

CHARTER RESOLUTION NO. 133-20

A RESOLUTION OF THE BOARD OF TOWN COMMISSIONERS
TO EXTEND THE CORPORATE BOUNDARIES AND
TO DESIGNATE THE ZONING
CLASSIFICATION OF THE LAND BEING ANNEXED

A Resolution of the Board of Town Commissioners, adopted pursuant to the authority of Article XI-E of the Constitution of Maryland and Section 4-4 of the Local Government Article of the Annotated Code of Maryland, entitled "MUNICIPAL", subtitled "Annexation", to enlarge the corporate boundaries of the Town of Bel Air by amending the description of the corporate boundaries and the official survey map of the Town Boundaries, as described in Article II, "CORPORATE BOUNDARIES" of the Charter of the Town of Bel Air, to annex to said corporate boundaries the following area, contiguous to and adjoining the present corporate boundaries of the Town of Bel Air, being a 1.461 acre parcel of land, owned by Liriod LLC located along Catherine Street, Third Election District, Harford County, Maryland, which is graphically shown on Exhibit A attached hereto, and which is particularly and separately described as follows:

Beginning for the same at an iron pipe heretofore set in the third line of the first parcel described or North 37 degree 51 minute 12 second West 499.30 foot line of that parcel of land which by deed dated December 5, 2005 was conveyed by Margaret Smith Kelly to Olga Elizabeth Mitchell, Susanne H. Kelly, and Howard A. Kelly and was recorded in the Land Records of Harford County, Maryland in Liber J.J.R. 6587 folio 151; Thence binding on aforementioned deed, the following two courses and distances:

1. **North 37 degrees 50 minutes 49 seconds West 196.02 feet** to a point in southernmost side of a fifty foot private Right-of -Way as described in a deed dated June 16, 1972 conveyed by Friedrich H. Kelly to W. Eugene Graybeal and Jean R.

Graybeal, his wife, and was recorded among the Land Records of Harford County, Maryland in Liber H.D.C. 899, folio 650; thence binding on said side of Right-of -Way, the following course and distance:

2. **North 48 degrees 51 minutes 49 seconds East 230.70 feet** to a point on western most side of a 25 foot wide alley as depicted on a plat titled "Revision and Extension of Howard Park" and recorded in the Plat Records of Harford, County, Maryland in Liber G.C.B. 4 folio 96; Thence leaving the aforesaid Right-of-Way and binding on the westernmost side of said alley the following course and distance:
3. **South 40 degrees 59 minutes 26 seconds East 405.89 feet** to a concrete monument in the northernmost right-of-way line of Catherine Street, 50 feet wide; thence binding on the northerly right-of-way line of Catherine Street the two following courses and distances:
4. By a curve to the left with a radius of **129.00 feet** for an arc length of **49.40 feet**; said curve being subtended by a chord bearing **South 38 degrees 09 minutes 00 seconds West 49.10 feet** to a point;
5. **South 27 degrees 10 minutes 45 seconds West 18.10 feet** to an iron pipe heretofore set at the end of the South 42 degree 44 minute 03 second East 205.88 foot line of Lot 1 as depicted on a plat titled "Final Plat, Land of Margaret Smith Kelly" and recorded in the Plat Records of Harford County, Maryland in Liber H.D.C. 50 folio 120; Thence binding reversely on Lot 1 as depicted on the aforementioned plat the following four courses and distances;
6. **North 42 degrees 46 minutes 23 seconds West 205.67 feet** to an iron pipe heretofore set;
7. **South 50 degrees 13 minutes 41 seconds West 139.91 feet** to an iron pipe heretofore set;

8. **North 39 degrees 24 minutes 37 seconds West 16.31 feet** to an iron pipe heretofore set;
9. **South 50 degrees 19 minutes 11 seconds West 30.61 feet** to the place of beginning;

CONTAINING 1.461 ACRES OF LAND, more or less, as surveyed by Bay State Land Services, Inc. in January 2020;

Being part of the first parcel and all of the third parcel of that parcel of land which by deed dated December 5, 2005 was conveyed by Margaret Smith Kelly to Olga Elizabeth Mitchell, Susanne H. Kelly, and Howard A. Kelly and was recorded in the Land Records of Harford County, Maryland in Liber J.J.R. 6587 folio 151;

WHEREAS, on the 20th day of July, 2020, was formally presented to the Bel Air Board of Town Commissioners, a written consent to this Resolution signed by the owners of not less than twenty-five percent (25%) of the assessed valuation of the real property located in the area to be annexed, requesting that the corporate boundaries of the Town of Bel Air be enlarged by annexing the area so described.

WHEREAS, the Town of Bel Air has caused to be made a verification of the signatures on said consent to annexation and has verified that there are no persons currently residing in the area to be annexed.

WHEREAS, it appears that the consents meet all the requirements of law.

Section 1. **NOW, THEREFORE, BE IT RESOLVED** by the Bel Air Board of Town Commissioners that the corporate boundaries of the Town of Bel Air be and the same are hereby enlarged by adding or annexing thereto the property that is contiguous to and adjoining the present corporate boundaries as particularly described in the aforesaid title to this Resolution;

Section 2. **AND BE IT FURTHER RESOLVED** that the conditions and circumstances applicable to the change in the said corporate boundaries and to the residents of the property in the area so annexed are as follows:

- a) that the area to be annexed and the owner(s) of the property therein shall be generally subject to the provisions of the Charter of the Town of Bel Air, without special treatment as to rates of the municipal tax, or as to municipal services and facilities.
- b) that the designation of the zoning classification of the land lying within the area herein described and hereby annexed shall be designated R-1 Low Density Residential District as described in the Development Regulations of the Town of Bel Air. The Bel Air Planning Commission has reviewed the Comprehensive Plan and proposed zoning and found the annexation is appropriate and meets the standards set forth in Section 4-204 of the Land Use Article of the Maryland Annotated Code. The annexed land shall be subject to all provisions and conditions of said Ordinance which are applicable to the specified zoning district.
- c) that the property will be subject to the following conditions of annexation:
 - i. Any future land use is limited to three (3) single family detached dwellings
 - ii. Vehicular access to any proposed dwellings be from Catherine Street
 - iii. A landscaped buffer shall be required along the north property boundary shared with the Liriodendron private drive at the time of subdivision with planting type, size and spacing to be reviewed by the Planning Commission

Section 3. **AND BE IT FURTHER RESOLVED** that in accordance with Article II of the Charter of the Town of Bel Air, the description of the corporate boundaries and the Official Survey Map of the Town Boundary are hereby amended by adding the property designated as "LX" being the thirteenth addition to the corporate limits following adoption of Resolution No. 102-97 repealing and reenacting the Charter of the Town of Bel Air with a new Article II, effective November 25, 1997.

Section 4. **AND BE IT FURTHER RESOLVED** that this Resolution shall become effective at the end of forty-five (45) days following its final enactment unless a petition for referendum hereon shall be filed as permitted by law.

INTRODUCTION:

PUBLIC HEARING:

ENACTMENT:

EFFECTIVE:

AYES:

NAYES:

ABSENT:

Amy G. Chmielewski, Chairperson
Board of Town Commissioners

Michael L. Krantz, Town Clerk