

SETZER LETTER W/ATTACH. 8/12/08

WARREN RICH LETTER TO WILSON, MDE

Maryland State Archives
Mail Log System
08/12/2008

Tracking No. 09-2345

Setzer, Gary T.
Program Administrator
Maryland Department Of The Enviroment
1800 Washington Blvd
Baltimore, MD 21230
410-537-3000

Date Received: 08/12/2008
Receipt No:
Amount Received: 0.00

Staff: ECP

Subject: Falls Point Recreation
Pier



MARYLAND DEPARTMENT OF THE ENVIRONMENT

1800 Washington Boulevard • Baltimore MD 21230

410-537-3000 • 1-800-633-6101

Martin O'Malley
Governor

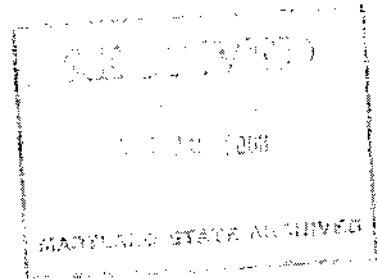
Shari L. Wilson
Secretary

Anthony G. Brown
Lieutenant Governor

Robert M. Summers, Ph.D.
Deputy Secretary

August 8, 2008

Edward C. Papenfuss, Ph.D.
State Archivist and Commissioner of Land Patents
Maryland State Archives
350 Rowe Boulevard
Annapolis, MD 21401



Dear Dr. Papenfuss:

The Maryland Department of the Environment (MDE) is reviewing an application submitted by J.J. Clark Enterprises, Inc. for the rehabilitation of the Fells Point Recreation Pier (Recreation Pier) to support the construction of a 195-room hotel. The original application, which was received by the Department on February 1, 2006, was processed as a State tidal wetlands license. On November 28, 2006, at the conclusion of its evaluation, MDE submitted a Report and Recommendation to the Board of Public Works recommending issuance of a State tidal wetlands license and, due to the change in the use of the pier, payment of compensation to the State at fair market value for a building footprint of 25,850 square feet.

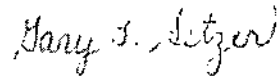
On May 30, 2008, Secretary Wilson received a letter from Warren Rich, Rich and Henderson, P.C. regarding the proposed Recreation Pier. The letter amends the original application, argues that sections of the existing pier are constructed on Private wetlands, as defined under §16-101(j) of the Environment Article, Annotated Code of Maryland, and requests that the application be processed by MDE as a Private wetlands permit application. MDE, in coordination with the Office of the Attorney General, is evaluating the information and documentation submitted by Mr. Rich, which includes references to a number of patents that have been issued over the years. According to §16-307(a)(3)(ii) of the Environment Article, Annotated Code of Maryland, "If the applicant claims that any part of the designated State wetlands is private wetlands by virtue of the existence of a valid grant, lease, or patent, or a grant confirmed by Article 5 of the Maryland Declaration of Rights, the Secretary shall investigate and determine the validity of the claim and notify the applicant of the Secretary's determination."

In order to satisfy this statutory requirement, I am requesting your assistance in assessing the validity of these patents. For your information, I have enclosed a copy of Mr. Rich's May 28, 2008 letter to Secretary Wilson and the supporting information and documentation

Edward C. Papenfuss, Ph.D.
August 8, 2008
Page 2 of 2

transmitted with his letter. If you have any questions, need additional information, or determine that your office is unable to assist the Department in this effort, please contact me by telephone at 410-537-3744 or by email at gsetzer@mde.state.md.us. You can also discuss MDE's ongoing evaluation by contacting Adam Snyder, Office of the Attorney General, by telephone at 410-537-3034 or by email at asnyder@mde.state.md.us.

Sincerely,



Gary T. Setzer, Program Administrator
Wetlands and Waterways Program

GTS

cc: Jay Sakai, Director, Water Management Administration, MDE w/o enclosure
Adam Snyder, Office of the Attorney General, MDE w/o enclosure
Joseph Clarke, J.J. Clarke Enterprises, Inc. w/o enclosure
Trent Zivkovich, Rich and Henderson, P.C. w/o enclosure

Enclosure

MARYLAND STATE ARCHIVES



Hon. Martin O'Malley
Governor
Hon. Anthony G. Brown
Lt. Governor
Edward C. Papenfuse, Ph.D.
*State Archivist and
Commissioner of Land Patents*
Timothy D. Baker
Deputy State Archivist
Matthew P. Lalumia
*Chairman, Maryland Commission on
Artistic Property*

Hall of Records Commission:
Hon. Robert M. Bell, Chair
Chief Judge, Court of Appeals
William R. Brody, Ph.D.
Hon. Michael E. Busch
Alvin C. Collins
Hon. Peter V. R. Franchot
William E. Kirwan, Ph.D.
Hon. Nancy K. Kopp
Hon. Thomas V. Mike Miller, Jr.
Christopher B. Nelson
Earl S. Richardson, Ph.D.
Henry H. Stansbury

September 3, 2008

Mr. Gary T. Setzer, Program Administrator
Wetlands and Waterways Program
Maryland Department of the Environment
1800 Washington Blvd.
Baltimore, MD 21230

Dear Mr. Setzer:

The Maryland State Archives acknowledges the receipt of your request for assistance in reviewing certain patents and their relationship to the Fell's Point Recreation Pier in Baltimore City. The State Archivist, acting in his capacity as Commissioner of Land Patents can issue an official opinion or review available documentation and render an informal evaluation of the evidence presented.

For an official opinion of the Commissioner of Land Patents in this matter, application should be made for a review and reissue of an existing patent on the part of the current owner, a process that reimburses the State for any research undertaken by the Commissioner, but also sets such research and sworn testimony on a firm legal basis with regard to documenting the actual area encompassed by a patent and what rights of title that patent entails. Because you have requested an assessment of certain patents and an application for the reissue of an existing patent has not been submitted, the Commissioner will undertake a review of available evidence and provide an informal evaluation.

Gary T. Setzer
September 3, 2008
Page 2 of 2

A review of the documentation that you and the law firm of Rich and Henderson, P.C. have submitted as well as records that must be consulted at the Archives will require approximately three weeks to complete. If you have any questions, please contact me at 410-260-6407.

Sincerely yours,



Richard H. Richardson
Deputy Commissioner of Land Patents

cc: Trent Zivkovich, Rich and Henderson, PC.
Adam Synder, AAG, MDE
Jay Sakai, Director, Water Management Administration, MDE
Joseph Clarke, J. J. Clark Enterprises, Inc.

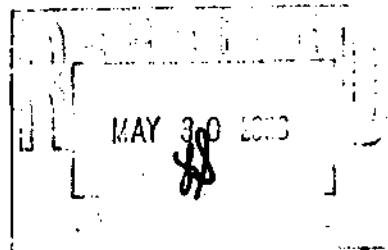
RICH AND HENDERSON, P.C.
ATTORNEYS AT LAW
51 Franklin Street, Suite 300
P. O. Box 589
Annapolis, Maryland 21404-0589

TEL : (410) 267-5900
TOLL FREE: (800) 407-0250

FAX : (410) 267-5901
E-MAIL: wrich@richlaw.com

May 28, 2008

Shari T. Wilson, Secretary
Maryland Department of Environment
Office of the Secretary
1800 Washington Blvd.
Baltimore, MD 21230



RE: Fells Point Recreation Pier

Dear Secretary Wilson:

This is a request for a private wetlands permit under Section 16-104(c). Previously, J. J. Clarke Enterprises, Inc. applied for a state wetlands license on February 1, 2006. It is our understanding that your agency reviewed the merits of that application and recommended approval to the Board of Public Works. In addition, as the record also indicates, this project, as connoted in the previous wetlands application attached to this letter (Exhibit 1), has received all local planning and zoning approvals. The purpose of this project is to revive the specific portion of the Fells Point area consistent with the goals set forth in the urban renewal plan. It is located in an intensely developed area in Baltimore City as designated under the Critical Area Commission requirements. The site plan also indicates that a significant portion of this project will provide public access; the City has requested that there be a public plaza occupying approximately twenty percent of the pier. We believe your agency has already rendered the necessary findings that this project meets the substantive requirements of Section 16-104(c).

This application for a private wetlands permit is supported by the following facts. The property is the subject of a patent dated July 10, 1671 entitled "Long Island Point." At the death of the patentees of the original patent the land succeeded back to the State and subsequently a patent for the land was issued to William Fell on June 5, 1734 entitled "Island Point." Thereafter, Edward Fell secured title to Island Point and, combining it with three other patents, was granted and confirmed a new patent over all these lands entitled "Fell's Prospect" on May 20, 1761. Certain portions of these patents did include subaqueous property; however, it is our opinion after significant research that the patents cumulatively did not convey all of the land which is presently under the Fells Point Recreation Pier, constructed between the years 1912 and 1914.

Shari T. Wilson, Secretary
May 28, 2008
Page 2

Enclosed please find Exhibit 2 indicating the progression of improvements made over time at the site prior to 1970. The wooden piers were first constructed in or about 1810. It is clear that the easterly pier encompassed a significant portion of the seaward half of the recreation pier. From a physical perspective, therefore, prior to 1862, approximately 65% of the area encompassed by the existing pier was either on fast land or was composed of improvements sanctioned under Section 10 of the Acts of 1745 which stated that, "All improvements, of what kind soever, either wharfs, houses, or other buildings, that have or shall (as an encouragement to such improvers) be made out of the water, or where it usually flows, shall be for ever deemed the right, title and inheritance of such improvers, their heirs and assigns for ever."

Once such improvements were made, the title to the land under which the improvements rested vested in the riparian land. *See Giraud's Lessee v. Hughes*, 1 G. & J. 249, 265 (Md. 1829). The Law of 1862, while providing additional protections to the riparian owner, did not change the basic concept of the Laws of 1745. As a consequence, improvements made into the waters prior to the adoption of the Wetlands Act in 1970, once made, carried with it an ownership interest to the subaqueous land under the improvement as well as the improvement. *See Harbor Island Marina, Inc. v. Board of County Commissioners of Calvert County, Maryland*, 286 Md. 303 (1979).

When a riparian owner erects an improvement upon the tidal lands, this structure and the land on which it rests, 'become incident to the estate, as not inherently identical in nature with land, but, from being joined to it, and contributing to its uses and value legally identified with it, as a fixture or a right of way, or other appurtenance that passes with the land.' *Emphasis added*.

Hess v. Muir, 65 Md. 586, 598; 5 A. 540, 542 (1886). Accord, *Culley v. Hollis*, 180 Md. 372, 375, 25 A.2d 196, 197 (1942); *Goodsell v. Lawson*, 42 Md. 348, 362, 371 (1875); cited by *Harbor Island Marina*, 286 Md. at 320. *See also* S. M. Salsbury, Maryland's Wetlands: The Legal Ouagmire, 30 Md. L. Rev. 240, 244-45 (1970).

Because the construction of this pier preceded the adoption of the Wetlands Act by approximately fifty-five years and it has remained in existence in this current form for such period of time, we are of the opinion that the land underlying the pier and other adjacent areas improved prior to July 1, 1970 are private wetlands.¹ We would further note for the record that the use to be provided under the current plan is similar in nature to the non-water dependent usage of the pier in its existing state.

As noted, in excess of 50% of the area under the pier was fast land under the original patents and improvements were made encompassing an additional 15% beginning in 1810.

Shari T. Wilson, Secretary
May 28, 2008
Page 3

An amended wetlands application submittal package prepared by Whitney Bailey Cox & Magnani, LLC is included as Exhibit 3. We await the expeditious processing of this permit application and appreciate your courtesies in this matter.

Yours very truly,


Warren K. Rich

WKR:rw

cc: Adam Snyder, Esquire

Enclosures

Mr. Gary T. Setzer, Program Administrator
Wetlands and Waterways Program
Maryland Department of the Environment
1800 Washington Blvd.
Baltimore, MD 21230

Mr. M. Trent Zivkovich, Esq.
Rich and Henderson, P.C.
51 Franklin Street, Suite 300
Annapolis, MD 21401

Mr. Jay Sakai, Director
Water Management Administration
Maryland Department of the Environment
1800 Washington Blvd.
Baltimore, MD 21230

Mr. Adam Synder, AAG
Office of the Attorney General
Maryland Department of the Environment
1800 Washington Blvd.
Baltimore, MD 21230

Mr. Joseph Clarke
J. J. Clarke Enterprises, Inc.
Suite 1808
120 East Baltimore Street
Baltimore, MD 21202

MARYLAND STATE ARCHIVES

Hon. Martin O'Malley
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Lt. Governor
Edward C. Papenfuse, Ph.D.
*State Archivist and
Commissioner of Land Patents*
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Alvin C. Collins
Hon. Peter V. R. Franchot
William E. Kirwan, Ph.D.
Hon. Nancy K. Kopp
Hon. Thomas V. Mike Miller, Jr.
Christopher B. Nelson
Earl S. Richardson, Ph.D.
Henry H. Stansbury

September 3, 2008

Mr. Gary T. Setzer, Program Administrator
Wetlands and Waterways Program
Maryland Department of the Environment
1800 Washington Blvd.
Baltimore, MD 21230

Dear Mr. Setzer:


The Maryland State Archives acknowledges the receipt of your request for assistance in reviewing certain patents and their relationship to the Fell's Point Recreation Pier in Baltimore City. The State Archivist, acting in his capacity as Commissioner of Land Patents can issue an official opinion or review available documentation and render an informal evaluation of the evidence presented.

For an official opinion of the Commissioner of Land Patents in this matter, application should be made for a review and reissue of an existing patent on the part of the current owner, a process that reimburses the State for any research undertaken by the Commissioner, but also sets such research and sworn testimony on a firm legal basis with regard to documenting the actual area encompassed by a patent and what rights of title that patent entails. Because you have requested an assessment of certain patents and an application for the reissue of an existing patent has not been submitted, the Commissioner will undertake a review of available evidence and provide an informal evaluation.

Gary T. Setzer
September 3, 2008
Page 2 of 2

A review of the documentation that you and the law firm of Rich and Henderson, P.C. have submitted as well as records that must be consulted at the Archives will require approximately three weeks to complete. If you have any questions, please contact me at 410-260-6407.

Sincerely yours,



Richard H. Richardson
Deputy Commissioner of Land Patents

cc: Trent Zivkovich, Rich and Henderson, PC.
Adam Synder, AAG, MDE
Jay Sakai, Director, Water Management Administration, MDE
Joseph Clarke, J. J. Clark Enterprises, Inc.

EXHIBIT 1

WHITNEY BAILEY COX MAGNANI



ENGINEERS | ARCHITECTS | PLANNERS | SURVEYORS

January 30, 2006

Maryland Department of the Environment
 Water Management Administration
 Regulatory Services Coordination Office
 1800 Washington Boulevard
 Suite 430
 Baltimore, Maryland 21230

ATTN: Mr. Robert Cuthbertson
 Tidal Wetlands Division

RE: Baltimore City Recreation Pier
 J.J. Clarke Enterprises, Inc.
 120 E. Baltimore Street
 Suite 1808
 Baltimore, Maryland 21202
 WBCM Job No. 2005.0002.00.0

Gentlemen:

Please find enclosed the Joint Federal/State Application for the alternation to tidal wetlands in Maryland for the above-referenced project. As requested, the original application has been updated with the additional information that was discussed. Below is a brief summary of the updated. The drawing dates have been revised to 01/26/06. Even if no changes have occurred on that particular drawing.

Drawing Nos. SK-2 & SK-3:

Year 1912 shoreline indicated on drawings for reference only.

Drawing No. SK-4:

1. Year 1912 shoreline indicated.
2. Width of existing relieving platform indicated.
3. Revise the length of fastland and length of pier over water.

Drawing No. SK-4.2:

Year 1912 shoreline indicated.

Drawing No. SK-5:

Revise extent of proposed bulkhead and proposed pier.

Drawing SK-5.1:

1. Year 1912 shoreline indicated.
2. Revise dimensions that locate back face of sheet piling.

Drawing SK-8:

Revise dimensions which indicate width of relieving platform and backface of proposed sheet piling

849 Fairmount Avenue
 Suite 100
 Baltimore, MD 21286

P 410.512.4500
 F 410.324.4100
 www.wbcm.com

Offices:
 Baltimore, MD
 Camp Hill, PA
 Pittsburgh, PA

ACEC

Quality  Peer Review



ATTN: Mr. Robert Cuthbertson
January 30, 2006
Page 2

Exhibit A:

Insert existing and proposed bulkhead on the exhibit.

Exhibit B:

1. Update dimensions indicating proposed fastland and pile supported pier.
2. Add number of proposed hotel rooms.

Exhibit C.3:

Indicate the dimension from MLW to top of hotel parapet.

Exhibits D & D.1:

Exhibit D & D.1 has been added to the packet of sketches. Exhibit D indicates the area of water that is being backfilled. Exhibit D.1 shows a section at the edge of fastland which will be backfill.

if we can be of any other assistance, please do not hesitate to call me at 410-512-4581.

Sincerely,

WHITNEY, BAILEY, COX & MAGNANI, LLC

James M. Diepold, P.E.
Project Engineer

JMD:asn

JOINT FEDERAL / STATE APPLICATION FOR THE ALTERATION OF ANY TIDAL WETLAND IN MARYLAND

- All applications must be accompanied by plan drawings which show the location and character of the proposed work. For specific information on what is required on the plans, refer to the instruction package. 8 1/2"x11" black & white drawings are required.
- Any application which is not completed in full or is accompanied by poor quality drawings may be returned and will result in a time delay to the applicant.
- If you need help understanding how to fill out the application form, please refer to the instructions booklet.

APPLICANT NUMBER:
(To be assigned by the agencies)

1. APPLICANT INFORMATION:

Name: J.J. Clarke Enterprises, Inc. FAX: (410) 962-0241
 Address: 120 E. Baltimore Street, Suite 1808 Telephone: (410) 385-2868
 City: Baltimore State: Maryland Zip: 21202

2. AGENT/ENGINEER INFORMATION:

Name: Whitney, Bailey, Cox & Magnani, LLC FAX Number: (410) 324-4100
 Address: 849 Fairmount Avenue, Suite 100 Telephone: (410) 512-4500
 City: Towson State: Maryland Zip: 21288

3. PRINCIPAL CONTACT, if not the applicant:

Name: Jim Diepold FAX: (410) 324-4100
 Email: jdiepold@wbcn.com Telephone: (410) 512-4581

4. PROJECT DESCRIPTION: Rehabilitate and reinforce the existing Baltimore City Recreation Pier (Year 1917) to support existing and proposed building structures. Provide for 12'-0" wide Baltimore City Promenade down the center of pier. Replace a failing sheet pile bulkhead with new.

5. PROJECT PURPOSE:

- | | | |
|---|--|--|
| <input type="checkbox"/> Shore Erosion Control | <input type="checkbox"/> Erosion/Sediment Control | <input type="checkbox"/> Storm Drain/Stormwater Management |
| <input type="checkbox"/> Utility Installation | <input type="checkbox"/> Improve Navigable Access | <input type="checkbox"/> Marina |
| <input type="checkbox"/> Create Waterfowl Habitat | <input type="checkbox"/> Improve Fish Habitat | <input type="checkbox"/> Fill |
| <input type="checkbox"/> Temporary Construction | <input type="checkbox"/> Stream Channelization | <input type="checkbox"/> Bridge |
| <input type="checkbox"/> Beach Nourishment | <input checked="" type="checkbox"/> Maintenance/Repair | <input type="checkbox"/> Dam |
| <input type="checkbox"/> Residential/Commercial Development | <input type="checkbox"/> Small Pond | <input type="checkbox"/> Road |
| <input type="checkbox"/> Other: (describe) _____ | | <input type="checkbox"/> Culvert |

CERTIFICATION:

I hereby designate and authorize the agent named above to act on my behalf in the processing of this application and to furnish any information that is requested. I certify that the information on this form and on the attached plans and specifications is true and accurate to the best of my knowledge and belief. I understand that any of the agencies involved in authorizing the proposed works may request information in addition to that set forth herein as may be deemed appropriate in considering this proposal. I grant permission to the agencies responsible for authorization of this work, or their duly authorized representative, to enter the project site for inspection purposes during working hours. I will abide by the conditions of the permit or license if issued and will not begin work without the appropriate authorization. I also certify that the proposed works are not inconsistent with Maryland's Coastal Zone Management Plan.

APPLICANT MUST SIGN:

James M. Diepold
 J.J. CLARKE ENTERPRISES, INC.

Date 1/26/06

6. PROJECT LOCATION: This project is in Tidal Non-Tidal Waters. (Please Check One)

County: Baltimore City Name of Waterway: Patapsco (Inner Harbor)
 Site Address or Location: _____

Directions from nearest intersection of two state roads: Boston Street to Broadway (Head South) turn up and head East on Thames Street.

County Book Map (A.D.C.) Coordinates: _____ Page: 43 Letter: E Number: 2

7. TYPE OF PROJECT:

Work Proposed	Overall Length (in feet)	Average Width (in feet)	Maximum Distance Channelward From Mean High Water For projects in tidal waters (in feet)
<input checked="" type="checkbox"/> Bulkhead*	<u>627' (New)</u>	_____	<u>4'-2" +/-</u>
<input type="checkbox"/> Revetment*	_____	_____	_____
<input type="checkbox"/> Vegetative Stabilization	_____	_____	_____
<input type="checkbox"/> Gabions	_____	_____	_____
<input type="checkbox"/> Groins or Jetties	_____	_____	_____
<input type="checkbox"/> Jetties	_____	_____	_____
<input type="checkbox"/> Boat Ramp	_____	_____	_____
<input checked="" type="checkbox"/> Pier*	<u>262'-6" *</u>	<u>150'</u>	_____
<input type="checkbox"/> Breakwater	_____	_____	_____
<input type="checkbox"/> Road Crossing	_____	_____	_____
<input type="checkbox"/> Utility Line	_____	_____	_____
<input type="checkbox"/> Outfall Construction	_____	_____	_____
<input type="checkbox"/> Dredging	_____	_____	_____
<input type="checkbox"/> New <input type="checkbox"/> Maintenance	_____	_____	_____
<input type="checkbox"/> Hydraulic <input type="checkbox"/> Mechanical	_____	_____	_____
<input type="checkbox"/> Other: For other projects, please supply project dimensions including the area of disturbance (acreage), volume of fill (cubic yards), type of fill, and area (acreage) of wetlands to be impacted.			
* <u>Existing Pier Length extending past proposed bulkhead line</u>			

8. PROPOSED STARTING DATE: Spring 2006

9. CONTRACTOR'S NAME (if known): Unknown

10. LAND USE:

Current Use Is: Agriculture Wooded Marsh/Swamp Meadow Developed
 Residential Commercial Agriculture Other: _____

11. OTHER PERMITS REQUIRED: Building Permit Soil Conservation District Other: _____

12. NOTIFICATION OF ADJACENT PROPERTY OWNERS:

The applicant/agent will be informed by the permitting agencies when notification of adjacent property owners is required.

IMPORTANT: PLEASE MAIL 5 COPIES OF THE APPLICATION, SITE PLAN AND VICINITY MAP (WITH PROJECT LOCATION PINPOINTED) TO:

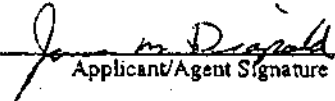
MDE, WATER MANAGEMENT ADMINISTRATION
 REGULATORY SERVICES COORDINATION OFFICE
 1800 WASHINGTON BOULEVARD, SUITE 430
 BALTIMORE, MARYLAND 21230
 (800) 876-0200

Department of the Environment
Water Management Administration
Tidal Wetlands Division
1800 Washington Boulevard, Suite 430
Baltimore, Maryland 21230

"A commitment to Excellence in Managing Maryland's Water Resources"

PUBLIC BILLING APPROVAL FORM

I agree to pay all expenses associated with the publishing of a public notice for the wetlands application of
J.J. Clarke Enterprises, Inc. (Applicant's Name) which is dated 12/27/2005.


Applicant/Agent Signature

James Diebold

Printed Name of Signee

Billing Address:

J.J. Clarke Enterprises, Inc.
120 E. Baltimore Street, Suite 1808
Baltimore, Maryland 21202

Telephone No.:

410-385-2866

Please provide the names and mailing addresses of the adjacent property owners:

Browns Wharf		
1615 Thames Street		
Baltimore, MD 21231-3460		
Attn: Skip Brown		



BALTIMORE HOUSING

MARTIN O'MALLEY
Mayor

PAUL T. GRAZIANO
Executive Director, CHAD
Commissioner, HCD

December 14, 2005

J. Joseph Clarke
Pier Hotel, LLC
c/o J. J. Clarke Enterprises, Inc.
120 East Baltimore Street
Suite 1210
Baltimore, Maryland 21202

Re: Redevelopment of Broadway Recreation Pier - 1715 Thames Street,
Baltimore, MD (the "Property")

Dear Mr. Clarke:

This is to confirm that the Mayor and City Council of Baltimore has granted to Pier Hotel, LLC an Right-of-Entry and Exclusive Negotiating Priority to Pier Hotel, LLC for the purchase of the above Property dated February 15, 2005, as amended (the "Right of Entry"). Pier Hotel, LLC is hereby authorized to submit any and all permit applications to the Maryland Department of the Environment and the U. S. Army Corps of Engineers for the development of the Property.

Please call me if you have any questions regarding this matter.

Sincerely,

Department of Housing and Community Development

By: 
Paul T. Graziano
Commissioner





VICINITY MAP
SCALE: 1"=1,000'

Jan 30, 2006 - 11:31am User: wilkins



WHITNEY
BAILEY
COX
MAGNANI
L.L.P.

CONSULTING
ENGINEERS
849 Fairmount Ave.
Baltimore, MD 21286
410-512-4500

VICINITY MAP
RECREATION PIER HOTEL
BALTIMORE, MARYLAND

SCALE:
DATE: 01/26/05
DRAWING NO. SK-1
WBCM NO. 20050002.0

Jan 30, 2006 - 11:31am User: twilkins



**WHITNEY
BAILEY
COX
MAGNANI
L.L.P.**

**CONSULTING
ENGINEERS**
848 Fairmount Ave.
Baltimore, MD 21286
410-512-4500

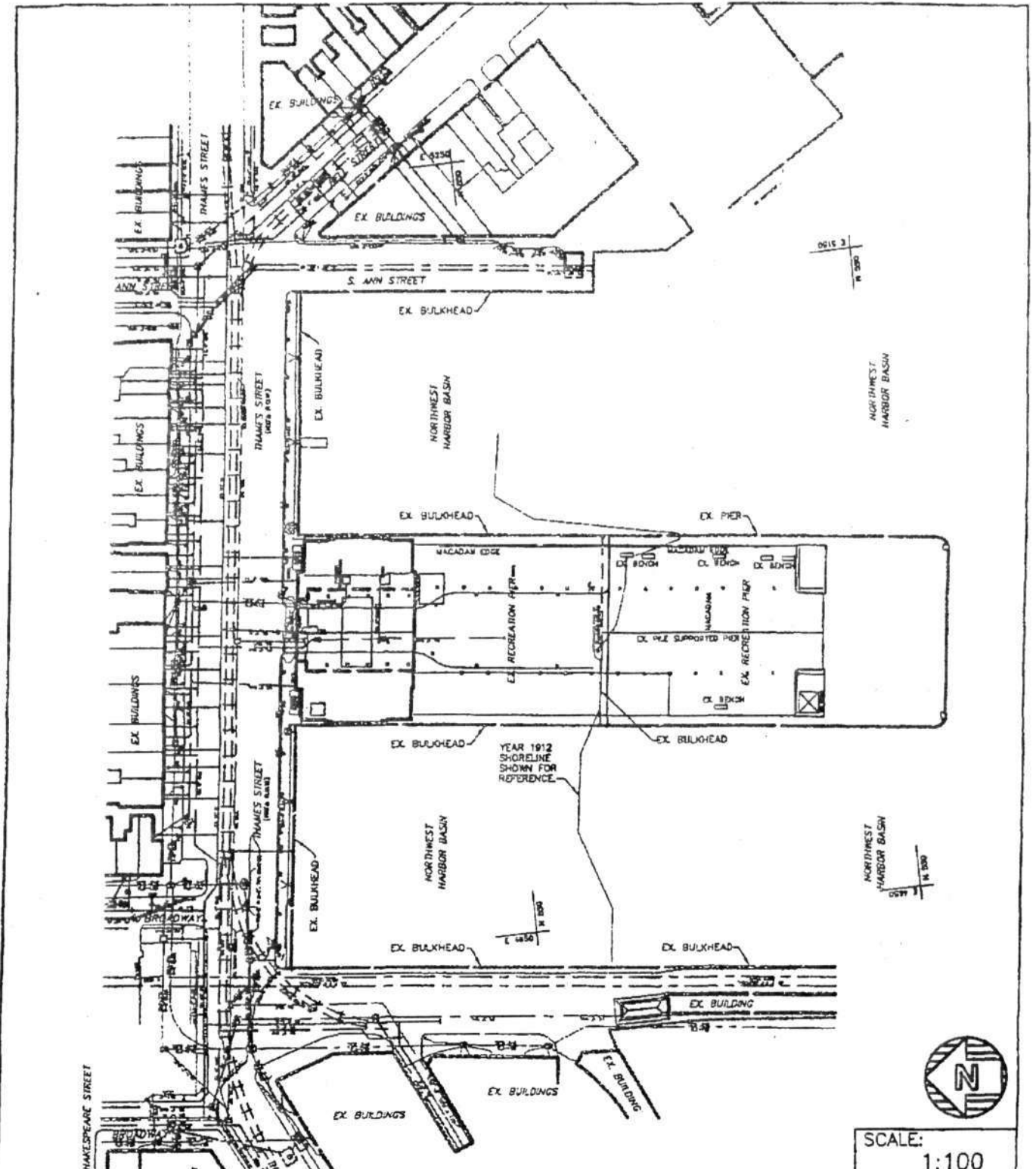
OVERALL SITE PLAN
RECREATION PIER HOTEL
BALTIMORE, MARYLAND

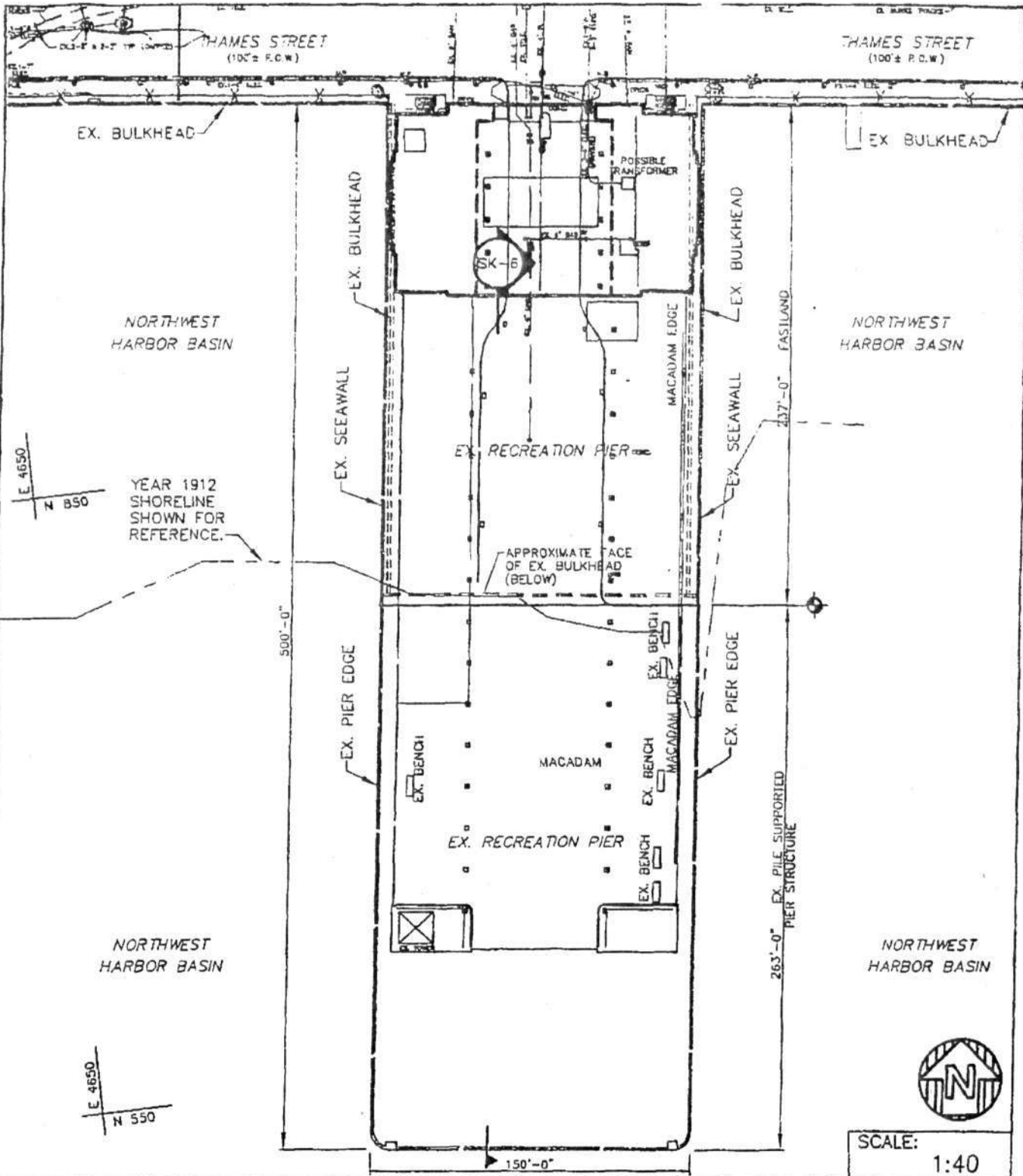
SCALE:
1:100

DATE:
01/26/05

DRAWING NO.
SK-2

WBCM NO.
20050002.0





SCALE:	1:40
DATE:	01/26/05
DRAWING NO.	SK-3
WBCM NO.	20050002.0

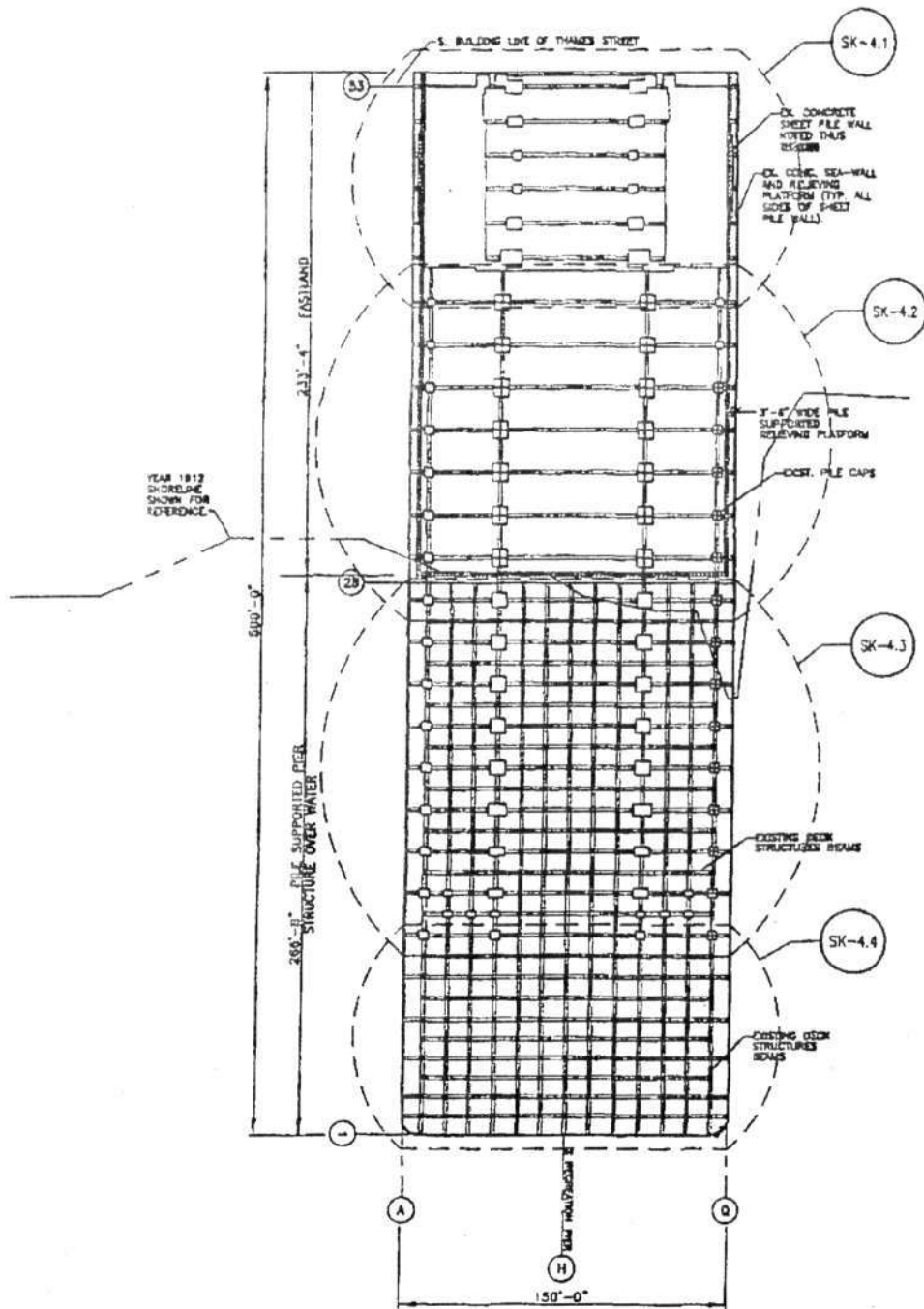
OVERALL EXISTING CONDITION
RECREATION PIER HOTEL
 BALTIMORE, MARYLAND



**WHITNEY
 BAILEY
 COX
 MAGNANI
 L.L.P.**

CONSULTING
 ENGINEERS
 849 Fairmount Ave.
 Baltimore, MD 21288
 410-512-4500

Jan 30, 2006 - 11:31am User: rwilkins



SCALE:	1:50
DATE:	01/26/05
DRAWING NO.	SK-4
WBCM NO.	20050002.0

PARTIAL EXISTING
BULKHEAD/PIER PLAN

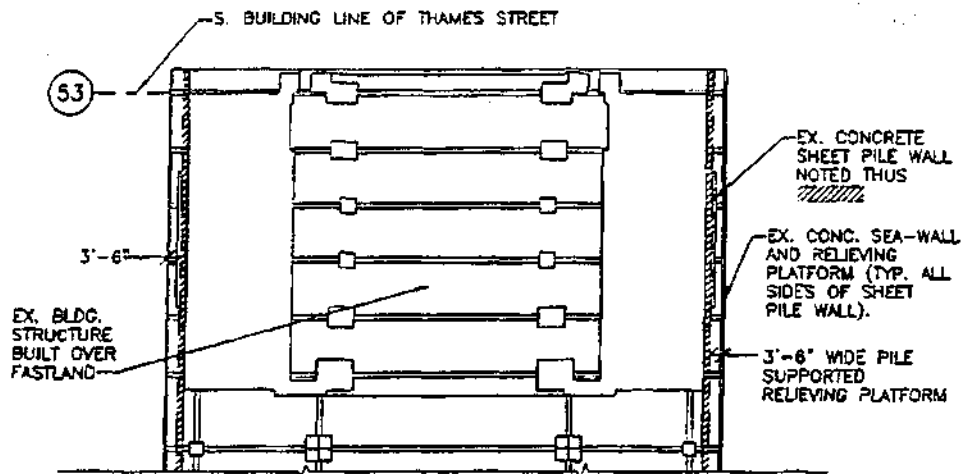
RECREATION PIER HOTEL
BALTIMORE, MARYLAND



**WHITNEY
BAILEY
COX
MAGNANI
L.L.P.**

CONSULTING
ENGINEERS
849 Fairmount Ave.
Baltimore, MD 21286
410-512-4500

JAN 20, 2005 11:29 AM USER: PWIKINS

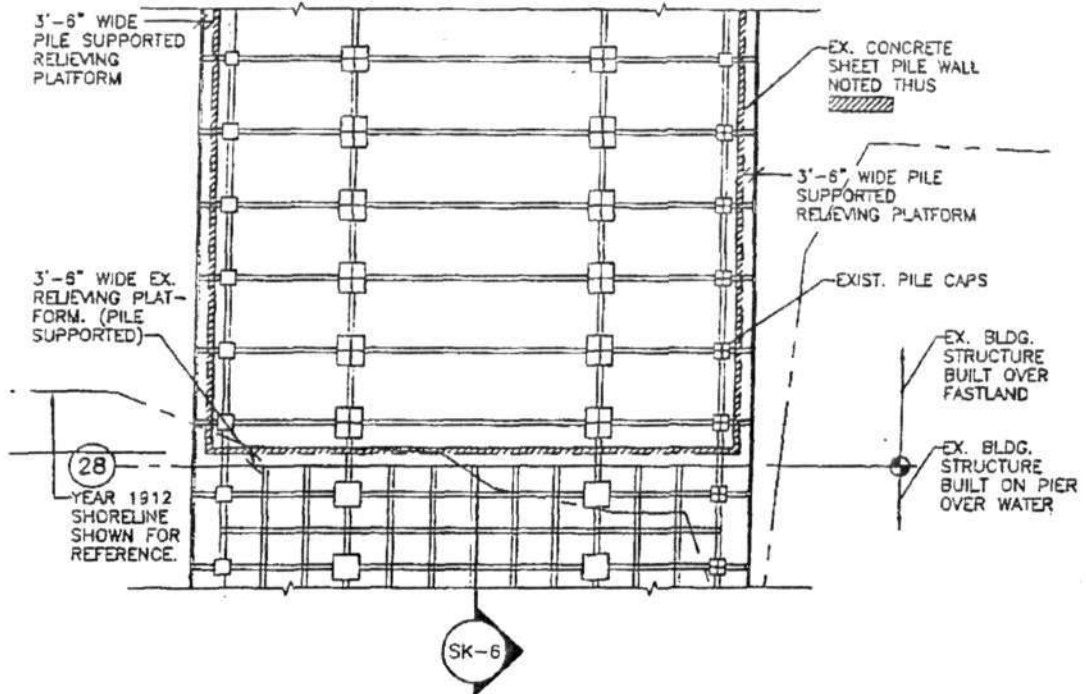


JON JU. ZUAB - 11:40AM
 USER: PENDING

SCALE:	1:30
DATE:	01/26/05
DRAWING NO.	SK-4.1
WBCM NO.	20050002.0

WB WHITNEY
 BAILEY
 COX
 MAGNANI
 L.L.P.
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 849 Fairmount Ave.
 Baltimore, MD 21285
 410-512-4500

PARTIAL EXISTING PIER PLAN
 RECREATION PIER HOTEL
 BALTIMORE, MARYLAND



SCALE:	1:30
DATE:	01/26/05
DRAWING NO.	SK-4.2
WBCM NO.	20050002.0



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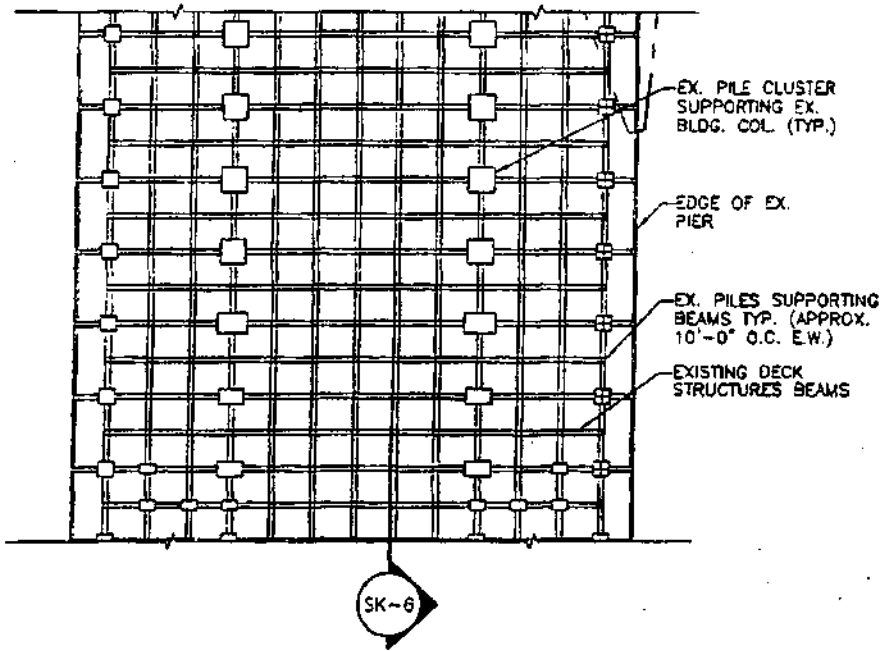
CONSULTING
ENGINEERS
849 Fairmount Ave.
Baltimore, MD 21286
410-512-4500

PARTIAL EXISTING PIER PLAN

RECREATION PIER HOTEL

BALTIMORE, MARYLAND

JAN 26, 2005 11:10AM USBC PWIKINS



SCALE:	1:30
DATE:	01/26/05
DRAWING NO.	SK-4.3
WBCM NO.	20050002.0



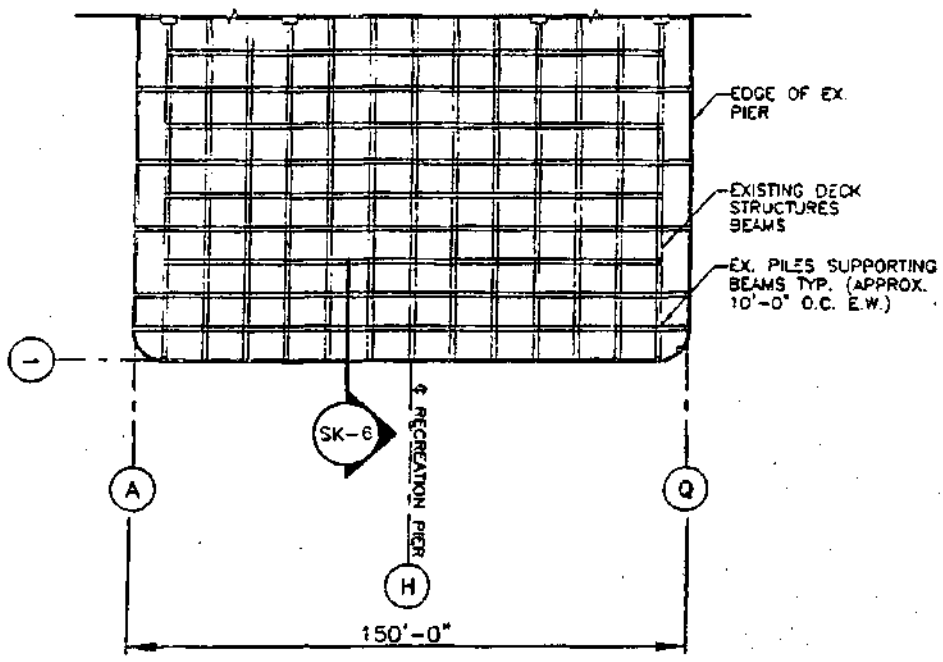
WHITNEY
BAILEY
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ENGINEERS
849 Fairmount Ave.
Baltimore, MD 21285
410-512-4500

PARTIAL EXISTING PIER PLAN

RECREATION PIER HOTEL
BALTIMORE, MARYLAND

2005 JUL 24 09:11:10 AM
 USER: RWBMS



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DATE:	01/26/05
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WBCM NO.	20050002.0

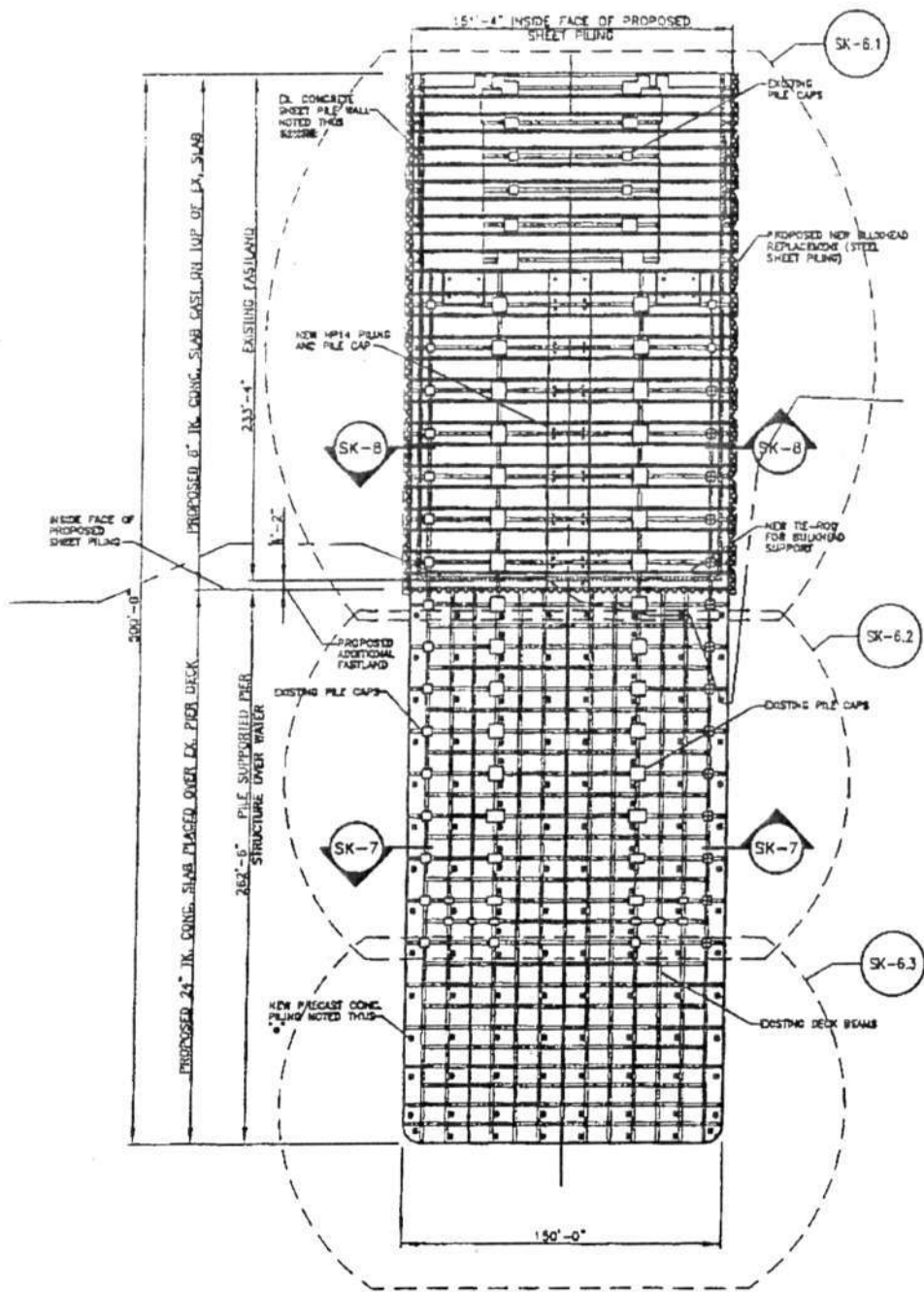


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849 Fairmount Ave.
Baltimore, MD 21286
410-512-4500

PARTIAL EXISTING PIER PLAN
RECREATION PIER HOTEL
BALTIMORE, MARYLAND

SUBMITTAL: 02/05
 DATE: 01/26/05
 FILE: 20050002.0



J01 JV, 4000 - 11.04.01 USER: FWIKINS

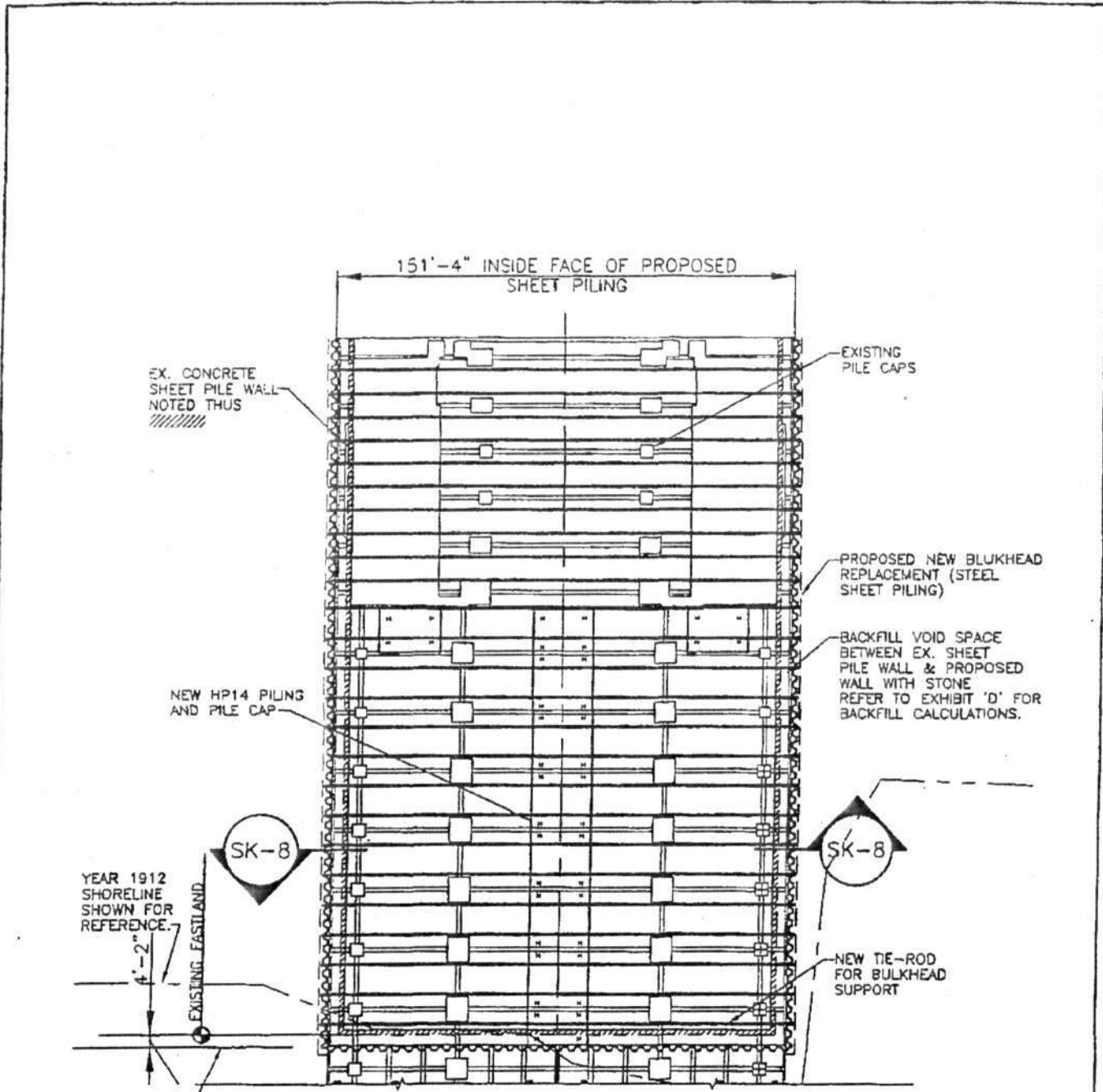
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DATE:	01/26/05
DRAWING NO.	SK-5
WBCM NO.	20050002.0

WBA
 WHITNEY
 BAILEY
 COX
 MAGNANI
 L.L.P.

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 ENGINEERS
 849 Fairmount Ave.
 Baltimore, MD 21285
 410-512-4500

PROPOSED REHABILITATION/STRENGTHENING
 OF BULKHEAD/PIER OVERALL PLAN

RECREATION PIER HOTEL
 BALTIMORE, MARYLAND



INSIDE FACE OF PROPOSED SHEET PILING

YEAR 1912 SHORELINE SHOWN FOR REFERENCE.

EXISTING EASTLAND

SK-8

SK-8

NEW TIE-ROD FOR BULKHEAD SUPPORT



USER: TWIINIS
JOB NO. 2005-11-11-11-11-11

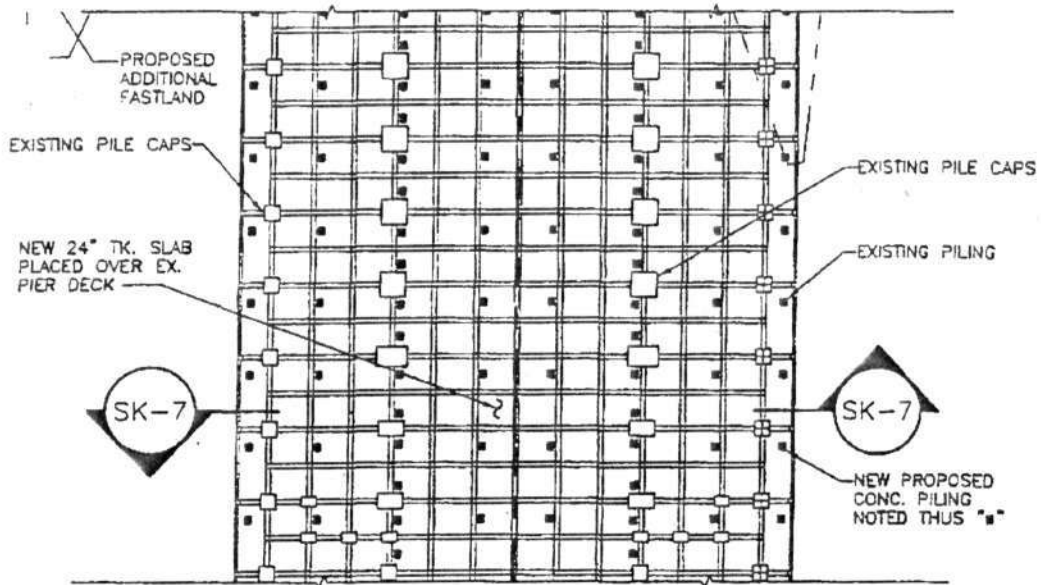
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DATE:	01/26/05
DRAWING NO.	SK-5.1
WBCM NO.	20050002.0

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ENGINEERS
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Baltimore, MD 21286
410-512-4500

PROPOSED REHABILITATION/STRENGTHENING
OF BULKHEAD

RECREATION PIER HOTEL
BALTIMORE, MARYLAND



SCALE:	1:30
DATE:	01/26/05
DRAWING NO.	SK-5.2
WBCM NO.	20050002.0



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L.L.P.

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PROPOSED REHABILITATION
OF PIER STRUCTURE

RECREATION PIER HOTEL
BALTIMORE, MARYLAND

JUN 26 2005 11:30 AM USBR DWG

NEW PRECAST CONC.
PILING NOTED THUS

EXISTING DECK BEAMS

NEW 24" TK. SLAB
PLACED OVER EX
PIER DECK

150'-0"



SCALE:
1:30

DATE:
01/26/05

DRAWING NO.
SK-5.3

WBCM NO.
20050002.0



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MAGNANI
L.L.P.

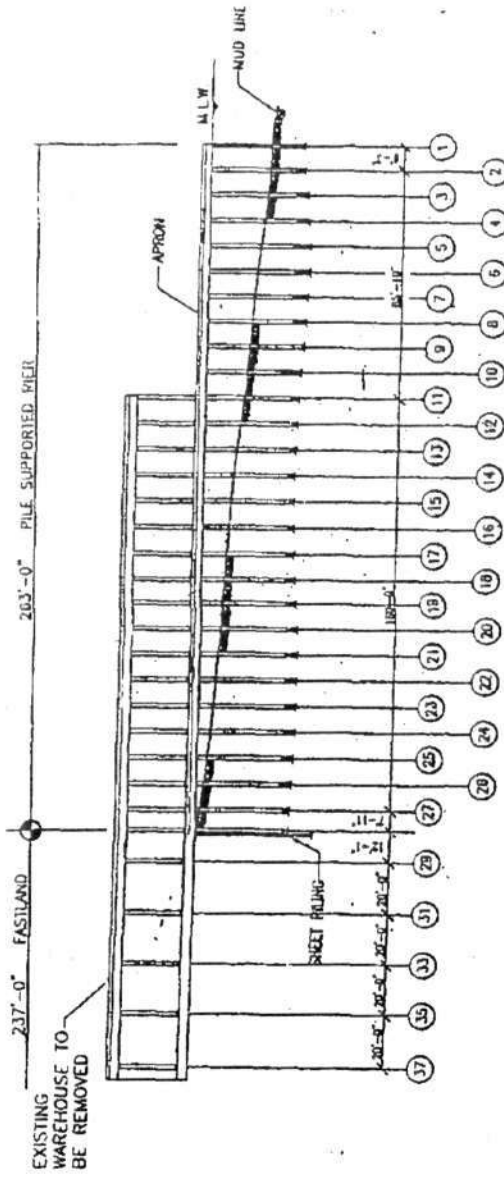
CONSULTING
ENGINEERS
849 Fairmount Ave.
Baltimore, MD 21286
410-512-4500

PROPOSED REHABILITATION
OF PIER STRUCTURE

RECREATION PIER HOTEL
BALTIMORE, MARYLAND

DATE PLOTTED

11:31 AM



LONGITUDINAL SECTION THRU EXISTING PIER

JAN 26, 2006 11:35AM User: TWIKING



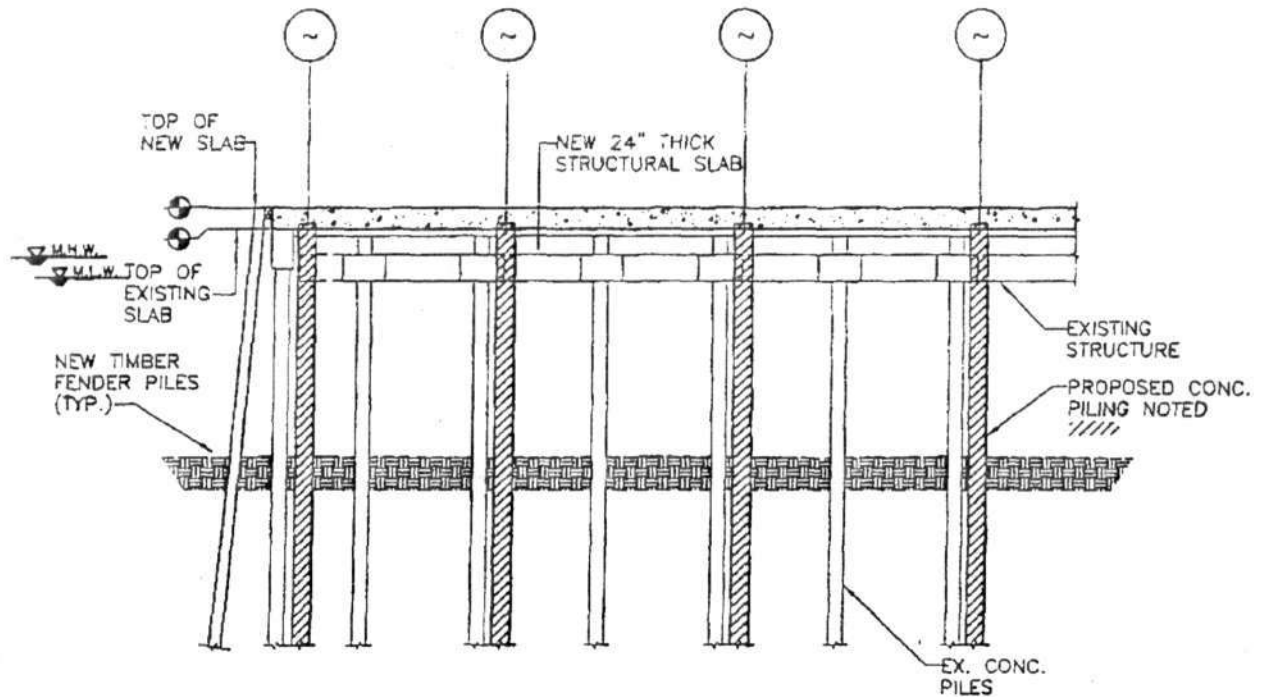
WHITNEY
BAILEY
COX
MAGNANI
L.L.P.

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ENGINEERS
849 Fairmount Ave.
Baltimore, MD 21286
410-512-4500

EXISTING PIER STRUCTURE SECTION

RECREATION PIER HOTEL
BALTIMORE, MARYLAND

SCALE: 1/64"=1'-0"
DATE: 01/26/05
DRAWING NO. SK-6
WBCM NO. 20050002.0



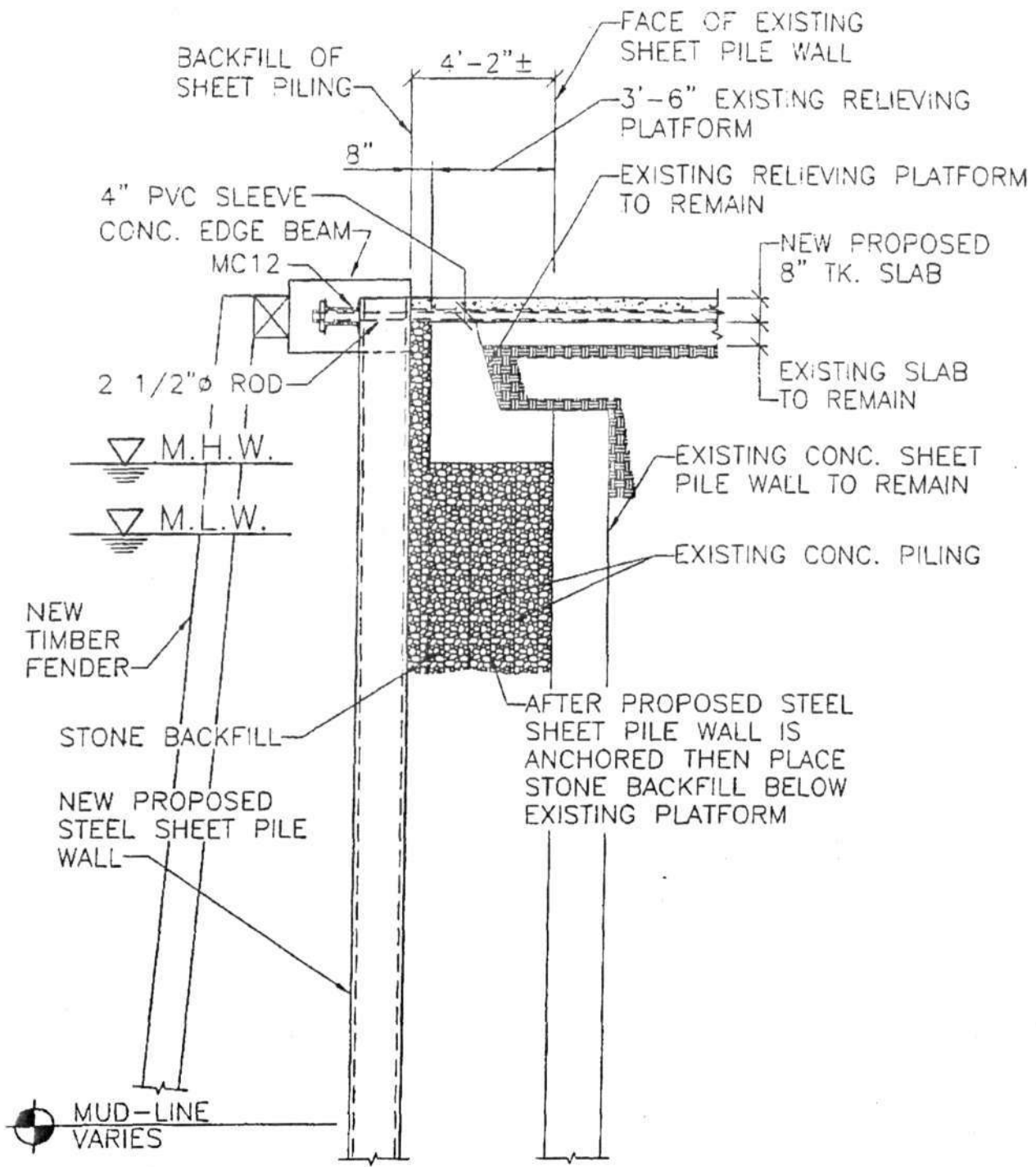
TYPICAL SECTION THROUGH PIER OVER WATER
 INDICATES PROPOSED STRENGTHENING
 OF PIER OVER WATER

USER: FRANKLIN
 JAN 20 2005 11:05AM

SCALE:	1/16" = 1'-0"
DATE:	01/26/05
DRAWING NO.	SK-7
WBCM NO.	20050002.0

WB
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CROSS SECTION
 RECREATION PIER HOTEL
 BALTIMORE, MARYLAND



MUD-LINE
VARIES

SHEET PILE SECTION

RECREATION PIER HOTEL
BALTIMORE, MARYLAND

SCALE: 1/4"=1'-0"
DATE: 01/26/05
DRAWING NO. SK-8
WBCM NO. 20050002.0

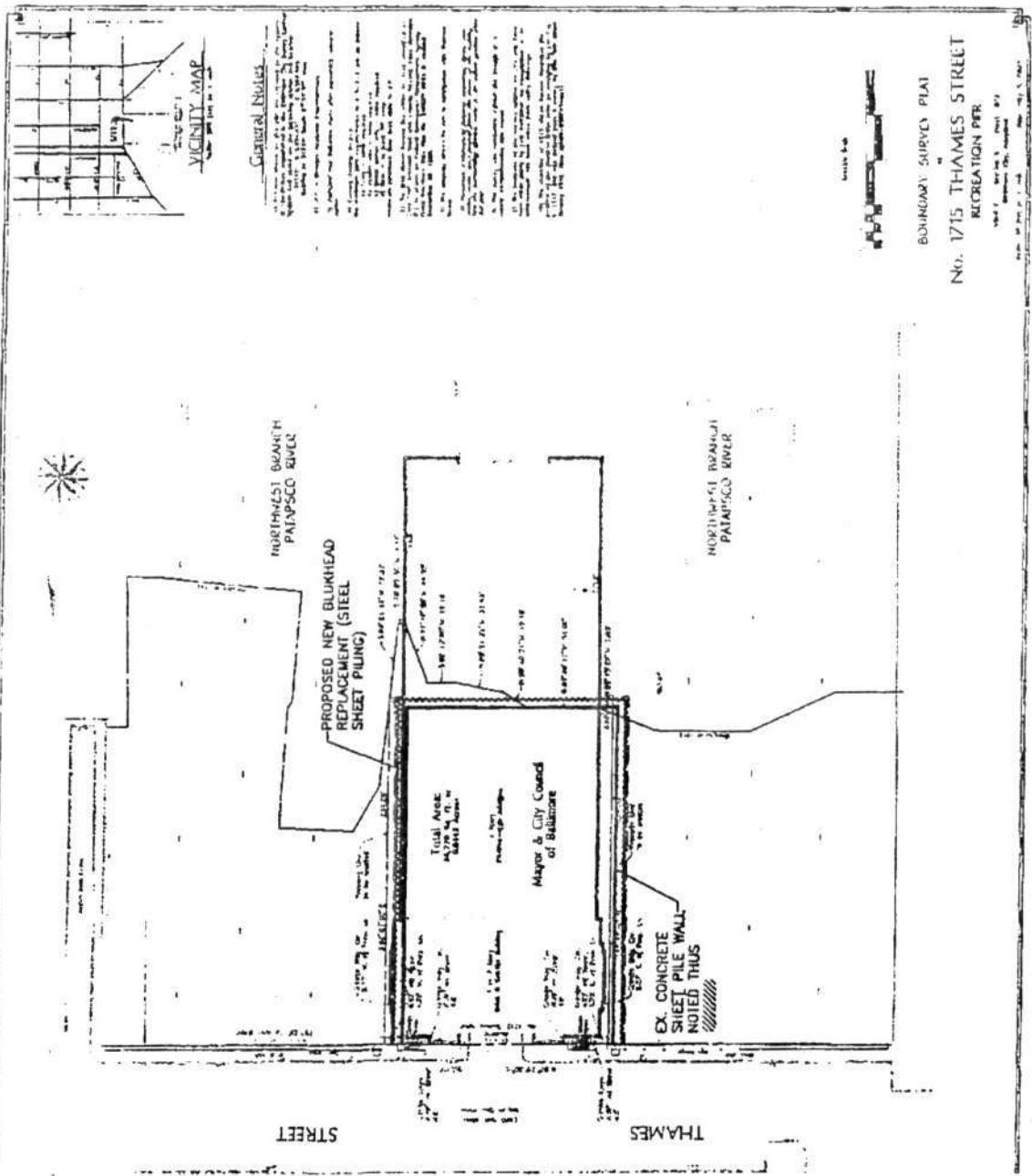


WHITNEY
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COX
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Baltimore, MD 21286
410-512-4500

User: rmlkns

JUN 20 2006 11:37AM USER: PWILKINS

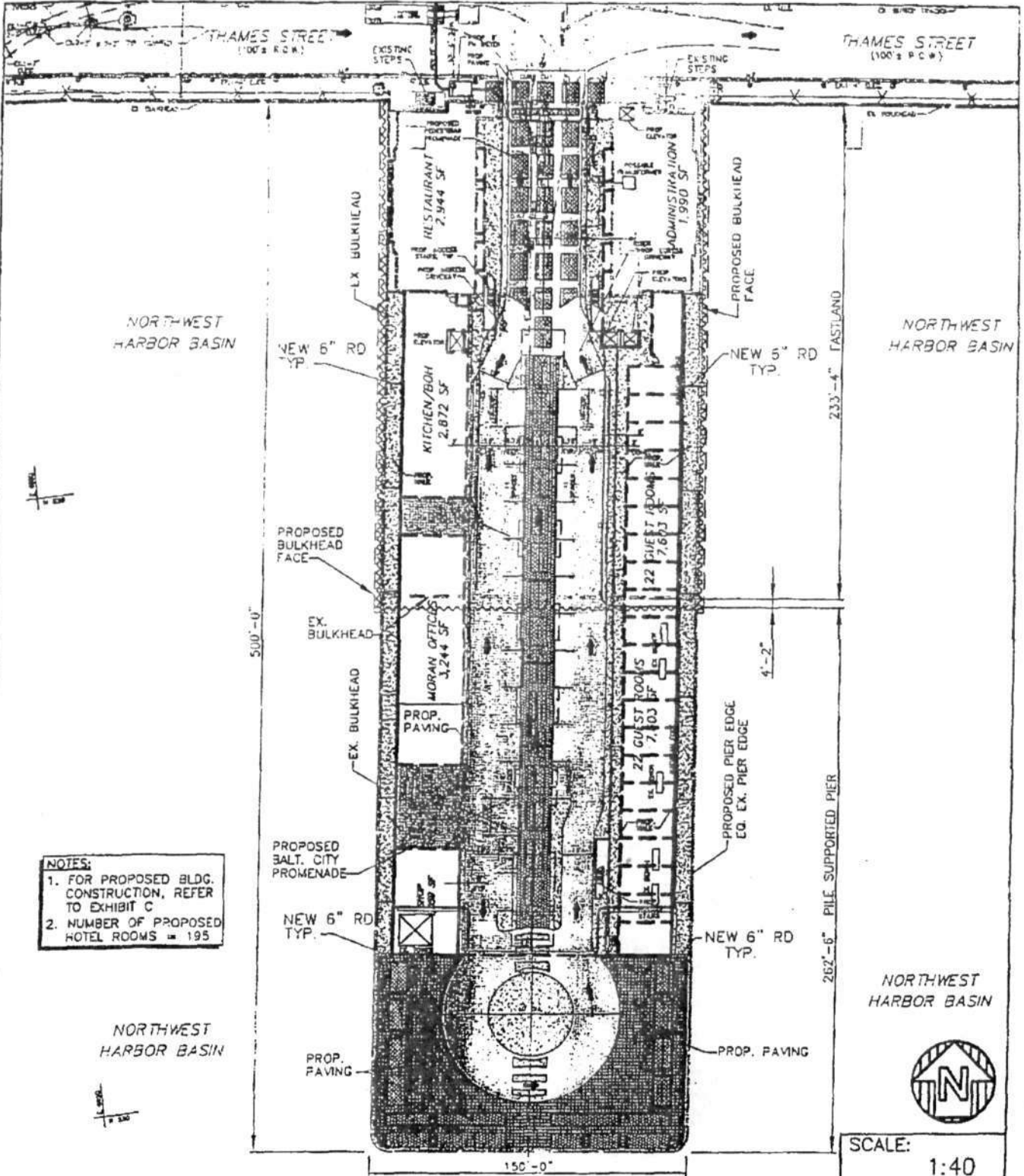


**WHITNEY
 BAILEY
 COX
 MAGNANI
 L.P.**

**CONSULTING
 ENGINEERS**
 849 Fairmount Ave.
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 410-512-4500

RECREATION PIER HOTEL
 BALTIMORE, MARYLAND

SCALE: 1:30
DATE: 01/26/05
DRAWING NO. EXHIBIT A
WBCM NO. 20050002.0



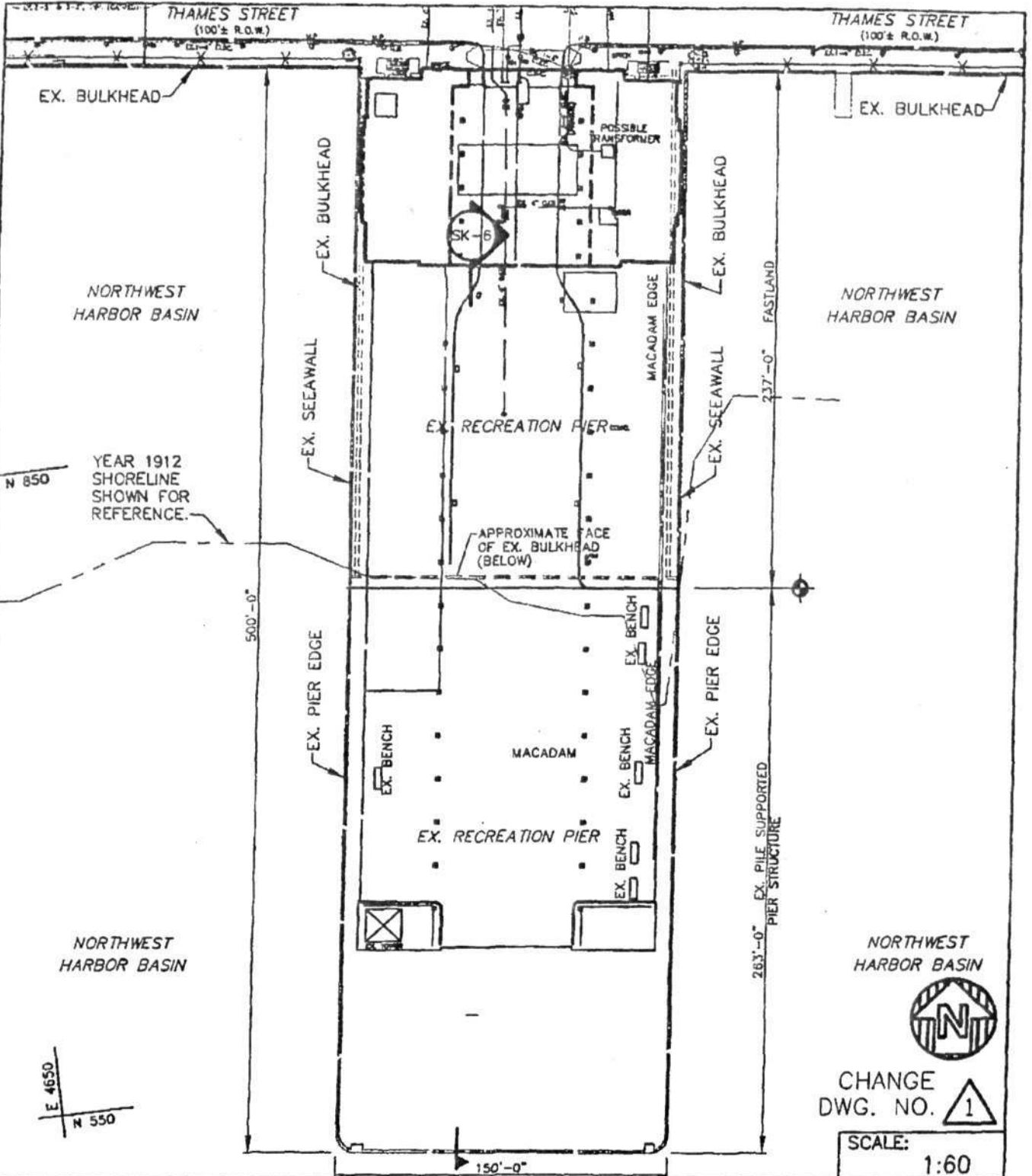
NOTES:
 1. FOR PROPOSED BLDG. CONSTRUCTION, REFER TO EXHIBIT C
 2. NUMBER OF PROPOSED HOTEL ROOMS = 195

SCALE: 1:40
 DATE: 01/26/05
 DRAWING NO. EXHIBIT B
 WBCM NO. 20050002.0

PROPOSED DEVELOPMENT PLAN
RECREATION PIER HOTEL
 BALTIMORE, MARYLAND

WHITNEY BAILEY COX MAGNANI L.L.P.
 CONSULTING ENGINEERS
 848 Fairmount Ave.
 Baltimore, MD 21288
 410-512-4500

Jan 30, 2006 - 11:31am User: rwilkins



YEAR 1912 SHORELINE SHOWN FOR REFERENCE.

N 850

E 4650
N 550



CHANGE DWG. NO. 1

SCALE: 1:60

DATE: 05/27/08

DRAWING NO. SK-3A 1

WBCM NO. 20050002.0

May 27, 2008 - 3:32pm User: defax

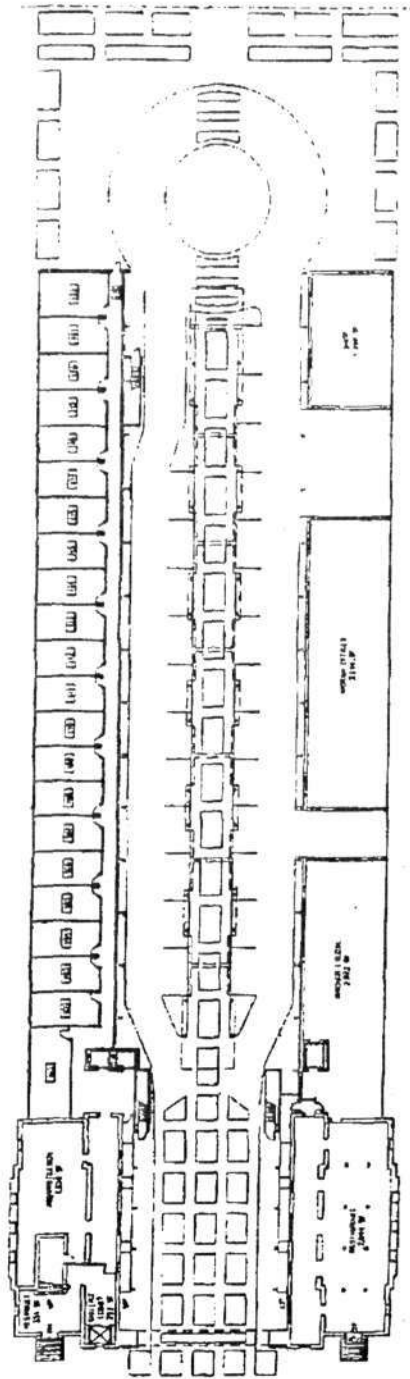
WB WHITNEY
BAILEY
COX
MAGNANI
LLP.

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ENGINEERS
849 Fairmount Ave.
Baltimore, MD 21288
410-512-4500

OVERALL EXISTING CONDITION

RECREATION PIER HOTEL

BALTIMORE, MARYLAND



USER: RWJUNIS
 WBC: 11 - 0007
 JOB NO.

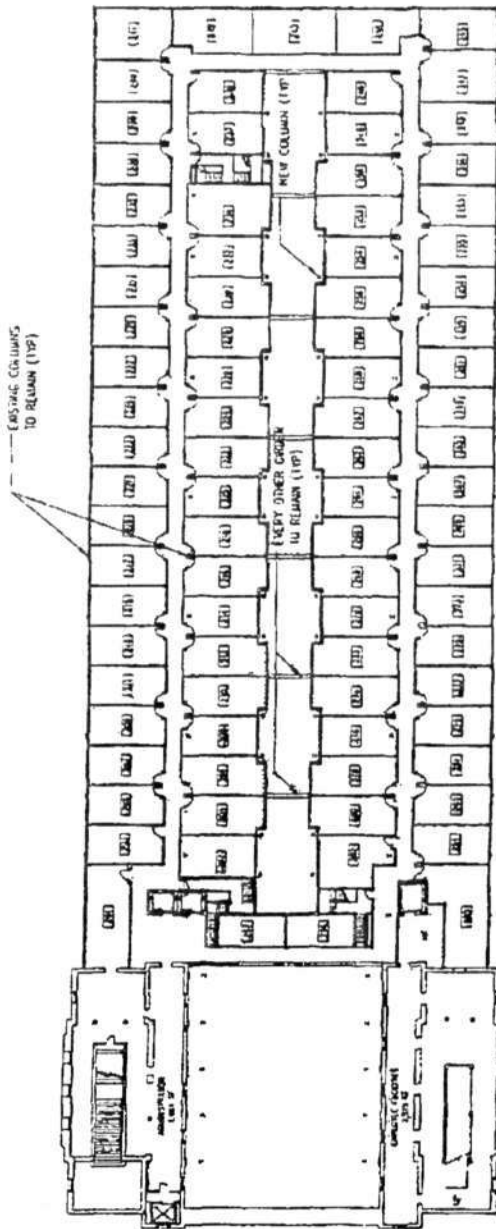
SCALE:	1/64"=1'-0"
DATE:	01/26/05
DRAWING NO.	EXHIBIT C
WBCM NO.	20050002.0



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PROPOSED DEVELOPMENT PLAN
RECREATION PIER HOTEL
 BALTIMORE, MARYLAND

USER: PHIKINS
 WBCM: 11 - DWG - 100



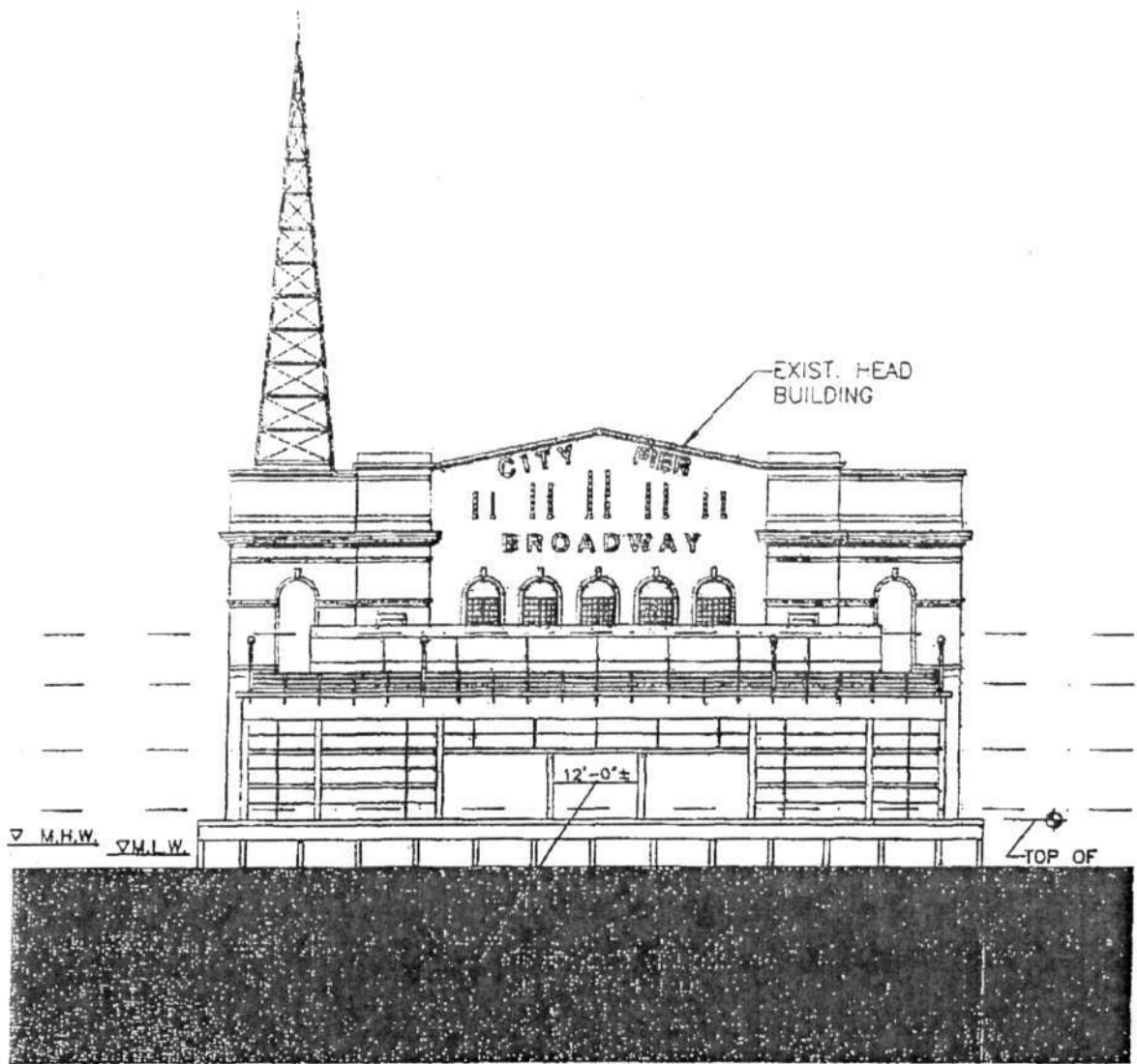
**WHITNEY
 BAILEY
 COX
 MAGNANI
 L.L.P.**

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 410-512-4500

PROPOSED DEVELOPMENT PLAN

RECREATION PIER HOTEL
 BALTIMORE, MARYLAND

SCALE: 1/64"=1'-0"
DATE: 01/26/05
DRAWING NO. EXHIBIT C.1
WBCM NO. 20050002.0



USDT: PWD/MS

UNDC: 11 - 0007 - 00

SCALE:
1/32" = 1'-0"

DATE:
01/26/05

DRAWING NO.
EXHIBIT C.2

WBCM NO.
20050002.0

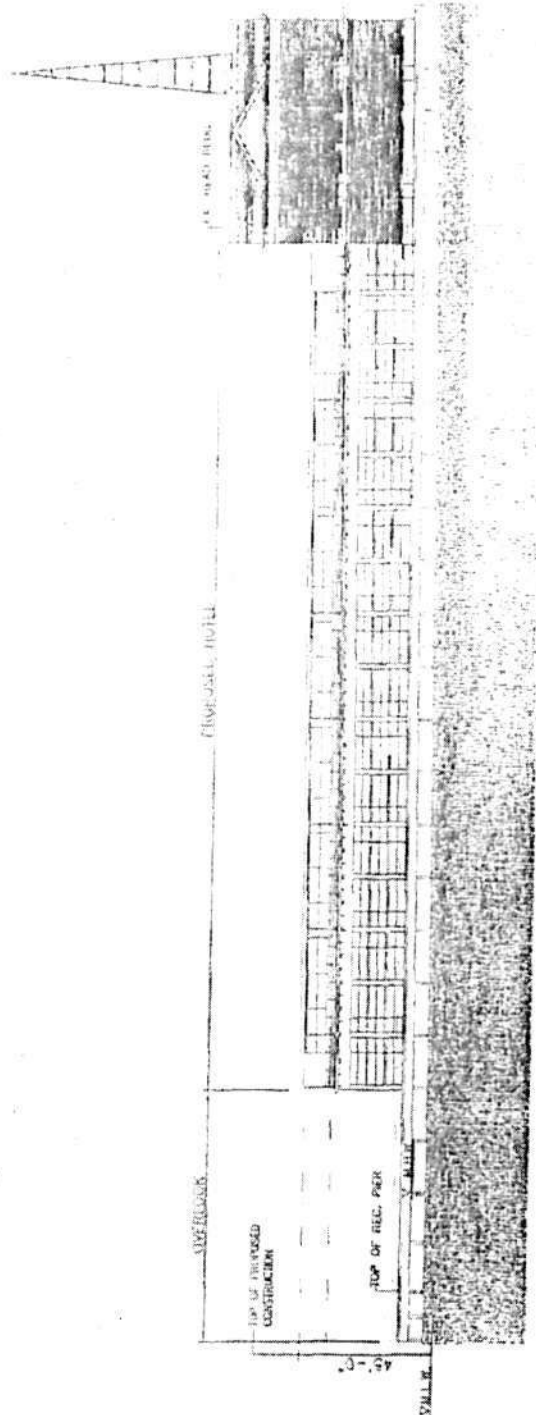
PROPOSED DEVELOPMENT ELEVATION

RECREATION PIER HOTEL
BALTIMORE, MARYLAND



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COX
MAGNANI
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849 Fairmount Ave.
Baltimore, MD 21286
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JOB NO. 2005 - 2774PM
 USER: PMH/MS



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 Baltimore, MD 21286
 410-512-4500

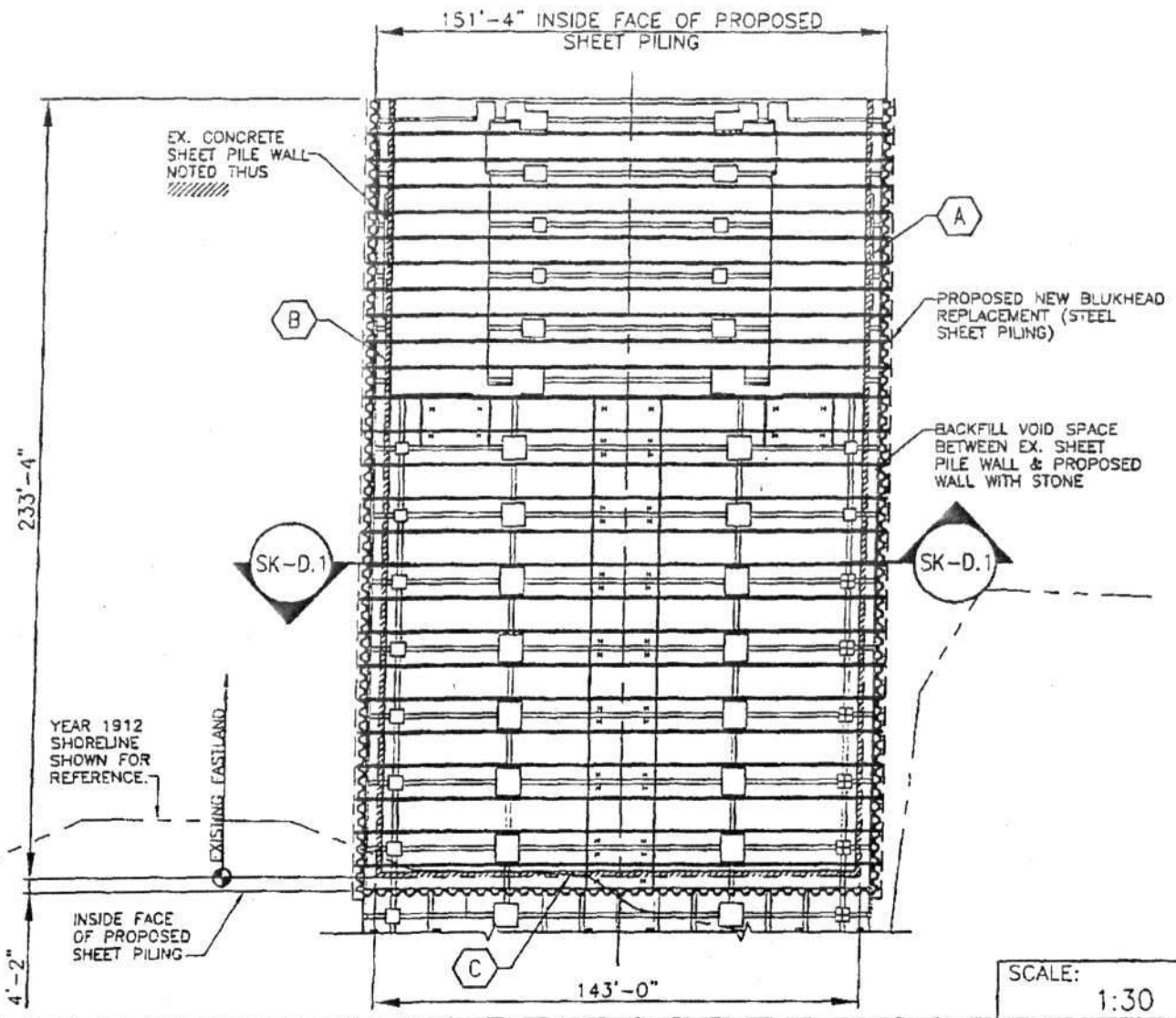
PROPOSED DEVELOPMENT ELEVATION

RECREATION PIER HOTEL
 BALTIMORE, MARYLAND.

SCALE:	1/64"=1'-0"
DATE:	01/26/05
DRAWING NO.	EXHIBIT C.3
WBCM NO.	20050002.0

AREA OF WATER BEING BACKFILLED			
LOCATION	BENEATH EX. PLATFORM	BETWEEN FACE OF EX. SEAWALL AND BACK FACE OF PROPOSED SHEET PILING	DEDUCTION
(A)	831	158	(356)
(B)	831	158	(356)
(C)	501	95	(223)
TOTAL	2163	411	(935)

NOTES:
 1. AREA DEDUCTION: 18" x LENGTH OF BULKHEAD.
 2. NET AREA OF FILL: 2,574 - (935) = 1639 SQ.FT.



SCALE:	1:30
DATE:	01/26/05
DRAWING NO.	EXHIBIT D
WBCM NO.	20050002.0

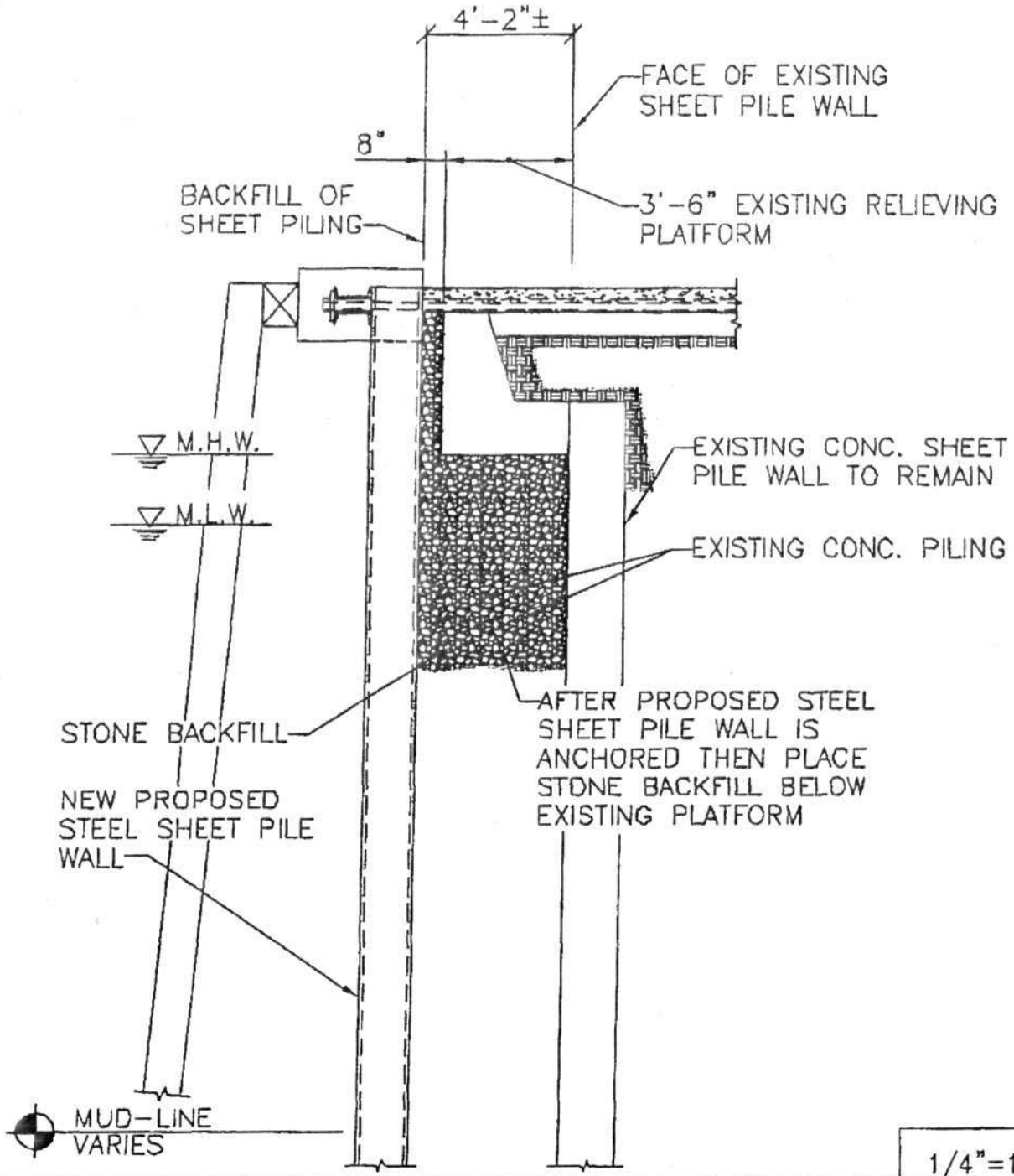


WHITNEY
 BAILEY
 COX
 MAGNANI
 L.L.P.

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 ENGINEERS
 849 Fairmount Ave.
 Baltimore, MD 21286
 410-512-4500

WATER AREA BEING BACKFILLED
 RECREATION PIER HOTEL
 BALTIMORE, MARYLAND

P:\2005\25000200\Drawings\03-Struct\250002-SK-8_4-D 1.dwg
 USER: DELVIA
 01/26/05 11:30AM



MUD-LINE VARIES

1/4" = 1'-0"

DATE:	01/26/05
DRAWING NO.	EXHIBIT D.1
WBCM NO.	20050002.0



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AREA SECTION

RECREATION PIER HOTEL
BALTIMORE, MARYLAND

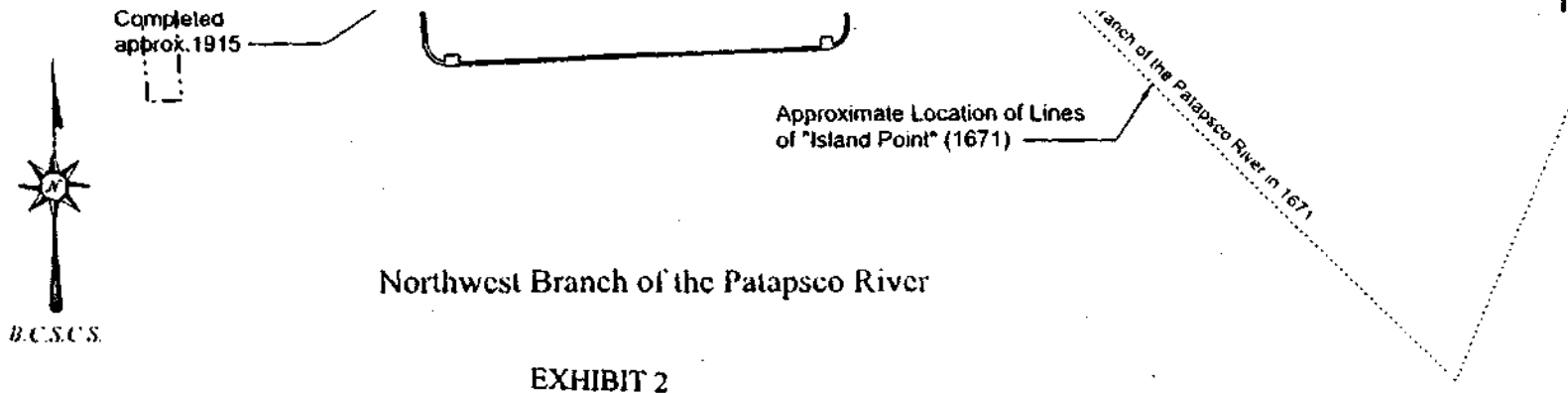
EXHIBIT 2

GENERAL NOTES:

1. THE EXISTING RECREATION PIER OUTLINE SHOWN HEREON IS BASED UPON A PARTIAL FIELD-RUN PLANIMETRIC SURVEY PERFORMED BY WHITNEY, BAILEY, COX & MAGNANI, LLC (WBCM) IN JANUARY, 2005, UPDATED TO REFLECT A FIELD-RUN TOPOGRAPHIC SURVEY PERFORMED BY WBCM IN APRIL, 2008 AND REFLECTS SITE CONDITIONS AS OF THAT DATE
2. HORIZONTAL COORDINATES AND DIRECTIONS OF SAID SURVEYS BY WBCM ARE REFERRED TO THE MERIDIAN OF THE BALTIMORE CITY SURVEY CONTROL SYSTEM AS DETERMINED FROM THE FOLLOWING B.C.S.C.S. TRAVERSE STATIONS

STATION # 31744 N -5667.938 E 6602.260 PLUG FOUND
STATION # 31745 N -5654.447 E 6962.905 PLUG FOUND
3. THE IMPROVEMENTS (PIER/SHORLINES) THAT EXISTED IN 1912 SHOWN HEREON ARE FROM A DIGITAL SCAN OF THE 1912 SURVEY BY S.J. MARTINET REFERRED TO IN NOTE 10 ON A SURVEY BY S.J. MARTINET AND CO., INC., DATED MAY 5, 2005, ENTITLED "BOUNDARY SURVEY PLAT OF No. 1715 THAMES STREET RECREATION PIER" AS TIED TO THE PLANIMETRIC AND TOPOGRAPHIC SURVEY BY WBCM REFERRED TO IN NOTE 1, ABOVE.
4. THE LINES OF THE FOLLOWING THREE LAND PATENTS SHOWN HEREON WERE POSITIONED BASED ON THE LOCATION OF THE CALLED FOR CORNER OF "MOUNTENAY NECK" INDICATED BY THE LETTER "M" SHOWN ON A PLAT WHICH ACCOMPANIED A LEGAL EJECTMENT ACTION, "CASEY'S LESSEE v. INLOES", FILED IN THE MARYLAND STATE ARCHIVES AT MSA C2042-205 p. 1 AND ATTACHED TO THE LETTER OF APRIL 23, 2008, FROM M. TRENT ZIVKOVICH OF RICH AND HENDERSON, P.C., TO EUGENE F. CAULEY, OF WBCM AS EXHIBIT 2. THE POINT LETTERED "M" WAS POSITIONED APPROXIMATELY WITH RESPECT TO THE STREET LAYOUT. THESE LOCATIONS ARE APPROXIMATE AND NOT BASED ON ANY LOCATION BY SURVEY BY WBCM. THE METES AND BOUNDS OF SAID PATENTS WERE BASED ON TRANSCRIPTIONS CONTAINED IN A MEMORANDUM ATTACHED TO THE THE APRIL 23, 2008, LETTER, REFERRED TO ABOVE, AS EXHIBIT 3.

A) "ISLAND POINT" (1671) - SHOWN HEREON WITH A SHORT DASHED LINE
B) "ISLAND POINT RESURVEY" (1734) - SHOWN HEREON WITH A MEDIUM DASHED LINE
C) "FELL'S PROSPECT" (1761) - SHOWN HEREON WITH A LONG DASHED LINE
5. THE EXTENT OF IMPROVEMENTS CIRCA 1809 AND 1828 SHOWN HEREON ARE FROM A SURVEY OF THE EXTENSION OF THE TENANTS WHARF, Ca. 1809 (BCA, RG3, S.1, BOX 11, 1809-177A, INDEX No. 218) AND THE PORT WARDEN'S SURVEY, Ca. 1828 (BCA, RG12, S.8 121) POSITIONED WITH REFERENCE TO THE S.J. MARTINET SURVEYS REFERRED TO IN NOTE 3, ABOVE.



Northwest Branch of the Patapsco River

EXHIBIT 2

Exhibit Showing Historic Shorelines
Recreation Pier - Fells Point

1715 Thames Street
Ward 2, Section 6, Block 1872, Lot 1
Baltimore City, MD 21231-3417

2005.0002.02.0

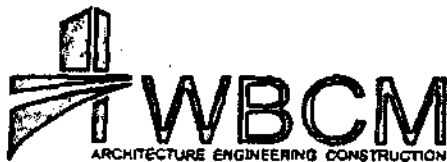
P:\SURVEYS\JOBS\ 2005\05000202\TPC\RECP\PIER TRV



WHITNEY BAILEY COX & MAGNANI, LLC
849 Fairmount Ave Suite 100 Baltimore, MD 21286
MAIN 410.512.4500 FAX 410.324.4100
www.wbcm.com

WBCM
ARCHITECTURE ENGINEERING CONSTRUCTION

EXHIBIT 3



WHITNEY BAILEY COX & MAGNANI, LLC

May 28, 2008

Maryland Department of the Environment
 Water Management Administration
 Regulatory Services
 1800 Washington Boulevard, Suite 430
 Baltimore, Maryland 21230

RE: Baltimore City Recreation Pier – Amended Permit Application
 WBCM Project No.: 2005.0002.02.0
 USACE Tracking #: CENAB-OP-RMN 08-61779-1

Gentlemen:

On behalf of our client, J.J. Clark Enterprises, we are submitting the following new/revised sketches to amend the existing permit application, dated January 30, 2006. These sketches provide new information regarding the extent of private wetlands in the immediate vicinity of the current Recreation Pier footprint. Attached are one (1) new impact plate and two (2) revised impact plates. Below is a list of the plates being amended, with a written description of the revisions. On the revised sketches, changes are delineated by a triangle with a number indicating where the sketch has been changed.

Drawing No. SK-3: Is a new plate that indicates the Baltimore Harbor Historic Shorelines and marine structure, as identified over time within the vicinity of the Recreation Pier.

Drawing No. SK-3A: Is the original plate SK-3 "Overall Existing Condition Plan," revised/re-numbered as SK-3A.

Drawing No. Exhibit A: Is a revised plate that identifies the pre-1912 Baltimore Harbor shorelines and marine structures being referenced on the exhibit, along with the proposed bulkhead repair alignment.

Please incorporate the above into the existing permit application and remove original SK-3 and original Exhibit A sketches. The inclusion of these new/revised plates into the existing application shall generate the amended permit application document. If you have any questions or require additional information, please do not hesitate to call me at 410-512-4630.

Sincerely,

WHITNEY BAILEY COX & MAGNANI, LLC

Eugene F. Cauley
 Eugene F. Cauley, P.E.
 Project Engineer

EFC:cs/kad
 Enclosures
 P:\2005\05000202\Design\Letters\05.0002.00-L-1407.doc

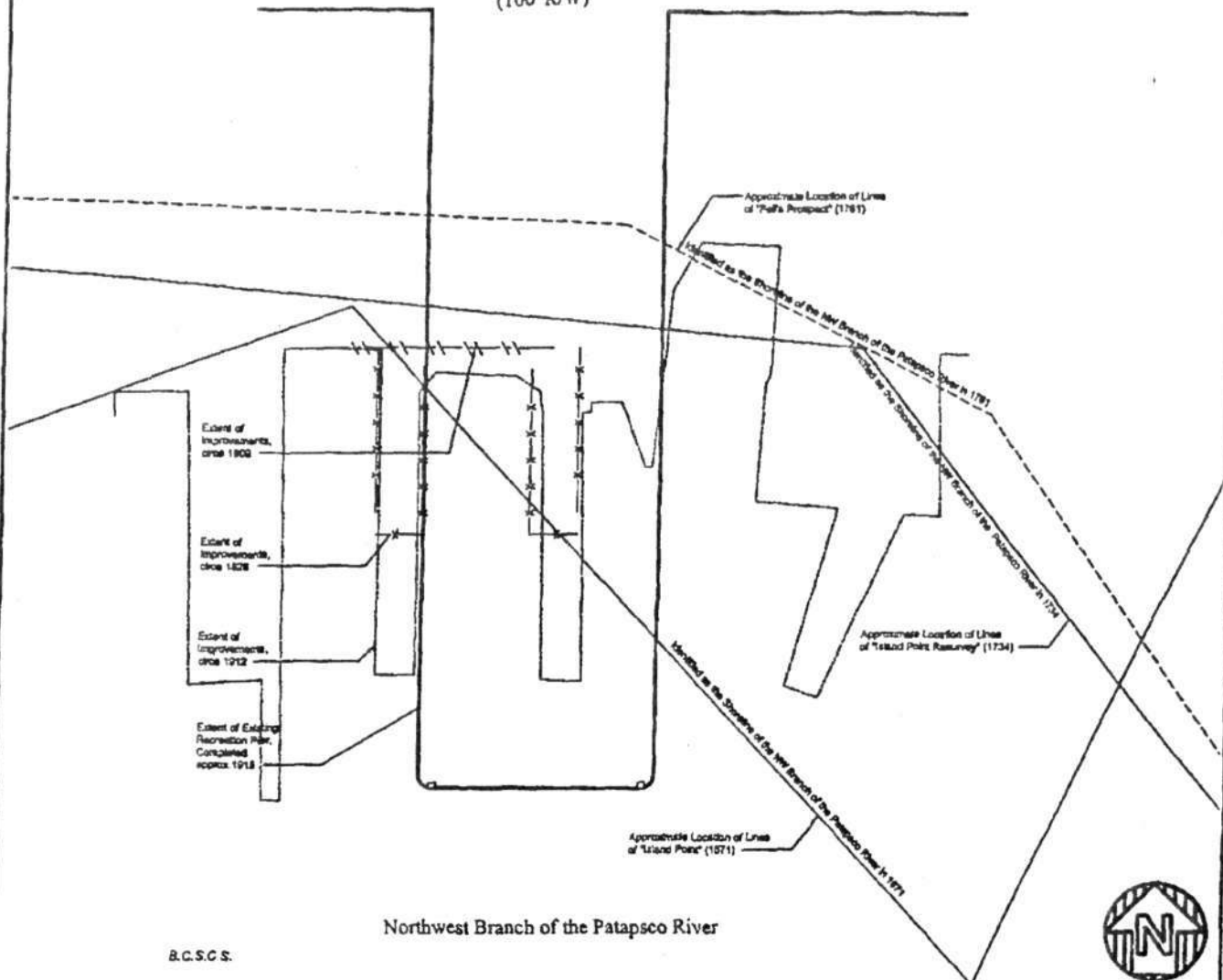
BALTIMORE CANTON WATERFRONT HARRISBURG PITTSBURGH

849 Fairmount Ave Suite 100 Baltimore, MD 21286 MAIN 410.512.4500 FAX 410.324.4100 www.wbcm.com

GENERAL NOTES

- THE EXISTING RECREATION PIER OUTLINE SHOWN HEREON IS BASED UPON A PARTIAL FIELD-RUN PLANNIMETRIC SURVEY PERFORMED BY WHITNEY, BAILEY, COX & MAGNANI, LLC (WBCM) IN JANUARY, 2008. UPDATED TO REFLECT A FIELD-BLN TOPOGRAPHIC SURVEY PERFORMED BY WBCM IN APRIL, 2008 AND REFLECTS SITE CONDITIONS AS OF THAT DATE.
- HORIZONTAL COORDINATES AND DIRECTIONS OF SAID SURVEYS BY WBCM ARE REFERRED TO THE MIDDLEM OF THE BALTIMORE CITY SURVEY CONTROL SYSTEM AS DETERMINED FROM THE FOLLOWING B.C.S.C.S. TRAVELER STATIONS:
 STATION # 2144 - 887.438 ± 002.208 PLUG FOUND
 STATION # 2148 - 888.447 ± 002.208 PLUG FOUND
- THE IMPROVEMENTS (PROGRAMMED) THAT LISTED IN 1(1) & 1(2) HEREON WERE FROM A CERTAIN PLAN OF THE 1713 SURVEY BY S.J. MARTINEY REFERRED TO IN NOTE 10 ON A SURVEY BY S.J. MARTINEY AND CO., INC., DATED MAY 8, 1906, ENTITLED "BOUNDARY SURVEY PLAN OF NO. 1713 THAMES STREET RECREATION PIER" AS TIED TO THE PLANNIMETRIC AND TOPOGRAPHIC SURVEY BY WBCM REFERRED TO IN NOTE 1 ABOVE.
- THE LINES OF THE FOLLOWING THREE LAND PATENTS SHOWN HEREON WERE POSITIONED BASED ON THE LOCATION OF THE CORNERS OF "MOUNTAIN VIEW" INDICATED BY THE LETTER "M" SHOWN ON A PLAN WHICH ACCOMPANIED A LEGAL EASEMENT ACTION, "CARTER'S LESSEE vs. INGLE", FILED IN THE MARYLAND STATE ARCHIVES AT BALTIMORE, MD AND ATTACHED TO THE LETTER OF APRIL 23, 2008, FROM THE TRUSTEES OF FISH AND WILDLIFE FOUNDATION, P.C., TO FLORENCE F. CALLEY, OF WBCM AS EXHIBIT 2. THE POINT LETTERED "M" WAS POSITIONED APPROXIMATELY WITH RESPECT TO THE STREET LAYOUT. THESE LOCATIONS ARE APPROXIMATE, AND NOT BASED ON ANY LOCATION BY SURVEY BY WBCM. THE METERS AND BOUNDS OF SAID PATENTS WERE BASED ON TRANSCRIPTIONS CONTAINED IN A MEMORANDUM ATTACHED TO THE APRIL 23, 2008 LETTER, REFERRED TO ABOVE, AS EXHIBIT 2.
 A) "ISLAND POINT" (1771) - SHOWN HEREON WITH A SHORT DASHED LINE
 B) "ISLAND POINT RESERVE" (1734) - SHOWN HEREON WITH A LONG DASHED LINE
 C) "BELL'S PROSPECT" (1787) - SHOWN HEREON WITH A LONG DASHED LINE
- THE EXTENT OF IMPROVEMENTS DURING 1902 AND 1928 SHOWN HEREON ARE FROM A SURVEY OF THE EXTENSION OF THE TENANTS TRAIL, CO. 1402 B.C.A. AND S.A. NO. 11, 1026-1714, HEREIN NO. 1714 AND THE PORT WARDEN'S SURVEY, CO. 1028 B.C.A. 1070, S.A. 07) POSITIONED WITH REFERENCE TO THE S.J. MARTINEY SURVEYS REFERRED TO IN NOTE 2 ABOVE.

Thames Street
(100' R/W)



SCALE:	1:100
DATE:	05/27/08
DRAWING NO.	SK-3
WBCM NO.	20050002.0

HISTORIC SHORELINES
RECREATION PIER HOTEL
 BALTIMORE, MARYLAND

WHITNEY BAILEY COX MAGNANI L.L.P.
 CONSULTING ENGINEERS
 849 Fairmount Ave.
 Baltimore, MD 21288
 410-512-4300

May 27, 2008 - 3:32pm User: dclax

