and the Outstanding Bonds, any payment made by the County from its own funds of any rebate amount required to be paid to the United States of America pursuant to the County's arbitrage covenant contained in the 1986 Refunding Resolution and the 1993 Resolution and expenses incurred by the County to compel full and punctual performance of all the

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provisions of the Loan Agreement as amended and supplemented by the Third Supplemental Loan Agreement in accordance with its terms. Any expenditures of the County made pursuant to this paragraph (e) shall be certified by the County to the Institution in writing as soon as practicable and shall be paid or caused to be paid by the Institution in accordance with the provisions of this paragraph (e).

Upon the failure of the Institution to make any payment at the time and in the amount specified in paragraphs (a), (b) or (e), the Trustee shall promptly give notice to the County. Upon the failure of the Institution to make any payment at the time and in the amount specifed in paragraphs (c), (d) or (e), the 1986 Trustee shall promptly give notice to the County."

Section 2.02. Article VI of the Loan Agreement is hereby modified and amended by deleting Section 6.01(b) in its entirety and substituting in lieu thereof:

"(b) Failure by the Institution to pay any amount due under paragraph (a), (b), (c), (d) or (e) of Section 3.06 of the Loan Agreement as amended and supplemented by the Third Supplemental Loan Agreement when the same is due and payable and such failure to pay shall continue for a period of five (5) days, or failure by the Institution to pay any other amounts due under the Loan Agreement as amended and supplemented by the Second Supplemental Loan Agreement when the same is due and payable and such failure shall continue for a period of ten (10) days; or"

Section 2.03. Article V of the Loan Agreement is modified and amended by adding the following Section 5.04(d).

(d) The Institution agrees that the above tax covenants and the County's arbitrage covenant contained in the 1986 Refunding Resolution and the 1993 Resolution may require the Institution to make deposits from its own funds directly to the Trustee or the 1986 Trustee, as the case may be, for deposit into the Rebate Fund established under the 1993 Resolution or the 1986 Refunding Resolution, respectively, and that, in any event, the Institution shall make such deposits to the extent that the County, upon advice of Bond Counsel, deems such deposits necessary or desirable in order to comply with the provisions of this Section 5.04. The County shall direct the Trustee or the 1986 Trustee, as the case may be, to transfer amounts on deposit in any fund or account created by the 1993 Resolution or the 1986 Refunding Resolution, as the case may be, to the Rebate Fund established under the 1993 Resolution or the 1986 Refunding Resolution, respectively, in accordance with the expectations of the County set forth in the Section 148 Certificate.

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EXHIBIT A

ARTICLE III

MISCELLANEOUS

Section 3.01. The Loan Agreement as amended and supplemented by this Third Supplemental Loan Agreement shall remain in full force and effect until the date on which the principal of (whether at maturity or by redemption prior to maturity) and interest on the 1993 Bonds, the Outstanding Bonds and any other costs of the County with respect to the financing of the Project shall have been fully paid or provision for the payment thereof shall have been made as provided by the 1993 Resolution or the 1986 Refunding Resolution, at which time the County shall release and cancel the Loan Agreement as amended and supplemented by this Third Supplemental Loan Agreement.

Section 3.02. Any time the term "Loan Agreement" is used in any provision of the Loan Agreement, it shall be construed to mean the Loan Agreement as amended and supplemented by this Third Supplemental Loan Agreement.

Section 3.03. Any time the term "Bonds" is used in any provision of the Loan Agreement, it shall be construed to mean the 1993 Bonds and the Outstanding Bonds.

Section 3.04. Any time the term "Resolution" is used in any provision of the Loan Agreement, it shall be construed to mean the 1986 Refunding Resolution and the 1993 Resolution.

Section 3.05 Any time the term "Mortgage" is used in any provision of the Loan Agreement, it shall be construed to mean the Mortgage as amended and supplemented by the Third Supplemental Mortgage.

Section 3.06. Except as otherwise expressly provided herein, the County and the Institution hereby ratify and confirm the provisions of the Loan Agreement, and all of the terms, covenants, conditions and representations set forth in the Loan Agreement shall continue and remain in full force and effect except as specifically modified or amended by this Third Supplemental Loan Agreement.

Section 3.07. This Third Supplemental Loan Agreement shall be effective immediately upon the issuance of the 1993 Bonds.

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EXHIBIT A

IN WITNESS WHEREOF, the parties hereto have caused this Third Supplemental Loan Agreement to be duly executed, sealed and delivered as of the day and year first written above.

COUNTY COMMISSIONERS OF
ST. MARY'S COUNTY

(SEAL)

Carl M. Loffler, Jr.
President, Board of
County Commissioners

ATTEST:

Edward V. Cox
County Administrator

ST. MARY'S HOSPITAL OF
ST. MARY'S COUNTY

(SEAL)

By _____

President, Board of
Directors

ATTEST:

Secretary

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EXHIBIT A

STATE OF MARYLAND, COUNTY OF ST. MARY'S, TO WIT:

I HEREBY CERTIFY, that on this of , in the year 1993, before the subscriber, a Notary Public in and for said County and State, personally appeared Carl M. Loffler, Jr. President of the Board of County Commissioners of COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, a body politic and corporate and a political subdivision of the State of Maryland, and on behalf of the said County acknowledged the aforegoing Second Supplemental Loan Agreement to be the act and deed of County Commissioners of St. Mary's County.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal, this day of 1993.

_____(SEAL)
Notary public

My commission expires: July 1, 199_

STATE OF MARYLAND, COUNTY OF ST. MARY'S, TO WIT:

I HEREBY CERTIFY, that on this of , in the year 1993, before the subscriber, a Notary Public in and for said County and State, personally appeared _____, President of the Board of Directors of ST. MARY'S HOSPITAL OF ST. MARY'S COUNTY, a charitable non-profit organization organized and existing under the laws of the State of Maryland, and on behalf of the said hospital acknowledged the aforegoing Second Supplemental Loan Agreement to be the act and deed of St. Mary's Hospital of St. Mary's County.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal, this day of 1993.

(SEAL)

_____
Notary public

My commission expires: July 1, 199_

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EXHIBIT A

STATE OF MARYLAND, COUNTY OF ST. MARY'S, TO WIT:

I HEREBY CERTIFY, that on this of , in the year 1993, before the subscriber, a Notary Public in and for said County and State, personally appeared _____, Secretary of the Board of Directors of ST. MARY'S HOSPITAL OF ST. MARY'S COUNTY, a charitable non-profit organization organized and existing under the laws of the State of Maryland, and on behalf of the said Hospital acknowledged the aforegoing Second Supplemental Loan Agreement to be the act and deed of St. Mary's Hospital of St. Mary's County.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal, this day of 1993.

(SEAL)

_____

Notary public

My commission expires: July 1, 199_

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Exhibit B

THIRD SUPPLEMENTAL MORTGAGE

THIS THIRD SUPPLEMENTAL MORTGAGE is made as of this 1st day of September, 1993, by and between ST. MARY'S HOSPITAL OF ST. MARY'S COUNTY, a charitable, non-profit organization organized and existing under the laws of the State of Maryland (the "Institution"), as mortgagor, and COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, a body politic and corporate and a political subdivision of the State of Maryland (the "County"), as mortgagee.

RECITALS

1. Pursuant to Chapter 475 of the Laws of Maryland of 1980, as amended by Chapter 711 of the Laws of Maryland of 1981, and Resolution No. R-82-7 adopted by the Board of County Commissioners of St. Mary's County on June 15, 1982 (the "1982 Resolution"), the County issued, sold and delivered $13,915,000 aggregate principal amount of general obligation bonds designated "County Commissioners of St. Mary's County St. Mary's Hospital Bonds of 1982", dated July 1, 1982 (the "1982 Bonds"), the proceeds of which were loaned to, or expended for the benefit of, the Institution pursuant to a Loan Agreement dated as of June 29, 1982 (the "1982 Loan Agreement"), to finance a portion of the cost of acquiring, constructing and equipping a 114-bed replacement hospital facility for the Institution in Leonardtown, Maryland. The Loan Agreement obligated the Institution to provide funds to pay when due the debt service on the 1982 Bonds.

2. Pursuant to Resolution R-83-12 adopted by the County on June 17, 1983 (the "1983 Resolution"), the County issued, sold and delivered $17,150,000 aggregate principal amount of general obligation bonds designated "County Commissioners of St. Mary's County, St. Mary's Hospital Refunding Bonds of 1983", dated July 1, 1983 (the "1983 Refunding Bonds"), the proceeds of which were used to advance refund all of the 1982 Bonds. In addition, the County and Institution amended the 1982 Loan Agreement to provide that the Institution is obligated to provide funds to pay when due the debt service on the 1983 Refunding Bonds. The proceeds of the 1983 Refunding Bonds have been applied to the payment of the payment of the 1982 Bonds, and the 1982 Bonds are no longer outstanding.

3. Pursuant to Resolution No. R-86-31 adopted by the County on December 10, 1986 (the "1986 Resolution"), the County issued, sold and delivered $15,835,000 aggregate principal amount of general obligation bonds designated "County

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Commissioners of St. Mary's County St. Mary's Hospital Refunding Bonds of 1986, dated December 1, 1986 (the "1986 Refunding Bonds"), the proceeds of which were used to advance refund the 1983 Refunding Bonds maturing on or after July 1, 1994. In addition, the County and the Institution amended the 1982 Loan Agreement to provide that the Institution is obligated to provide funds to pay when due the debt service on the 1986 Refunding Bonds. The proceeds of the 1986 Refunding Bonds together with other moneys provided by the Institution have been applied to the payment of the 1983 Refunding Bonds, and the 1983 Refunding Bonds are no longer outstanding. $14,670,000 of the 1986 Refunding Bonds remain outstanding (the "Outstanding Bonds").

4. Pursuant to Chapter 358 of the Laws of Maryland of 1992 and Resolution No. R-93-__ adopted by the County on August 31, 1993 (the "1993 Resolution"), the County issued, sold and delivered $6,000,000 aggregate principal amount of general obligation bonds designated "County Commissioners of St. Mary's County St. Mary's Hospital Bonds of 1993, dated September 1, 1993 (the "1993 Bonds"), the proceeds of which were loaned to the Institution pursuant to the 1982 Loan Agreement, as supplemented and amended by the Third Supplemental Loan Agreement (collectively, the "Loan Agreement") for the purpose of constructing and acquiring certain improvements to the existing hospital facilities of the Institution (the "Project").

5. In consideration of the County's entering into the Loan Agreement and making a loan to, and expenditures for the benefit of, the Institution of the proceeds of the 1982 Bonds, the Institution entered into a Mortgage dated as of June 29, 1982 (the "Mortgage"), under the terms of which it granted, assigned , conveyed and transferred all right, title and interest of the Institution in and to certain property as set forth in the Mortgage. By the First Supplemental Mortgage and the Second Supplemental Mortgage, the County and the Institution amended the Mortgage to secure the amounts payable by the Institution under the Loan Agreement, as amended by the First Supplemental Loan Agreement and the Second Supplemental Loan Agreement.

6. In order to ensure that the amounts payable under the Loan Agreement will be sufficient to pay debt service on the 1993 Bonds, the County and the Institution have

determined to amend and supplement the Loan Agreement by entering into a Third Supplemental Loan Agreement, which will obligate the Institution to pay as and when due the principal sum of $6,000,000, being the aggregate principal amount of the 1993 Bonds, together with all interest and any redemption premium due thereon and the Outstanding Bonds, together with all interest thereon. In order to ensure that the Institution's obligations under the Loan Agreement, as amended, and supplemented by the Third Supplemental Loan Agreement, are fully secured in accordance with the intentions of the parties thereto, the Institution and the County have agreed to modify the Mortgage by entering into this Third Supplemental Mortgage.

NOW, THEREFORE, in consideration of the County's issuing the 1993 Bonds in order to finance the cost of the Project and of other good and valuable consideration, the receipt of which the Institution hereby acknowledges and to secure the due performance of the Institution's obligations, covenants and agreements as set forth in the Loan Agreement, as amended and supplemented by the Third Supplemental Loan Agreement, the parties hereto agree as follows:

1. The principal sum secured by the Mortgage, as amended and supplemented by this Third Supplemental Mortgage, is $20,670,000 being the aggregate principal amount of the Outstanding Bonds and the County Commissioners of St. Mary's County St. Mary's Hospital Bonds of 1993. The final installment of principal, if not sooner paid, is due and payable on September 1, 2008.

2. Any time the term "Mortgage" is used in any provision of the Mortgage, it shall be construed to mean the Mortgage as amended and supplemented by this Third Supplemental Mortgage.

3. Any time the term "Loan Agreement" is used in any provision of the Mortgage, it shall be construed to mean the Loan Agreement as amended and supplemented by the Third Supplemental Loan Agreement.

4. Any time the term "Bonds" is used in any provision of the Mortgage, it shall be construed to mean County Commissioners of St. Mary's County St. Mary's Hospital Refunding Bonds of 1986, dated December 1, 1986, in the aggregate principal amount of $15,835,000 and those County Commissioners of St. Mary's County St. Mary's Hospital Bonds of 1993, dated September 1, 1993, which mature on or before September 1, 2008 in the aggregate principal amount of $6,000,000.

5. Any time the term "Resolution" is used in any provision of the Mortgage, it shall be construed to mean Resolution No. R-93-__ of the Board of County Commissioners of St. Mary's County, adopted on August 31, 1993, authorizing the issuance, sale and delivery of the 1993 Bonds and Resolution No. R-86-31 of the Board of County Commissioners of St. Mary's County, adopted on December 10, 1986, authorizing the issuance, sale and delivery of the 1986 Refunding Bonds, including all resolutions amendatory thereof or supplemental thereto.

6. Section 9 of the Mortgage is amended and restated as follows:

"9. Encumbrances and Governmental Requirements. The Institution (a) shall keep the Mortgaged Property free from all liens and claims of every kind except the Permitted Encumbrances, and (b) shall comply with all laws, regulations, judgments, orders and other governmental requirements applicable to the Mortgaged Property.

The Hospital will not place or permit to be placed any Substances on or near the Mortgaged Property except for those Substances that are typically used in facilities of a comparable type and size and offering comparable services as those of the Hospital, provided the same are in quantities appropriate to the operation of the Hospital's facilities, and are stored, used, and disposed of properly, or Substances that are approved in writing by the County.

Without limiting the generality of the foregoing, the Hospital hereby covenants and agrees that, if at any time (i) Substances are spilled, emitted, improperly disposed, or leaked in any amount, on the Mortgaged Property or on other property within such proximity of the Mortgaged Property that the County, in its discretion, could expect such spill, emission, disposal or leak to have an effect on the Mortgaged Property or the operation of the the Hospital's facilities; or (ii) it is determined that there are Substances located on, in, or under the Mortgaged Property other than those which the County has approved in writing or which are permitted to be used on the Mortgaged Property without the County's written approval pursuant to the preceding paragraph, the Hospital shall immediately notify the Holder and any authorities required by law to be notified, and shall, within 30 days thereafter or sooner if required by the Holder in its judgment or any governmental authority, take or cause to be taken, at the Hospital's sole expense, such action as may be required by the Holder in its judgment or any governmental authority. If the Hospital shall fail to take such action, the County may make advances or payments towards performance or satisfaction of the same, but shall be under no obligation to do so. All sums so

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advanced or paid by the County, including all sums advanced or paid in connection with any judicial or administrative investigation or proceeding relating thereto, including, without limitation, attorneys' fees, fines, or other penalty payments, shall be immediately repayable by the Hospital, and all sums so advanced or paid, with interest, shall become a part of the Mortgage indebtedness secured hereby. "Substances" means any materials or substances that could reasonably be expected to have an adverse effect on the Mortgaged Property that, under any federal, state, or local law, statute, ordinance or regulation, or administrative or court order or decree, or private agreement, are regulated as to use, generation, collection, storage, treatment or disposal, including (without limitation) any materials or substances whose release or threatened release may pose a risk to human health or the environment or impairment of property value and shall also include without limitation (i) asbestos in any form, (ii) urea formaldehyde foam insulation, (iii) paint containing lead, (iv) transformers or other equipment which contains dielectric fluid containing levels of polychlorinated biphenyls of 50 parts per million or more or (v) petroleum in any form.

The Hospital further agrees, promptly upon the written request of the County from time to time, to provide the County, at the Hospital's expense, with an environmental site assessment or environmental audit report, or an update of such an assessment or report, all in scope, form, and content satisfactory to the County. The Hospital also agrees to furnish to the County duplicate copies of all correspondence, notices, or reports it receives from any local, state, or federal agency or any other person regarding environmental matters or Substances at or near the Mortgaged Property, immediately upon the the Hospital's receipt thereof."

7. Section 23 of the Mortgage is amended and restated as follows:

"23. Indemnity. The County shall not be obligated to perform or discharge any obligation or duty to be performed or discharged by the Institution under any Lease. The Institution shall indemnify the County for and save the County harmless from any and all liability arising from any Lease or assignment of a Lease as security under this Mortgage. The County shall not have any responsibility to the Institution for the control, care, management or repair of the Mortgaged Property or be liable for any negligence in the management, operation, upkeep, repair or control of the Mortgaged Property resulting in loss or injury or death to any lessee or any other entity.

Without limiting the generality of the foregoing, the Hospital expressly acknowledges and agrees that it will reimburse, defend, indemnify and hold harmless the County, its successors, assigns and other parties claiming any interest in the Mortgaged Property by, through or under the Holder, from and against any and all liabilities, claims, damages, fines, penalties, expenditures, losses or charges (including, without limitation, all costs of investigation, monitoring, legal fees, attorneys' fees, remedial response, removal, restoration or permit acquisition) which may, now or in the future, be undertaken by the County or others in order to effect compliance with the agreements of the Hospital set forth in Section 9, or which may be otherwise incurred in connection with any approvals provided by the County at the request of the Hospital under Section 9 or any Substances existing on, above or under the Mortgaged Property or any breach of any representation, warranty, covenant or agreement of the Hospital contained in Section 9.

The Hospital acknowledges and agrees that its transfer of title to the Mortgaged Property to the County shall not and does not relieve it of or release it from any legal liability and responsibility (under common law, statute or regulation) that it would otherwise have as the owner or operator of the Mortgaged Property, whether by way of damages, penalties, remedial actions or otherwise, for any adverse effects or consequences resulting at any time from the existence of any Substances on, above or under the Mortgaged Property on the date of this Mortgage."

8. Except as otherwise expressly provided herein, the Institution and the County hereby ratify and confirm the provisions of the Mortgage, and all of the terms, covenants, conditions, representations and warranties set forth in the Mortgage shall continue and are deemed to be incorporated herein to the same extent as if said terms, covenants, conditions, representations and warranties were set forth in full in this Third Supplemental Mortgage, except as the same may have been specifically modified or amended hereby. This Third Supplemental Mortgage does not extinguish the outstanding indebtedness or discharge or release the Mortgage, the lien thereof or any other security. Nothing herein contained shall be construed as a substitution or novation of the original indebtedness or the Mortgage which shall remain in full force and effect except as modified hereby.

Exhibit B

9. This Third Supplemental Mortgage shall be effective immediately upon the issuance and delivery of the 1993 Bonds.

IN WITNESS WHEREOF, the Institution has caused this Third Supplemental Mortgage to be duly executed on its behalf and its seal to be hereunto affixed.

ST. MARY'S HOSPITAL OF ST. MARY'S COUNTY

[SEAL]

Attest:

By:_____
President, Board of Directors

_____, Secretary

The undersigned, as mortgagee under the Mortgage, hereby agrees to the modifications set forth in this Third Supplemental Mortgage.

COUNTY COMMISSIONERS OF ST. MARY'S COUNTY

[SEAL]

Attest:

By:_____
Carl M. Loffler, Jr. President
Board of County Commissioners

_____
Edward V. Cox,
County Administrator

815.200740A/100230.ZDA1LYA
7686-8

Exhibit B

LIBER 008 PAGE 552

STATE OF MARYLAND)
) ss:
ST. MARY'S COUNTY)

I HEREBY CERTIFY, that on this of , in the year 1993, before me, the subscriber, a Notary Public of the State of Maryland, personally appeared _____, who acknowledged himself to be the President of the Board of Directors of ST. MARY'S HOSPITAL OF ST. MARY'S COUNTY, a charitable, non-profit organization organized and existing under the laws of the State of Maryland, the within-named Institution, and that, as such President, being authorized so to do, executed the aforegoing Third Supplemental Mortgage for the purposes therein contained, and in my presence signed and sealed same.

AS WITNESS, my hand and Notarial Seal.

(SEAL)

_____
Notary Public

My commission expires: July 1, 199_

STATE OF MARYLAND)
) ss:
ST. MARY'S COUNTY)

I HEREBY CERTIFY, that on this of , in the year 1993, before me, the subscriber, a Notary Public of the State of Maryland, personally appeared _____, who acknowledged herself to be the Secretary of the Board of Directors of ST. MARY'S HOSPITAL OF ST. MARY'S COUNTY, a charitable, non-profit organization organized and existing under the laws of the State of Maryland, the within-named Institution, and that, as such President, being authorized so to do, executed the aforegoing Third Supplemental Mortgage for the purposes therein contained, and in my presence signed and sealed same.

AS WITNESS, my hand and Notarial Seal.

(SEAL)

_____
Notary Public

My commission expires: July 1, 199_

815.Z00740A/100230.ZDAILYA
7486-8

LIBER 008 PAGE 553 Exhibit B

STATE OF MARYLAND)
) ss:
ST. MARY'S COUNTY)

I HEREBY CERTIFY, that on this of , in the year 1993, before me, the subscriber, a Notary Public of the State of Maryland, personally appeared Carl M. Loffler, Jr., who acknowledged himself to be the President of the Board of County Commissioners of St. Mary's County and that, as such President, being authorized so to do, executed the aforegoing Third Supplemental Mortgage for the purposes therein contained, and in my presence signed and sealed same.

AS WITNESS, my hand and Notarial Seal.

(SEAL)

Notary Public

My commission expires: July 1, 199_

815.Z00740A/100230.ZDAILYA
7686-8