

RESOLUTION NO. 2975

A RESOLUTION of the City of Salisbury to adopt an annexation plan for certain area of land contiguous to and binding upon the southerly Corporate Limit of the City of Salisbury to be known as “Timber Crest SBY, LLC – Schumaker Lane Annexation” beginning for the same at a point on the westerly side of Schumaker Lane near the northeasterly corner of Lot 1 of the lands of Timber Crest SBY, LLC being part of Parcel 0034, Lot 1, continuing around the perimeter of the affected property in a rectangular shape to the point of beginning.

WHEREAS the City of Salisbury is considering the annexation of a parcel of land contiguous to and binding upon the southerly Corporate Limit of the City of Salisbury to be known as “Timber Crest SBY, LLC – Schumaker Lane Annexation” beginning for the same at a point on the westerly side on Schumaker Lane near the northeasterly corner of Lot 1 of the lands of Timber Crest SBY, LLC being part of Parcel 0034, Lot 1, continuing around the perimeter of the affected property in a rectangular shape to the point of beginning, being more particularly described in **Exhibit A** attached hereto and made a part hereof; and

WHEREAS the City of Salisbury is required to adopt an annexation plan for the proposed area of annexation pursuant to the Local Government Article of the Maryland Annotated Code; and

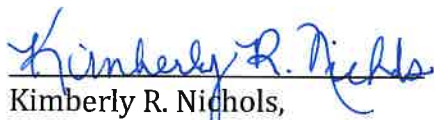
WHEREAS the public hearing required pursuant to the law is scheduled for October 28, 2019 at 6:00p.m.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SALISBURY THAT an annexation plan for the “Timber Crest SBY, LLC – Schumaker Lane Annexation” as set forth in **Exhibit B** attached hereto and made a part hereof, is adopted for that area of


land binding upon the southerly Corporate Limit of the City of Salisbury to be known as “Timber Crest SBY, LLC – Schumaker Lane Annexation” beginning for the same at a point on the westerly side on Schumaker Lane near the northeasterly corner of Lot 1 of the lands of Timber Crest SBY, LLC being part of Parcel 0034, Lot 1, continuing around the perimeter of the affected property in a rectangular shape to the point of beginning, and being more particularly described in **Exhibit A** attached hereto and made a part hereof; said parcel being contiguous to and binding upon the Corporate Limits of the City of Salisbury.

AND BE IT FURTHER RESOLVED BY THE CITY OF SALISBURY, THAT the Council shall hold a public hearing on the annexation plan hereby proposed on October 28, 2019 at 6:00p.m. in the Council Chambers at the City-County Office Building and the City Administrator 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 City of Salisbury, which said notice shall specify a time and place at which the Council of the City of Salisbury will hold a public hearing on the Resolution.

The above Resolution was introduced and read and passed at the regular meeting of the Council of the City of Salisbury held on September 23, 2019, having been duly published as required by law in the meantime a public hearing was held on October 28, 2019, and was finally passed by the Council at its regular meeting held on October 28, 2019.

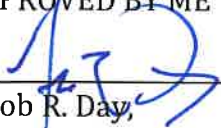


Kimberly R. Nichols,
City Clerk



John R. Heath,
Council President

APPROVED BY ME this 30th day of OCTOBER, 2019.



Jacob R. Day,
Mayor

Exhibit A

SCHUMAKER LANE – TIMBER CREST SBY, LLC PROPERTY

Beginning for the same at a point on the westerly side on Schumaker Lane near the northeasterly corner of Lot 1, "Timber Crest Subdivision". Said point also being at a corner of the existing Corporate Limits Line of the City of Salisbury, MD X 1,209,902.83 Y 192,928.21 (1) Thence by and with the said Corporate Limits Line North seventy-eight degrees thirty-eight minutes six seconds West (N 78° 38' 06" W) two hundred ten decimal zero, nine (210.09) feet to a point at the northwesterly corner of the said Lot 1. X 1,209,696.86 Y 192,969.61 (2) Thence continuing by and with the said Corporate Limits Line South four degrees five minutes fifty-six seconds West (S 4° 5' 56" W) eighty-eight decimal two, one (88.21) feet to a point on the southerly line of the said Lot 1. X 1,209,690.55 Y 192,881.62 (3) Thence by and with the said line of Lot 1 South seventy-eight degrees twenty-one minutes forty-eight seconds East (S 78° 21' 48" E) two hundred six decimal three, six (206.36) feet to a point on the former right of way line of Schumaker Lane. X 1,209,892.67 Y 192,840.00 (4) Thence North six degrees thirty-four minutes four seconds East (N 06° 34' 04" W) eighty-eight decimal seven, nine (88.79) feet to the point of beginning.

Annexation containing 0.421 acres, more or less.

**ANNEXATION PLAN
FOR THE
TIMBER CREST SBY, LLC – SCHUMAKER LANE ANNEXATION
TO THE CITY OF SALISBURY**

October 28, 2019

This Annexation Plan is consistent with the Municipal Growth Element of the City of Salisbury’s adopted Comprehensive Plan. The following are milestones in the public review and consideration of the proposed Annexation which is the subject of this Annexation Plan:

- At a Work Session of the City of Salisbury Mayor and City Council, held on May 6, 2019, the Salisbury City Council (the “**City Council**”) reviewed the Petition for Annexation (the “**Annexation Petition**”) submitted by Timber Crest SBY, LLC (“**Timber Crest**”), dated March 28, 2019, which requested the City of Salisbury, Maryland (the “**City**”) annex the following property:
 - A portion of that certain parcel of real property identified as Map 0038, Grid 0023, Parcel 0034 (Tax Account No. 05-050243) (“**Parcel 0034**”), consisting of 17,507 square feet of land (.40+/- acres), more or less (said portion of Parcel 0034 is hereinafter referred to as the “**Annexed Property**”).
- At the May 16, 2019 Meeting of the Salisbury-Wicomico County Planning Commission (the “**Planning Commission**”), the Planning Commission reviewed the proposed annexation of the Annexed Property and unanimously approved a recommendation to the City Council that the Annexed Property be zoned “R-8A” upon its annexation by the City.
- On September 23, 2019, a Regular Meeting of the City of Salisbury Mayor and City Council was convened, during which the City Council reviewed this Annexation Plan and a Resolution of the City Council to authorize and approve the City’s annexation of the Annexed Property (said Resolution is hereinafter referred to as the “**Annexation Resolution**”), and, in accordance with applicable state and local law, directed that a date for a Public Hearing be established to hear public comment on the City’s annexation of the Annexed Property, as requested by the Annexation Petition submitted by Timber Crest. Furthermore, at the September 23 2019, Regular Meeting of the City of Salisbury Mayor and City Council, the City Council directed that this Annexation Plan be submitted to the Maryland Department of Planning and the Wicomico County Council for comment, within thirty (30) days of the Public Hearing on the Annexation Resolution, as required by applicable Maryland law.

1.0. GENERAL INFORMATION AND DESCRIPTION OF ANNEXED PROPERTY.

1.1. Petitioners for Annexation of the Annexed Property. The party which filed the Annexation Petition requesting the City annex the Annexed Property is Timber Crest SBY, LLC, a Maryland limited liability company, having a principal office address of 310 Hammond Street, Salisbury, Maryland 21804.

1.2. Location. The Annexed Property is located on the westerly side of Schumaker Lane and the northerly property line and the rear property line of the Annexed Property are each contiguous and adjacent to the present corporate boundaries of the City. The Annexed Property consists of all that area shown in yellow on the Partial Site Development Plan for the Greystone Subdivision attached hereto and incorporated herein as *Exhibit A* (the “**Partial Site Development Plan**”).

1.3. Property Description. The Annexed Property consists of 17,507 square feet of land, more or less, comprising a portion of that certain parcel of real property defined hereinabove as Parcel 0034 (which consists of 18,480 square feet of land, more or less). The Annexed Property is depicted and identified as “LOT 1” on a plat entitled “Annexation Plan for a Portion of the Lands of Timber Crest SBY, LLC Lot, ‘Schumaker Heights’ Parsons Election District Wicomico County, Maryland”, dated March 17, 2019, prepared by W. Bruce Wagner, Property Line Surveyor,

LLC (the “**Annexation Plat**”) (the Annexation Plat is incorporated herein and a reduced scale copy of said Annexation Plat is attached hereto as *Exhibit B*).

1.4. Existing Zoning. All of the Annexed Property is now zoned R-8 Residential under the Wicomico County Code. All of the property, located within the municipal limits of the City, which adjoins the Annexed Property is zoned R-8A Residential under the City Code for the City of Salisbury (the “**City Code**”).

2.0. LAND USE PATTERN PROPOSED FOR THE ANNEXED PROPERTY.

2.1. Comprehensive Plan. In 2010, the Mayor and City Council of the City of Salisbury adopted the City of Salisbury Comprehensive Plan (the “**Comprehensive Plan**”). The Comprehensive Plan sets forth the land use polices for all lands located within the City’s municipal limits, including a Municipal Growth Element which establishes growth areas outside the municipal limits of the City. The Municipal Growth Element section of the City’s Comprehensive Plan provides in pertinent part: “the City has defined a Municipal Growth [A]rea that is sufficient to accommodate residential, commercial, and industrial land uses as illustrated on Map 11-3” attached to and incorporated within the Comprehensive Plan, and the land uses shown within the City’s Municipal Growth Area “reflect[] a policy decision by the City, and by Wicomico County, that the City will remain the center for employment and commercial development in Wicomico County.” With respect to annexation of lands, the goal of the City of Salisbury’s Comprehensive Plan is as follows: “To encourage the orderly growth and expansion of the City of Salisbury by annexing selected areas and by providing public services to newly developing areas without overburdening these facilities while continuing to maintain a high level of services to existing developments and residents of the City.” The Annexed Property is located within the City’s designated Municipal Growth Area established by the Comprehensive Plan. Annexation to the City will allow the Annexed Property to be served by municipal water and sewer utilities, and, accordingly, be included within, and made a part of, the “Greystone Residential Community Subdivision” proposed for development by Timber Crest.

2.2. Proposed Zoning for Annexed Property. Upon annexation, the Annexed Property is proposed to be zoned as “R-8A”. Per Section 17.160.010 of the City of Salisbury Code, the purpose of the “R-8A” zoning district is: “to recognize those areas of the city that have developed or are suitable for development with apartments or townhouses and to provide additional areas where they may be developed at densities compatible to existing or future residential development within or adjoining the districts. These districts are located in areas which are presently served or which can be served by existing municipal public utilities of water, sanitary sewer and storm drains and which contain the services and amenities necessary for concentrations of population and traffic normally associated with apartment and townhouse development.”

2.3. Proposed Land Use for Annexed Property. As shown on the Partial Site Development Plan attached hereto as *Exhibit A*, the Annexed Property will comprise all, or a part of, Lots 37, 38 and 39 of the proposed “Greystone Residential Community Subdivision”, a forty (40) lot residential subdivision planned for the construction of one (1) single-family detached dwelling per subdivided lot.

3.0. THE PUBLIC FACILITIES AND SERVICES NEEDED BY THE DEVELOPMENT AND THE METHODS TO PROVIDE SUCH FACILITIES AND SERVICES TO THE ANNEXED PROPERTY.

3.1. Roads & Sidewalks.

- (a) The Annexed Property will have access to a new City street, tentatively named “Whispering Pines Court”, which shall be constructed by Timber Crest, at its expense, in connection with and as a part of Timber Crest’s development of the proposed “Greystone Residential Community Subdivision”.
- (b) Sidewalks shall be installed as determined by the City, and as approved by the Planning Commission, and shall be built to City standards.

3.2. Water and Wastewater Treatment. In keeping with Timber Crest’s plan for the development of the Annexed Property as part of its overall development scheme for the “Greystone Residential Community Subdivision”, Timber Crest’s development of the Annexed Property will create a demand of approximately 750 gallons per day (250 gallons per day per single family residential dwelling constructed upon Lots 37, 38 and 39,

as shown on the Partial Site Development Plan (*see Exhibit A*). At its expense, Timber Crest will connect to existing public water and sewerage facilities in the area at the direction of the City of Salisbury Department of Infrastructure and Development. The City has no concerns about the feasibility or capacity to serve the Annexed Property upon its development.

3.3. Schools. As shown on the Partial Site Development Plan (*see Exhibit A*), the Annexed Property will comprise one (1) whole residential building lot (i.e. Lot 38) and parts of two (2) separate residential building lots (i.e. Lots 37 and 39). Accordingly, at most, the Annexed Property adds three (3) new residential building lots within the City's municipal boundaries; therefore, the Annexed Property will generate minimal (if any) public school pupil enrollment and will have no or negligible impact on school capacity.

3.4. Parks and Recreation. The Annexed Property will have no impact on park and recreational facilities, nor will Timber Crest's planned development of the Annexed Property generate a demand for park and recreational facilities.

3.5. Fire, E.M., and Rescue Services. The Salisbury Fire Department provides fire suppression, technical rescue, special operations and advanced life support emergency medical treatment and transport services to residents of the Salisbury Fire District. The Annexed Property is located within the Salisbury Fire District; accordingly, the Salisbury Fire Department will provide the aforesaid services to the Annexed Property.

3.6. Police. The City of Salisbury Police Department will provide police services to the Annexed Property.

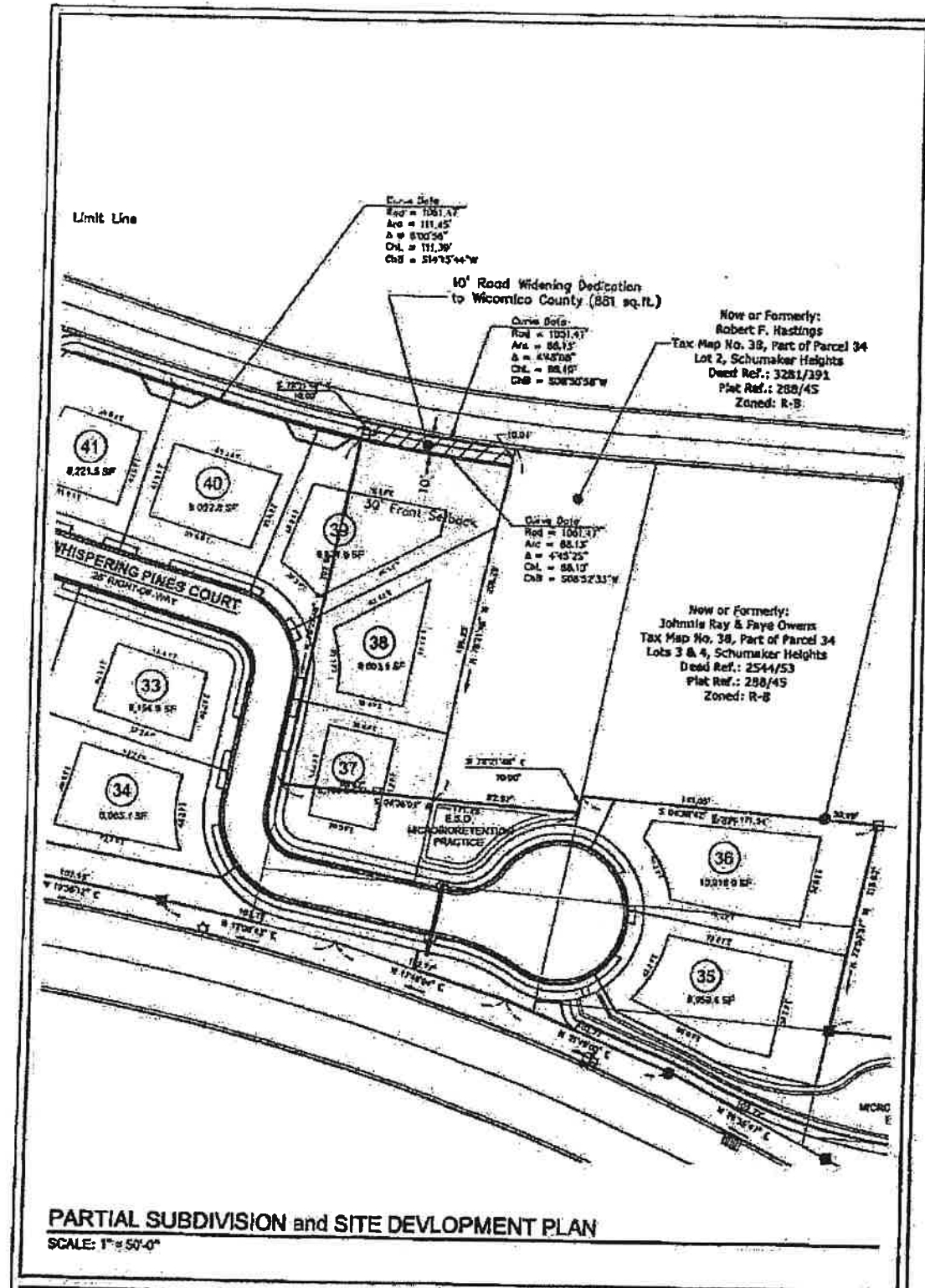
3.7. Stormwater Management. Stormwater management is governed by the State of Maryland, and stormwater management regulations are administered locally.

3.8. Waste Collection. The City provides garbage and recycling collection for single-family residential dwellings located within the municipal limits. Upon annexation and development of the Annexed Property, the City will provide municipal garbage and recycling collection services for the Annexed Property, subject to any future development and/use of the Annexed Property which requires garbage and recycling collection service from independent waste haulers.

4.0. HOW DEVELOPMENT OF THE ANNEXED PROPERTY WILL RELATE TO EXISTING/PLANNED LAND USE DEVELOPMENT, STREETS, PUBLIC FACILITIES AND SERVICES, OPEN SPACES AND NATURAL AREAS.

Upon its annexation by the City, the Annexed Property will comprise all or portions of Lots 37, 38 and 39 of a Forty (40) lot single-family residential subdivision known as "Greystone Residential Community", the development of which shall comply with the City's subdivision regulations and shall be subject to the Planning Commission's approval of a final subdivision plat for the "Greystone Residential Community Subdivision", including any and all conditions of approval imposed by the Planning Commission.

Exhibit A

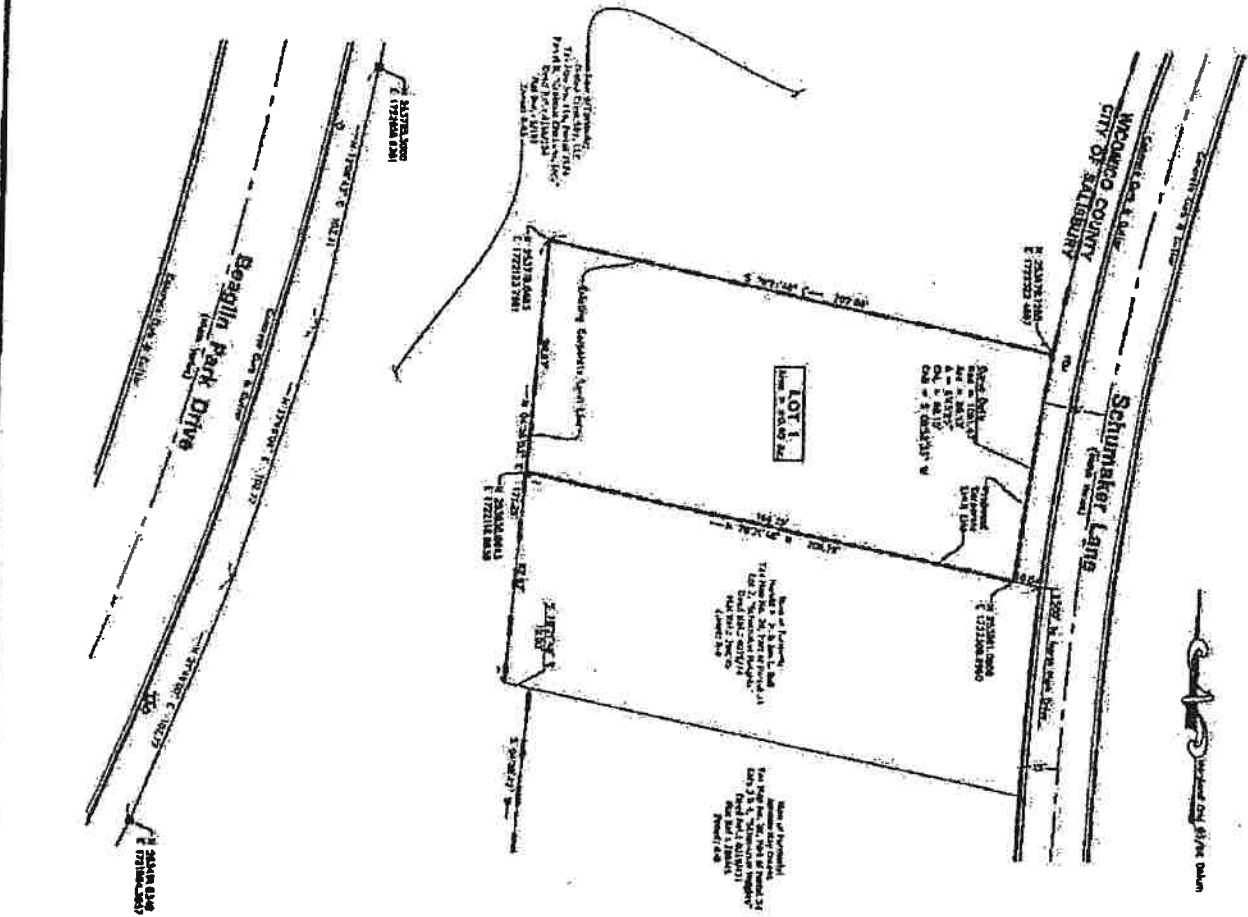


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GREYSTONE
RESIDENTIAL COMMUNITY
TIMBERCREST LLC, DEVELOPER
SALISBURY, MARYLAND

	ARCHITECTURE ENGINEERING <small>INCORPORATED</small>
<small>718 HANCOCK ST • SUITE 100 • SALISBURY, MARYLAND</small> <small>(410) 769-7229 • FAX (410) 769-6081</small>	

Exhibit B



LEGEND

□	Corner Monument Found
○	Iron Pipe Stake
○	Light Pipe Stake
○	Iron Stake
○	Wood Stake



COMMENTS & SURVEYOR'S CERTIFICATION

I, the undersigned, being duly sworn, depose and say that I am a duly Licensed Professional Surveyor in the State of Maryland, and that I am the author of the foregoing plat, and that the same is a true and correct copy of the original as the same appears in my office.

Witness my hand and seal this 1st day of January, 2011.

DATE

- NOTES**
1. Corner Post: 1/4" dia. 1000' S.W. 1/4 Sec. 26, T. 28 N., R. 12 E., S. 11 W., MD 21801.
 2. The 1/4" dia. 1000' S.W. 1/4 Sec. 26, T. 28 N., R. 12 E., S. 11 W., MD 21801.
 3. Corner Post: 1/4" dia. 1000' S.W. 1/4 Sec. 26, T. 28 N., R. 12 E., S. 11 W., MD 21801.
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 10. The 1/4" dia. 1000' S.W. 1/4 Sec. 26, T. 28 N., R. 12 E., S. 11 W., MD 21801.



**ANNEXATION PLAN
FOR A PORTION OF THE LANDS OF
TIMBER CREST SBY, LLC
LOT 1, "SCHUMAKER HEIGHTS"
PARSONS ELECTION DISTRICT
WICOMICO COUNTY, MARYLAND**

REVISIONS

Date	Issued for

W. BRUCE WAGNER
PROPERTY LINE SURVEYOR, LLC

33915 Bob Smith Rd.
Pittsville, MD 21850
410-430-0287
bwagnersurveying@gmail.com