

The Honorable Mark S. Bowen, Clerk  
August 9, 2005  
Page 2

BOOK

3 PAGE 601

Should you have any questions, please feel free to contact the undersigned. Thank you for your kind assistance in this matter.

Sincerely yours,



Kenneth L. Hooper

KLH/dbp

Encs.

cc: Mrs. Gloria H. Smith

F:\Users\dp\36043Bowen\tr605

## HEARNE &amp; BAILEY, P. A.

CHARLES R. DASHWELL, JR.  
PHILIP C. SMITH  
KENNETH L. HOOPER

FREDERIC E. WERMAN  
OF COUNSEL

CHARLES E. HEARNE, JR. (1908 - 1998)  
JAMES P. BAILEY (1922 - 1987)

COLONIAL BUILDING  
126 EAST MAIN STREET  
BALISBURY, MD 21801

## PLEASE REPLY TO:

P. O. BOX 138  
BALISBURY, MD 21803-0138

TELEPHONE (410) 749-5144  
FAX NO. (410) 749-8273

KEN HOOPER FAX:  
(410) 548-1382

e-mail: khooper@hbpalaw.com

August 4, 2005

Georgianne Carter, Legislative Counsel  
Municipal Resolution Reposition  
Department of Legislative Reference  
90 State Circle  
Annapolis, Maryland 21401-1991

Re: The Town of Willards/Cypress Creek Annexation  
File No. 36043

Dear Ms. Carter:

Enclosed herewith please find a copy of Resolution No. 2005-3 for The Town of Willards which annexes into The Town of Willards 28.90 acres, more or less. Resolution No. 2005-3 is known as the "Cypress Creek Annexation" which became effective July 29, 2005.

A boundary description of the annexed area is attached to the Resolution, along with the Conditions of Annexation. Also enclosed herewith please find a copy of the plat of the annexed area, as well as a copy of the Scheduled Services for said area.

If you have any questions regarding the above information, please feel free to contact me. Thank you for your kind assistance in this matter.

Sincerely yours,

  
Kenneth L. Hooper

KLH/dbp  
Encs.

cc: Mrs. Gloria H. Smith  
Mark S. Bowen, Clerk, Circuit Court for Wicomico County (w/encs.)  
State Planning Office (w/encs.)  
State Department of Assessments and Taxation for Wicomico County (w/encs.)  
Wicomico County Planning and Zoning Commission (w/encs.)  
Ms. Judy Ritter, Board of Elections (w/encs.)

F:\Users\dp\36043\Legislative\tr605



## BOOK 3 PAGE 604

THE TOWN OF WILLARDS  
RESOLUTION NO. 2005-3

A RESOLUTION OF THE TOWN COUNCIL FOR THE TOWN OF WILLARDS PROPOSING THE ANNEXATION TO THE TOWN OF WILLARDS OF A CERTAIN AREA OF LAND SITUATED CONTIGUOUS TO AND BINDING UPON THE NORTHERLY CORPORATE LIMITS OF THE TOWN OF WILLARDS, POPULARLY KNOWN AS THE "CYPRESS CREEK ANNEXATION," BOUNDED ON THE SOUTH BY THE CORPORATE LIMITS OF THE TOWN OF WILLARDS; BOUNDED ON THE EAST BY THE LANDS NOW OR FORMERLY OWNED BY MICHAEL B. DECKER, SR., ET AL.; BOUNDED ON THE WEST BY THE LANDS NOW OR FORMERLY OWNED BY JENNIE M. BRADFORD; AND BOUNDED ON THE NORTH BY THE LANDS NOW OR FORMERLY OWNED BY CRAWFORD D. RAYNE AND LEAH RAYNE.

WHEREAS, The Town of Willards has received a Petition for Annexation, signed by at least twenty-five percent (25%) of the persons who are resident registered voters and of the persons who are owners of at least twenty-five percent (25%) of the assessed valuation of the real property in the area sought to be annexed and being contiguous to and binding upon the Northerly corporate limits of The Town of Willards and popularly known as the "Cypress Creek Annexation" for identification; and

WHEREAS, The Town of Willards has caused to be made a Certification of the signatures on said Petition for Annexation and has verified that the persons signing the Petition represent at least twenty-five percent (25%) of the persons who are eligible voters and property owners in the area to be annexed, all as will more particularly appear on the "Cypress Creek Annexation" Certification, a copy of which is attached hereto and incorporated herein by reference as Exhibit "A"; and

WHEREAS, it appears that the Petition for Annexation meets all the requirements of the law.

SECTION 1. NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL FOR THE TOWN OF WILLARDS that it is hereby proposed and recommended that the boundaries of The Town of Willards be changed so as to annex to and include within said Town all that certain area of land, together with persons residing therein and their property, contiguous to and binding upon the Northerly corporate limits of The Town of Willards and being more particularly described in Exhibit "B" attached hereto and incorporated herein by reference.

SECTION 2. AND BE IT FURTHER RESOLVED BY THE TOWN COUNCIL FOR THE TOWN OF WILLARDS that the subject property to be annexed shall have a zoning classification of Residential upon annexation.

SECTION 3. AND BE IT FURTHER RESOLVED BY THE TOWN COUNCIL FOR THE TOWN OF WILLARDS that the annexation of the said area be made subject to the terms



BOOK 3 PAGE 605

and conditions in Exhibit "C" attached hereto and incorporated herein by reference, and subject to the terms and conditions of that Annexation Agreement, the terms of which are incorporated herein by reference, including, without limitation, the minimum development standards set forth in the aforesaid Annexation Agreement.

SECTION 4. AND BE IT FURTHER RESOLVED BY THE TOWN COUNCIL FOR THE TOWN OF WILLARDS that The Town Council for The Town of Willards hold a public hearing on the annexation hereby proposed on Monday, the 13th day of June, 2005, at seven o'clock p.m. in The Town Hall and the Executive Officer shall cause a Public Notice of the time and place of said hearing to be published not fewer than four (4) times at not less than weekly intervals in a newspaper of general circulation in The Town of Willards, and the area to be annexed, accurately describing the proposed annexation and the conditions and circumstances applicable thereto, which said notice shall specify a time and place at which The Town Council for The Town of Willards will hold a public hearing on the Resolution.

SECTION 5. AND BE IT FURTHER RESOLVED BY THE TOWN COUNCIL FOR THE TOWN OF WILLARDS that this Resolution shall take effect upon the expiration of forty-five (45) days following its final passage, subject, however, to the right of referendum as contained in Article 23A of the Annotated Code of Maryland, 1998 Replacement Volume, as amended.

The above Resolution was introduced and read at the regular meeting of The Town Council for The Town of Willards held on the 11th day of April, 2005, and having been duly published as required by law in the meantime, was finally passed after a public hearing at its meeting held on the 13th day of June, 2005.

ATTEST:

Margaret E. White  
Margaret E. White, Town Clerk

THE TOWN COUNCIL FOR  
THE TOWN OF WILLARDS

By Joan E. Calloway (SEAL)  
Joan E. Calloway, President

By Steven E. Warren (SEAL)  
Steven E. Warren, Vice President

By Ralph A. Seaton (SEAL)  
Ralph A. Seaton

By James E. Farlow (SEAL)  
James E. Farlow

By George E. Smith (SEAL)  
George E. Smith

Effective Date: July 29, 2005

F:\users\dp\36043Resolution2005-3

CYPRESS CREEK ANNEXATION CERTIFICATION

This is to certify that I have verified the Petition for Annexation and that to the best of my knowledge, the persons having signed the Petition represent at least twenty-five percent (25%) of the registered voters residing in the area to be annexed and are the owners of at least twenty-five percent (25%) of the assessed valuations of real property located in the area to be annexed.

Date: FEBRUARY 11, 2005

[Signature]  
Certifier - Vice Chairman  
Planning and Zoning Commission

BOOK 3 PAGE 607

EXHIBIT "B"CYPRESS CREEK ANNEXATION  
PROPERTY DESCRIPTION

All that piece, tract or parcel of land situate in Willards Election District, Wicomico County, Maryland, and being more particularly described as follows: BEGINNING for this description at a point on the Southeast corner of the lands herein described, said point bears South 06 degrees 53 minutes 02 seconds East, 539.85 feet to an iron rod set on the Northerly line of Three Bridges Road; thence from said point of beginning and along the corporate limits of The Town of Willards, said limits line being a curve concave to the Southerly said curve having a radius distance of 2,640.00 feet, an arc length of 922.24 feet, and a chord bearing and distance of North 74 degrees 41 minutes 39 seconds West, 917.56 feet to the Southwest corner of the lands herein described; thence along the lines of the lands of Louis and Patricia Molnar, the two following courses: (1) North 06 degrees 59 minutes 22 seconds West, 423.87 feet to an iron rod set; thence (2) South 82 degrees 54 minutes 17 seconds West, 213.53 feet to an iron rod set; thence along the lands of Jennie M. Bradford, Deed reference Liber M.S.B. No. 1272, Folio 761, et seq., North 14 degrees 42 minutes 23 seconds East, 1,302.53 feet to an iron rod set; thence along the lands of Crawford and Leah Rayne, Deed reference Liber J.W.T.S. No. 734, Folio 389, the two following courses: (1) South 33 degrees 02 minutes 37 seconds East, 482.63 feet to an iron rod set; thence (2) South 79 degrees 17 minutes 37 seconds East, 402.73 feet to an iron rod set; thence along the lands of Michael B. Decker, Sr., et al., the three following courses (1) South 06 degrees 53 minutes 02 seconds East, 637.28 feet to an iron rod set; thence (2) South 82 degrees 54 minutes 17 seconds West, 12.06 feet to an iron rod set; thence (3) South 06 degrees 53 minutes 02 seconds East, 788.54 feet to the point of beginning; containing 28.90 acres, more or less.

EXHIBIT "C"CONDITIONS OF ANNEXATION"CYPRESS CREEK ANNEXATION"A. Services and Taxes.

1. Property taxes will be assessed at the first normal taxing period following annexation.

2. The Town of Willards is presently under a moratorium for building construction in that its sanitary sewer service has reached maximum capacity. The Town is presently planning for the construction of a new sewer sanitary plant, subject to available funding, at which time it is anticipated that adequate capacity will exist such that the sanitary sewer moratorium will be lifted. Services will be available upon annexation subject to the conditions hereof being complied with and subject to the restrictions stated aforesaid. The subject property to be annexed will be required to use any and all available Town systems and services at the time of development and construction, it being understood that development and construction will not begin until such time as there is available sanitary sewer service to the annexed area. At such time as the building moratorium is lifted and there is available sanitary sewer service, water and sewer service will be contingent upon approval of an Improvements Construction Plan, including an Engineer's estimate of improvement costs, the payment to The Town of all required fees, improvement costs and charges, the execution and negotiation of a Public Works Agreement and the completion of the necessary construction to serve the property. Petitioner will be responsible for the costs of all development and improvements, including, without limitation, extension of water and sewer mains, water and sewer laterals, streets, sidewalks, curbing, street lights and any and all other related and miscellaneous costs. Any and all streets as proposed for said annexed area shall be dedicated by Petitioner and developer to The Town of Willards. Petitioner shall be responsible for payment of all impact fees, water and sewer hookup fees, and all other fees that may be in effect at the time of development.

B. General Provisions.

1. All existing development which is served by an on-site water and/or sewer system may maintain those systems as long as they are in good working order and pose no threat to the environment, Town water supply, or until ordered to abandon it by the County or State Health Department. At the time of connection, the property owner must request the service of water and/or sewer and pay the appropriate front foot assessments and tapping fees (if any) in accordance with Town policy current at the time of application.

2. Services for newly developed areas will be bound by the provisions of paragraph A2 above.

3. Zoning will be Residential, which applies and is consistent with the County Comprehensive Plan and which said zoning has been approved by the Salisbury-Wicomico County Planning and Zoning Commission. Approval is not required by the Wicomico County Council in that the subject property to be annexed is in The Town Growth Area and in The Town Transition Zoning for the County.

4. As a condition of this annexation, the Petitioner shall pay the costs and expenses, including advertising costs, attorney's fees and document costs associated with the annexation as required by the Annotated Code of Maryland, and said Petitioner accepts full responsibility for same, pursuant to the terms and conditions set forth in the agreement between the Petitioner and The Town. This annexation is further subject to and contingent upon the terms set forth in that Annexation Agreement entered into by and between the Petitioner and The Town, including, but not limited to, those restrictions requiring minimum square footage of 1,450 square feet for the homes to be constructed in the annexed area (28.90 acres) and the area already existing in The Town limits (16.44 acres) and requiring a minimum lot size of 10,000 square feet in the aforereferenced areas, with a preferred width of 80 feet.

5. The subject property to be annexed (and, in addition thereto, the property already existing in The Town of Willards) will not be developed or built upon, nor will any portion or lot be developed or built upon, irrespective of whether allowed by the Zoning Code for The Town of Willards or the Willards Subdivision Regulations, until the cost of extending water and sewer mains, connecting water and sewer lines, as well as all other related expenses, including streets, curbing, lights and related costs as set forth in paragraph A2 above have been paid up front by the Petitioner to The Town or satisfactory security has been provided by Petitioner to The Town.

CONDITIONS OF ANNEXATION"CYPRESS CREEK ANNEXATION"A. Services and Taxes.

1. Property taxes will be assessed at the first normal taxing period following annexation.

2. The Town of Willards is presently under a moratorium for building construction in that its sanitary sewer service has reached maximum capacity. The Town is presently planning for the construction of a new sewer sanitary plant, subject to available funding, at which time it is anticipated that adequate capacity will exist such that the sanitary sewer moratorium will be lifted. Services will be available upon annexation subject to the conditions hereof being complied with and subject to the restrictions stated aforesaid. The subject property to be annexed will be required to use any and all available Town systems and services at the time of development and construction, it being understood that development and construction will not begin until such time as there is available sanitary sewer service to the annexed area. At such time as the building moratorium is lifted and there is available sanitary sewer service, water and sewer service will be contingent upon approval of an Improvements Construction Plan, including an Engineer's estimate of improvement costs, the payment to The Town of all required fees, improvement costs and charges, the execution and negotiation of a Public Works Agreement and the completion of the necessary construction to serve the property. Petitioner will be responsible for the costs of all development and improvements, including, without limitation, extension of water and sewer mains, water and sewer laterals, streets, sidewalks, curbing, street lights and any and all other related and miscellaneous costs. Any and all streets as proposed for said annexed area shall be dedicated by Petitioner and developer to The Town of Willards. Petitioner shall be responsible for payment of all impact fees, water and sewer hookup fees, and all other fees that may be in effect at the time of development.

B. General Provisions.

1. All existing development which is served by an on-site water and/or sewer system may maintain those systems as long as they are in good working order and pose no threat to the environment, Town water supply, or until ordered to abandon it by the County or State Health Department. At the time of connection, the property owner must request the service of water and/or sewer and pay the appropriate front foot assessments and tapping fees (if any) in accordance with Town policy current at the time of application.

2. Services for newly developed areas will be bound by the provisions of paragraph A2 above.

3. Zoning will be Residential, which applies and is consistent with the County Comprehensive Plan and which said zoning has been approved by the Salisbury-Wicomico County Planning and Zoning Commission. Approval is not required by the Wicomico

BOOK

3 PAGE 611

County Council in that the subject property to be annexed is in The Town Growth Area and in The Town Transition Zoning for the County.

4. As a condition of this annexation, the Petitioner shall pay the costs and expenses, including advertising costs, attorney's fees and document costs associated with the annexation as required by the Annotated Code of Maryland, and said Petitioner accepts full responsibility for same, pursuant to the terms and conditions set forth in the agreement between the Petitioner and The Town. This annexation is further subject to and contingent upon the terms set forth in that Annexation Agreement entered into by and between the Petitioner and The Town, including, but not limited to, those restrictions requiring minimum square footage of 1,450 square feet for the homes to be constructed in the annexed area (28.90 acres) and the area already existing in The Town limits (16.44 acres) and requiring a minimum lot size of 10,000 square feet in the aforereferenced areas, with a preferred width of 80 feet.

5. The subject property to be annexed (and, in addition thereto, the property already existing in The Town of Willards) will not be developed or built upon, nor will any portion or lot be developed or built upon, irrespective of whether allowed by the Zoning Code for The Town of Willards or the Willards Subdivision Regulations, until the cost of extending water and sewer mains, connecting water and sewer lines, was well as all other related expenses, including streets, curbing, lights and related costs as set forth in paragraph A2 above have been paid up front by the Petitioner to The Town or satisfactory security has been provided by Petitioner to The Town.

F:\Users\dp\36043Conditions

## BOOK 3 PAGE 612

## THE WILLARDS PLANNING AND ZONING COMMISSION

## RESOLUTION NO. 2005-2

A RESOLUTION OF THE WILLARDS PLANNING AND ZONING COMMISSION RECOMMENDING THE ANNEXATION OF THAT CERTAIN AREA OF LAND CONTAINING 28.90 ACRES, MORE OR LESS, AND BEING MORE PARTICULARLY SHOWN AND DESIGNATED ON THAT PLAT ENTITLED, "CYPRESS CREEK ANNEXATION," PREPARED BY FRANK G. LYNCH, JR., DATED NOVEMBER 24, 2004, AND INCORPORATED HEREIN BY REFERENCE.

WHEREAS, a request has been made of The Town Council for The Town of Willards to annex the above described property into The Town limits of The Town of Willards; and

WHEREAS, The Willards Planning and Zoning Commission has reviewed the zoning of the subject property and by Resolution No. 2005-1, as formerly presented to The Town Council for The Town of Willards, recommended that the subject property be given a zoning classification of Residential in conjunction with the annexation of the subject property; and

WHEREAS, The Willards Planning and Zoning Commission has reviewed the Petition for Annexation and verified that the Petitioners requesting the annexation meet the requirements as far as being registered voters and owners of at least twenty-five percent (25%) of the assessed valuation of real property located in the area to be annexed, all as set forth in the Cypress Creek Annexation Certification, a copy of which is attached hereto as Exhibit "A"; and

WHEREAS, The Willards Planning and Zoning Commission has reviewed the outline of proposed services and facilities relative to the area to be annexed, all as set forth on the Outline of Proposed Services and Facilities attached hereto and incorporated herein as Exhibit "B"; and

WHEREAS, The Willards Planning and Zoning Commission has informally recommended the annexation of the subject area and, by passage of this Resolution, does formally hereby recommend that a Resolution for Annexation be introduced by The Town Council for The Town of Willards annexing the subject area into The Town of Willards subject to the zoning classification previously recommended and the Outline of Proposed Services and Facilities attached hereto.

SECTION ONE: NOW, THEREFORE, BE IT RESOLVED AND RECOMMENDED BY THE WILLARDS PLANNING AND ZONING COMMISSION that the subject property owned by Willards Properties, LLC, and described as 28.90 acres, more or less, and more particularly shown and designated on that plat entitled, "Cypress Creek Annexation," prepared by Frank G. Lynch, Jr., dated November 24, 2004, and incorporated herein by reference, be annexed into The Town of Willards with a zoning classification of Residential, as previously recommended in The Willards Planning and Zoning Commission Resolution No. 2005-1, subject to the Outline of Proposed Services and Facilities set forth herein.



BOOK 3 PAGE 613

The above Resolution was introduced and passed at a meeting of The Willards Planning and Zoning Commission on April 4, 2005.

ATTEST:

THE WILLARDS PLANNING AND ZONING COMMISSION

*John H. Smith*

By \_\_\_\_\_ (SEAL)  
John Meising, Chairman

By *Donald L. Lewis* (SEAL)  
Donald L. Lewis, Vice Chairman

By *Steven Warren* (SEAL)  
Steven Warren

By *Bonnie P. Seaton* (SEAL)  
Bonnie P. Seaton

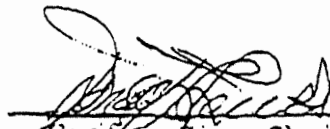
By *Patrick Vodak* (SEAL)  
Patrick Vodak

F:\Users\dp\36043P&ZResolution2

BOOK 3 PAGE 614  
CYPRESS CREEK ANNEXATION CERTIFICATION

This is to certify that I have verified the Petition for Annexation and that to the best of my knowledge, the persons having signed the Petition represent at least twenty-five percent (25%) of the registered voters residing in the area to be annexed and are the owners of at least twenty-five percent (25%) of the assessed valuations of real property located in the area to be annexed.

Date:

FEBRUARY 11 2005

\_\_\_\_\_  
Certifier - Vice Chairman  
Planning and Zoning Commission

OUTLINE OF PROPOSED SERVICES AND FACILITIESCYPRESS CREEK ANNEXATIONI. Land Use Pattern

The area to be annexed is currently zoned A-1 Agricultural-Rural District. The proposed development plan has been presented as Residential and the property will be zoned Residential by The Town upon completion of the annexation. Approval for the change in zoning from A-1 Agricultural-Rural District to Residential has been approved by the Salisbury-Wicomico County Planning and Zoning Commission (Exhibit "1"). The subject property to be annexed is in The Town Growth Area and in The Town Transition Zoning for the County and, thus, approval by the Wicomico County Council is not required. The Willards Planning and Zoning Commission has recommended that the area be zoned Residential upon annexation (Exhibit "2"). The Town anticipates imposing development restrictions as to the minimum size of lots and minimum square footage of houses, which said restrictions will be part of the Annexation Agreement and/or Resolution.

II. Land For Public Facilities.

No land for public facilities such as schools, libraries, fire stations, etc. is anticipated. The existing schools should be adequate to handle the annexed area. Likewise, existing services should be sufficient to handle the annexed area.

III. Extension of Municipal Services.

Once The Town has adequate sewer capacity such that development can proceed, water and sanitary sewer service will be made available to the annexed area by water and sanitary sewer mains and laterals to be extended and/or installed by the Petitioner, its

## BOOK 3 PAGE 616

successors and assigns, at Petitioner's sole cost, upon approval by The Town of Willards. The water and sewer system connection can be made to the existing water and sewer system either from Poplar Neck Road or from Three Bridges Road. Three Bridges Road has a six inch water main on the North side of the road and an eight inch sewer main on the South side of the road. If the sanitary sewer system is extended from Three Bridges Road, due to the invert of the sewer mains, it is likely that a Lift Station may have to be installed, for lack of adequate gravity flow. A second option would be the possibility of connecting the sewer to the sewer main in Poplar Neck Road where the inverts are much deeper, which will result in a more positive gravity flow. All expenses in regard to water and sewer will be incurred by Petitioner, its successors and/or assigns, per the Annexation Agreement between The Town of Willards and Petitioner, including, without limitation, any water and sewer meters and manholes that may be required.

Any stormwater management will be in accord with Wicomico County Stormwater Management Regulations. The cost of any stormwater management and stormwater conveyance, on-site and off-site, will be the responsibility of the Petitioner.

Any and all street improvements and curbing will comply with any regulatory ordinance and the Zoning Code of The Town of Willards and meet the standards required by the Wicomico County Department of Public Works, Road Division. All expenses will be incurred and paid by the Petitioner, its successors and/or assigns, per the Annexation Agreement between The Town of Willards and Petitioner.

Any necessary street lighting will be installed at the cost of the Petitioner with The Town assuming the cost of electricity when the streets are turned over to The Town and/or County.

## BOOK 3 PAGE 617

Other Town services such as trash collection will be available as needed upon annexation.

Petitioner shall comply with all requirements for forestation and reforestation as mandated by Wicomico County, Maryland, which administers The Town's Forest Conservation Program. The costs of any forestation and/or reforestation, on site or off site, will be the responsibility of the Petitioner.

The Petitioner shall be responsible for the payment of any and all connection fees and/or impact fees that may be in effect in The Town of Willards or Wicomico County at the time of development by Petitioner, its successors and/or assigns.

F:\Users\dp\36043Outline



BOOK 3 PAGE 618 EXHIBIT "!"  
 CITY OF SALISBURY - WICOMICO COUNTY  
 DEPARTMENT OF PLANNING, ZONING  
 AND COMMUNITY DEVELOPMENT



Tel: 410-548-4860

Fax: 410-548-4955

Planning & Zoning Commission  
 Historic District Commission  
 Metropolitan Planning Organization

Wicomico County Board of Appeals  
 Salisbury Board of Zoning Appeals  
 Agricultural Land Preservation Advisory Board

December 20, 2004

Mr. Ken Hooper  
 P.O. Box 138  
 Salisbury, MD 21803-0138

**RE: WILLARDS – CYPRESS CREEK ANNEXATION – Three Bridges  
 Road – Zoning Recommendation – 28.9 Acres; M-33, P216, G-8.**

Dear Mr. Hooper:

The Wicomico County Planning Commission at its meeting of December 16, 2004, forwarded a **FAVORABLE** recommendation to the Willards Town Council for **Residential** zoning of the annexation area upon the effective date of annexation to the Town. This zoning is consistent with the 1998 Wicomico County Comprehensive Plan designation of Town Growth.

If you have any questions concerning this matter, please don't hesitate to contact Gloria Smith at 410-548-4860.

Sincerely,

John F. Lenox, AICP  
 Director  
 Salisbury/Wicomico Planning & Zoning

JFL:brt

cc: P. Rai Sharma, Director of County Department of Public Works  
 Assessments  
 Mr. Mitch Parker/P.O. Box 691/Ocean City, MD 21843

## THE WILLARDS PLANNING AND ZONING COMMISSION

## RESOLUTION NO. 2005-1

A RESOLUTION OF THE WILLARDS PLANNING AND ZONING COMMISSION RECOMMENDING THE AMENDMENT OF ORDINANCE NO. 1973-1, THE ZONING ORDINANCE, BY ZONING THAT PORTION OF LAND OWNED BY WILLARDS PROPERTIES, LLC, TO A ZONING CLASSIFICATION OF RESIDENTIAL, IN CONJUNCTION WITH AND SUBJECT TO THE ANNEXATION OF THE HERENAFTER DESCRIBED PROEPRTY; AND THE AMENDING OF THE OFFICIAL ZONING MAP TO REFLECT THE SAME; SAID PROPERTY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING FOR THIS DESCRIPTION AT A POINT ON THE SOUTHEAST CORNER OF THE LANDS HEREIN DESCRIBED, SAID POINT BEARS SOUTH 06 DEGREES 53 MINUTES 02 SECONDS EAST, 539.85 FEET TO AN IRON ROD SET ON THE NORTHERLY LINE OF THREE BRIDGES ROAD; THENCE FROM SAID POINT OF BEGINNING AND ALONG THE CORPORATE LIMITS OF THE TOWN OF WILLARDS, SAID LIMITS LINE BEING A CURVE CONCAVE TO THE SOUTHERLY SAID CURVE HAVING A RADIUS DISTANCE OF 2,640.00 FEET, AN ARC LENGTH OF 922.24 FEET, AND A CHORD BEARING AND DISTANCE OF NORTH 74 DEGREES 41 MINUTES 39 SECONDS WEST, 917.56 FEET TO THE SOUTHWEST CORNER OF THE LANDS HEREIN DESCRIBED; THENCE ALONG THE LINES OF THE LANDS OF LOUIS AND PATRICIA MOLNAR, THE TWO FOLLOWING COURSES: (1) NORTH 06 DEGREES 59 MINUTES 22 SECONDS WEST, 423.87 FEET TO AN IRON ROD SET; THENCE (2) SOUTH 82 DEGREES 54 MINUTES 17 SECONDS WEST, 213.53 FEET TO AN IRON ROD SET; THENCE ALONG THE LANDS OF JENNIE M. BRADFORD, DEED REFERENCE LIBER M.S.B. NO. 1272, FOLIO 761, ET SEQ., NORTH 14 DEGREES 42 MINUTES 23 SECONDS EAST, 1,302.53 FEET TO AN IRON ROD SET; THENCE ALONG THE LANDS OF CRAWFORD AND LEAH RAYNE, DEED REFERENCE LIBER J.W.T.S. NO. 734, FOLIO 389, THE TWO FOLLOWING COURSES: (1) SOUTH 33 DEGREES 02 MINUTES 37 SECONDS EAST, 482.63 FEET TO AN IRON ROD SET; THENCE (2) SOUTH 79 DEGREES 17 MINUTES 37 SECONDS EAST, 402.73 FEET TO AN IRON ROD SET; THENCE ALONG THE LANDS OF MICHAEL B. DECKER, SR., ET AL., THE THREE FOLLOWING COURSES (1) SOUTH 06 DEGREES 53 MINUTES 02 SECONDS EAST, 637.28 FEET TO AN IRON ROD SET; THENCE (2) SOUTH 82 DEGREES 54 MINUTES 17 SECONDS WEST, 12.06 FEET TO AN IRON ROD SET; THENCE (3) SOUTH 06 DEGREES 53 MINUTES 02 SECONDS EAST, 788.54 FEET TO THE POINT OF BEGINNING; SAID AREA OF LAND TO BE ANNEXED CONTAINING 28.90 ACRES, MORE OR LESS, AND SAID AREA OF LAND TO BE ANNEXED BEING MORE PARTICULARLY SHOWN AND DESIGNATED

## BOOK 3 PAGE 620

ON THAT PLAT ENTITLED, "CYPRESS CREEK ANNEXATION,"  
PREPARED BY FRANK G. LYNCH, JR., DATED NOVEMBER 24, 2004,  
AND INCORPORATED HEREIN BY REFERENCE.

WHEREAS, a request has been made of The Town Council for The Town of Willards to annex the hereinafter described property into The Town limits of The Town of Willards and, in conjunction therewith, to zone said annexed property under a zoning classification of Residential; and to amend the Official Zoning Map to reflect same; and

WHEREAS, Article 66B of the Annotated Code of Maryland delegates basic planning and land use regulatory powers to all municipal governments once The Town Council has adopted an Ordinance exercising those powers; and

WHEREAS, Article 66B of the Annotated Code of Maryland authorizes The Town of Willards to prepare comprehensive plans, zoning ordinances, historic zoning provisions, subdivision regulations, and to reserve land for future streets, to adopt adequate public facility ordinances, to establish programs for the transfer of development rights and to enact the planning and regulatory measures; and

WHEREAS, The Willards Planning and Zoning Commission, pursuant to the authority vested in it, deems it advisable that the hereinafter described property be zoned into a zoning classification of Residential upon its annexation into The Town limits of The Town of Willards in order to conform with the surrounding area. The surrounding properties adjacent to the parcel in question are zoned residential and the zoning of this subject property as residential would place the property in conformity with the surrounding area. The proposed zoning will have no adverse effect upon the availability of public facilities or recent or future transportation patterns; and

WHEREAS, The Willards Planning and Zoning Commission makes its following recommendations to The Town Council for The Town of Willards, after public hearing on same being held on the 7th day of March, 2005.

SECTION ONE: NOW, THEREFORE, BE IT RESOLVED AND RECOMMENDED BY THE WILLARDS PLANNING AND ZONING COMMISSION that the subject property owned by Willards Properties, LLC, and proposed to be annexed into The Town limits for The Town of Willards, pursuant to an Annexation Resolution to be introduced and passed in due course, be zoned as residential, said property being more particularly described as follows:

Beginning for this description at a point on the Southeast corner of the lands herein described, said point bears South 06 degrees 53 minutes 02 seconds East, 539.85 feet to an iron rod set on the Northerly line of Three Bridges Road; thence from said point of beginning and along the corporate limits of The Town of Willards, said limits line being a curve concave to the Southerly said curve having a radius distance of 2,640.00 feet, an arc length of 922.24 feet, and a chord bearing and distance of North 74 degrees 41 minutes 39 seconds West, 917.56 feet to the Southwest corner of the lands herein described; thence along the lines of the lands of Louis and Patricia Molnar, the two following courses: (1) North





**OUTLINE OF PROPOSED SERVICES AND FACILITIES****CYPRESS CREEK ANNEXATION****I. Land Use Pattern**

The area to be annexed is currently zoned A-1 Agricultural-Rural District. The proposed development plan has been presented as Residential and the property will be zoned Residential by The Town upon completion of the annexation. Approval for the change in zoning from A-1 Agricultural-Rural District to Residential has been approved by the Salisbury-Wicomico County Planning and Zoning Commission (Exhibit "1"). The subject property to be annexed is in The Town Growth Area and in The Town Transition Zoning for the County and, thus, approval by the Wicomico County Council is not required. The Willards Planning and Zoning Commission has recommended that the area be zoned Residential upon annexation (Exhibit "2"). The Town anticipates imposing development restrictions as to the minimum size of lots and minimum square footage of houses, which said restrictions will be part of the Annexation Agreement and/or Resolution.

**II. Land For Public Facilities.**

No land for public facilities such as schools, libraries, fire stations, etc. is anticipated. The existing schools should be adequate to handle the annexed area. Likewise, existing services should be sufficient to handle the annexed area.

**III. Extension of Municipal Services.**

Once The Town has adequate sewer capacity such that development can proceed, water and sanitary sewer service will be made available to the annexed area by water and sanitary sewer mains and laterals to be extended and/or installed by the Petitioner, its

## BOOK 3 PAGE 623

successors and assigns, at Petitioner's sole cost, upon approval by The Town of Willards. The water and sewer system connection can be made to the existing water and sewer system either from Poplar Neck Road or from Three Bridges Road. Three Bridges Road has a six inch water main on the North side of the road and an eight inch sewer main on the South side of the road. If the sanitary sewer system is extended from Three Bridges Road, due to the invert of the sewer mains, it is likely that a Lift Station may have to be installed, for lack of adequate gravity flow. A second option would be the possibility of connecting the sewer to the sewer main in Poplar Neck Road where the inverts are much deeper, which will result in a more positive gravity flow. All expenses in regard to water and sewer will be incurred by Petitioner, its successors and/or assigns, per the Annexation Agreement between The Town of Willards and Petitioner, including, without limitation, any water and sewer meters and manholes that may be required.

Any stormwater management will be in accord with Wicomico County Stormwater Management Regulations. The cost of any stormwater management and stormwater conveyance, on-site and off-site, will be the responsibility of the Petitioner.

Any and all street improvements and curbing will comply with any regulatory ordinance and the Zoning Code of The Town of Willards and meet the standards required by the Wicomico County Department of Public Works, Road Division. All expenses will be incurred and paid by the Petitioner, its successors and/or assigns, per the Annexation Agreement between The Town of Willards and Petitioner.

Any necessary street lighting will be installed at the cost of the Petitioner with The Town assuming the cost of electricity when the streets are turned over to The Town and/or County.

Other Town services such as trash collection will be available as needed upon annexation.

Petitioner shall comply with all requirements for forestation and reforestation as mandated by Wicomico County, Maryland, which administers The Town's Forest Conservation Program. The costs of any forestation and/or reforestation, on site or off site, will be the responsibility of the Petitioner.

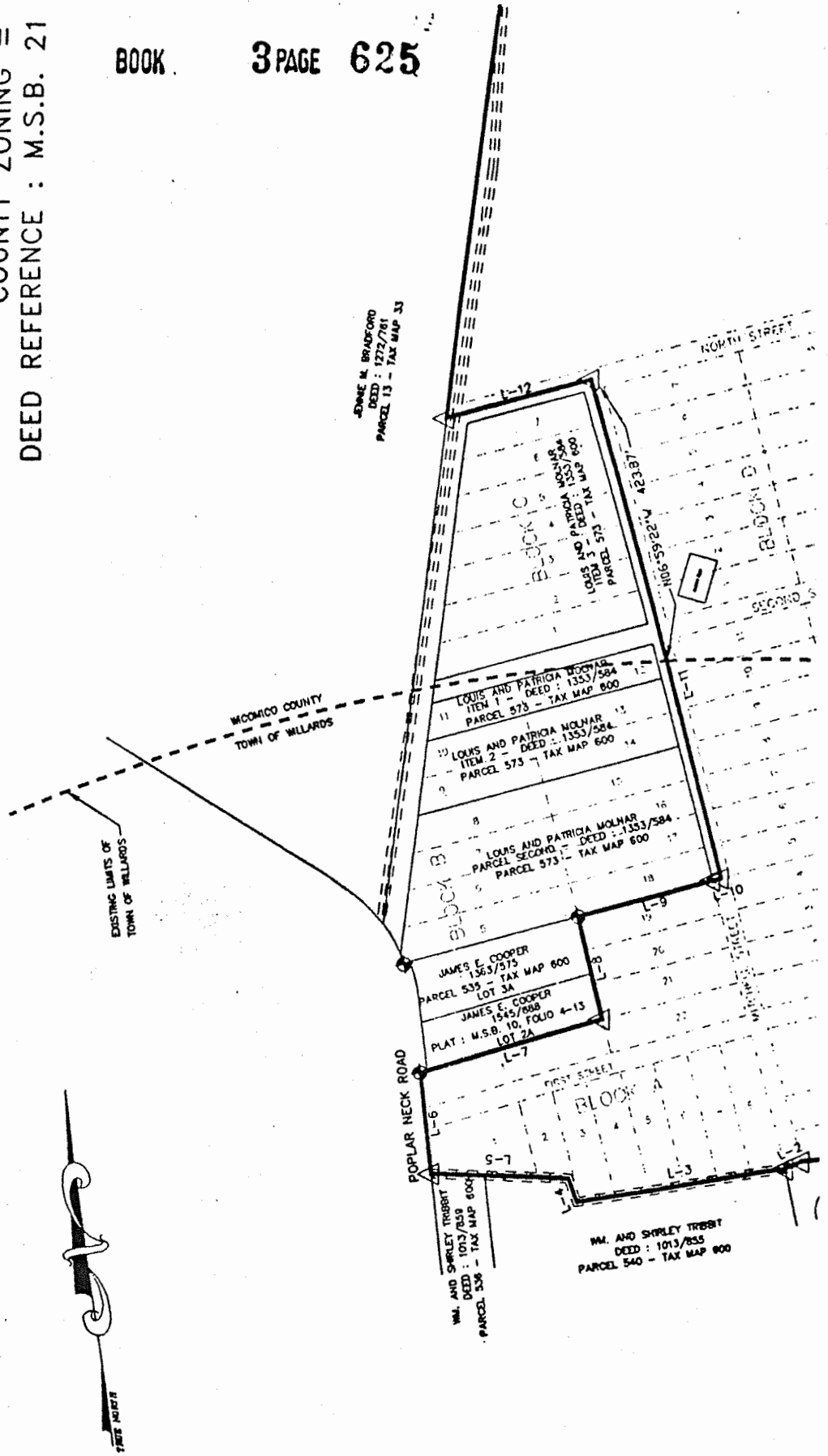
The Petitioner shall be responsible for the payment of any and all connection fees and/or impact fees that may be in effect in The Town of Willards or Wicomico County at the time of development by Petitioner, its successors and/or assigns.

F:\Users\dp36043\Outline

# "CYPRESS CREEK"

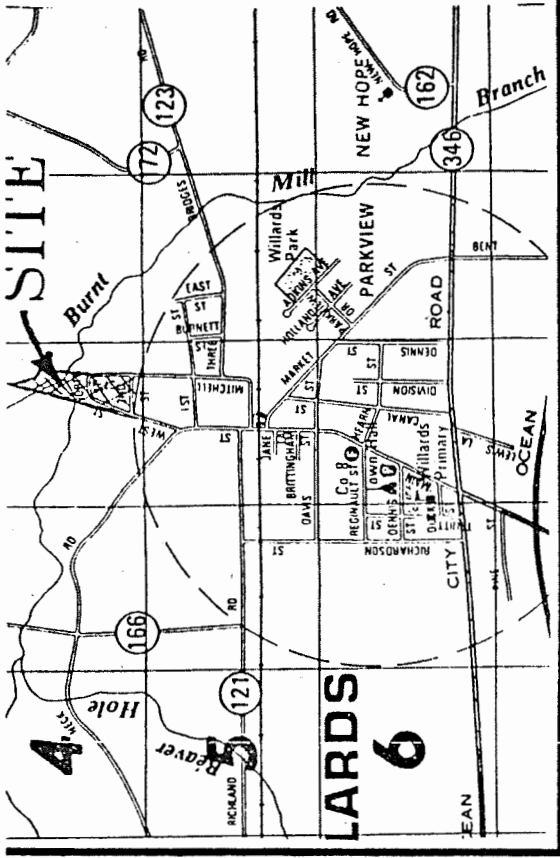
"ANNEXATION PLAT - LANDS C  
 WILLARDS ELECTION DISTRICT,  
 TAX MAP 33 -  
 COUNTY ZONING =  
 DEED REFERENCE : M.S.B. 21

BOOK 3 PAGE 625



# CK ANNEXATION

IF WILLARDS PROPERTIES, LLC  
WICOMICO COUNTY, MARYLAND  
- PARCEL 216  
TOWN TRANSITIONAL  
17/574 AND M.S.B. 2117/577



LOCATION MAP

BOOK

3 PAGE 626

### OWNERS' AND SURVEYOR'S CERTIFICATION

I Hereby Certify, To The Best Of My Knowledge And Belief, That  
The Requirements Of Section 3-108 Of The Real Property Article  
Of The Annotated Code Of Maryland (Latest Edition) Concerning The  
Making Of This Plat And The Setting Of Markers have been complied with.

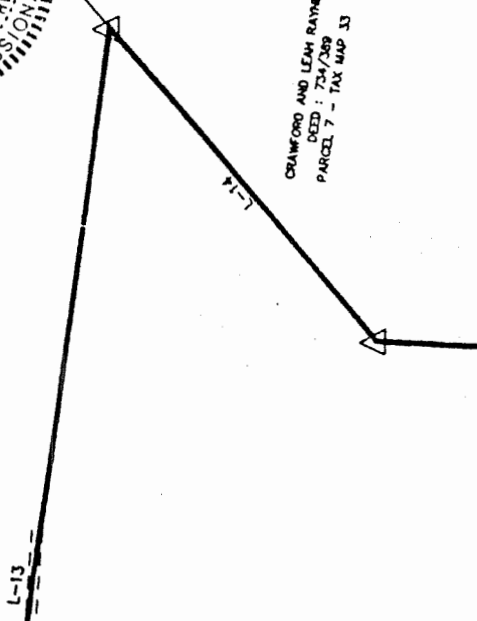
*Frank G. Lynch, Jr.*  
Frank G. Lynch, Jr.  
Reg # 10782  
Date: 1-06-2005

*Eugene R. Parker, Jr.*  
WILLARDS PROPERTIES, LLC  
EUGENE R. PARKER, JR.  
Date: 1-11-2005

*Mitchell M. Parker*  
WILLARDS PROPERTIES, LLC  
MITCHELL M. PARKER  
Date: 1/11/05

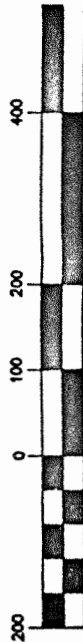


L-13

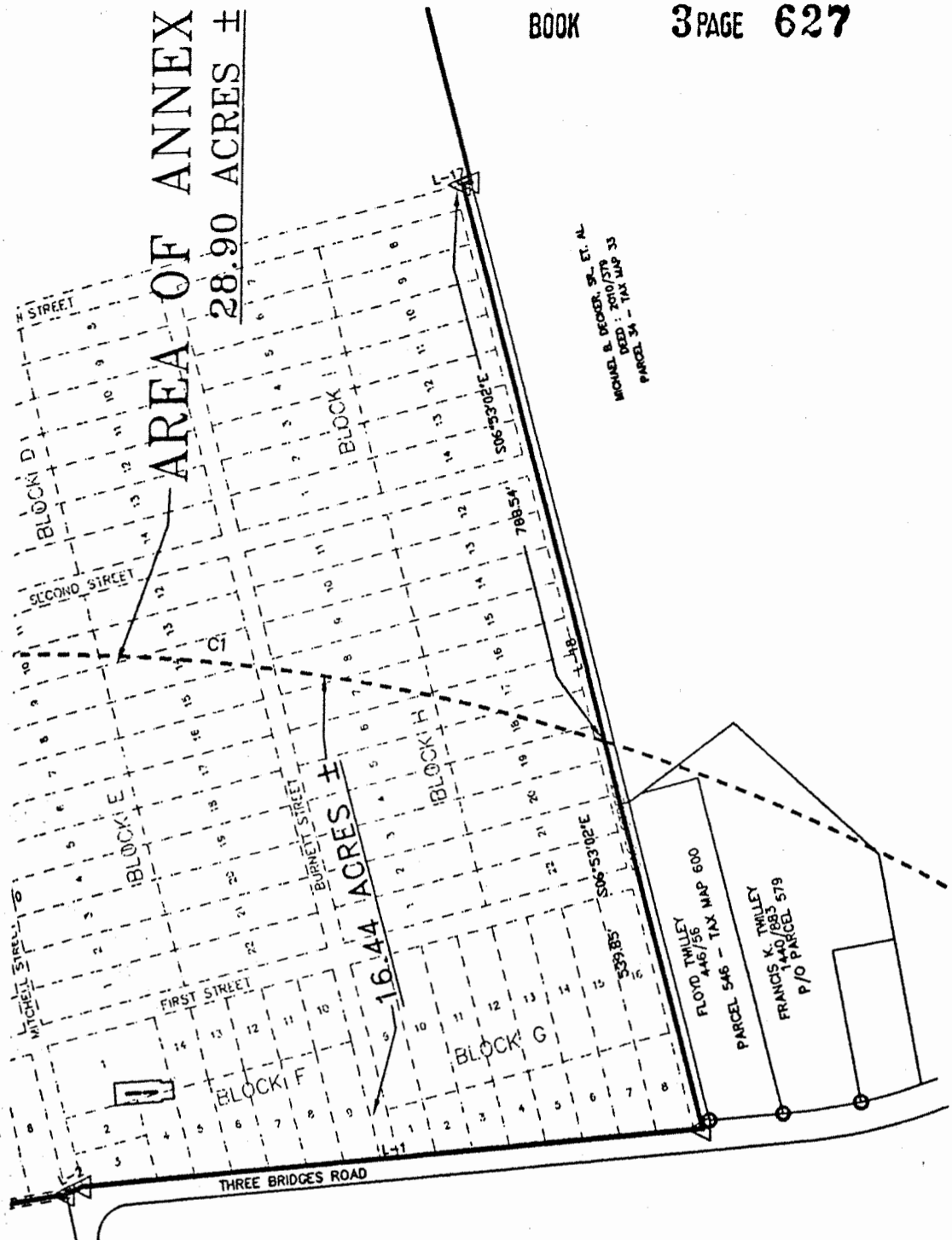


CRANFORD AND LEAH RAYNE  
DEED : 704/389  
PARCEL 7 - TAX MAP 33

GRAPHIC SCALE



( IN FEET )  
1 inch = 200 ft



**LEGEND**

- DENOTES IRON ROD FOUND
- ◊ DENOTES IRON PIPE FOUND
- △ DENOTES IRON ROD SET
- DENOTES INTERIOR LOT LINES PER PLAT ENTITLED "MITCHELL PROPERTY" AS RECORDED IN PLAT BOOK : J.W.S. 250/15

ANY AMENDMENTS, COPYING OR DISTRIBUTION, INCLUDING COMPUTER GENERATED AMENDMENTS, COPYING OR DISTRIBUTION IS STR

MITCHELL M. PARKER

CURVE TABLE						
CURVE	RADIUS	DELTA	LENGTH	TANGENT	CHORD	CHORD BEARING
C1	2640.00'	20°00'55"	922.24'	465.87'	917.56'	N74°41'39"W

LINE TABLE		
LINE	LENGTH	BEARING
L-1	847.90	N87°20'20"W
L-2	24.50	S72°52'24"W
L-3	306.67	S89°27'40"W
L-4	34.79	N12°38'36"W
L-5	197.68	N80°07'59"W
L-6	143.15	N01°10'02"E
L-7	271.28	N81°30'01"E
L-8	153.44	N05°06'03"W
L-9	200.00	N82°54'17"E
L-10	12.84	N83°06'58"E
L-11	745.05	N06°59'22"W
L-12	213.53	S82°54'17"W
L-13	1902.53	N14°42'23"E
L-14	482.63	S33°02'37"E
L-15	402.73	S79°17'37"E
L-16	637.28	S06°53'02"E
L-17	12.06	S82°54'17"W
L-18	1328.39	S06°53'02"E

BOOK 3 PAGE 628

F/9431-03.DW

DISK #

Frank G. Lynch, Jr.  
& Associates, Inc.

SURVEYING · LAND PLANNING  
10535 RACETRACK ROAD · BERLIN, MARYLAND 21811  
(410) 641-5353 · 641-5773

DESIGNED BY	SURVEYED BY	FILE #9431-04
DRAWN BY : F.G.L. JR.	DATE : 11-24-2004	
CHECKED BY F.G.Lynch	SCALE : 1" = 200'	SHEET 1 OF 1

County ordinances

Received for Record Aug 10, 2005 and recorded in the ~~land~~ Records of Wicomico County, Maryland in Liber M.S.B. No. 3 Folios 600-628  
- Mark S. Bowe Clerk

ATION

Delivered to Hearne & Bouley  
11/22/05



FAX MAP 33



BOOK

3 PAGE 629

WEBB, BURNETT, CORNBROOKS,  
WILBER, VORHIS, DOUSE & MASON, LLP

ATTORNEYS AT LAW  
115 BROAD STREET  
P. O. BOX 910

SALISBURY, MARYLAND 21803-0910

(410) 742-3176  
FAX (410) 742-0438

JOHN W. T. WEBB  
(1918-1990)

K. KING BURNETT  
ERNEST I. CORNBROOKS III  
PAUL D. WILBER  
DAVID A. VORHIS  
DAVID B. DOUSE  
CHRIS S. MASON  
CYNTHIA BRUBAKER MACDONALD  
ABIGAIL H. MARSH

November 28, 2005

[wibr@comcast.net](mailto:wibr@comcast.net)

Mark S. Bowen, Clerk  
Circuit Court for Wicomico County  
Courthouse  
Salisbury, Maryland 21801

Re: Town of Pittsville  
Our File No. 26599

Dear Mr. Bowen:

Enclosed please find the original Resolution No. 2004-2 which includes a property description for the Poplar Neck Road - Hearn Annexation.

Sincerely,



Paul D. Wilber

PDW/mam  
Enclosure

FILED

05 NOV 29 PM 3:58  
CLERK OF COURT

BOOK 3 PAGE 630

## TOWN OF PITTSVILLE

## RESOLUTION NO. 2004-2

A RESOLUTION OF THE COMMISSIONERS OF THE TOWN OF PITTSVILLE TO PROPOSE THE ANNEXATION TO THE TOWN OF PITTSVILLE OF A CERTAIN AREA OF LAND SITUATE AND CONTIGUOUS TO AND BINDING UPON THE NORTHEASTERLY CORPORATE LIMITS OF THE TOWN OF PITTSVILLE TO BE KNOWN AS THE "POPLAR NECK ROAD - HEARN ANNEXATION," BEING AN AREA LOCATED ON THE SOUTHWESTERLY SIDE OF POPLAR NECK ROAD AND THE SOUTHEASTERLY SIDE OF CASHER WELLS ROAD.

WHEREAS, the Town of Pittsville has received a petition to annex, signed by at least twenty-five percent (25%) of the persons who are resident registered voters and of the persons who are owners of at least twenty-five percent (25%) of the assessed valuation of the real property in the area sought to be annexed, and being located on the Southwesterly side of Poplar Neck Road and the Southeasterly side of Casher Wells Road, said parcel being contiguous to and binding upon the Northeasterly corporate limits of the Town of Pittsville;

WHEREAS the Town of Pittsville has caused to be made a certification of the signatures on said petition to annexation and has verified that the persons signing the petition represent at least twenty-five percent (25%) of the persons who are eligible voters and property owners owning twenty-five percent (25%) of the assessed valuation of real property in the area to be annexed, all as of August 16, 2004; and

WHEREAS it appears that the petition meets all the requirements of the law.

SECTION 1. NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS OF THE TOWN OF PITTSVILLE THAT it is hereby proposed and recommended that the boundaries of the Town of Pittsville be changed so as to annex to and include within said Town all that parcel of land together with the persons residing therein and their property, contiguous to and located on the Southwesterly side of Poplar Neck Road and the Southeasterly side of Casher Wells Road, and being more particularly described on Exhibit "A" attached hereto and made a part hereof.

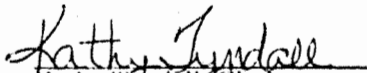
BOOK 3 PAGE 631

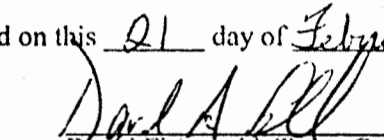
SECTION 2. AND BE IT FURTHER RESOLVED BY THE TOWN OF PITTSVILLE THAT the annexation of the said area be made subject to the terms and conditions in Exhibit "B" attached hereto and made a part hereof.

SECTION 3. AND BE IT FURTHER RESOLVED BY THE COMMISSIONERS OF THE TOWN OF PITTSVILLE, THAT the Commissioners hold a public hearing on the annexation hereby proposed on Monday, October 18, 2004, at 7:30 o'clock p.m. in the Town Office provided a public notice of time and place of said hearing is published not fewer than four (4) times at not less than weekly intervals, in a newspaper of general circulation in the Town of Pittsville, of the area to be annexed, accurately describing the proposed annexation and the conditions and circumstances applicable thereto, which said notice shall specify a time and place at which the Commissioners of the Town of Pittsville will hold a public hearing on the Resolution.

SECTION 4. AND BE IT FURTHER RESOLVED BY THE COMMISSIONERS OF THE TOWN OF PITTSVILLE, THAT this resolution shall take effect upon the expiration of forty-five (45) days following its final passage, subject, however, to the right of referendum as contained in Article 23A of the Maryland Code.

The above resolution was introduced and read and passed at the regular meeting of the Commissioners of the Town of Pittsville held on this 15 day of November, 2004, and having been duly published as required by law in the meantime, was finally passed after a public hearing at its meeting held on this 21 day of February, 2005

  
Kathy Tyndall, Clerk  
City Clerk

  
David Fitzgerald, Town Commissioner  
President

The property hereby known as the parcel owned by Marie Hearn have the metes and bounds herein describing the size and shape of said property located being Map 300, Parcel 431, Grid 17 of the Tax Map of the Pittsville Election District of Wicomico County, State of Maryland. BEGINNING for the same at a point on the Southeasterly corner of the intersection of Maple Street and Casher Wells Road; (1) North Eighty-nine degrees, twenty minutes and twenty-seven seconds East by and with Casher Wells Road for a distance of One thousand five and thirty-two one-hundredths feet, thence; (2) South Six degrees, twenty-six minutes and fifty-nine seconds East by and with Casher Wells Road for a distance of One foot, thence; (3) South Seventy-seven degrees, twelve minutes and forty-five seconds East, along the property now or formally owned by Robert and Sherry Molnar for a distance of Two hundred and thirty-one feet, thence; (4) North Eighty-seven degrees, forty-seven minutes and fifteen seconds East by and with the property now or formally owned by Robert and Sherry Molnar for a distance of One hundred and sixty-five feet, thence; (5) South Seventy-one degrees, forty-two minutes and thirty-nine seconds East by and with the property now or formally owned by Robert and Sherry Molnar for a distance of One hundred and thirty-two feet, thence; (6) South Fifty-seven degrees, thirty-four minutes and thirty-one seconds East by and with the property now or formally owned by Robert and Sherry Molnar for a distance of One hundred and fifty-one and thirty-three one-hundredths feet, thence; (7) North Twenty-seven degrees, thirty-four feet and twenty seven seconds East by and with the property now or formally owned by Robert and Sherry Molnar for a distance of One hundred and fifty-six and twenty-two hundredths feet, thence; (8) by a curve to the right by and with the Easterly right-of-way line of Poplar Neck Road in a southerly direction on a 215 foot radius for a length of Two hundred seventy-seven and twenty-two hundredths feet, thence; (9) South Forty-six degrees, seven minutes and twenty seconds East still binding on said right-of-way for a distance of One hundred ninety-three and six tenths feet, thence; (10) along a curve by and with Poplar Neck Road in a southerly direction on a seven hundred and sixty-five feet radius for a distance of Two hundred seventy-one and forty-five one-hundredths feet, thence; (11) South Sixty-six degrees, twenty-seven minutes and eleven seconds East by and with Poplar Neck Road for a distance of Eighty-nine and seventy-two hundredths feet, thence; (12) along a curve by and with Poplar Neck Road in a southerly direction on a Two hundred, forty-three feet radius for a distance of Two hundred twenty-six and eighty-four one-hundredths feet, thence; (13) South Twelve degrees, fifty-eight minutes East by and with Poplar Neck Road for a distance of Three hundred twenty-one and sixty-four one-hundredths feet, thence leaving said right of way; (14) South Seventy-six degrees, forty-seven minutes and thirty-four seconds West running and binding along the northerly line of the property of Preston C. Bowling Jr. Etal for a distance of One thousand, six hundred and two and sixty-two hundredths feet, thence; (15) North Sixty-four degrees, eleven minutes and twenty-seven seconds West for a distance of One hundred eighty four and thirty-five one-hundredths feet, thence; (16) North Sixty-four degrees, sixteen minutes and thirty nine seconds West for a distance of Four hundred fifty-five and twelve hundredths feet, thence; (17) North Eight degrees, seven minutes East by and with property now or formally owned by David and Gloria Cravenor for a distance of Seven hundred eighty-eight and twenty-four hundredths feet, thence; (18) North Eighty-two degrees, fifty-three minutes West by and with property now or formally owned by David and Gloria Cravenor for a distance of Four hundred, thirty-five and eighty seven one-hundredths feet, thence; (19) North Five degrees, thirty-seven minutes and twenty-seven seconds East running and binding on the Easterly right-of-way line of Maple Street for a distance of Three hundred, thirty-one and five one-hundredths feet to the point of the beginning., containing 35.79 acres, more or less.

## CONDITIONS OF ANNEXATION

Exhibit "B"

## "POPLAR NECK ROAD - HEARN ANNEXATION"

A. SERVICES AND TAXES

1. Property taxes will be assessed at the first normal taxing period following annexation.

2. Sewer and water utilities will not be available until after completion of the next major wastewater treatment plant upgrade increasing the daily capacity of the plant by a minimum of seventy-five thousand gallons per day and no sooner than fifteen (15) years from the date of annexation. When water and sewer capacity is available, the annexed area will be served in accordance with Town policy in effect at the time of development and after completion of a Public Works agreement. The Town makes no representation about the availability of sewer capacity at the time of annexation. The owner shall be responsible for the cost of extension of water and sewer utilities to and within the annexed parcel, including sewer and water mains, pump stations and lift stations.

B. GENERAL PROVISIONS

1. Newly developing properties will be required to use Town water and sewer systems available at the time of construction or made available in conjunction with construction. All appropriate fees, charges and/or assessments must be paid before connection to Town utility lines are completed.

2. If recommended by the Town of Pittsville Planning & Zoning Commission, the Town of Pittsville will consider R-1 Prime Residential - Single Family Zoning for the entire annexation area.

C. MISCELLANEOUS

1. As a condition of annexation, petitioner shall pay the cost of annexation including, but not limited to, advertising cost associated with the annexation.

2. The Town of Pittsville will accept no responsibility for the construction, maintenance, or upkeep of any existing roadways, public or private, until such is deeded to the Town of Pittsville at the expense of the developer, and accepted by the Town of Pittsville.

3. All streets or roadways shall be constructed at the expense of the developer to Town of Pittsville standards and accepted by the Town of Pittsville prior to dedication. Dedication shall be by fee simple ownership.

BOOK 3 PAGE 634

TOWN OF PITTSVILLE  
PETITION FOR ANNEXATION

TO THE TOWN COMMISSIONERS OF THE TOWN OF PITTSVILLE

I request the annexation of my land to the Town of Pittsville.

35.79 acres, more or less, located on the Southwesterly side of Poplar Neck Road and the Southeasterly side of Casher Wells Road.

SIGNATURES:

Maria S. Hear

11/10/04  
Date

POA Roger E. Hear

\_\_\_\_\_  
Date

BOOK 3 PAGE 635

CERTIFICATION

## "POPLAR NECK ROAD - HEARN ANNEXATION"

This is to certify that I have verified the petitions for the annexation and that to the best of my knowledge the persons having signed the petition represent at least 25% of the registered voters residing in the area to be annexed and are the owners of at least 25% of at least 25% of the assessed valuation of real property located in the area to be annexed.

*Kathy Tyndall*  
Kathy Tyndall, Town Clerk

Dated: November 15, 2004.

County  
Ordinances

Received for Record Nov 28 2005 and  
recorded in the ~~the~~ Records of Wicomico  
County, Maryland in Liber M.S.B.  
No. 3 Folios 629-635

*Mad J. Bowe* Clerk

<sup>5</sup> Ret: to WBC Jttup  
12/5/05

WEBB, BURNETT, CORNBROOKS,  
WILBER, VORHIS, DOUSE & MASON, LLP

ATTORNEYS AT LAW

115 BROAD STREET

P. O. BOX 910

SALISBURY, MARYLAND 21803-0910

(410) 742-3176

FAX (410) 742-0438

JOHN W T WEBB  
(1918-1990)

K. KING BURNETT  
ERNEST I. CORNBROOKS III  
PAUL D. WILBER  
DAVID A. VORHIS  
DAVID B. DOUSE  
CHRIS S. MASON  
CYNTHIA BRUBAKER MACDONALD  
ABIGAIL H. MARSH

November 28, 2005

[wibr@comcast.net](mailto:wibr@comcast.net)

Mark S. Bowen, Clerk  
Circuit Court for Wicomico County  
Courthouse  
Salisbury, Maryland 21801

Re: Town of Pittsville  
Our File No. 26599

Dear Mr. Bowen:

Enclosed please find the original Resolution No. 2005-1 which includes a property description for the Route 346 - Chatham Manor Annexation.

Sincerely,



Paul D. Wilber

PDW/mam  
Enclosure

FILED

3:58



**RESOLUTION NO. 2005-1**

A RESOLUTION of the Town Commissioners of the Town of Pittsville proposing the annexation to the Town of Pittsville of a certain area of land situate contiguous to and binding upon the Southerly corporate limits of the Town of Pittsville, to be known as the "Maryland Route 346 - Chatham Manor Annexation" being an area located on the Southerly side of but not binding upon Maryland Route 346.

WHEREAS the Town of Pittsville has received a petition to annex, signed by at least twenty-five percent (25%) of the persons who are resident registered voters and of the persons who are owners of at least twenty-five percent (25%) of the assessed valuation of the real property in the area sought to be annexed, and being located on the Southerly side of but not binding upon Maryland Route 346, said parcel being contiguous to and binding upon the Southerly corporate limits of the Town of Pittsville.

WHEREAS the Town of Pittsville has caused to be made a certification of the signatures on said petition to annexation and has verified that the persons signing the petition represent at least twenty-five percent (25%) of the persons who are eligible voters and property owners owning twenty-five percent (25%) of the assessed valuation of real property in the area to be annexed, all as of July 14, 2005, as will more particularly appear by the certification attached hereto; and

WHEREAS it appears that the petition meets all the requirements of the law.

SECTION 1. NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSIONERS OF THE TOWN OF PITTSVILLE THAT it is hereby proposed and recommended that the boundaries of the Town of Pittsville be changed so as to annex to and include within said Town of Pittsville all that parcel of land together with the persons residing therein and their property, located on the Southerly side of Maryland Route 346,

and being more particularly described on Exhibit "A" attached hereto and made a part hereof.

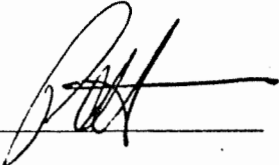
SECTION 2. AND BE IT FURTHER RESOLVED BY THE TOWN OF PITTSVILLE, THAT the annexation of the said area be made subject to the terms and conditions in Exhibit "B" attached hereto and made a part hereof.

SECTION 3. AND BE IT FURTHER RESOLVED BY THE TOWN COMMISSIONERS OF THE TOWN OF PITTSVILLE, THAT the Town Commissioners hold a public hearing on the annexation hereby proposed on September 19, 2005, at 7:30 o'clock p.m. in the Town Office and the Town Clerk shall cause a public notice of time and place of said hearing to be published not fewer than two (2) times at not less than weekly intervals, in a newspaper of general circulation in the Town of Pittsville, of the area to be annexed, accurately describing the proposed annexation and the conditions and circumstances applicable thereto, which said notice shall specify a time and place at which the Town Commissioners of the Town of Pittsville will hold a public hearing on the Resolution.

SECTION 4. AND BE IT FURTHER RESOLVED BY THE TOWN COMMISSIONERS OF THE TOWN OF PITTSVILLE, THAT this resolution shall take effect upon the expiration of forty-five (45) days following its final passage, subject, however, to the right of referendum as contained in Article 23A of the Maryland Code.

The above resolution was introduced and read and passed at the regular meeting of the Town Commissioners of the Town of Pittsville held on this 18th day of July,

2005, and having been duly published as required by law in the meantime, was finally passed after a public hearing at its meeting held on this 19 day of September, 2005.

  
\_\_\_\_\_  
Town Clerk  
*Attorney*

  
\_\_\_\_\_  
David Fitzgerald  
Town Commissioner President

BOOK

PAGE 640

**Description of parts of the PARCEL "A",  
Block "A" and Block "B" of  
Chatham Manor Section One  
Plat M.S.B No. 14, folio 624  
To be annexed into The Town of Pittsville  
Fourth Election District,  
Wicomico County, Maryland**

Beginning for the same at a point on the Town Limits of the Town of Pittsville; said point being designated as Point Number 30 on the plat entitled "The Town of Pittsville, Town Boundary Line Survey", Sheet 2 of 2, recorded among the Land Records of Wicomico County in Platbook A.J.S. No. 2, Folio 200; said point also being situate at the beginning of the North 50 degrees 56 minutes 11 seconds West 1025.77 foot Plat line as shown on the plat entitled "Chatham Manor" Section One", recorded among the Land Records of Wicomico County in Liber M.S.B. No. 14, Folio 624; thence leaving said point of beginning and running for a new Town Boundary Limits Line and also running with and binding on all of the North 50 degrees 56 minutes 11 seconds foot plat line of the aforementioned plat of "Chatham Manor" Section One", referring all bearings, as now surveyed, to the aforementioned Plat (14/624);

*1.) North 50 degrees 56 minutes 11 seconds West 1,025. 77 feet, thence running for a new Town Boundary Limits Line and also running reversely with and binding on part of the South 18 degrees 59 minutes 59 seconds West 682.94 foot (Total) plat line of the aforementioned plat of "Chatham Manor" Section One";*

Jul. 18. 2005 12:41PM

No. 0296 P. 5

BOOK

PAGE 641

2.) *North 18 degrees 59 minutes 59 seconds East 59.68 feet* to a point formed by the intersection of said plat line and the *North 86 degrees 07 minutes 23 seconds West 2,750.11 foot Limits Line* as shown on the aforementioned plat entitled "The Town of Pittsville, Town Boundary Line Survey, Sheet 2 of 2; thence running reversely with and binding on said existing Town Boundary Limits Line, parallel to and distant 629.26 feet from the Southernmost Right of Way Line of Maryland Route #346, 40 feet wide, as now surveyed;

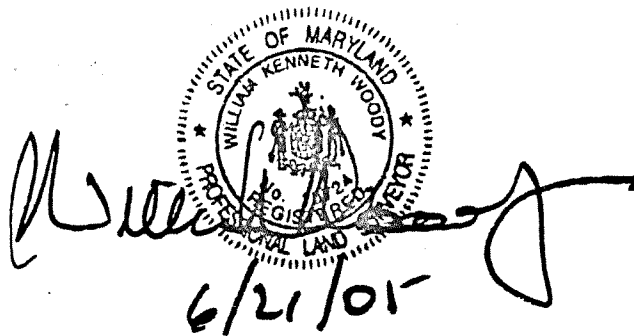
3.) *South 77 degrees 30 minutes 00 seconds East 990.94 feet* to a point on the *South 21 degrees 18 minutes 07 seconds West 1150.82 foot (Total) plat line* as shown on the plat entitled "Chatham Manor" Section One" thence running with and binding on part of said plat line and reversely with the intended Town Boundary Limits Line as shown between points #31 and #30 on the aforementioned plat entitled "The Town of Pittsville, Town Boundary Survey", Sheet 2 of 2, as now surveyed;

4.) *South 21 degrees 18 minutes 07 seconds West 524.18 feet* to the point of beginning, containing 6.5520 acres, more or less.

Being part of the land granted and conveyed by Robert Reese Jones Jr. and Sheree Lynn Jones Gordon to Chatham Manor, LLC, dated February 27, 2004, and recorded among the Land Records of Wicomico County, Maryland in Liber 2201, Folio 722.

Also being comprised of a portion of the following:

1. Parcel "A".
2. Block "A" lot 19.
3. Block "B" lot 6.
4. Right of Way for Chatham Manor Way. All are shown on the Subdivision Plat entitled "Chatham Manor" Section One, recorded among the Land Records of Wicomico County in Liber M.S.B. No. 14, Folio 624

  
6/21/05

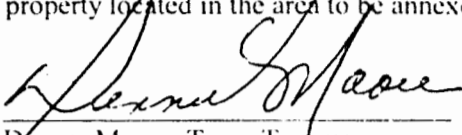
CERTIFICATION

BOOK

SPACE 642

Maryland Route 346 - Chatham Manor Annexation

This is to certify that I have verified the petitions for the annexation and that to the best of my knowledge the persons having signed the petition represent at least 25% of the registered voters residing in the area to be annexed and are the owners of at least 25% of at least 25% of the assessed valuation of real property located in the area to be annexed.

  
Denver Moore, Town Treasurer

Dated: 6/1/05

BOOK

PAGE 643

## CONDITIONS OF ANNEXATION

Exhibit "B"

## Maryland Route 346 - Chatham Manor Annexation

A. SERVICES AND TAXES

1. Property taxes will be assessed at the first normal taxing period following annexation.
2. Services for the annexed area will be made available in accordance with Town policy in effect at the time of development and after completion of a Public Works Agreement. The Town makes no representation about the availability of sewer capacity at the time of annexation.

B. GENERAL PROVISIONS

1. Newly developing properties will be required to use Town water and sewer system available at the time of construction or made available in conjunction with construction. All appropriate fees, charges and/or assessments must be paid before connection to Town service lines are completed.
2. Zoning of the entire annexation area will be R-1 Prime Residential - Single Family as recommended by the Town of Pittsville Planning & Zoning Commission.

C. MISCELLANEOUS

1. As a condition of annexation, petitioner shall pay the cost of annexation including, but not limited to, advertising cost associated with the annexation.
2. The Town of Pittsville will accept no responsibility for the construction, maintenance, or upkeep of any existing roadways, public or private, until such is deeded to the Town of Pittsville at the expense of the developer, and accepted by the Town of Pittsville.
3. All new streets or roadways shall be constructed at the expense of the developer to Town of Pittsville standards and accepted by the Town of Pittsville prior to dedication. Dedication shall be by fee simple ownership.

Jul. 18. 2005 12:41PM  
Jul. 14. 2005 10:34AM

No. 0296 P. 2  
No. 0272 P. 2

BOOK 3 PAGE 644

**TOWN OF PITTSVILLE  
PETITION FOR ANNEXATION**

**TO THE TOWN COMMISSIONERS OF THE TOWN OF PITTSVILLE:**

I request the annexation of my land to the Town of Pittsville.


A small portion of Lot 6 (0.1237 acres  $\pm$ ) and Lot 19 (0.0652 acres  $\pm$ ) of  
"Chatham Manor" Section One, and

A part of the Right-of-Way for Block "B" Chatham Manor Way (0.080  
acres  $\pm$ ), "Chatham Manor" Section One,

The above parcels being located on the Southerly side of but not binding  
upon Maryland Route 346.

**SIGNATURES:**

**CHATHAM MANOR, L.L.C.**

By:   
WILSON ERIC DAVIL, Member

Dated: JULY 14, 2005



Jul. 18. 2005, 12:41PM William K. Woody

410-255-5478 No. 0296 P. 3

BOOK . . . 3 PAGE 645

TOWN OF PITTSVILLE  
PETITION FOR ANNEXATION

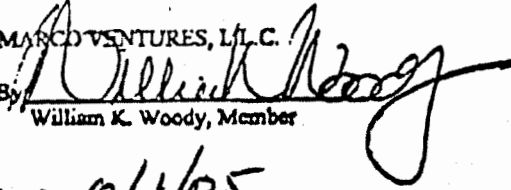
TO THE TOWN COMMISSIONERS OF THE TOWN OF PITTSVILLE:

I request the annexation of my land to the Town of Pittsville.

6.5520 acres located on the Southernly side of but not binding upon  
Maryland Route 346.

SIGNATURES:

MARCO VENTURES, L.L.C.

By   
William K. Woody, Member

Dated: 01/1/05

County  
Ordinance

Received for Record Nov 28, 2005 and  
recorded in the ~~old~~ Records of Wicomico  
County, Maryland in Liber M.S.B.  
No. 3 Folios 636-645  
Mark S. Bown Clerk

Ret. to WBC amp  
12/05/05

BOOK 3 PAGE 646

**CULLEN, INSLEY & BENSON, LLP**  
 ATTORNEYS AT LAW  
 132 East Main Street  
 P.O. Box 109  
 Salisbury, Maryland 21803-0109

**Wade H. Insley, III**  
**Robert A. Benson**

Telephone: 410-749-1201 Facsimile: 410-749-1325

e-mail: [cihb@dmv.com](mailto:cihb@dmv.com)  
 January 4, 2006

Direct e-mail:  
[bensoncihb@dmv.com](mailto:bensoncihb@dmv.com)

Richard E. Cullen  
 (1914-1993)

The Honorable Mark S. Bowen, Clerk  
 Circuit Court for Wicomico County  
 P.O. Box 198  
 Salisbury, MD 21801

RE: Town of Delmar/Resolution for Brian and Rosalynn R. Baker

Dear Mark:

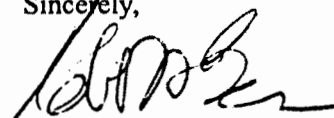
MSB N102  
 Jan 04 2006 03:22 PM

The Town of Delmar passed Resolution No. 2005-2-1 which annexes into the Town of Delmar a certain area of land know as the "Annexation for Brian and Rosalynn R. Baker". I am enclosing herewith a copy of my letter to the state of Maryland Department of Legislative Reference for your file. I am also enclosing herewith the following documents, which I would request that you record in the Annexation Records of the Circuit Court for Wicomico County:

1. Executed copy of Resolution No. 2005-2-1;
2. Copy of Annexation Agreement;
3. Legal Description; and
4. Copy of Conditions of Annexation.

Should you have any questions, please don't hesitate to call.

Sincerely,



Robert A. Benson

RAB\mlh  
 Enclosure  
 cc: Mrs. Gloria Smith

OpenFiles\Town of Delmar\Baker\Bowen Recordation Letter.doc

BOOK 3 PAGE 647

**CULLEN, INSLEY & BENSON, LLP**  
**ATTORNEYS AT LAW**  
 132 East Main Street  
 P.O. Box 109  
 Salisbury, Maryland 21803-0109

Wade H. Insley, III  
 Robert A. Benson

Telephone: 410-749-1201 Facsimile: 410-749-1325

e-mail: [cibhlay@dmv.org](mailto:cibhlay@dmv.org)

Direct e-mail:  
[bensoncihb@dmv.com](mailto:bensoncihb@dmv.com)

Richard E. Cullen  
 (1914-1993)

January 4, 2005

Georgianne Carter, Legislative Counsel  
 Municipal Resolution Reposition  
 Department of Legislative Reference  
 90 State Circle  
 Annapolis, MD 21401-1991

RE: Town of Delmar/Resolution for Brian and Rosalynn R. Baker

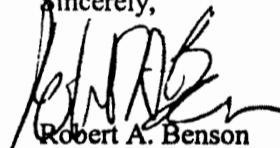
Dear Ms. Carter:

Enclosed herewith please find a copy of Resolution No. 2005-2-1 for the Town of Delmar which annexes into the Town of Delmar a certain area of land know as the "Annexation for Brian and Rosalynn Baker".

A boundary description of the annexed area is attached to the Resolution along with the Conditions of Annexation. Also enclosed herewith please find a copy of the plat of the annexed area.

Should you have any questions, please don't hesitate to call.

Sincerely,



Robert A. Benson

RAB\mlh  
 Enclosure

cc: Mrs. Gloria Smith  
 Mark S. Bowen, Clerk, Circuit Court for Wicomico County  
 State Planning Office (w/enclosures)  
 State Department of Assessments and Taxation for Wicomico County (w/enclosures)  
 Wicomico County Planning and Zoning (w/enclosures)  
 Ms. Judy Ritter, Board of Elections (w/enclosures)  
 Sara Bynum-King

OpenFiles\Town of Delmar\Baker\Recordation letter.doc

## RESOLUTION NO. 2005-2-1

**A RESOLUTION of the Mayor and Commissioners of Delmar proposing the annexation to Town of Delmar of a certain area of land situated contiguous to and binding upon the Corporate Limits of the Town of Delmar located on the Westerly right-of-way line of U.S. Alternate Route 13A, to be known as the "Annexation for Brian and Rosalynn R. Baker".**

**WHEREAS**, the Town of Delmar has received a petition to annex, signed by at least twenty-five percent (25%) of the persons who are resident registered voters and of the persons who are owners of at least twenty-five percent (25%) of the assessed valuation of the real property in the area sought to be annexed and being contiguous to and binding upon the corporate limits of the Town of Delmar and to be known as the "Brian and Rosalynn R. Baker Annexation" for identification; and

**WHEREAS**, the Town of Delmar has caused to be made a certification of the signatures on said petition to annexation and has verified that the persons signing the petition represent at least twenty-five percent (25%) of the persons who are eligible voters and property owners owning twenty-five percent (25%) of the assessed valuation of real property in the area to be annexed, all as of February 14, 2005, as will more particularly appear by the certification of Sara Bynum-King of the Town of Delmar, attached hereto; and

**WHEREAS**, it appears that the petition meets all the requirements of the law.

**SECTION 1. NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COMMISSIONERS OF DELMAR**, that it is hereby proposed and recommended that the boundaries of the Town of Delmar be changed so as to annex to and include within said Town all that certain area of land together with the persons residing therein and their property, located on the Easterly side of and binding upon U. S. Route 13A, and being more particularly described on Exhibit "A" attached hereto and made a part hereof.

**SECTION 2. AND BE IT FURTHER RESOLVED BY THE MAYOR AND COMMISSIONERS OF DELMAR**, that the annexation of the said area be made subject to the terms and conditions in Exhibit "B" attached hereto and made a part hereof.

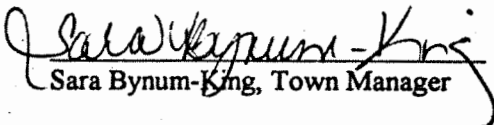
**SECTION 3. AND BE IT FURTHER RESOLVED BY THE MAYOR AND COMMISSIONERS OF DELMAR**, that the Commissioners hold a public hearing on the annexation hereby proposed on March 14, 2005, at 8:00 p.m. in the Delmar Town Hall and shall cause a public notice of the time and place of said hearing to be published not fewer than four (4) times at not less than weekly intervals, in a newspaper of general circulation in the Town of

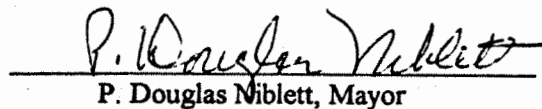
BOOK 3 PAGE 649

Delmar, and the area to be annexed, accurately describing the proposed annexation and the conditions and circumstances applicable thereto, which said notice shall specify a time and place at which the Commissioners of the Town of Delmar will hold a public hearing on the Resolution.

**SECTION 4. AND BE IT FURTHER RESOLVED BY THE MAYOR AND COMMISSIONERS OF DELMAR**, that this resolution shall take effect upon the expiration of forty-five (45) days following its final passage, subject, however, to the right of referendum as contained in Article 23A of the Maryland Code.

The above resolution was introduced and read and passed at the regular meeting of the Mayor and Commissioners of Delmar held on this 14<sup>th</sup> day of ~~February~~<sup>February</sup> 2005, and having been duly published as required by law in the meantime, was finally passed after a public hearing at its meeting held on this 14<sup>th</sup> day of March, 2005.

  
Sara Bynum-King, Town Manager

  
P. Douglas Niblett, Mayor

**EXHIBIT "A"****LEGAL DESCRIPTION**

**BOUNDARY DESCRIPTION** for the property owned by Brian and Rosalynn R. Baker to be annexed into the Town of Delmar:

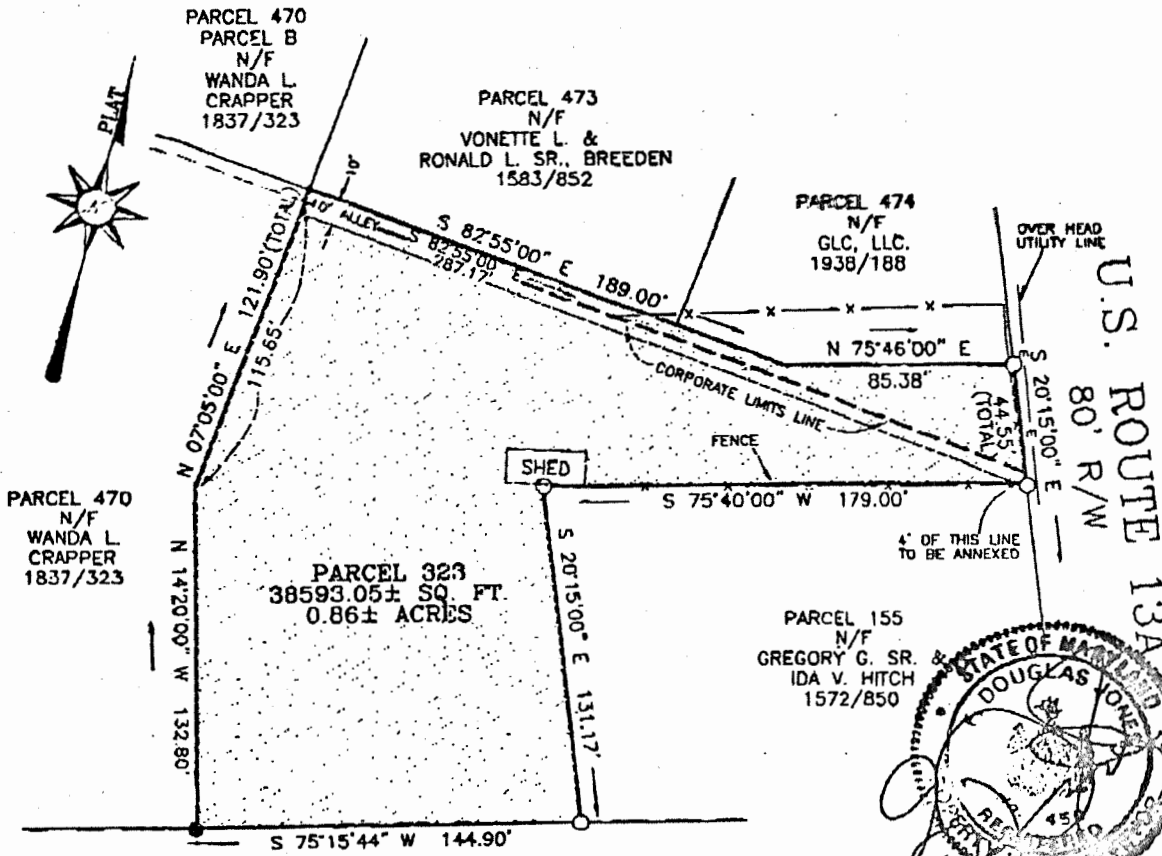
**BEING** all that piece or parcel of land lying near the Town of Delmar, Delmar Election District, Wicomico County, State of Maryland as shown on a Plat of Survey entitled, "Annexation Plat for Brian and Rosalynn R. Baker", dated February 2, 2005 as prepared by F. Douglas Jones Surveying Associates and described more particularly as follows to wit:

**BEGINNING** for the purpose of this legal description at an iron pipe found along the westerly right-of-way line of U.S. Alternate Route 13A (known locally as Bi-State Boulevard), at the northeast corner of the lands now or formerly owned by Gregory G., Sr. and Ida V. Hitch (known as Parcel 155 on Tax Map 20); said iron pipe also being the easternmost corner of the lands herein described (known as a portion of Parcel 323 on Tax Map 11A) and designated as the Point of Beginning (P.O.B.) for the purpose of this legal description, thence leaving said iron pipe and westerly right-of-way line of U.S. Alternate Route 13A and continuing along a common boundary line between the lands herein described and the lands now or formerly of Gregory G, Sr. and Ida V. Hitch the following courses and distances viz:

1. South 75 degrees 40 minutes 00 seconds West 179.00 feet to an iron pipe found at a corner of the lands herein described, said iron pipe also being the northwest corner of the aforementioned lands of Gregory G., Sr. and Ida V. Hitch, thence leaving said iron pipe and continuing along a common boundary between Gregory G., Sr. and Ida V. Hitch and the lands herein described
2. South 20 degrees 15 minutes 00 seconds East 131.17 feet to an iron pipe found along the northerly property line of the lands now or formerly of Richard Evans (Parcel 27 on Tax Map 20), said iron pipe being the southwest corner of the aforementioned lands of Gregory G., Sr. and Ida V. Hitch and the southeast corner of the lands herein described, thence leaving said common boundary with the lands of Gregory G., Sr. and Ida V. Hitch and continuing along a common boundary line between the lands herein described and the lands now or formerly of Richard Evans (Parcel 27 on Tax Map 20)
3. South 75 degrees 15 minutes 44 seconds West 144.90 feet to an iron rod with cap found, said iron rod being the southeast corner of the lands of Wanda L. Crapper (Parcel D of Parcel 470 on Tax Map 11A) and the southwest corner of the lands herein described, thence leaving the common boundary with the aforementioned lands of Richard Evans and continuing along a common boundary line between the lands now or formerly of Wanda L. Crapper (Parcel D of Parcel 470 on Tax Map 11A) and the lands herein described

## BOOK 3 PAGE 651

4. North 14 degrees 20 minutes 00 seconds West 132.80 feet to a point along the common boundary line of the aforementioned lands of Wanda L. Crapper and the westerly line of the lands herein described, thence continuing along said common boundary line with the lands of Wanda L. Crapper
5. North 07 degrees 05 minutes 00 seconds East 115.65 feet to the centerline of a ten foot alley and the existing corporate limit line for the Town of Delmar as shown on the aforesaid Plat of Survey prepared by F. Douglas Jones Surveying Associates, said centerline of alley and corporate limits line being the northern boundary of the lands herein described, thence leaving said common boundary with Wanda L. Crapper and continuing along the centerline of said ten foot alley and existing corporate limits line
6. South 82 degrees 55 minutes 00 seconds 287.17 feet to a point along the westerly right-of-way of U.S. Alternate Route 13A, and the corporate limit line of The Town of Delmar in part, said point being the northeast corner of the lands herein described, thence continuing along the westerly right-of-way of U.S. Alternate Route 13A and the corporate limit line of the Town of Delmar, in part.
7. South 20 degrees 15 minutes 00 seconds 3.98 feet to the Point of Beginning, containing 35,544.858 square feet of land, more or less, and BEING a portion of the land designated and shown on a Plat of Survey prepared by F. Douglas Jones Surveying Associates entitled, "Annexation Plan for Brian and Rosalynn R. Baker", Bi-State Boulevard, Delmar Election District, Wicomico County, Maryland dated February 2, 2005 attached hereto and made a part hereof by reference.



**NOTES:**

1. ASSESSMENT MAP NO. 11A, PARCEL 323
2. PLAT REF: 9/186-743
3. DEED REF: 1779/582
4. THIS PLAT IS OF BENEFIT TO THE CONSUMER ONLY INsofar AS IT IS REQUIRED BY A LENDER OR A TITLE INSURANCE COMPANY OR ITS AGENT IN CONNECTION WITH CONTEMPLATED TRANSFER, FINANCING OR REFINANCING. THE PLAT IS NOT TO BE RELIED UPON FOR THE ESTABLISHMENT OF EXISTING OR FUTURE IMPROVEMENTS, NOR DOES THE PLAT PROVIDE FOR THE ACCURATE IDENTIFICATION OF PROPERTY BOUNDARY LINES
5. THE LEVEL OF ACCURACY OF DISTANCES SHOWN TO THE APPARENT PROPERTY LINE, FOR THE PURPOSE OF THIS PLAT, IS ±0.5'
6. ● DENOTES IRON ROD WITH CAP FOUND  
○ DENOTES IRON PIPE FOUND

**FLOOD INSURANCE NOTE:**

BY GRAPHICS PLOTTING ONLY THIS PROPERTY IS IN ZONE C OF THE FLOOD INSURANCE RATE MAP. EXACT DESIGNATIONS CAN ONLY BE DETERMINED BY AN ELEVATION CERTIFICATE, BASED ON THE ABOVE INFORMATION. THIS PROPERTY IS NOT IN A SPECIAL FLOOD HAZARD AREA.



**F. Douglas Jones  
Surveying Associates**

Surveying  
Services  
For the  
21st Century

1008 W. Main St.  
Quantico Square, Suite C  
Salisbury, Maryland 21801  
Phone: 410-543-2615  
Fax: 410-543-8859

**ANNEXATION PLAT**  
**BRIAN & ROSALYNN R. BAKER**  
 U.S. ROUTE 13A HIGHWAY  
 "PROPERTY SURVEY OF A PART OF THE  
 ESTATE OF J. WILLIAM GORDY"  
 TOWN OF DELMAR  
 DELMAR ELECTION DISTRICT  
 WICOMICO COUNTY, MARYLAND

Scale: 1" = 60'	Date: 2/2/05	FB# 17, PG 80
Drawn: BMD	Surveyed: SLH/DGM	Job# 05-2378

BRIAN & ROSALYNN BAKER



BOOK 3 PAGE 653

## EXHIBIT "B"

TERMS AND CONDITIONS OF ANNEXATION**A. SERVICES AND TAXES**

1. Property taxes will be assessed pursuant to the terms of the Annexation Agreement entered into between the Town and Petitioner.

2. The annexed area will be provided normal Town services upon request, subject, however, to current Town policies. Any services requiring engineering design, construction or budget funding will be initiated with the request and completed as soon as possible.

**B. GENERAL PROVISIONS**

1. After the effective date of the annexation, the provisions of the Charter of the Town of Delmar and all ordinances, resolutions, rules and regulations of the Town of Delmar in effect on said date shall apply to the annexed area to the same extent as to the Town as a whole.

2. The Petitioner agrees to provide all on-site public streets required for the development completely and in strict accordance with the Town of Delmar's standards and specifications.

3. Zoning. When the annexation is effective and subject to approval by Wicomico County, if required by Maryland law, the zoning of the property will be R-2 Residential.

4. The Petitioner and the Town will be required to enter into an Annexation Agreement, the terms of which shall be incorporated herein as though set forth in its entirety.

OpenFiles\Town of Delmar\Baker Annexation\Exhibit B.doc

Ex - D:  
Cullen  
Inselvy  
Benson Atty  
2-23-06

County  
Ordinances  
+  
Resolution

Received for Record Jan 4, 2006 and  
recorded in the ~~land~~ Records of Wicomico  
County, Maryland in Liber M.S.B.  
No. 3 Folios 646-653  
Mark S. Bowe Clerk

BOOK

3 PAGE 654

**CULLEN, INSLEY & BENSON, LLP**  
 ATTORNEYS AT LAW  
 132 East Main Street  
 P.O. Box 109  
 Salisbury, Maryland 21803-0109

Wade H. Insley, III  
 Robert A. Benson

Telephone: 410-749-1201 Facsimile: 410-749-1325

e-mail: [robh@dmv.com](mailto:robh@dmv.com)  
 January 9, 2006

Direct e-mail:  
[bensoncihb@dmv.com](mailto:bensoncihb@dmv.com)

Richard E. Cullen  
 (1914-1993)

The Honorable Mark S. Bowen, Clerk  
 Circuit Court for Wicomico County  
 P.O. Box 198  
 Salisbury, MD 21801

RE: Town of Delmar/Resolution for VFW

MSB 4102  
 Jan 04, 2006 03:22 PM

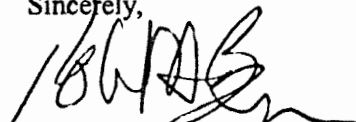
Dear Mark:

The Town of Delmar passed Resolution No. 2002-1-1 which annexes into the Town of Delmar a certain area of land know as the "Veterans of Foreign Wars Annexation". I am enclosing herewith a copy of my letter to the state of Maryland Department of Legislative Reference for your file. I am also enclosing herewith the following documents, which I would request that you record in the Annexation Records of the Circuit Court for Wicomico County:

1. Executed copy of Resolution No. 2002-1-1;
2. Copy of Annexation Agreement;
3. Legal Description; and
4. Copy of Conditions of Annexation.

Should you have any questions, please don't hesitate to call.

Sincerely,



Robert A. Benson

RAB\mlh  
 Enclosure

cc: Mrs. Gloria Smith

OpenFiles\Town of Delmar\VFW\Bowen Recordation Letter.doc

BOOK 3 PAGE 655  
RESOLUTION NO. 2002-1-1

A RESOLUTION of the Mayor and Commissioners of Delmar proposing the annexation to Town of Delmar of a certain area of land situated contiguous to and binding upon the Corporate Limits of the Town of Delmar located on the Southerly side of and binding upon State Street, to be known as the "Veterans of Foreign Wars Annexation".

WHEREAS, the Town of Delmar has received a petition to annex, signed by at least twenty-five percent (25%) of the persons who are resident registered voters and of the persons who are owners of at least twenty-five (25%) of the assessed valuation of the real property in the area sought to be annexed and being contiguous to and binding upon the corporate limits of the Town of Delmar and to be known as the "Veterans of Foreign Wars Annexation" for identification; and,

WHEREAS, the Town of Delmar has caused to be made a certification of the signatures on said petition to annexation and has verified that the persons signing the petition represent at least twenty-five (25%) of the persons who are eligible voters and property owners owning twenty-five (25%) of the assessed valuation of real property in the are to be annexed, all as of January 14, 2002, as will more particularly appear by the certification of the Town of Delmar, attached hereto; and

WHEREAS, it appears that the petition meets all the requirements of the law.

SECTION 1. NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COMMISSIONERS OF DELMAR, that it is hereby proposed and recommended that the boundaries of the Town of Delmar be changed so as to annex to and include within s aid Town all that certain area of land together with the persons residing therein and their property, located on the Southerly side of and binding upon State Street, and being more particularly described on Exhibit "A" attached hereto and made a part hereof.

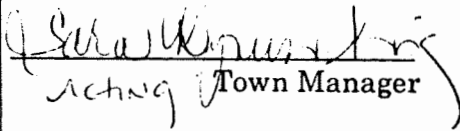
SECTION 2. AND BE IT FURTHER RESOLVED BY THE MAYOR AND COMMISSIONERS OF DELMAR, that the annexation of the said area be made subject to the terms and conditions in Exhibit "B" attached hereto and made a part hereof.

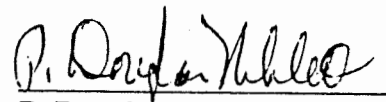
SECTION 3. AND BE IT FURTHER RESOLVED BY THE MAYOR AND COMMISSIONERS OF DELMAR, that the Commissioners hold a public hearing on the annexation hereby proposed on March 11, 2002 at 8 o'clock p.m. in the Delmar Town Hall and shall cause a public notice of the time and place of said hearing to be published not fewer than four (4) times at not less than weekly intervals, in a newspaper of general circulation in the Town of Delmar; and the area to be annexed, accurately describing the proposed annexation and the conditions and circumstances applicable thereto, which said notice shall specify a time and place at

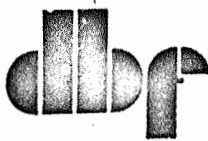
which the Commissioners of the Town of Delmar will hold a public hearing on the Resolution.

SECTION 4. AND BE IT FURTHER RESOLVED BY THE MAYOR AND COMMISSIONERS OF DELMAR, that this resolution shall take effect upon the expiration of forty-five (45) days following its final passage, subject, however, to the right of referendum as contained in Article 23A of the Maryland Code.

The above Resolution was introduced and read and passed at the regular meeting of the Mayor and Commissioners of Delmar held on this 28<sup>th</sup> day of January, 2002, and having been duly published as required by law in the meantime, was finally passed after a public hearing at its meeting held on this 11<sup>th</sup> day of March, 2002.

  
acting Town Manager

  
P. Douglas Niblett, Mayor



LEGAL DESCRIPTION

PROPOSED ANNEXATION

VETERANS OF FOREIGN WARS  
MEMORIAL POST NO. 8276 to

THE TOWN OF DELMAR, MARYLAND

John A. Davis, PE.  
Gerald G. Friedel, PE.  
Michael R. Wigley, AIA  
Hans M. Medlarz, PE.  
Randy B. Duplechain, PE.  
Charles R. Woodward, Jr., LS

January 14, 2002

**BEING** all that piece or parcel of land, lying on the southerly side of State Street in Delmar Election District, Wicomico County, Maryland, said piece or parcel of land, being more particularly described as follow, to wit:

**BEGINNING** for the same at a point formed by the intersection of the southerly right-of-way line of State Street, 37.70 feet wide, with the westerly right-of-way line of South Memorial Drive, 40 feet wide, as shown on a plat prepared by Hampshire, Hampshire & Andrews, Inc. entitled "Resubdivision for Veterans of Foreign Wars Memorial Post No. 8276 as recorded among the Land Records of Wicomico County, Maryland in Plat Cabinet 12, Folio 273; said point also being located on the westerly Corporate Limit Line of the Town of Delmar, thence running,

1) in the magnetic 1977 datum, by and with said South Memorial Drive and said Corporate Limit Line for the Town of Delmar, South 11 degrees 30 minutes 10 seconds West 572.38 feet to a concrete monument found on the boundary line of the lands, now or formerly, of John L. and Virginia L. Sparrow, as recorded among the said Land Records, in Liber 894, Folio 639, thence running,

2) leaving said South Memorial Drive and said Corporate Limit Line for the Town of Delmar and running by and with said lands of Sparrow, for the following two courses, North 87 degrees 07 minutes 07 seconds West 485.60 feet to a concrete monument found, thence running,

3) North 05 degrees 30 minutes 15 seconds West 337.90 feet to an iron rod found on the southerly boundary line of the lands, now or formerly, of Gary M. Horseman, Sr., as recorded in the aforesaid Land Records in Liber 1268, Folio 787, thence running,

4) leaving said lands of Sparrow and running by and with said lands of Horseman, for the following two courses, South 80 degrees 49 minutes 37 seconds East 355.23 feet to an iron rod found, thence running,

5) North 11 degrees 50 minutes 31 seconds East 149.91 feet to an iron rod found on the southerly boundary line of the lands, now or formerly, of Thorpe F. and Gladys M. Caldwell, as recorded in the said Land Records in Liber 352, Folio 127, thence running,

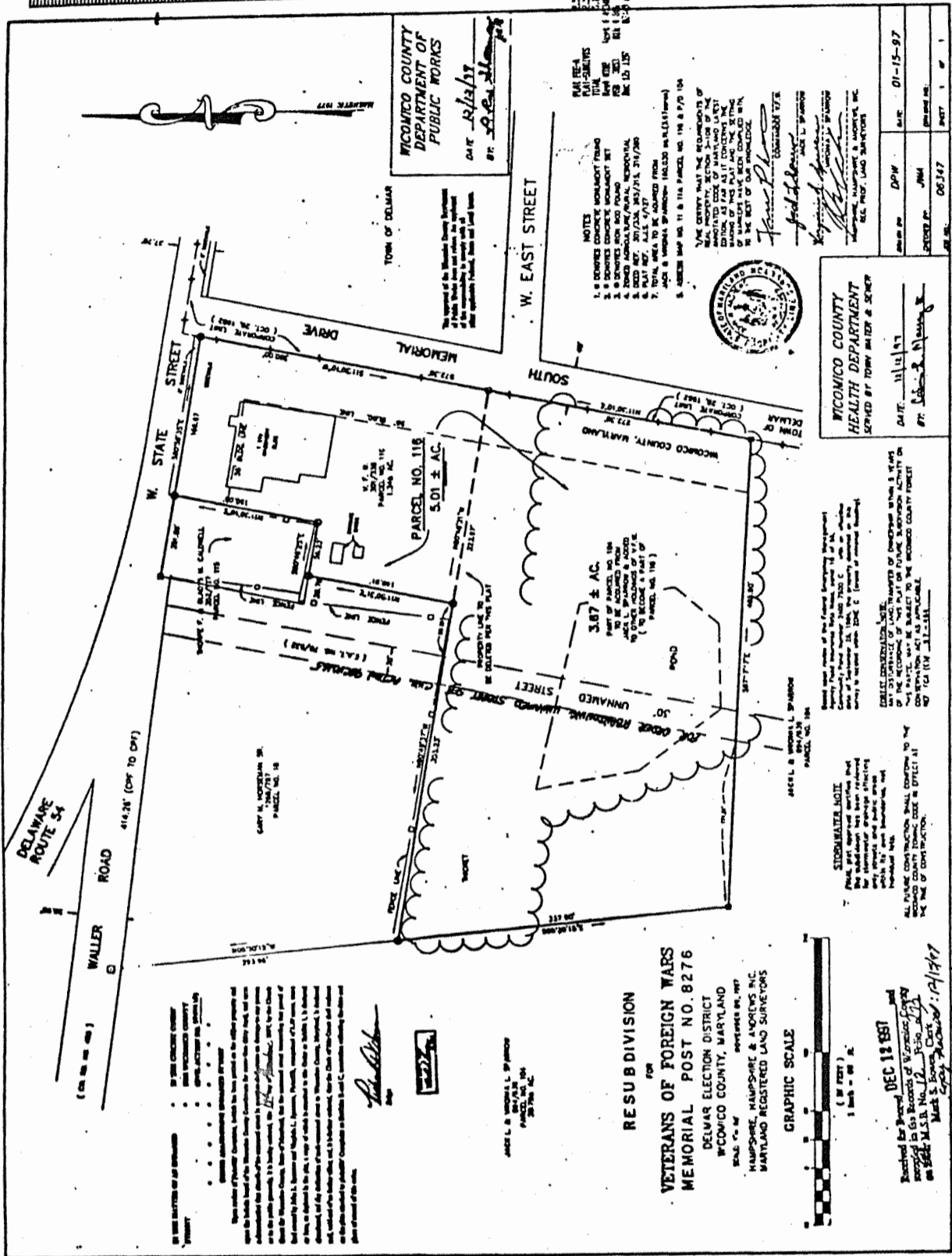
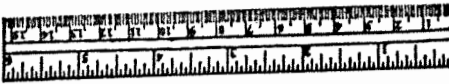
Legal Description  
Proposed Annexation  
Veterans of Foreign Wars  
Memorial Post No. 8276 to  
the Town of Delmar, Maryland  
January 14, 2002  
Page 2

6) leaving said lands of Horseman and running by and with said lands of Caldwell, for the following two courses, South 80 degrees 46 minutes 25 seconds East 56.22 feet to an iron rod found, thence running,

7) North 11 degrees 30 minutes 10 seconds East 150.00 feet to an iron rod found on the aforesaid southerly right-of-way line of State Street, thence running,

8) leaving said lands of Caldwell and running by and with said right-of-way line of State Street, South 80 degrees 56 minutes 35 seconds East 166.87 feet to the point and place of beginning; **CONTAINING** 8.68 acres of land, more or less.

N:\03\364a\364A001\Annexation\Legal.wpd



WICOMICO COUNTY  
DEPARTMENT OF  
PUBLIC WORKS

DATE: 12/14/97  
BY: J. L. Spang

- NOTES
1. S. BENTLEY CONCRETE WORKMANSHIP
  2. S. BENTLEY CONCRETE WORKMANSHIP
  3. S. BENTLEY CONCRETE WORKMANSHIP
  4. S. BENTLEY CONCRETE WORKMANSHIP
  5. S. BENTLEY CONCRETE WORKMANSHIP
  6. S. BENTLEY CONCRETE WORKMANSHIP
  7. S. BENTLEY CONCRETE WORKMANSHIP
  8. S. BENTLEY CONCRETE WORKMANSHIP
  9. S. BENTLEY CONCRETE WORKMANSHIP
  10. S. BENTLEY CONCRETE WORKMANSHIP



WICOMICO COUNTY  
HEALTH DEPARTMENT

DATE: 11/12/97  
BY: J. L. Spang

SEVERAL NOTES

THESE NOTES ARE FOR THE INFORMATION OF THE PUBLIC AND ARE NOT TO BE USED AS A BASIS FOR ANY ACTION.

THESE NOTES ARE FOR THE INFORMATION OF THE PUBLIC AND ARE NOT TO BE USED AS A BASIS FOR ANY ACTION.

RESUBDIVISION  
FOR  
VETERANS OF FOREIGN WARS  
MEMORIAL POST NO. 8276

DELMAR ELECTION DISTRICT  
WICOMICO COUNTY, MARYLAND

SCALE: 1" = 100'

MAPSHOWERS, HAMPSHIRE & ANDREWS, INC.  
MARTLAND REGISTERED LAND SURVEYORS



DEC 18 1997

RECORDED IN THE OFFICE OF THE REGISTERED LAND SURVEYORS  
OF WICOMICO COUNTY, MARYLAND  
BOOK 10, PAGE 659

Map: J. L. Spang  
Date: 12/14/97

THESE NOTES ARE FOR THE INFORMATION OF THE PUBLIC AND ARE NOT TO BE USED AS A BASIS FOR ANY ACTION.

THESE NOTES ARE FOR THE INFORMATION OF THE PUBLIC AND ARE NOT TO BE USED AS A BASIS FOR ANY ACTION.

J. L. Spang  
Surveyor

J. L. Spang  
Surveyor

DATE	01-15-97
BY	J. L. Spang
PROJECT NO.	06167
SHEET	1 of 1

EXHIBIT "B"

TERMS AND CONDITIONS OF ANNEXATION

A. SERVICES AND TAXES

1. Property taxes will be assessed at the full rate of taxes at the first nominal taxing period following the annexation to the extent that the Petitioner is not exempt from taxation.

2. The annexed area will be provided normal Town services upon request, subject however, to current Town policies. Any services requiring engineering design, construction or budget funding will be initiated with the request and completed as soon as possible.

B. GENERAL PROVISIONS

1. After the effective date of the annexation, the provisions of the Charter of the Town of Delmar and all ordinances, resolutions, rules and regulation of the Town of Delmar in effect on said date shall apply to the annexed area to the same extent as to the Town as a whole.

2. The Petitioner agrees to pay the cost of construction for all utilities required to support the proposed development including sanitary service to the point of connection with existing Town lines. The construction of the utilities shall be in strict accordance with the standards and specifications of the Town of Delmar and it is further understood that the Petitioner will remain responsible for maintenance of said utilities until accepted by the Town.

3. The Petitioner, or his successor in interest at time the request is made, shall pay the required tap fees of \$2,000.00 for sewer and \$350.00 for water, per unit, in full, prior to a unit being connected to the Town lines.

4. The Petitioner agrees to provide all on site public streets required for the development completely and in strict accordance with the Town of Delmar's standards and specifications.

5. Zoning. When the annexation is effective and subject to approval by Wicomico County, the zoning of the property will be consistent with its zoning as currently established by Wicomico County.

TownDel/ResolutionNo.Doc

*Ex D 2/23/06*

LAW OFFICES  
CULLEN, INSLEY,  
HANSON & BENSON, LLP  
132 E. MAIN ST.  
SALISBURY, MD. 21801

*County  
Ordinances  
&  
Resolution*

Received for Record Jan 4, 2006 and  
recorded in the ~~town~~ Records of Wicomico  
County, Maryland in Liber M.S.B.  
No. 3 Folios 654-660  
*Mark A. Bowe* Clerk



BOOK 3 PAGE 661

**CULLEN, INSLEY & BENSON, LLP**  
 ATTORNEYS AT LAW  
 132 East Main Street  
 P.O. Box 109  
 Salisbury, Maryland 21803-0109

Wade H. Insley, III  
 Robert A. Benson

Telephone: 410-749-1201 Facsimile: 410-749-1325  
 e-mail: ~~rhinsley@dmv.com~~ 2006

Direct e-mail:  
[bensoncihb@dmv.com](mailto:bensoncihb@dmv.com)

Richard E. Cullen  
 (1914-1993)

The Honorable Mark S. Bowen, Clerk  
 Circuit Court for Wicomico County  
 P.O. Box 198  
 Salisbury, MD 21801

RE: Town of Delmar/Resolution for Delmar Convention Center

Dear Mark:

The Town of Delmar passed Resolution No. 2004-12-1 which annexes into the Town of Delmar a certain area of land know as the "Annexation for Delmar Convention Center". I am enclosing herewith a copy of my letter to the State of Maryland Department of Legislative Reference for your file. I am also enclosing herewith the following documents, which I would request that you record in the Annexation Records of the Circuit Court for Wicomico County:

1. Executed copy of Resolution No. 2004-12-1;
2. Copy of Annexation Agreement;
3. Legal Description; and
4. Copy of Conditions of Annexation.

Should you have any questions, please don't hesitate to call.

Sincerely,

  
 Robert A. Benson

MSB M182  
 Jan 06, 2006 02:00 PM

RAB\mlh  
 Enclosure  
 cc: Mrs. Gloria Smith

OpenFiles\Town of Delmar\Preston Realty\Bowen Recordation Letter.doc

**RESOLUTION NO. 2004-12-1**

**A RESOLUTION of the Mayor and Commissioners of Delmar proposing the annexation to Town of Delmar of a certain area of land situated contiguous to and binding upon the Corporate Limits of the Town of Delmar located on the Westerly side of and binding upon U. S. Route 13 and the Southerly side of State Route 54, to be known as the "Delmar Convention Center".**

**WHEREAS**, the Town of Delmar has received a petition to annex, signed by at least twenty-five percent (25%) of the persons who are resident registered voters and of the persons who are owners of at least twenty-five percent (25%) of the assessed valuation of the real property in the area sought to be annexed and being contiguous to and binding upon the corporate limits of the Town of Delmar and to be known as the "Delmar Convention Center" for identification; and

**WHEREAS**, the Town of Delmar has caused to be made a certification of the signatures on said petition to annexation and has verified that the persons signing the petition represent at least twenty-five percent (25%) of the persons who are eligible voters and property owners owning twenty-five percent (25%) of the assessed valuation of real property in the area to be annexed, all as of December 13, 2004, as will more particularly appear by the certification of Sara Bynum-King of the Town of Delmar, attached hereto; and

**WHEREAS**, it appears that the petition meets all the requirements of the law.

**SECTION 1. NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COMMISSIONERS OF DELMAR**, that it is hereby proposed and recommended that the boundaries of the Town of Delmar be changed so as to annex to and include within said Town all that certain area of land together with the persons residing therein and their property, located on the westerly side of and binding upon U. S. Route 13 and the Southerly side of State Route 54, and being more particularly described on Exhibit "A" attached hereto and made a part hereof.

**SECTION 2. AND BE IT FURTHER RESOLVED BY THE MAYOR AND COMMISSIONERS OF DELMAR**, that the annexation of the said area be made subject to the terms and conditions in Exhibit "B" attached hereto and made a part hereof.

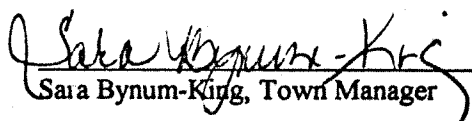
**SECTION 3. AND BE IT FURTHER RESOLVED BY THE MAYOR AND COMMISSIONERS OF DELMAR**, that the Commissioners hold a public hearing on the annexation hereby proposed on January 10, 2005, at 8:00 p.m. in the Delmar Town Hall and shall cause a public notice of the time and place of said hearing to be published not fewer than four (4) times at not less than weekly intervals, in a newspaper of general circulation in the Town

BOOK 3 PAGE 663

of Delmar, and the area to be annexed, accurately describing the proposed annexation and the conditions and circumstances applicable thereto, which said notice shall specify a time and place at which the Commissioners of the Town of Delmar will hold a public hearing on the Resolution.

**SECTION 4. AND BE IT FURTHER RESOLVED BY THE MAYOR AND COMMISSIONERS OF DELMAR**, that this resolution shall take effect upon the expiration of forty-five (45) days following its final passage, subject, however, to the right of referendum as contained in Article 23A of the Maryland Code.

The above resolution was introduced and read and passed at the regular meeting of the Mayor and Commissioners of Delmar held on this 13th day of December, 2004, and having been duly published as required by law in the meantime, was finally passed after a public hearing at its meeting held on this 28<sup>th</sup> day of March, 2005.

  
Sara Bynum-King, Town Manager

  
P. Douglas Niblett, Mayor

## EXHIBIT "A"

LEGAL DESCRIPTION

**PROPERTY:** Located on the westerly side of and binding upon U.S. Route 13 and the Southerly side of State Route 54, Wicomico County, Maryland, as found on Tax Map 11 as Parcel 88, presently owned by Delmar Convention Center.

**DESCRIPTION:** All that lot or parcel of land situate, lying and being in the Delmar Election District, Wicomico County, State of Maryland, located on the Westerly side of and binding upon U.S. Route 13 and the Southerly side of State Route 54, and being more particularly described as follows:

All that tract or parcel of land situate, lying and being in the Delmar Tax District, Wicomico County, Maryland, located on the westerly side and binding upon U.S. Route 13, the southerly side of and binding upon Maryland-Delaware Line Road (State Route 54), the easterly side of and binding upon Woodlawn Avenue and the northerly side of and binding upon Chestnut Street and being more particularly described as follows:

Beginning at a point in the westerly line of North Ocean Highway (U.S. Route 13), thence running southerly along the westerly line of said U.S. Route 13 along a curve to the right with a radius of 7,564.44 feet, a delta of 02 degrees 31 minutes 11 seconds, an arc length of 332.68 feet and a chord bearing of South 14 degrees 56 minutes 47 seconds West and a chord length of 332.65 feet to an iron pin with cap;

Thence running along land now or formerly Khurshid Ahmed and Nudrat T. Ahmed the following two courses and distances: North 79 degrees 20 minutes 00 seconds West 158.89 feet to a concrete monument; South 10 degrees 40 minutes 00 seconds West 150.00 feet to an iron pin with cap;

Thence running along land now or formerly Piraeus Realty Corp. the following two courses and distances: North 79 degrees 20 minutes 00 seconds West 8.47 feet to a point; South 07 degrees 32 minutes 09 seconds West 207.48 feet to a point;

Thence running along the northerly line of Chestnut Street North 79 degrees 20 minutes 00 seconds 207.37 feet to a concrete monument;

Thence running along the easterly line of Woodlawn Avenue North 10 degrees 40 minutes 00 seconds East 794.46 feet to a point;

Thence running along the southeasterly line of said Woodlawn Avenue North 59 degrees 36 minutes 00 seconds East 42.51 feet to a point in the southerly line of Maryland-Delaware Line Road (State Route 54 and the corporate limits of the Town of Delmar);

Thence running along the southerly line of said Maryland-Delaware Line Road and the corporate limits of the Town of Delmar the following three courses and distances: South 79 degrees 33 minutes 00 seconds East 136.09 feet to a point; South 77 degrees 50 minutes 00 seconds East 100.00 feet to a point; South 31 degrees 46 minutes 00 seconds East 178.02 feet to the point and place of beginning.

**BOOK 3 PAGE 665**

Being more particularly shown and designated as Lot No. "CC" on a plat entitled "Resubdivision of Lots 1 through 12, Block 4 and Parcels A, C and D--Block 7, Woodlawn," made by Hampshire, Hampshire and Andrews, dated: August 29, 1986, and recorded among the land records for Wicomico County, Maryland, in Plat Cabinet No. 6, Folio 44-73.

Containing 240,723 square feet or 5.526 acres.

EXHIBIT "B"

TERMS AND CONDITIONS OF ANNEXATION

A. SERVICES AND TAXES

1. Property taxes will be assessed pursuant to the terms of the Annexation Agreement entered into between the Town and Petitioner.

2. The annexed area will be provided normal Town services upon request, subject, however, to current Town policies. Any services requiring engineering design, construction or budget funding will be initiated with the request and completed as soon as possible.

B. GENERAL PROVISIONS

1. After the effective date of the annexation, the provisions of the Charter of the Town of Delmar and all ordinances, resolutions, rules and regulations of the Town of Delmar in effect on said date shall apply to the annexed area to the same extent as to the Town as a whole.

2. The Petitioner agrees to provide all on-site public streets required for the development completely and in strict accordance with the Town of Delmar's standards and specifications.

3. Zoning. When the annexation is effective and subject to approval by Wicomico County, if required by Maryland law, the zoning of the property will be Community Business.

4. The Petitioner and the Town will be required to enter into an Annexation Agreement, the terms of which shall be incorporated herein as though set forth in its entirety.

OpenFiles\Town of Delmar\Baker Annexation\Exhibit B.doc

*Ex + D  
Cullen Druley  
Benson  
2-23-06  
attop*

*County  
ordinance  
Resolutions*

Received for Record Jan 6 2006 and  
recorded in the ~~town~~ Records of Wicomico  
County, Maryland in Liber M.S.B.  
No. 3 Folios 661 - 666  
*Max S. Bowe* Clerk

BOOK 3 PAGE 667 BOOK

**CITY OF FRUITLAND**

401 EAST MAIN STREET  
P.O. DRAWER F  
FRUITLAND, MARYLAND 21826-0120

TELEPHONE: 410-548-2800  
ADMIN. FAX: 410-548-4362  
FINANCE FAX: 410-548-4354



GREGORY J. OLINDE, President  
GLORIA J. ORTIZ, Treasurer  
RAYMOND D. CAREY, Councilman  
MARK D. MICIOTTO, Councilman  
MARGARET A. PENNEWELL, Councilwoman  
RICHARD M. POLLITT, JR., City Mgr./Clerk  
AMY B. CATON, Deputy Treasurer  
PAUL R. JACKSON, Chief of Police  
JOSEPH P. DERBYSHIRE, Utilities Director  
P. COOPER TOWNSEND, Public Wrks. Dir.  
DANIEL M. SCHOLL, JR., Code Enf. Ofcr.  
ANDREW C. MITCHELL, JR., City Solicitor



January 12, 2006

**VIA HAND DELIVERY**

Mark Bowen, Clerk  
Wicomico County Circuit Court  
Salisbury, MD 21801

RE: **Rowen's Mill Annexation**  
**Our File: A11:294**

400 4789  
Jan 12 2006 09:21 AM

Dear Mark:

As City Solicitor for the City of Fruitland, Wicomico County, Maryland, and at the direction of Council President Olinde, I hereby request that you file among the Annexation Records in your Court, in regard to an Annexation which is referred to by the City of Fruitland as the "Rowen's Mill Annexation," the enclosed documents:

1. Annexation Resolution No. 3-2005;"
2. "Exhibit A - Preliminary Annexation Plat;"
3. "Exhibit B - Preliminary Written Boundary Description;"
4. "Exhibit C - Annexation Plat; and
5. "Exhibit D - Final Written Boundary Description."

By a copy hereof, a copy of that document has been made available to the local office of the Department of Assessments and Taxation, the Wicomico County Board of Election Supervisors and the County Clerk. The necessary documentation has also been filed with the Department of Legislative Services under separate cover. I understand there is no charge to the City for this filing.

Very truly yours,

  
Andrew C. Mitchell, Jr.

ACM/jt

Enclosure

cc (by hand): Wicomico County Clerk

cc (by mail): Wicomico County Board of Election Supervisors

Wicomico County Office of Maryland State Department of Assessments and Taxation

**ANNEXATION RESOLUTION NO. 1-2005**

**A RESOLUTION of the City Council of the City of Fruitland proposing the annexation to the City of Fruitland of a certain area of land situated contiguous to and binding upon the Northeastern Corporate Limits of the City of Fruitland, popularly known as the "Rowen's Mill Annexation" bounded on the South by St. Luke's Road and other lands in Wicomico County, on the Northwest by the Corporate Limits of the City of Fruitland, and on the North and on the East by lands in Wicomico County.**

**WHEREAS**, the City of Fruitland has received a petition for annexation, signed by at least twenty-five percent (25%) of the persons who are resident registered voters in the area sought to be annexed, (there being no such residents) and of the persons who are owners of at least twenty-five percent (25%) of the assessed valuation of the real property in the area sought to be annexed and being contiguous to and binding upon a portion of Northern and the Northeastern corporate limits of the City of Fruitland and popularly known as the "Rowen's Mill Annexation" for identification; and

**WHEREAS**, the City of Fruitland has caused to be made a certification of the signature of the Petitioners for annexation and has verified that the persons signing the petition represent at least twenty-five percent (25%) of the persons who are eligible voters, residing within the area sought to be annexed, there being none, and property owners of at least twenty-five percent (25%) of the assessed evaluation of the property in the area to be annexed, all as of the 5<sup>th</sup> day of July, 2005, as will more particularly appear by the certification of Gregory J. Olinde, President of the City Council, attached hereto; and



WHEREAS, it appears that the petition meets all the requirements of the law.

**SECTION 1. NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FRUITLAND** that it is hereby proposed and recommended that the boundaries of the City of Fruitland be changed so as to annex and include within the City all that certain area of land together with the persons residing therein (there being none) and their property, contiguous to and binding upon the Northeastern corporate limits of the City of Fruitland, and being more particularly described in "Exhibit A - Preliminary Annexation Plat," "Exhibit B - Preliminary Written Boundary Description," "Exhibit C - Annexation Plat" and "Exhibit D - Final Written Boundary Description." All such Exhibits are attached hereto and made a part hereof.

**SECTION 2. AND BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF FRUITLAND,** that the annexation of the said area be made subject to the terms and conditions as set forth in an Annexation Agreement executed or to be executed between the Petitioners, Developer and City, and to be attached hereto and made a part hereof.

**SECTION 3. AND BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF FRUITLAND,** that the City Council of the City of Fruitland hold a public hearing on the annexation hereby proposed at 7:45 p.m. on Tuesday, the 4<sup>th</sup> day of October, 2005, in the City Hall upon a public notice of the time and place of said hearing being published not fewer than four (4) times at not less than weekly intervals, in a newspaper of general circulation in the City of Fruitland, and the area to be annexed, accurately describing the proposed

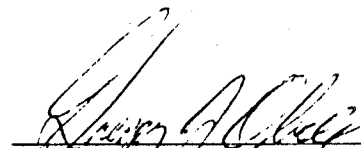
annexation and the conditions and circumstances applicable thereto, which said notice shall specify a time and place at which the City Council of the City of Fruitland will hold a public hearing on the Resolution.

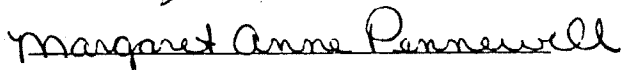
**SECTION 4. AND BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF FRUITLAND,** that this Resolution shall take effect upon the expiration of forty-five (45) days following its final passage, subject, however, to the right of referendum as contained in Article 23A of the Maryland Code, as amended.

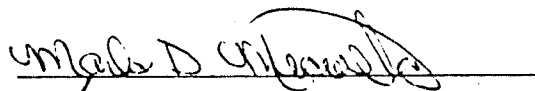
The above Resolution was introduced and so passed for first reading at the regular meeting of the City Council of Fruitland held on the 2<sup>nd</sup> day of August, 2005, and having again been duly published as required by law in the meantime, was finally passed after a public hearing at its meeting held on the 4<sup>th</sup> day of October, 2005.

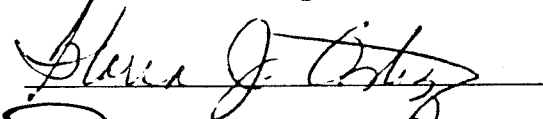
**ATTEST:**

  
Richard M. Pollitt, Jr. City Manager

  
Gregory J. Olinde, Council President







  
Council Members



**ROWEN'S MILL ANNEXATION**  
**"EXHIBIT B - PRELIMINARY WRITTEN BOUNDARY DESCRIPTION"**

**BEGINNING** at a point at the Southeast corner of the property herein described. Same point also being the Southwest corner of Parcel Four, also currently owned by Alfred and Joan Glasgow, as shown on Wicomico County Tax Map Number 58. Thence, proceeding in a Southwesterly direction by and with the State of Maryland's Right of Way line of the U.S. Route 50 Bypass to and along a curve that marks the entrance ramp to St. Luke's Road, as shown on SHA plats 38565-38569. Thence along the entrance ramp at the intersection of Saint Luke's Road and the U.S. Route 50 Bypass and along St. Luke's Road to four parcels of land currently owned by RSWL Associates. Thence along St. Luke's Road along the frontage of these four parcels more particularly identified as Parcels 85 and Lots 2, 3 and 4 of Parcel 82, as shown on Wicomico County Tax Map Number 58, said four parcels to be included in this annexation. At the Northwesterly corner of Lot Two of Parcel 82, the annexation line breaks to a Northeasterly direction to run by and with the common line between said Lot One and Lot Two to the common Northerly corner of Lot One and Lot Two. Lot One is to be excluded from this annexation. Thence by and with the Easterly boundary line of Lot One to the common line between Lot One and Parcel 141, currently owned by Gladys Ewell Cannon. Thence running by and with the Easterly boundary line of Parcel 141, said line being the common line between Parcel 141 and Parcel 223, to Slab Bridge Creek. Said creek also being the corporate limits line of the City of Fruitland. Thence by and with Slab Bridge Creek to the Northerly most point of the properties herein described. Thence in a Southeasterly direction by and with the lands of James and Lois Hobbs, as shown as Parcel 25 on Wicomico County Tax Map Number 58, to a point that marks the common line of the Hobbs and Glasgow lands. Thence by and with the Glasgow Land (Parcel Number Four) to the point of beginning. Said parcels of land comprising Parcels 223, 85 and Lots 2 - 4 of Parcel 82, as shown on Wicomico County Tax Map Number 58; and encompassing a total of 47.79 acres, more or less

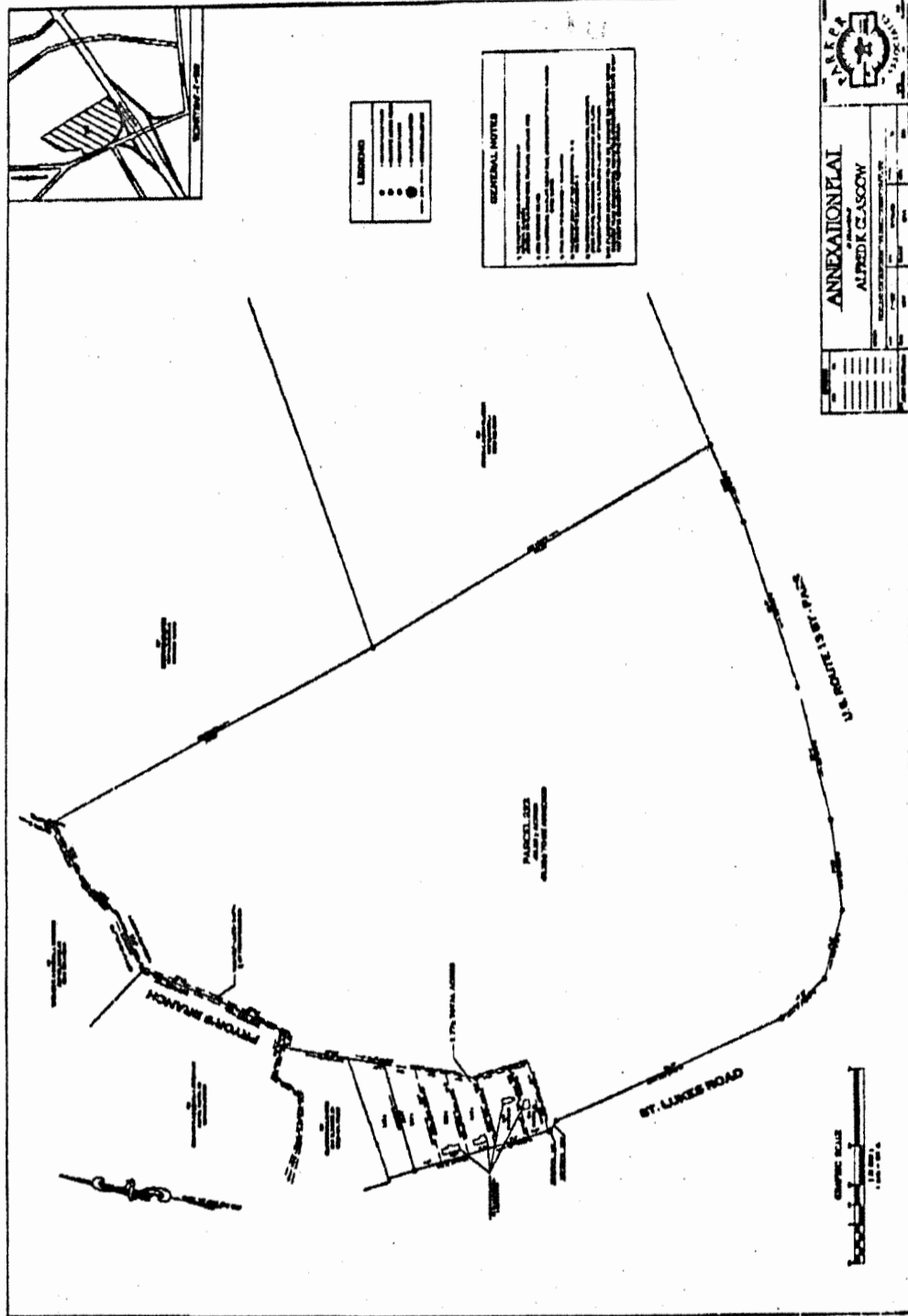


Exhibit C

**ROWEN'S MILL ANNEXATION**  
**"EXHIBIT D - FINAL WRITTEN BOUNDARY DESCRIPTION"**

**BEGINNING** at an iron pipe placed at the Southeast corner of the property herein described, the same point also being the Southwest corner of Parcel Four as shown on Wicomico County Tax Map Number 58, now or formerly owned by Alfred and Joan Glasgow. Thence, proceeding in a Southwesterly direction by and with the State of Maryland's Right of Way line of the U.S. Route 50 Bypass south 56 Degrees, 15 Minutes, 03 Seconds West a distance of 216.26 Feet to an iron pipe placed; thence South 60 Degrees, 40 Minutes, 02 Seconds West a distance of 451.77 Feet to an iron pipe placed; thence South 65 Degrees, 18 Minutes, 55 Seconds West a distance of 355.11 Feet to an iron pipe placed; thence South 77 Degrees, 42 Minutes, 04 Seconds West a distance of 234.20 Feet to an iron pipe placed; thence North 86 Degrees, 31 Minutes, 31 Seconds West a distance of 181.31 Feet to an iron pipe placed; thence North 53 Degrees, 20 Minutes, 13 Seconds West a distance of 149.83 Feet to an iron pipe placed; thence North 35 Degrees, 57 Minutes, 09 Seconds West a distance of 621.55 Feet to an iron pipe placed; thence North 69 Degrees, 36 Minutes, 51 Seconds West a distance of 29.90 Feet to an iron pipe placed; thence North 27 Degrees, 37 Minutes, 37 West a distance of 4.86 Feet to an iron pipe placed; thence North 27 Degrees, 34 Minutes, 34 Seconds West a distance of 356.71 Feet to an iron pipe placed; thence North 63 Degrees, 12 Minutes, 23 Seconds East a distance of 286.42 Feet to an iron pipe placed; thence North 02 Degrees, 42 Minutes, 37 Seconds West a distance of 12.44 Feet to an iron pipe placed; thence North 01 Degrees, 29 Minutes, 33 Seconds West a distance of 248.99 Feet to an iron pipe placed in the center line of Pryor's Branch, the same being the Corporate Boundary Line of the City of Fruitland; thence South 85 Degrees, 30 Minutes, 26 Seconds East a distance of 39.74 Feet to a point in the center line of Pryor's Branch; thence North 14 Degrees, 58 Minutes, 06 Seconds East by and with the center line of Pryor's Branch a distance of 200.49 Feet to a point; thence North 11 Degrees, 01 Minutes, 41 Seconds East by and with the center line of Pryor's Branch a distance of 195.65 Feet to a point; thence North 54 Degrees, 55 Minutes, 48 Seconds East by and with the center line of Pryor's Branch a distance of 157.04 Feet to a point; thence North 33 Degrees, 16 Minutes, 01 Seconds East by and with the center line of Pryor's Branch a distance of 122.62 Feet to a point; thence North 52 Degrees, 11 Minutes, 47 Seconds East by and with the center line of Pryor's Branch, the same being the Corporate Boundary Line of the City of Fruitland, a distance of 160.18 Feet to a point; thence North 14 Degrees, 43 Minutes, 41 Seconds East by and with the center line of Pryor's Branch a distance of 17.44 Feet to a 40-Foot marked pine tree; thence South 40 Degrees, 20 Minutes, 19 Seconds East a distance of 937.55 Feet to a concrete marker found; thence South 42 Degrees, 14 Minutes, 08 Seconds East a distance of 996.20 Feet to an iron pipe placed, the same being the point of BEGINNING, and as set forth on that survey plat entitled, "Annexation Plat of the Lands of Alfred K. Glasgow" dated July 28, 2005 made by Parker & Associates, Inc., consisting of 48.39 +/- acres, more or less.

*Ex-D  
A. Mitchell  
2-23-04*

County \_\_\_\_\_ Received for Record Jan 12, 2006 and  
Ordinance & recorded in the ~~last~~ Records of Wicomico  
Resolution No. 3 Folios 668-671  
*Mark J. Bowen* Clerk

BOOK

3 PAGE 675



# CITY OF FRUITLAND

401 EAST MAIN STREET  
P.O. DRAWER F  
FRUITLAND, MARYLAND 21826-0120

TELEPHONE: 410-548-2800  
ADMIN. FAX: 410-548-4362  
FINANCE FAX: 410-548-4354



January 12, 2006

GREGORY J. OLINDE, President  
GLORIA J. ORTIZ, Treasurer  
RAYMOND D. CAREY, Councilman  
MARK D. MICIOTTO, Councilman  
MARGARET A. PENNEWELL, Councilwoman  
RICHARD M. POLLITT, JR., City Mgr./Clerk  
AMY B. CATON, Deputy Treasurer  
PAUL R. JACKSON, Chief of Police  
JOSEPH P. DERBYSHIRE, Utilities Director  
P. COOPER TOWNSEND, Public Wrks. Dir.  
DANIEL M. SCHOLL, JR., Code Enf. Ofcr.  
ANDREW C. MITCHELL, JR., City Solicitor

## VIA HAND DELIVERY

Mark Bowen, Clerk  
Wicomico County Circuit Court  
Salisbury, MD 21801

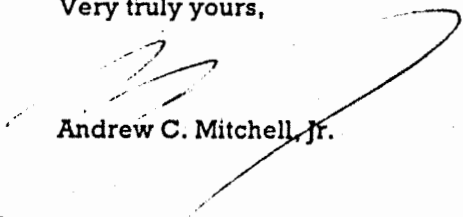
RE: **Pfautz Annexation**  
**Our File: A11:299**

Dear Mark:

As City Solicitor for the City of Fruitland, Wicomico County, Maryland, and at the direction of Council President Olinde, I hereby request that you file among the Annexation Records in your Court, in regard to an Annexation which is referred to by the City of Fruitland as the "Pfautz Annexation," the enclosed Annexation Resolution No. 3-2005 to which is attached "Exhibit A," a plat on 8.5 x 11 paper entitled, "Pfautz Annexation Plat,"

By a copy hereof, a copy of that document has been made available to the local office of the Department of Assessments and Taxation, the Wicomico County Board of Election Supervisors and the County Clerk. The necessary documentation has also been filed with the Department of Legislative Services under separate cover. I understand there is no charge to the City for this filing.

Very truly yours,

  
Andrew C. Mitchell, Jr.

ACM/jt

Enclosure

cc (by hand): Wicomico County Clerk

cc (by mail): Wicomico County Board of Election Supervisors

Wicomico County Office of Maryland State Department of Assessments and Taxation

**ANNEXATION RESOLUTION NO. 3-2005**

**A RESOLUTION of the City Council of the City of Fruitland, Maryland proposing the annexation to the City of Fruitland of those lots or parcels of land contiguous to and binding upon the Southern Corporate Limits of the City of Fruitland, consisting of approximately 37.179 acres of land bounded on the West by the Corporate Limits of the City of Fruitland and the lands of Norfolk Southern Railway Company along South Fruitland Boulevard, and by the lands now or formerly of Milton and Leatha K. Waters, bounded on the South by the Route 13 Bypass, bounded on the East by Old Eden Road, also known within the City of Fruitland as Brown Street, bounded on the North by the lands now or formerly of Mary Bohnak, lands now or formerly of Milton and Leatha K. Waters and by the lands now or formerly of Jeffery Cochran, and further bounded on the East by the same lands now or formerly of the said Jeffrey Cochran, and on the North by Crown Road, referred to for identification purposes as the Pfautz Annexation.**

**WHEREAS**, the City of Fruitland has received a petition for annexation, signed by at least twenty-five percent (25%) of the persons who are resident registered voters in the area sought to be annexed, (there being no such residents) and of the persons who are owners of at least twenty-five percent (25%) of the assessed valuation of the real property in the area sought to be annexed and being contiguous to and binding upon the Southern corporate limits of the City of Fruitland referred to as the, "Pfautz Annexation" for identification; and

**WHEREAS**, the City of Fruitland has caused to be made a certification of the signature of the Petitioner for annexation and has verified that the person signing the petition represent at least twenty-five percent (25%) of the persons who are eligible voters, residing within the area sought to be annexed, there being none, and property owners of at least twenty-five percent (25%) of the assessed evaluation of the property in the area to be annexed, all as of the 4<sup>th</sup> day of October, 2005, as will more particularly appear by the certification of Gregory J. Olinde, President of the City Council, attached hereto; and



BOOK 3 PAGE 677

WHEREAS, it appears that the petition meets all the requirements of the law.

**SECTION 1. NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FRUITLAND** that it is hereby proposed and recommended that the boundaries of the City of Fruitland be changed so as to annex and include within the City all that certain area of land together with the persons residing therein (there being none) and their property, contiguous to and binding upon the corporate limits of the City of Fruitland, and being more particularly described in "Exhibit A - Final," being the "Pfautz Annexation Flat," made by McCrone, Inc. dated October 5, 2005.

**SECTION 2. AND BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF FRUITLAND,** that the annexation of the said area be made subject to the terms and conditions as set forth in an Annexation Agreement executed or to be executed between the Petitioner, Developer and City, and to be attached hereto and made a part hereof.

**SECTION 3. AND BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF FRUITLAND,** that the City Council of the City of Fruitland hold a public hearing on the annexation hereby proposed at 6:30 p.m. on the 15<sup>th</sup> day of November, 2005, in the City Hall upon a public notice of the time and place of said hearing being published not fewer than four (4) times at not less than weekly intervals, in a newspaper of general circulation in the City of Fruitland, and the area to be annexed, accurately describing the proposed annexation and the conditions and circumstances applicable thereto, which said notice shall specify a time and place at which the City Council of the City of Fruitland will hold a public hearing on the Resolution.

**SECTION 4. AND BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF FRUITLAND,** that this Resolution shall take effect upon the expiration

of forty-five (45) days following its final passage, subject, however, to the right of referendum as contained in Article 23A of the Maryland Code, as amended.

The above Resolution was introduced and so passed for first reading at the regular meeting of the City Council of Fruitland held on the 4<sup>th</sup> day of October, 2005, and having again been duly published as required by law in the meantime, was finally passed after a public hearing at its meeting held on the 15<sup>th</sup> day of November, 2005.

ATTEST:

*Richard M. Pollitt, Jr.*  
Richard M. Pollitt, Jr., City Clerk

*Gregory K. Olmde*  
Gregory K. Olmde, Council President

*Margaret Anne Pennewell*

*Mark D. Mitchell*

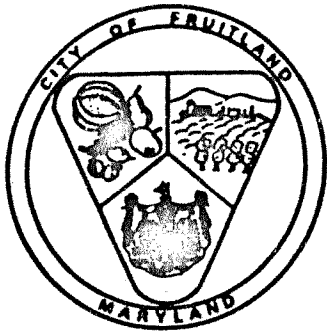
*Blaine J. Ortiz*

*Raymond D. Carey*  
Council Members

Ex + D:  
A. Mitchell Atty  
2-23-06

County  
Ordinance  
+  
Resolutions  
3

Received for Record Jan 12, 2006 and  
recorded in the ~~land~~ Records of Wicomico  
County, Maryland in Liber M.S.B.  
No. 3 Folios 676 - 678  
*Mark J. Lowe* Clerk



# CITY OF FRUITLAND <sup>BOOK</sup>

**3 PAGE 679**

401 EAST MAIN STREET  
P.O. DRAWER F  
FRUITLAND, MARYLAND 21826-0120

TELEPHONE: 410-548-2800  
ADMIN. FAX: 410-548-4362  
FINANCE FAX: 410-548-4354



April 26, 2006

GREGORY J. OLINDE, President  
GLORIA J. ORTIZ, Treasurer  
RAYMOND D. CAREY, Councilman  
MARK D. MICIOTTO, Councilman  
MARGARET A. PENNEWELL, Councilwoman  
RICHARD M. POLLITT, JR., City Mgr/Clerk  
AMY B. CATON, Deputy Treasurer  
PAUL R. JACKSON, Chief of Police  
JOSEPH P. DERBYSHIRE, Utilities Director  
P. COOPER TOWNSEND, Public Wrks. Dir.  
DANIEL M. SCHOLL, JR., Code Enf. Ofcr.  
ANDREW C. MITCHELL, JR., City Solicitor

**VIA HAND DELIVERY**

Mark Bowen, Clerk  
Wicomico County Circuit Court  
Salisbury, MD 21801

MSB M185  
APR 26 2006 03:51 PM

RE: **Warrior Avenue Annexation**  
Our File: A11:298

Dear Mark:

As City Solicitor for the City of Fruitland, Wicomico County, Maryland, and at the direction of Council President Olinde, I hereby request that you file among the Annexation Records in your Court, in regard to an Annexation which is referred to by the City of Fruitland as the "Pfautz Annexation," the enclosed original Annexation Resolution No. 2-2005 to which is attached "Exhibit A," a plat on 8.5 x 14 paper entitled, "Warrior Avenue Mills and Taylor Annexation."

By a copy hereof, a copy of that document has been made available to the local office of the Department of Assessments and Taxation, the Wicomico County Board of Election Supervisors and the County Clerk. The necessary documentation has also been filed with the Department of Legislative Services under separate cover. I understand there is no charge to the City for this filing.

Very truly yours,

Andrew C. Mitchell, Jr.

ACM/jt

Enclosure

cc (by hand): Wicomico County Clerk

cc (by mail): Wicomico County Board of Election Supervisors

Wicomico County Office of Maryland State Department of Assessments and Taxation

**ANNEXATION RESOLUTION NO. 2-2005**  
**WARRIOR AVENUE/MILLS & TAYLOR**

**A RESOLUTION of the City Council of the City of Fruitland proposing the annexation to the Northern and Western limits of the City of Fruitland of a certain area of land situated contiguous to and binding upon the Corporate Limits of the City of Fruitland on three sides, popularly known as the "Warrior Avenue/Mills & Taylor Annexation" bounded on the East by the Corporate Limits of the City of Fruitland along West Cedar Lane, on the South by the Corporate Limits of the City of Fruitland at the lands of Robert Lane MDPA Profit Sharing Plan and at the lands of Kenneth A. Mills, on the West by the Corporate Limits of the City of Fruitland along the lands of Kenneth Mills, and on the North by the lands of Kenneth A. Mills, the lands of Robert L. and Margaret Taylor, and the lands now or formerly of Peter P. Houlihan, Jr. and Rosalie C. Houlihan in Wicomico County, and also the annexation of 13,515 feet, which may have been left of Annexation No. 9, on July 8, 1980.**

**WHEREAS,** the City of Fruitland has received a petition for annexation, signed by at least twenty-five percent (25%) of the persons who are resident registered voters in the area sought to be annexed, (there being no such residents) and of the persons who are owners of at least twenty-five percent (25%) of the assessed valuation of the real property in the area sought to be annexed and being contiguous to and binding upon the corporate limits of the City of Fruitland on three sides and popularly known as the "Warrior Avenue/Mills & Taylor Annexation" for identification; and

**WHEREAS,** the City of Fruitland has caused to be made a certification of the signature of the Petitioners for annexation and has verified that the persons signing the petition represent at least twenty-five percent (25%) of the persons who are eligible voters, residing within the area sought to be annexed, there being none, and property owners of at least twenty-five percent (25%) of the assessed evaluation of the property in the area to be annexed, all as of the 4<sup>th</sup> day of October, 2005, as will more particularly appear by the certification of Gregory J. Olinde, President of the City Council, attached hereto; and

**WHEREAS**, the Petition, Certification and this Annexation Resolution No. 2-2005 were introduced at a regularly-scheduled meeting of the City Council on October 4, 2005, and the Resolution was scheduled to be brought before a public hearing to be held on December 6, 2005, but was delayed by reason of the fact that an issue arose during the final survey as to whether a portion of real property thought to have been previously annexed by the City was included in that prior annexation referred to as Annexation No. 9, and the resolution of that issue consumed so much time that it was not possible to present the annexation package, including the Outline as required by law, to the Maryland Department of Planning, and surrounding planning bodies more than thirty (30) days before the hearing and it was therefore necessary to re-introduce Annexation Resolution No. 2-2005, which was done at a regularly-scheduled meeting of the City Council of the City of Fruitland on December 6, 2005; and

**WHEREAS**, it appears that the petition meets all the requirements of the law.

**SECTION 1. NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FRUITLAND** that it is hereby proposed and recommended that the boundaries of the City of Fruitland be changed so as to annex and include within the City all that certain area of land together with the persons residing therein (there being none) and their property, contiguous to and binding upon the corporate limits of the City of Fruitland, and being more particularly described in "Exhibit A," being a Plat entitled, "Warrior Avenue/Mills & Taylor Annexation Plat," made by John H. Plummer & Associates, Inc. dated October 24, 2005 and revised November 29, 2005. A copy of "Exhibit A" is attached hereto and made a part hereof. "Exhibit A" depicts two (2) parcels of land shaded by diagonal lines and denoted as "Taylor Land" and "Mills Land." Those parcels are the land to be annexed to the City. In addition thereto, "Exhibit A" sets forth a flag-shaped parcel of land denoted by crosshatching. That parcel of land is believed to

have been annexed as part of Annexation No. 9, however, there is a discrepancy in the survey and to the extent that said crosshatched area was not previously annexed it would remain in the County as part of that land denoted as "Mills Land." In order to clear up the record, the crosshatched area is being included in this annexation.

**SECTION 2. AND BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF FRUITLAND,** that the annexation of the said area be made subject to the terms and conditions as set forth in each of two (2) Annexation Agreements executed or to be executed between the Petitioners and City, and to be attached hereto and made a part hereof.

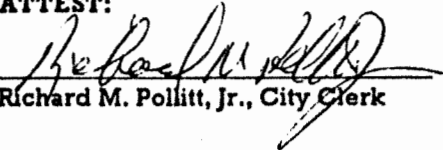
**SECTION 3. AND BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF FRUITLAND,** that the City Council of the City of Fruitland hold a public hearing on the annexation hereby proposed at 7:40 p.m. on the 7<sup>th</sup> day of February, 2006, in the City Hall upon a public notice of the time and place of said hearing being published not fewer than two (2) times at not less than weekly intervals, in a newspaper of general circulation in the City of Fruitland, and the area to be annexed, accurately describing the proposed annexation and the conditions and circumstances applicable thereto, which said notice shall specify a time and place at which the City Council of the City of Fruitland will hold a public hearing on the Resolution.

**SECTION 4. AND BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF FRUITLAND,** that this Resolution shall take effect upon the expiration of forty-five (45) days following its final passage, subject, however, to the right of referendum as contained in Article 23A of the Maryland Code, as amended.

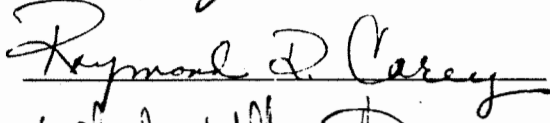
The above Resolution was introduced and so passed for first reading at the regular meeting of the City Council of Fruitland held on the 4<sup>th</sup> day of October, 2005 was thereafter reintroduced at the regularly-scheduled meeting of the City Council on December 6,

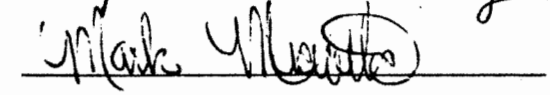
2005, and having again been duly published as required by law in the meantime, was finally passed after a public hearing at its meeting held on the 7<sup>th</sup> day of February, 2006.

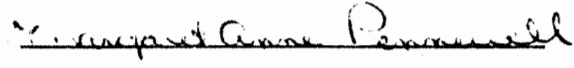
ATTEST:

  
Richard M. Pollitt, Jr., City Clerk

  
Gregory J. Olinda, Council President

  
Raymond D. Carey

  
Mark W. [unclear]

  
[unclear]

\_\_\_\_\_  
Council Members







# CITY OF FRUITLAND

BOOK

3 PAGE 685

401 EAST MAIN STREET  
P.O. DRAWER F  
FRUITLAND, MARYLAND 21826-0120

TELEPHONE: 410-548-2800  
ADMIN. FAX: 410-548-4362  
FINANCE FAX: 410-548-4354



GREGORY J. OLINDE, President  
GLORIA J. ORTIZ, Treasurer  
RAYMOND D. CAREY, Councilman  
MARK D. MICIOTTO, Councilman  
MARGARET A. PENNEWELL, Councilwoman  
RICHARD M. POLLITT, JR., City Mgr/Clerk  
AMY B. CATON, Deputy Treasurer  
PAUL R. JACKSON, Chief of Police  
JOSEPH P. DERBYSHIRE, Utilities Director  
P. COOPER TOWNSEND, Public Wrks. Dir.  
DANIEL M. SCHOLL, JR., Code Enf. Ofcr.  
ANDREW C. MITCHELL, JR., City Solicitor

May 23, 2006

## VIA HAND DELIVERY

Mark Bowen, Clerk  
Wicomico County Circuit Court  
Salisbury, MD 21801

HSE WIBC  
May 24, 2006 09:11 am

RE: Schaefer/Brafferton Annexation  
Our File: A11:311

Dear Mark:

As City Solicitor for the City of Fruitland, Wicomico County, Maryland, and at the direction of Council President Olinde, I hereby request that you file among the Annexation Records in your Court, in regard to an Annexation which is referred to by the City of Fruitland as the "Schaefer/Brafferton Annexation," the enclosed original Annexation Resolution No. 2-2006 to which is attached "Exhibit A," a plat on 8.5 x 14 paper entitled, "Boundary Survey of the Schaefer/Brafferton Annexation."

By a copy hereof, a copy of that document and its attachment have been made available to the local office of the Department of Assessments and Taxation, the Wicomico County Board of Election Supervisors and the County Clerk. The necessary documentation has also been filed with the Department of Legislative Services under separate cover. I understand there is no charge to the City for this filing.

Very truly yours,

Andrew C. Mitchell, Jr.

ACM/jt

Enclosure

cc (by hand): Wicomico County Clerk

cc (by mail): Wicomico County Board of Election Supervisors

Wicomico County Office of Maryland State Department of Assessments and Taxation

**ANNEXATION RESOLUTION NO. 2 -2006**  
**SCHAEFER/BRAFFERTON ANNEXATION**

**A RESOLUTION of the City Council of the City of Fruitland proposing the annexation to the City of Fruitland of a certain lot or parcel of land Northwest of and binding upon Camden Avenue and Northeast of and binding upon Tuxent's Branch, which is at that point the City boundary line, contiguous to the said boundary line a distance of 244.95 feet, the said lot being known as Brafferton Section One Subdivision, Lot 1, Block A.**

**WHEREAS**, the City of Fruitland has received a petition for annexation, signed by at least twenty-five percent (25%) of the persons who are resident registered voters in the area sought to be annexed, (there being no such residents) and of the persons who are owners of at least twenty-five percent (25%) of the assessed valuation of the real property in the area sought to be annexed and being contiguous to and binding upon the Northeast limits of the City and popularly known as the "Schaefer/Brafferton Annexation."

**WHEREAS**, the City of Fruitland has caused to be made a certification of the signature of the Petitioners for annexation and has verified that the persons signing the petition represent at least twenty-five percent (25%) of the persons who are eligible voters, residing within the area sought to be annexed, there being none, and property owners of at least twenty-five percent (25%) of the assessed evaluation of the property in the area to be annexed, all as of the 7<sup>th</sup> day of February, 2006, as will more particularly appear by the certification of Gregory J. Olinde, President of the City Council, attached hereto; and

**WHEREAS**, it appears that the petition meets all the requirements of the law.

BOOK 3 PAGE 687

**SECTION 1. NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FRUITLAND** that it is hereby proposed and recommended that the boundaries of the City of Fruitland be changed so as to annex and include within the City all that certain area of land together with the persons residing therein (there being none) and their property, contiguous to and binding upon the Northeastern corporate limits of the City of Fruitland, and being known as Lot 1, Block A of that subdivision known as Brafferton Section One Subdivision and as set forth in "Exhibit A," a plat entitled, "Boundary Survey of the Schaefer/Brafferton Annexation," a copy of which is attached hereto and made a part hereof.

**SECTION 2. AND BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF FRUITLAND,** that the annexation of the said area be made subject to the terms and conditions as set forth in an Annexation Agreement executed between the Petitioners and City, and to be attached hereto and made a part hereof.

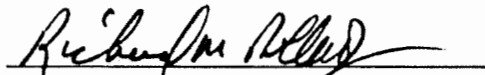
**SECTION 3. AND BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF FRUITLAND,** that the City Council of the City of Fruitland hold a public hearing on the annexation hereby proposed at 7:40 p.m. on Tuesday, the 4<sup>th</sup> day of April, 2006, in the City Hall upon a public notice of the time and place of said hearing being published not fewer than two (2) times at not less than weekly intervals, in a newspaper of general circulation in the City of Fruitland, and the area to be annexed, accurately describing the proposed annexation and the conditions and circumstances applicable thereto, which said

notice shall specify a time and place at which the City Council of the City of Fruitland will hold a public hearing on the Resolution. •

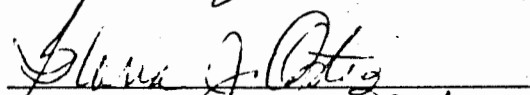
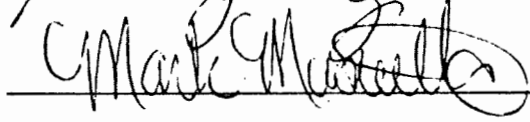
**SECTION 4. AND BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF FRUITLAND,** that this Resolution shall take effect upon the expiration of forty-five (45) days following its final passage, subject, however, to the right of referendum as contained in Article 23A of the Maryland Code, as amended.

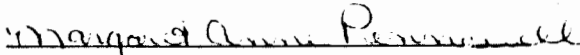
The above Resolution was introduced and so passed for first reading at the regular meeting of the City Council of Fruitland held on the 7<sup>th</sup> day of February, 2006, and having again been duly published as required by law in the meantime, was finally passed after a public hearing at its meeting held on the 4<sup>th</sup> day of April, 2006.

**ATTEST:**

  
Richard M. Pollitt, Jr., City Manager

  
Gregory J. Ojeda, Council President

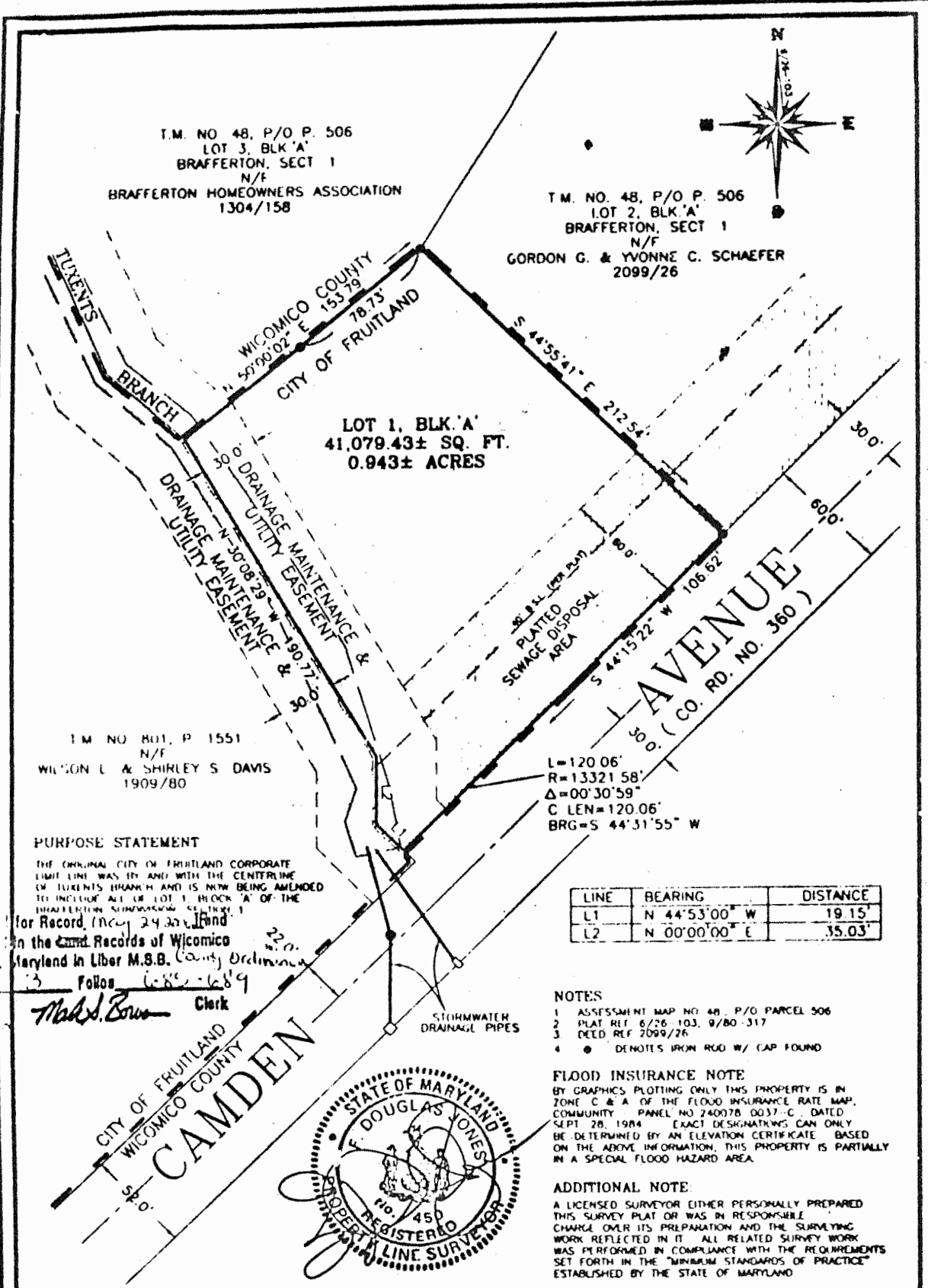
  




  
Council Members

BOOK

3 PAGE 689



T.M. NO. 801, P. 1551  
N/F  
WILSON L. & SHIRLEY S. DAVIS  
1909/80

PURPOSE STATEMENT  
THE ORIGINAL CITY OF FRUITLAND CORPORATE  
LIMIT LINE WAS IN AND WITH THE CENTERLINE  
OF TULENTS BRANCH AND IS NOW BEING AMENDED  
TO INCLUDE ALL OF LOT 1, BLOCK 'A' OF THE  
BRAFFERTON SUBDIVISION, SECT. 1

For Record, in the  
County Records of Wicomico  
Maryland in Liber M.S.B. County Ordinance  
No. 24, 2006  
Filed 6/19/06  
M. J. Jones Clerk


L=120.06'  
R=13321.58'  
Δ=00°30'59"  
C LEN=120.06'  
BRG=S 44°31'55" W

LINE	BEARING	DISTANCE
L1	N 44°53'00" W	19.15'
L2	N 00°00'00" E	35.03'

- NOTES
- ASSESSMENT MAP NO. 48, P/O PARCEL 506
  - PLAT REF. 6/26/03, 9/80-317
  - DEED REF. 2099/26
  - DENOTES IRON ROD W/ CAP FOUND

FLOOD INSURANCE NOTE  
BY GRAPHICS PLOTTING ONLY THIS PROPERTY IS IN  
ZONE C & A OF THE FLOOD INSURANCE RATE MAP,  
COMMUNITY PANEL NO. 240078-0037-C, DATED  
SEPT. 28, 1984. EXACT DESIGNATIONS CAN ONLY  
BE DETERMINED BY AN ELEVATION CERTIFICATE BASED  
ON THE ABOVE INFORMATION. THIS PROPERTY IS PARTIALLY  
IN A SPECIAL FLOOD HAZARD AREA.

ADDITIONAL NOTE:  
A LICENSED SURVEYOR EITHER PERSONALLY PREPARED  
THIS SURVEY PLAT OR WAS IN RESPONSIBLE  
CHARGE OVER ITS PREPARATION AND THE SURVEYING  
WORK REFLECTED IN IT. ALL RELATED SURVEY WORK  
WAS PERFORMED IN COMPLIANCE WITH THE REQUIREMENTS  
SET FORTH IN THE "STANDARD STANDARDS OF PRACTICE"  
ESTABLISHED BY THE STATE OF MARYLAND.



**F. Douglas Jones  
Surveying Associates**

1006 W. Main St.  
Quantico Square, Suite C  
Salisbury, Maryland 21801  
Phone: 410-543-2818  
Fax: 410-543-8859

**BOUNDARY SURVEY  
OF THE  
SCHAEFER / BRAFFERTON  
ANNEXATION  
TO THE CITY OF FRUITLAND  
FRUITLAND ELECTION DISTRICT  
WICOMICO COUNTY, MARYLAND**

Scale: 1"=60'	Date: 02/27/06	FB# IN FILE
Drawn: FDJ	Surveyed: DLM/TJG	Job# 06-3014

Ex. D: Andrew Mitchell Jr Atty. 6/19/06

BOOK 3 PAGE 690

CULLEN, INSLEY & BENSON, LLP  
ATTORNEYS AT LAW  
132 East Main Street  
P.O. Box 109  
Salisbury, Maryland 21803-0109

Richard E. Cullen  
(1914-1993)

Telephone: 410-749-1201 Facsimile: 410-749-1325  
e-mail: [cihbllaw@dmv.com](mailto:cihbllaw@dmv.com)

Direct e-mail:  
[bensoncihb@dmv.com](mailto:bensoncihb@dmv.com)

July 18, 2006

Wade H. Insley, III  
Robert A. Benson

The Honorable Mark S. Bowen, Clerk  
Circuit Court for Wicomico County  
P.O. Box 198  
Salisbury, MD 21801

RE: Town of Delmar/Resolution for E.S. Adkins Company

Dear Mark:

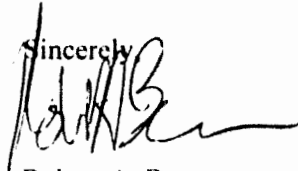
The Town of Delmar passed Resolution No. 2004-1-1 which annexes into the Town of Delmar a certain area of land know as the "Annexation for E.S. Adkins Company". I am enclosing herewith a copy of my letter to the State of Maryland Department of Legislative Reference for your file. I am also enclosing herewith the following documents, which I would request that you record in the Annexation Records of the Circuit Court for Wicomico County:

1. Executed copy of Resolution No. 2004-1-1;
2. Copy of Annexation Agreement;
3. Legal Description; and
4. Copy of Conditions of Annexation.

Should you have any questions, please don't hesitate to call.

MSB MIB3  
JUL 19, 2006 10:03 am

Sincerely



Robert A. Benson

RAB/mlh  
Enclosure

cc: Mrs. Gloria Smith

OpenFiles\Town of Delmar\E.S.Adkins\Bowen Recordation Letter.doc

BOOK 3 PAGE 691

RESOLUTION NO. 2004-1-1

A RESOLUTION of the Mayor and Commissioners of Delmar proposing the annexation to Town of Delmar of a certain area of land situated contiguous to and binding upon the Corporate Limits of the Town of Delmar located on the Westerly side of and binding upon U. S. Route 13 and the Northerly side and binding on Foskey Lane, to be known as the "E.S. Adkins & Company Annexation".

WHEREAS, the Town of Delmar has received a petition to annex, signed by at least twenty-five percent (25%) of the persons who are resident registered voters and of the persons who are owners of at least twenty-five percent (25%) of the assessed valuation of the real property in the area sought to be annexed and being contiguous to and binding upon the corporate limits of the Town of Delmar and to be known as the "E.S. Adkins & Company Annexation" for identification; and

WHEREAS, the Town of Delmar has caused to be made a certification of the signatures on said petition to annexation and has verified that the persons signing the petition represent at least twenty-five percent (25%) of the persons who are eligible voters and property owners owning twenty-five percent (25%) of the assessed valuation of real property in the area to be annexed, all as of January 5, 2004, as will more particularly appear by the certification of Sara Bynum-King of the Town of Delmar, attached hereto; and

WHEREAS, it appears that the petition meets all the requirements of the law.

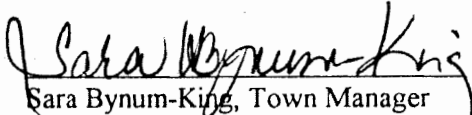
**SECTION 1. NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COMMISSIONERS OF DELMAR,** that it is hereby proposed and recommended that the boundaries of the Town of Delmar be changed so as to annex to and include within said Town all that certain area of land together with the persons residing therein and their property, located on the Westerly side of and binding upon U. S. Route 13 and the Northerly side and binding upon Foskey Lane, and being more particularly described on Exhibit "A" attached hereto and made a part hereof.

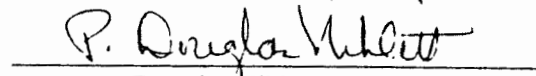
**SECTION 2. AND BE IT FURTHER RESOLVED BY THE MAYOR AND COMMISSIONERS OF DELMAR,** that the annexation of the said area be made subject to the terms and conditions in Exhibit "B" attached hereto and made a part hereof.

**SECTION 3. AND BE IT FURTHER RESOLVED BY THE MAYOR AND COMMISSIONERS OF DELMAR,** that the Commissioners hold a public hearing on the annexation hereby proposed on March 8, 2004, at 8:30 p.m. in the Delmar Town Hall and shall cause a public notice of the time and place of said hearing to be published not fewer than four (4) times at not less than weekly intervals, in a newspaper of general circulation in the Town of Delmar, and the area to be annexed, accurately describing the proposed annexation and the conditions and circumstances applicable thereto, which said notice shall specify a time and place at which the Commissioners of the Town of Delmar will hold a public hearing on the Resolution.

**SECTION 4. AND BE IT FURTHER RESOLVED BY THE MAYOR AND COMMISSIONERS OF DELMAR**, that this resolution shall take effect upon the expiration of forty-five (45) days following its final passage, subject, however, to the right of referendum as contained in Article 23A of the Maryland Code.

The above resolution was introduced and read and passed at the regular meeting of the Mayor and Commissioners of Delmar held on this 12<sup>th</sup> day of January, 2004, and having been duly published as required by law in the meantime, was finally passed after a public hearing at its meeting held on this 8<sup>th</sup> day of March, 2004.

  
Sara Bynum-King, Town Manager

  
P. Douglas Niblett, Mayor



BOOK 3 PAGE 693  
ANNEXATION AGREEMENT

THIS ANNEXATION AGREEMENT, made this 8<sup>th</sup> day of March, 2004, by and between **E.S. ADKINS & COMPANY**, a Delaware corporation, (herein "Petitioner") and **THE MAYOR AND COMMISSIONERS OF DELMAR**, a body corporate of the State of Maryland, (hereinafter referred to as "Town"), WITNESSETH:

WHEREAS, Petitioner has petitioned the Town to annex its property into the Town of Delmar, said property being shown and designated on that plat entitled "Annexation Drawing of the Lands of E.S. Adkins Company", prepared by ESP Design Services, Inc., dated October 29, 2003, attached hereto and incorporated herein as Exhibit "A", and consisting of 30.237 acres of land, more or less (herein "the property"); and

WHEREAS, said Petition has been considered and reviewed by the Mayor and Commissioners of the Town and, as a condition precedent to said annexation, the Town wishes to set for the terms and provisions of annexation as provided for herein; and

WHEREAS, this Agreement is entered into for the purpose of setting forth the Agreement of the Developers and the Town.

NOW, THEREFORE, that for and in consideration of the premises, the mutual covenants given each to the other, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. The Mayor and Commissioners of Delmar will consider a Resolution for the proposed annexation of the property, contingent upon, and subject to, the conditions of this Agreement.

2. It is understood and agreed by the parties hereto that the Petitioner shall pay all reasonable costs of the annexation, which shall include attorneys' fees and advertising costs and all costs associated with the preparation of the plat(s) for annexation which shall be Petitioner's sole responsibility. In the event that the Petitioner abandons his Petition for Annexation, he shall assume full responsibility for said costs and expenses incurred by the Town through the date of the abandonment or caused by the abandonment including, but not limited to, said attorneys fees and advertising costs and will indemnify and hold the town harmless therefore. It is understood that the Town does not, and has not, in any way, guaranteed said annexation.

3. It is understood and agreed by the parties that the property will be required to use any and all available Town sewer system at the time of development of said property. The Petitioner shall be responsible for extending a sewer line to the subject property, and shall also be responsible for internal mains, pumping stations and sewer laterals, i.e., sewer facilities as may be required to service any portion of the property within its boundaries. The Petitioners shall be responsible for all upgrades or modifications to forcemains and pump stations to permit sewer line hookup. The Petitioner shall construct all said lateral sewer lines in a manner acceptable to the Town's Engineer, and shall submit plans for construction to be reviewed and approved prior

to beginning work. Petitioner shall be responsible for payment of normal town sewer impact and connection fees.

4. It is understood and agreed by the Petitioner that the subject property will be required to use the Town's water system. Petitioner must use Town water for all uses except for irrigation and other such uses that do not involve human consumption. Petitioner shall also be responsible for extending the water mains, services and meters with the subject property as well as the payment of all of the Town's hookup fees and impact fees. The construction of water lines on the subject property shall be in a manner approved by the Town's Engineer.

5. The subject property is intended to be a Community Business use. The property shall be taxed by the Town at the first normal taxing period following annexation at the normal rate of such property unless the Developer constitutes an investment in excess of \$500,000.00 in which case the Town taxes may be abated during the period of construction and following completion of development, taxes will be adjusted at the rate as shown on Exhibit "A" attached hereto and made a part hereof. The value of the development shall be determined by the value established by the Maryland Department of Assessments and Taxation after their first appraisal following completion.

6. The property of Petitioner shall be zoned Community Business, subject to approval by Wicomico County, if required by Maryland law.

7. The annexed area will be provided normal Town services upon request, subject, however, to Town policies and availability and any services requiring off-site engineering design. Construction or budget funding will be initiated with the request and completed as soon as possible.

8. The Developers shall be responsible for the installation of all interior roads necessary for ingress, egress and regress, to the developed property, which roads and rights of way shall be deeded to the Town.

9. Petitioner shall grant and convey to the Town, at no cost to the Town, all rights of ways and/or easements necessary for the extension and construction of utilities to its property by the Town, including, but not limited to, the sewer lines and water lines and treated effluent lines.

10. Immediately after the effective date of the annexation, the provisions of the Charter of the Town and all ordinances, resolutions, rules and regulations of the Town in effect on said date shall apply to the annexed area to the same extent as to the Town as a whole.

11. This Agreement shall be binding upon the personal representatives, heirs, successors and assigns of the parties hereto, it being understood that this Agreement constitutes a valid and binding contract enforceable by either party.

12. This Agreement shall be governed by the laws of the State of Maryland.

BOOK 3 PAGE 695

13. Should any provision of this Agreement be determined to be invalid by any Court of this State or in violation of any statute, law or ordinance, then such invalidity will not affect the remainder of the Agreement.

IN WITNESS WHEREOF, the undersigned have set forth their names and seals the first day and year set forth above.

WITNESS:

E.S. ADKINS & COMPANY

*Steve W. Felt*

By: *[Signature]* (SEAL)  
*PRESIDENT*

ATTEST:

MAYOR AND COMMISSIONERS OF DELMAR

*Sara Bynum-King*  
Sara Bynum-King, Town Manager

By: *P. Douglas Niblett* (SEAL)  
P. Douglas Niblett, Mayor

**II. TERMS AND CONDITIONS OF ANNEXATION****A. SERVICES AND TAXES**

1. Property taxes will be assessed pursuant to the terms of the Annexation Agreement entered into between the Town and Petitioner.
2. The annexed area will be provided normal Town services upon request, subject, however, to current Town policies. Any services requiring engineering design, construction or budget funding will be initiated with the request and completed as soon as possible.

**B. GENERAL PROVISIONS**

1. After the effective date of the annexation, the provisions of the Charter of the Town of Delmar and all ordinances, resolutions, rules and regulations of the Town of Delmar in effect on said date shall apply to the annexed area to the same extent as to the Town as a whole.
2. The Petitioner agrees to provide all on-site public streets required for the development completely and in strict accordance with the Town of Delmar's standards and specifications.
3. Zoning. When the annexation is effective and subject to approval by Wicomico County, if required by Maryland law, the zoning of the property will be Community Business.
4. The Petitioner and the Town has entered into an Annexation Agreement, the terms of which are incorporated herein as though set forth in its entirety.

NOTICE is hereby further given by the Mayor and Commissioners of Delmar that following such public hearing, the Mayor and Commissioners are empowered by law to enact said resolution and, if so enacted, the said resolution provides that it shall take effect upon the expiration of the forty-five days following passage, unless within such period a Petition for Referendum is filed meeting the requirements of Article 23A of the Annotated Code of Maryland, 2001 Replacement Volume, as amended.

A copy of said Resolution may be examined at the Town Hall, Delmar, Maryland

MAYOR AND COMMISSIONERS OF DELMAR  
By: P. Douglas Niblett, Mayor

**ESP DESIGN SERVICES, INC.**

803 North Salisbury Blvd.  
Suite 2300  
Salisbury, MD 21801  
Phone: 410-572-8833  
Fax: 410-341-3970

LEGAL DESCRIPTION  
PROPOSED ANNEXATION

of the lands of

**E.S. ADKINS & COMPANY and a portion of FOSKEY LANE  
TO THE TOWN OF DELMAR, MARYLAND**

November 12, 2003

Being all that certain lot or parcel of land, lying and being situated on the northerly side of Foskey Lane and westerly of U.S. Route 13, located in Delmar Election District, Wicomico County, Maryland; hereinafter described by metes and bounds.

Beginning at a point formed by the intersection of the northerly right-of-way line of Foskey Lane, 30 feet wide, and the easterly line of the lands, now or formerly of Flowers Unlimited, Inc., as recorded among the Land Records of Wicomico County, Maryland in Liber 1498, Folio 711, said point being located on the existing Corporate Limits Line of the Town of Delmar, Maryland, thence running,

1) leaving said Foskey Lane and running by and with said lands of Flowers Unlimited, Inc., and said Corporate Limits line, North 02 degrees 49 minutes 50 seconds East 718.65 feet to a point on the southerly line of the lands, now or formerly, of Russell W. Owens, et ux. as recorded in the aforesaid Land Records in Liber 343, Folio 594, thence running,

2) leaving said lands of Flowers Unlimited and Corporate Limits line and running by and with said lands of Owens for the following two courses, North 88 degrees 42 minutes 50 seconds East 478.35 feet to a point, thence running,

3) North 01 degrees 25 minutes 17 seconds East 751.92 feet to a point on the southerly line of the lands, now or formerly, of Francis R. Ziegelhefer, et ux. as recorded in the aforesaid land records in Liber 1136, Folio 67, thence running,

4) leaving said lands of Owens and running by and with said lands of Ziegelhefer for the following two courses, North 82 degrees 12 minutes 56 seconds East 501.33 feet to a concrete monument found, thence running,



BOOK

3 PAGE 698

Page 2

November 12, 2003

Legal Description  
Proposed Annexation -  
Of the lands of  
E.S. Adkins & Company  
And a portion of FOSKEY LANE  
To the TOWN OF DELMAR, MARYLAND

5) North 11 degrees 03 minutes 04 seconds West 329.84 feet to a concrete monument found on the southerly line of the lands, now or formerly, of Phyllis H. Nee, et al., thence running,

6) leaving said lands of Ziegelhefer and running by and with said lands of Nee, et al., North 87 degrees 15 minutes 29 seconds East 281.18 feet (passing over a stone found at a distance of 248.07 feet from the beginning of same said course) to a point on the westerly right-of-way line of U.S. Route 13, thence running,

7) leaving said lands of Nee, et al. and running by and with said U. S. Route 13, South 09 degrees 58 minutes 18 seconds West 2089.42 feet to a point on the aforementioned Corporate Limits line, thence running,

8) leaving said U. S. Route 13 and running by and with said Existing Corporate Limits line for the following four courses, North 79 degrees 00 minutes 25 seconds West 283.71 feet to a point, thence running,

9) North 78 degrees 49 minutes 28 seconds West 246.36 feet to a point, thence running,

10) North 78 degrees 54 minutes 03 seconds West 243.77 feet to a point, thence running,

11) North 79 degrees 15 minutes 31 seconds West 127.75 feet to the point and place of beginning; **CONTAINING** 30.237 Acres of land, more or less.

The above described lot or parcel of land is intended to be all that area designated as "Proposed Annexation" as shown on a plat, attached hereto and intended to be recorded herewith, entitled "ANNEXATION DRAWING, of the lands of, E. S. Adkins & Company and a portion of Foskey Lane" as prepared by ESP Design Services, Inc., November 2003.

BOOK 3 PAGE 699  
**CULLEN, INSLEY & BENSON, LLP**  
 ATTORNEYS AT LAW  
 132 East Main Street  
 P.O. Box 109  
 Salisbury, Maryland 21803-0109

Richard E. Cullen  
 (1914-1993)

Telephone: 410-749-1201 Facsimile: 410-749-1325  
 e-mail: [cihb@dmv.com](mailto:cihb@dmv.com)

Direct e-mail:  
[bensoncihb@dmv.com](mailto:bensoncihb@dmv.com)

July 18, 2006

Wade H. Insley, III  
 Robert A. Benson

Georgeanne Carter, Legislative Counsel  
 Municipal Resolution Reposition  
 Department of Legislative Reference  
 90 State Circle  
 Annapolis, MD 21401-1991

RE: Town of Delmar/Resolution for E. S. Adkins & Company

Dear Ms. Carter:

Enclosed herewith please find a copy of Resolution No. 2004-1-1 for the Town of Delmar which annexes into the Town of Delmar a certain area of land know as the "E.S. Adkins & Company Annexation".

A boundary description of the annexed area is attached to the Resolution along with the Conditions of Annexation. Also enclosed herewith please find a copy of the plat of the annexed area along with the Municipal Charter or Annexation Resolution Reposition Form.

Should you have any questions, please don't hesitate to call.

Sincerely,

Robert A. Benson

RAB/mlh  
 Enclosure

cc: Mrs. Gloria Smith

✓ Mark S. Bowen, Clerk, Circuit Court for Wicomico County  
 State Planning Office (w/enclosures)

State Department of Assessments and Taxation for Wicomico County (w/enclosures)

Wicomico County Planning and Zoning (w/enclosures)

Ms. Judy Ritter, Board of Elections (w/enclosures)

Sara Bynum-King

OpenFiles\Town of Delmar\E.S.Adkins\Recordation letter.doc

County  
 Ordinance  
 Record

Received for Record JUL 19 2006 and  
 recorded in the ~~land~~ Records of Wicomico  
 County, Maryland in Liber M.S.B.

No. 3 Folios 690-699

Ex. D: Cullen Insley Benson  
 8/7/06 Attop

Mark S. Bowen Clerk

BOOK 3 PAGE 700

**CULLEN, INSLEY & BENSON, LLP**  
 ATTORNEYS AT LAW  
 132 East Main Street  
 P.O. Box 109  
 Salisbury, Maryland 21803-0109

**Richard E. Cullen**  
 (1914-1993)

Telephone: 410-749-1201 Facsimile: 410-749-1325  
 e-mail: [cihb@dmv.com](mailto:cihb@dmv.com)

Direct e-mail:  
[bensoncihb@dmv.com](mailto:bensoncihb@dmv.com)

July 18, 2006

**Wade H. Insley, III**  
**Robert A. Benson**

The Honorable Mark S. Bowen, Clerk  
 Circuit Court for Wicomico County  
 P.O. Box 198  
 Salisbury, MD 21801

MSB W183  
 Jul 25, 2006 09:30 am

RE: Town of Delmar/Resolution for Delmarva Medical Ventures, LLC

Dear Mark:

The Town of Delmar passed Resolution No. 2003-12-1 which annexes into the Town of Delmar a certain area of land know as the "Annexation for Deimarva Medical". I am enclosing herewith a copy of my letter to the State of Maryland Department of Legislative Reference for your file. I am also enclosing herewith the following documents, which I would request that you record in the Annexation Records of the Circuit Court for Wicomico County:

1. Executed copy of Resolution No. 2003-12-1;
2. Copy of Annexation Agreement;
3. Legal Description; and
4. Copy of Conditions of Annexation.

Should you have any questions, please don't hesitate to call.

Sincerely,

  
 Robert A. Benson

RAB/mlh  
 Enclosure  
 cc: Mrs. Gloria Smith

OpenFiles\Town of Delmar\Delmarva Medical\Bowen Recordation Letter.doc