

RESOLUTION NO. 2019- 01 CHARTER AMENDMENT

FOR THE PURPOSE OF AMENDING THE DESCRIPTION OF THE CORPORATE BOUNDARIES OF THE TOWN OF SNOW HILL BY DELETING §3(e) TO DETACH CERTAIN PROPERTIES FROM THE CORPORATE BOUNDARIES

A RESOLUTION BY THE MAYOR AND COUNCIL OF SNOW HILL, a municipal corporation in the State of Maryland (hereinafter “the Town of Snow Hill”), which Resolution is adopted pursuant to the authority of Article XI-E of the Constitution of Maryland and Subtitle 3, Title 4 of the Local Government Article of the Annotated Code of Maryland for the purpose of amending §3 of the Charter of the Town of Snow Hill (hereinafter “the Town Charter”).

WHEREAS, pursuant to Maryland Code Annotated, Local Government Article § 4-103(b)(3), the Council of the Town of Snow Hill (hereinafter “the Town Council”) has been granted the authority to enact and adopt ordinances, resolutions or bylaws necessary to exercise the authority of the municipality; and

WHEREAS, the Town has received a request for deannexation, also known as detachment (hereinafter “detachment”), of certain parcels of property (hereinafter “the Detached Property,” more particularly described below) lying within the property currently described within the Town’s corporate boundaries by description set forth in §3(e) of the Town Charter, known as “the Summerfield Annexation;” and

WHEREAS, the Attorney General of Maryland has stated that Maryland municipalities are authorized by Article XIE of the Maryland Constitution to revise their boundaries in order to detach real property lying within municipal boundaries, See 72 Opinion of the Attorney General 200 (1987); 41 Opinion of the Attorney General 133; and

WHEREAS, neither Town water nor Town sewer services have been extended to the Detached Property; and

WHEREAS, the Town Council has determined that the passage of this Resolution will benefit the general welfare of the Town of Snow Hill;

WHEREAS, the Town Council gave at least twenty-one (21) days advance notice of the public hearing held on adoption of this Resolution and the amendment to the Charter contained herein;

NOW, THEREFORE, BE IT RESOLVED, by the Town Council, in regular session assembled:

SECTION I: That §3(e), be repealed and reenacted as follows (with the capitalized and underlined language inserted as amended language and the boldened and struck-through language deleted through this amendment):

~~On December 13, 2005, a resolution of the Mayor and Council of Snow Hill was passed which annexed a certain area of land situated contiguous to and binding upon the southerly corporate limits of the Town of Snow Hill. The effective date of the resolution is January 27, 2006. This land known as the "Summerfield Annexation" is described as follows: [Added 12-13-2005 by Res. No. 2005-5]~~

ON _____, 2019, A RESOLUTION OF THE MAYOR AND COUNCIL OF SNOW HILL WAS PASSED WHICH DETACHED A CERTAIN AREA OF LAND SITUATED CONTIGUOUS TO AND BINDING UPON THE SOUTHERLY CORPORATE LIMITS OF THE TOWN OF SNOW HILL. THE EFFECTIVE DATE OF THE RESOLUTION IS _____, 2019. THIS LAND KNOWN AS THE "SUMMERFIELD ANNEXATION" IS DESCRIBED AS FOLLOWS: [ADDED 12-13-2005 BY RES. NO. 2005-5; WHICH RESOLUTION WAS SUPERSEDED AND WHICH PARCEL WAS DETACHED BY RES. NO. 2019-_____]

Beginning for this description at a point on the southeasterly shoreline of the Pocomoke River, said point being the northwesterly corner of lands now or formerly of Mark R. Odachowski, deed reference: Liber S. V. H. 4269, Folio 25 et. seq.; thence along the lands now or formerly of Mark R. Odachowski, the following sixteen courses: 1) S 31° 53' 17" E - 851.13' to a point; thence 2) N 80° 21' 43" E - 1430.88' to a point; thence 3) S 71° 00' 17" E - 706.86' to a found concrete monument; thence 4) N 26° 51' 54" E - 643.50' to a point; thence 5) N 22° 36' 54" E - 937.20' to a point; thence 6) N 16° 23' 27" E - 791.35' to a found concrete monument; thence 7) N 81° 23' 27" E - 453.75' to a point; thence 8) N 36° 06' 31" E - 135.34' to the center of a branch and the present Snow Hill corporate limit line; thence 9) S 35° 22' 46" E - 21.69' to a point; thence 10) N 73° 55' 17" E - 30.52' to a point; thence 11) S 47° 48' 54" E - 38.61' to a point; thence 12) S 71° 28' 27" E - 39.41' to a point; thence 13) S 89° 11' 09" E - 48.09' to a point; thence 14) S 31° 21' 48" E - 55.83' to a point; thence 15) S 54° 44' 25" E - 57.81' to a point; thence 16) S 10° 14' 42" E - 45.76' to a point; thence by with lands now or formerly of Mark R. Odachowski, deed reference Liber S. V. H. 4044, Folio 484, the following twelve courses: 1) N 45° 32' 36" E - 96.47' to a twin maple tree; thence 2) S 17° 42' 11" E - 296.27' to an iron axle found, passing through an iron pipe found a distance of 106.22' from said twin maple tree; thence 3) S 41° 42' 19" E - 271.50' to a found concrete monument, passing through an iron rod found a distance of 194.58' from said iron axle; thence 4) N 81° 02' 30" E - 346.21' to a found concrete monument at or near the northwesterly line of Maryland Route 394; thence 5) along said Maryland Route 394, with a curve to the right, having a radius of 1870.00', with an arc length of 21.26' to a point; thence 6) S 01° 12' 06" W - 13.80' to a point; thence 7) S 81° 00' 56" W - 265.50' to a point; thence 8) S 16° 27' 36" W - 170.30' to a point; thence 9) S 46° 00' 56" W - 104.50' to a point; thence 10) S 05° 24' 56" W - 173.00' to a point; thence 11) S 23° 33' 56" W - 25.00' to a point; thence 12) S 73° 12' 44" E - 417.30' to a found concrete monument; thence along the northwesterly line of Maryland Route 394, N 01° 12' 06" E - 561.18' to a point; thence across said Maryland Route 394 along the present Snow Hill corporate limit line the following three courses: 1) S 32° 27' 31" E - 77.33' to a point; thence 2) N 84° 09' 29" E - 41.30' to a point; thence 3) S 68° 35' 31" E - 1522.77' to a point; thence by with lands of the Board of Education of Worcester County, Maryland, deed reference Liber F. W. H. 466, Folio 516 et. seq., the following two courses: 1) S 35° 27' 52" E - 742.10' to a point; thence 2) S 37° 19' 14" W - 988.81' to a found concrete monument; thence along the lands now or formerly of Mark Reid Odachowski., deed reference Liber S. V. H. 3918, Folio 428 et. seq., S 45° 24' 44" E - 2260.26' to a found concrete monument; thence along the lands now or formerly of Edwin M. and Gail M. Shockley, deed reference Liber 2080, Folio 495; thence S. 82° 23' 30" E - 3.00' to a point; thence along the lands now or formerly of Mark Reid Odachowski, deed reference Liber S. V. H. 3918, Folio 428, S. 07° 36' 30" W. - 2785.22' to a point on the northwesterly line of U. S. Route 113; thence along the northwesterly line of U.S. Route 113 the following nineteen courses: 1) S. 49° 38' 53" W - 529.96 to a point; thence 2) S 45° 04' 27" W - 150.48' to a point; thence 3) S 52° 10' 01" W - 156.31' to a point; thence 4) N 43° 32' 02" W - 122.56' to an iron bar found; thence 5) S 48° 01' 58" W - 510.18' to a point; thence 6) S 03° 13' 02" E - 103.47' to a point; thence 7) S 52° 09' 59" W - 128.13' to a point; thence 8) S 52° 03' 28" W - 132.73' to a point; thence 9) S 47° 48' 55" W - 292.89' to a point;

thence 10) S 55° 45' 26" W - 683.83' to a point; thence 11) S 68° 51' 27" W - 366.42' to a point; thence 12) S 68° 51' 28" W - 74.38' to a point; thence 13) S 50° 14' 33" W - 152.16' to a point; thence 14) S 73° 11' 33" W - 683.46' to a point; thence 15) S 73° 58' 44" W - 146.00' to a point; thence 16) N 69° 44' 25" W - 70.56' to a point; thence 17) N 68° 24' 09" W - 50.30' to a point; thence 18) N 42° 27' 55" W - 98.00' to a point; thence 19) N 53° 25' 39" W - 57.89' to the northeasterly line of Castle Hill Drive; thence along the northeasterly line of Castle Hill Drive, the following four courses: 1) N 42° 06' 32" W - 485.89' to a point; thence 2) N 42° 00' 21" W - 634.96' to a point; thence 3) N 42° 29' 03" W - 922.95' to a point; thence 4) N 42° 13' 14" W - 274.33' to a point; thence across Maryland Route 394 to the northwesterly line of Maryland Route 394, N 42° 13' 14" W - 40.25' to a point; thence along the northwesterly line of Maryland Route 394, the three following courses: 1) N 41° 25' 03" E - 919.28' to a point; thence 2) N 41° 31' 54" E - 882.66' to a point; thence 3) N 41° 21' 39" E - 60.90' to a point; thence along the lands now or formerly of Summerfield Farms, L.L.C., deed reference Liber S. V. H. 4352, Folio 418 et. seq., and along the northerly line of Castle Way, the five following courses: 1) S 86° 32' 15" W - 44.80' to a point; thence 2) N 48° 27' 45" W - 455.00' to a point; thence 3) S 41° 32' 15" W - 5.00' to a point; thence 4) N 48° 27' 45" W - 29.96' to a point; thence 5) S 41° 35' 27" W - 125.17' to a point; thence continuing along the lands of said Summerfield Farms, L.L.C. and Castle Hill Estates Subdivision the following ten courses: 1) N 21° 49' 28" W - 96.79' to a point; thence 2) N 17° 00' 02" W - 89.87' to a point; thence 3) N 21° 02' 57" W - 47.58' to a point; thence 4) N 43° 40' 28" W - 39.27' to an iron rod found; thence 5) S 41° 35' 27" W - 210.81' to a point; thence 6) S 48° 24' 33" E - 94.65' to a point; thence 7) S 41° 35' 27" W - 55.00' to an iron rod found; thence 8) N 72° 25' 33" W - 123.03 to an iron rod found; thence 9) N 21° 33' 30" W - 132.34' to a point; thence 10) N 85° 20' 18" W - 203.47' to an iron rod found on the easterly line of Tower Drive; thence along the easterly line of Tower Drive, N 04° 39' 53" E - 1.93' to a point; thence along the line of Tower Drive, with a curve to the left, with a radius of 50.00' and an arc of 52.70' to an iron rod found; thence along the lands now or formerly of Thomas W. Stevenson, Jr., deed reference Liber S.V.H. 2949, Folio 6 et. seq., the following three courses: 1) N 48° 11' 04" E - 81.71' to an iron rod found; thence 2) N 19° 33' 44" E - 189.87' to an iron rod found; thence 3) N 85° 22' 59" W - 103.61' to an iron rod found; thence along the lands now or formerly of Robert Rider and William Farlow, deed reference Liber F.W.H. 438, folio 334, the three following courses: 1) N 70° 18' 58" W - 124.37' to a found concrete monument; thence 2) S 19° 39' 38" W - 199.69' to an iron rod found; thence 3) S 50° 51' 56" E - 95.76' to a point; thence along the northwesterly line of Tower Drive with a curve to the right, having a radius of 50.00' and an arc distance of 82.12' to a point; thence along the said Castle Hill Estates Subdivision, N 85° 23' 30" W - 200.00' to a point; thence along the lands now or formerly of Mark R. Odachowski, deed reference Liber S.V.H. 4269, Folio 25 et. seq., the eleven following courses: 1) S 04° 36' 30" W - 400.00' to a found concrete monument; thence 2) N 56° 14' 17" W - 571.29' to a point; thence 3) N 47° 06' 17" W - 231.00' to a point; thence 4) N 72° 06' 17" W - 195.52' to a point; thence 5) N 49° 36' 17" W - 320.10' to a point; thence 6) N 28° 28' 17" W - 165.00' to a point; thence 7) N 33° 46' 17" W - 330.00' to a point; thence 8) N 37° 31' 17" W - 198.00' to a point; thence 9) N 48° 01' 17" W - 80.86' to an iron pipe found; thence 10) N 87° 56' 17" W - 1223.64' to a point; thence 11) N 59° 06' 17" W - 481.73' to the easterly shoreline of the Pocomoke River; thence along the easterly shoreline of the Pocomoke River in a northeasterly direction to the place of beginning, said point of beginning bearing N 23° 28' 38" E - 2669.73' From the last point.

Containing 966.66 acres more or less.

BE IT FURTHER RESOLVED that the aforementioned and described land being detached from the corporate boundaries of the Town of Snow Hill shall be zoned by Worcester County.

BE IT FURHTER RESOLVED that the aforementioned and described land shall upon the effective date of this resolution no longer receive any services from the Town of Snow Hill.

SECTION II: That the date of the adoption of this Resolution is _____, 2019 and that the amendment to the Town Charter of the Town of Snow Hill hereby proposed by this enactment, shall be and

become effective on May 19, 2019 or, forty (40) days from the date of adoption, unless a petition for a referendum satisfying the requirements of Maryland Code Annotated, Local Government Article § 4-304(d) shall be filed by May 19, 2019 or, within forty (40) days from the date of adoption. An exact copy the Amendment shall be posted in the Town offices for forty (40) days following adoption of this Resolution and a fair summary of this Resolution shall be published in a newspaper having general circulation in the Town not less than four (4) times at weekly intervals within forty (40) days of the date of adoption.

SECTION III: That, within ten (10) days after the Charter Amendment hereby enacted becomes effective, either as herein provided or following a referendum, the Clerk shall send separately to the Department of Legislative Services, the following information concerning the Charter Amendment: (1) the complete text of this Resolution; (2) the date of referendum election, if any, held with respect thereto; (3) the number of votes cast for and against this Resolution by the Town Council or in a referendum; and (4) the effective date of the Charter Amendment.

SECTION IV: That the Clerk be, and he/she is specifically enjoined and instructed to carry out the provisions of Sections II and III, and as evidence of compliance herewith, the said Clerk shall cause to be affixed to the Minutes of this meeting: 1) an appropriate certificate of publication of the newspaper in which the fair summary of the Amendment shall have been published; and, 2) records of mailing referred to in Section 3 and shall further complete and execute a Certificate of Compliance.

INTRODUCED by the Town Council, at a Regular Meeting on _____, 2019, at which meeting copies were available to the public for inspection.

ADOPTED by the Town Council, at a Regular Meeting on _____, 2019, at which meeting copies were available to the public for inspection.

ATTEST:

MAYOR AND COUNCIL
OF SNOW HILL

KELLY C. PRUITT,
Town Manager

STEPHEN MATHEWS, Mayor

ALISON COOK, Councilmember

JENNY HALL, Councilmember

LATOYA PURNELL, Councilmember