

RESOLUTION NO. 6173

A RESOLUTION TO ANNEX A PARCEL OF LAND OWNED BY BASI BROTHERS, LLC LOCATED ON THE EAST SIDE OF OCEAN GATEWAY/U.S. ROUTE 50, CONSISTING OF 3.231 ACRES OF LAND, MORE OR LESS, INTO THE TOWN OF EASTON AND TO PROVIDE FOR THE TERMS AND CONDITIONS OF THE ANNEXATION.

Introduced by: Mr. Abbatiello

WHEREAS, the Town of Easton (the "Town") is authorized by the provisions of §4-401 *et seq.* of the Local Government Article of the Maryland Annotated Code (the "Code") to expand its municipal boundaries by annexing lands adjacent to it, and wishes to annex a certain parcel of land owned by Basi Brothers, LLC located on the East side of Ocean Gateway/U.S. Route 50, consisting of 3.231 acres of land, more or less, which parcel is shown and depicted as "Total Land Area = 140763 Sq. Feet 3.231 Acres ±" (the "Annexation Property") on a plat titled "Boundary Survey On the Lands of Basi Brothers, LLC Tax Map 25, Grid 6, Parcel 113 First District, Talbot County, Maryland", prepared by Harry A. Smith, Jr., Professional Land Surveyor, dated June 2022 (the "Annexation Plat"), which is Exhibit "A" to this Resolution and is also described in a metes and bounds description prepared by Harry A. Smith, Jr., Professional Land Surveyor entitled "Description of the Lands of Basi Brothers, LLC First District Talbot County, Maryland Tax Map 25, Grid 6, Parcel 113 Area Equals 3.231 Acres of Land, More or Less Basis of Bearings is Plat MAS 82/178", which is Exhibit "B" to this Resolution ("Annexation Description").

Basi Brothers, LLC is the owner of one hundred percent (100%) of the assessed value of the real property lying within the area to be annexed and has consented to the annexation. There are no registered voters in Talbot County who reside on the Annexation Property.

The Annexation Property is adjacent to existing Town boundaries. If the Annexation Property is incorporated into the Town boundaries, no enclaves of non-Town land will be created.

Now, therefore, the Town hereby resolves:

Section 1. Modification of Town Boundaries. The corporate boundaries of the Town are hereby amended to include the addition of the Annexation Property, which is described on the Annexation Plat and Annexation Description. The plat and metes and bounds description are subject to technical review and correction by the Town prior to the public hearing to be held on this Resolution.

Section 2. Application of Town Charter, Ordinances; and Taxes. Upon the effective date of this Resolution, the provisions of the Charter and Code of the Town of Easton, and any local public laws enacted or to be enacted affecting the Town, shall be effective within the Annexation Property except to the extent that this Resolution provides otherwise. The Annexation Property shall be included in the First Election Ward of the Town for purposes of municipal elections until such time as the boundaries for election wards may be modified by the Town Council.

Section 3. Annexation Plan. The Petitioner has prepared an Annexation Plan with regard to the Annexation Property (the "Plan"). The Plan is Exhibit "C" to this Resolution but is not a part hereof and the Town Council reserves the right to amend the Plan prior to the final enactment of this Resolution in the manner provided in §4-415 of the Local Government Article of the Code.

Section 4. Zoning Classification. Concurrently with the introduction of this Resolution, the Town Council has introduced Ordinance No. 801 to apply a zoning classification of Commercial General (CG) to the Annexation Property. The Talbot County zoning for the Annexation Property is General Commercial (GC). Neither zoning district allows residential zoning. If the proposed CG zoning classification permits land uses that are substantially different from the land uses allowed under the current Talbot County zoning classifications, then, in accordance with §4-416 of the Local

Government Article of the Code, if Talbot County expressly approves, the Town can place the annexed land in zoning classifications that allow different land uses and/or allows a substantially higher density exceeding 50% of the density allowed under the current Talbot County zoning classification. If required, the classification of the Annexation Property in the CG zoning district is contingent upon the Town receiving the express consent of the County prior to the effective date of Ordinance 801.

Section 5. Incorporation of Certain Exhibits. Exhibits A, and B are incorporated into this Resolution and made a part of it.

Section 6. Public Hearing and Public Notice. The Town Council shall conduct a public hearing on this Resolution and upon Ordinance No. 801 on November 20, 2023 at 5:35 p.m. Prior to the hearing, the Town Clerk shall arrange for the publication of a legally sufficient notice of the hearing in *The Star Democrat* for the Town two times at not less than weekly intervals, the date of publication of the last such notice to be at least 15 days prior to the date of the hearing. In addition, on the date of the first publication of the notice of the hearing, the Town Clerk shall notify the following persons or agencies of the hearing and shall provide them with a photocopy of the legal notice and this Resolution, including Exhibits:

- (a) the Talbot County Council;
- (b) the Talbot County Planning and Zoning Commission;
- (c) the Maryland Department of Planning; and
- (d) the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays.

Section 7. Registration of Boundaries. Within ten (10) days of the effective date of this Resolution, in accordance with the provisions of §4-414 of the Local Government Article of the Code, the Mayor or other Town designee, shall promptly cause a copy of the resolution with the new municipal boundaries to be sent to:

- (a) the Town Clerk;
- (b) the Clerk of the Circuit Court for Talbot County, Maryland; and
- (c) the Maryland Department of Legislative Services.

Pursuant to §4-414(b) of the Local Government Article of the Code, each such official or agency shall keep this Resolution with the new boundaries on record and make it available for public inspection during regular business hours.

Section 8. Effective Date. This Resolution shall become effective 45 days after final enactment unless a petition for referendum has been filed prior thereto in accordance with §4-408, §4-409, or §4-410 of the Local Government Article of the Code or if a petition for referendum is filed and a majority of the votes are in favor of the annexation resolution, the date upon which the Annexation Resolution becomes effective pursuant to §4-412 of the Local Government Article of the Code. This Resolution shall be deemed “finally enacted” on the date on which the Mayor of the Town of Easton indicates his approval of this Resolution by signing it or when the Town Council overrides the Mayor's veto hereof in the manner specified in the Town Charter.

Curry	-	Yea
Abbatiello	-	Yea
Montgomery	-	Yea
Davis	-	Yea
Gunsallus	-	Yea

I hereby certify that the above Resolution was passed by a yea and nay vote of the Town Council this 16th day of January, 2024.



 Frank Gunsallus, Town Council President

Delivered to the Mayor by me this 16th day of January, 2024.



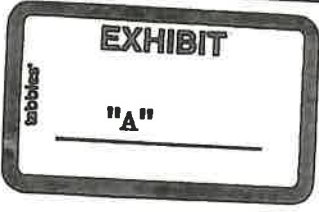
Kathy M. Ruf, Town Clerk

APPROVED: January 16, 2024

Date: January 16, 2024


Megan J. M. Cook, Mayor

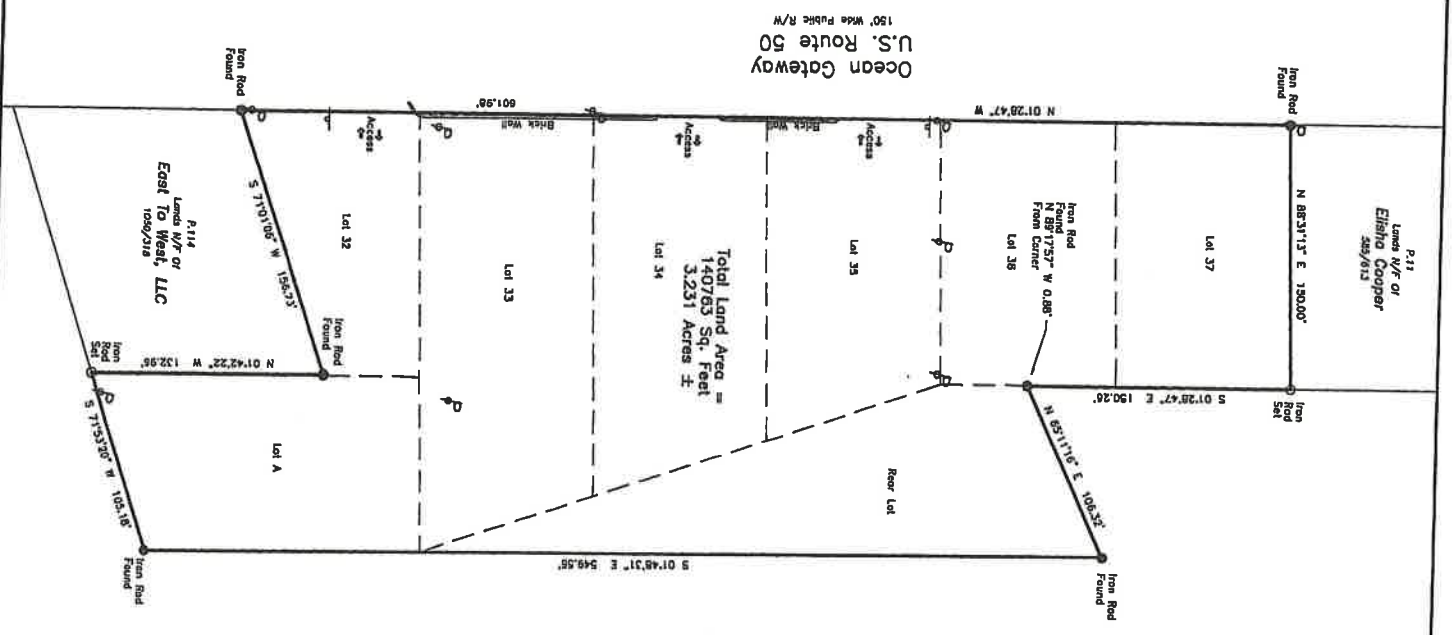
EFFECTIVE DATE: March 1, 2024.



Legend

- R/W — Right of Way
- N/F — New or Formerly
- P — Power Pole
- S — Sign (As Noted)
- Road Found (as noted)
- Road Set (as noted)
- Adjoining Property Lines
- Boundary Lines
- Interior Lot Lines

- NOTES:**
- FOR DEED REFERENCE SEE 3002/714
 - PROPERTY ADDRESS — 8918 OCEAN GATEWAY EASTON, MARYLAND 21831
 - DEMOTES ROAD POINT (UNLESS OTHERWISE NOTED)



P.13
Lands N/F of
Sun Hyde Park, LLC
28/9/14

I HEREBY CERTIFY THAT I HAVE PERSONALLY PREPARED THE BOUNDARY SURVEY SHOWN AND DESCRIBED HEREON OR WAS IN THE FIELD WITH THE SURVEYOR AND THE SURVEYING INSTRUMENTS AND METHODS USED WERE IN COMPLIANCE WITH THE REQUIREMENTS AS SET FORTH IN COURSE PRACTICE FOR LANDS SURVEYS.

HARRY A. SMITH, JR.
MARYLAND PROFESSIONAL LAND SURVEYOR #21082
DATE: 1/9/2024

DATE	SCALE
June 2022	1"=50'
JOB NO.	DRAWN BY
23-058	Smith
FORGER REF	DESIGNED BY
23-058	
	APPROVED BY
SHEET NO. — 1 OF 1	
CADD FILE — 23-058	

Harry A. Smith, Jr.
Professional Land Surveyor
10644 Big Stone Road
Millington, Maryland 21651
Phone 443-480-5080
Email delmarveysurveyco@yahoo.com

Boundary Survey
On The Lands Of
Basi Brothers, LLC
Tax Map 25, Grid 6, Parcel 113
First District, Talbot County, Maryland
Prepared For: Basi Brothers, LLC

License Expires/renews 2/14/2025
1/9/2024
DATE SEAL

Harry A. Smith, Jr., Prof.L.S.

10644 Big Stone Road

Millington, MD 21651

Ph.443-480-5080

delmarvasurveyco@yahoo.com

**Description Of The Lands Of
Basi Brothers, LLC
First District, Talbot County, Maryland
Tax Map 25, Grid 6, Parcel 113
Area Equals 3.231 Acres Of Land, More Or Less
Basis Of Bearings Is Plat MAS 82/178**

BEGINNING for the same at an iron rod found located at the intersection of the division line between the herein described lands of Basi Brothers, LLC (3002/214) and the lands now or formerly of East to West, LLC (1050/318) with the eastern most right-of-way line of Ocean Gateway (U.S. Route 50)(150' R/W);

THENCE leaving said point of beginning so fixed and binding with the eastern most right-of-way line of Ocean Gateway;

- 1) North 01°28'47" West 601.98' to an iron rod found located at the southwestern most corner of the lands now or formerly of Elisha Cooper (585/613);

THENCE leaving Ocean Gateway and binding with the Cooper lands;

- 2) North 88°31'13" East 150.00' to an iron rod set located along the western most boundary line of the lands now or formerly of Sun Hyde Park, LLC (2676/44);

THENCE leaving the Cooper lands and binding with the Sun Hyde Park, LLC lands the (4) four following courses and distances;

- 3) South 01°28'47" East 150.26' to a point located North 89°17'57" West 0.88' from an iron rod found;
- 4) North 65°11'16" East 106.32' to an iron rod found;
- 5) South 01°48'31" East 549.56' to an iron rod found;
- 6) South 71°53'20" West 105.18' to an iron rod set located at the southeastern most corner of the aforesaid East to West, LLC lands;

THENCE leaving the Sun Hyde Park, LLC lands and binding with the East to West, LLC lands the (2) two following courses and distances;

- 7) North 01°42'22" West 132.96' to an iron rod found;
- 8) South 71°01'06" West 156.73' to the point of beginning.

Containing in all 3.231 acres of land, more or less, as surveyed by Harry A. Smith, Jr., Professional Land Surveyor in June of 2022.

BEING or intended to be all of those same lands conveyed by Trustee's Deed dated September 8, 2022 from Zvi Guttman, solely in his capacity as Chapter 11 Trustee for the Estate of Brodie Holdings, LLC to Basi Brothers, LLC, a Maryland limited liability company and recorded among the land records of Talbot County, Maryland in Liber K.M.D. 3002, folio 214.

This Metes and Bounds Description, the Boundary Survey on which it is based and the Survey Work reflected in it, has been personally prepared by me, Harry A. Smith, Jr., Professional Land Surveyor and is in compliance with the regulations set forth in COMAR 09.13.06.03, 09.13.06.08 and 09.13.06.12.



License Expires/Renews 2/14/2025

EXHIBIT C TO RESOLUTION 6173
ANNEXATION PLAN
2023 ANNEXATION TO THE TOWN OF EASTON OF CERTAIN LANDS LOCATED
ALONG OCEAN GATEWAY/U.S. ROUTE 50 AND CONSISTING OF 3.231 ACRES OF
LAND, MORE OR LESS

In accordance with § 4-415 of the Local Government Article of the Annotated Code of Maryland, the Town of Easton hereby sets forth the following Annexation Plan for Resolution No. 6161. Section 4-415 permits amendment of the Annexation Plan during the annexation process.

I. Property. The property proposed for annexation to which this Annexation Plan relates consists of 3.231± acres of land comprised of “Total Land Area = 140763 Sq. Feet 3.231 Acres ±” (the “Annexation Property”) on a plat titled “Boundary Survey On the Lands of Basi Brothers, LLC Tax Map 25, Grid 6, Parcel 113 First District, Talbot County, Maryland”, prepared by Harry A. Smith, Jr., Professional Land Surveyor, dated June 2022 (the “Annexation Plat”), which is Exhibit “A” to Resolution 6173.

II. Land Use Patterns and Plans – Existing and Proposed.

A. The 2016 Talbot County Comprehensive Plan identifies the Annexation Property as “Existing Commercial” and a “Tier II-A Primary Mapped Growth Area, Planned for Sewage”.

The 2010 Town of Easton Comprehensive Plan, as amended (the “Easton Plan”), designates the Annexation Property as a Priority 1 Boundary Refinement Area. (Easton Plan Growth Areas Map). The Municipal Growth Element of the Comprehensive Plan defines Boundary Refinement Areas as areas that in most cases “are already developed in Talbot County and they are deemed appropriate for consideration for annexation during the life of this Plan.” (Easton Plan p. 49). The Easton Plan identifies Priority 1, Boundary Refinement Areas, including the Annexation Property, as areas that are “important to bring...into [the] Town.” (Easton Plan p. 257).

B. The pre-annexation Talbot County zoning of the Annexation Property is General Commercial (GC). The Annexation Property was previously developed with the Choptank Inn (Big John’s), but the structure has been demolished. The proposed Commercial General (CG) zoning district permits a variety of commercial uses. The County and Town zoning districts are similar. By letter dated December 19, 2023, from Brennan Tarleton, the Planning Director for Talbot County, he indicated that the County’s review of the two zoning districts concluded that the Town CG zoning, as compared to the County GC zoning, does not allow substantially different land uses or allow development at a substantially higher density. Therefore, in accordance with § 4-416 of the Local Government Article of the Maryland Annotated Code, Talbot County consent is not required to place the Property in the CG zoning district.

III. Availability of Land for Public Facilities. Following annexation, the Annexation Property will be served by the Easton public water and sewer systems, which will require extension of those public utility systems. Adequate water and sewer capacity exists within the Town’s utility systems to serve existing and future uses of the Annexation Property

without dedication of additional land. Fire and police protection will be provided by the Easton Volunteer Fire Company and the Town of Easton Police Department using existing facilities. The Town's existing public works, fire, police and emergency services facilities, equipment and personnel are adequate to accommodate the Annexation Property at this time. There is no impact on schools, libraries and other recreational services. At this time, no additional land for public facilities on the Annexation Property is considered reasonably necessary.

IV. Extension of Municipal Services (Schedule and Financing).

A. Utility Service. Following annexation, all or portions of the Annexation Property may be served by Town water and sewer for facilities. All such extensions will be completed at the Owner's expense and in accordance with the standards and specifications of the Town.

All applicable Town fees and user rates to cover the costs associated with usage- or consumption-based municipal services, such as water and sewer service shall be charged to the Annexation Property.

B. Roads. The Annexation Property has existing access off of Ocean Gateway/U.S. Route 50, which is a State Road.

C. Fire Protection. The Easton Volunteer Fire Company already provides service to the Annexation Property and will continue to provide such service at the same or similar level of service after annexation. The Fire Company receives substantial financial support from the Town.

D. Police Services. Police Services are currently provided by the Talbot County Sheriff's Department. Upon annexation, the Easton Police Department will extend service to the Annexation Property. Service will be provided using existing personnel and equipment. The costs of these services shall be paid out of the Town's general funds.

Pursuant to Section 4-415(g) of the Local Government Article, amendments to this Annexation Plan shall not be construed amendments to the Annexation Resolution, nor may they serve in any manner to cause a re-initiation of the annexation procedure related to the property described in Section I.