MAYOR AND CITY COUNCIL OF POCOMOKE CITY

RESOLUTION NO. A-04-23

A Resolution
Adopting an Annexation Plan
For a 0.803-Acre Parcel of Land
Contiguous To and Binding Upon the Corporate Limits of Pocomoke City
Located at 541 Ocean Highway, Pocomoke City, MD 21851

RECITALS

WHEREAS, Section 4-401 et. seq., *Local Government Article*, of the Maryland Annotated Code, provides a Maryland municipality the power to enlarge municipal boundaries by annexation; and,

WHEREAS, the City has received an annexation petition filed by Trinity Realty Holdings, LLC for annexation of a 0.803 acre property at 541 Ocean Highway and it has been verified that Trinity Realty Holdings, LLC is the sole owner of the property to be annexed.; and,

WHEREAS, Pocomoke City ("City") is considering the annexation of this parcel of land, by and through Resolution Number A-03-23, located at 541 Ocean Highway and the parcel is contiguous to and binding upon the corporate limit of the City; and,

WHEREAS, Pocomoke City is required to adopt an annexation plan for the proposed area of pursuant to Section 4-416, *Local Government Article*, of the Maryland Annotated Code.

NOW THEREFORE, BE IT RESOLVED, by the City Council of Pocomoke City, that:

Section 1. The annexation plan in the attached Exhibit "1" is adopted for the parcel of land located at 541 Ocean Highway, which is contiguous to and binding upon the corporate limit of the City.

May 1, 2023
Date Introduced

_____
Date Passed

_____
Council Vice President
Esther L. Troast

APPROVED BY ME THIS
____DAY OF _____ 2023

_____
City Clerk
Michelle Beckett El-Soloh

_____
Mayor and Council President
Todd J. Nock

Exhibit 1

LAW OFFICES
WEBB, CORNBROOKS,
WILBER, DOUSE,
MATHERS & ILLUMINATI,
LLP
P. O. BOX 910
SALISBURY, MARYLAND
410-742-3176

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Annexation Plan

For the Annexation to the City of Pocomoke City of 541 Ocean Highway, Pocomoke MD

Prepared by: Pocomoke City Planning and Zoning Department

April 12, 2023

Background

Pursuant to the Local Government Article, Division II. Municipalities, Title 4. In General, Subtitle 4. Annexation. §4-415 of the Annotated Code of Maryland, an annexation plan shall be adopted by the legislative body for the area to be annexed. The annexation plan shall:

(1) contain a description of the land use pattern proposed for the area to be annexed, which may include a county master plan already in effect for the area;

(2) describe the schedule to extend each municipal service performed in the municipality at the time of the annexation to the area to be annexed;

(3) describe the general methods by which the municipality anticipates financing the extension of municipal services to the area to be annexed; and

(4) be presented so as to demonstrate the available land for public facilities that may be considered reasonably necessary for the proposed use, including facilities for schools, water or sewage treatment, libraries, recreation, or fire or police services.

(5) demonstrate that the proposed annexation is consistent with the Municipal Growth element of the Comprehensive Plan of the municipality.

This Annexation Plan is prepared as a result of an applicant-initiated request to annex land into Pocomoke City by petition shown as **Attachment A** that includes a cover letter, petition, annexation plat, legal description and consent forms from neighboring property owners.

General Information and Description

Petitioners:

TRINITY REALTY HOLDINGS LLC
Agent: Tony Varghese
Mailing Address: 2624 Cambrook Dr. Pocomoke City, MD 21851

Attorney of Record for Petitioners:

Deborah Ullmann
The Law Office of Deborah Ullmann, LLC
203 Second Street

DRAFT

Pocomoke City, Maryland 21851
Office) 410-603-9140

Location and Description:

The property at 541 Ocean Highway is located on the west side of U.S. Rt. 13 approximately .93 miles north of the Maryland-Virginia State line or 180 feet south of the intersection of Tulls Corner Road. It is further identified as Tax Account ID: 01-013858, Map 100, Grid 02, Parcel 110, recorded in Liber 8299, Folio 226, Worcester County, Maryland and further. **Attachment B and C** shows the State Department of Taxation information sheet and map of the property.

Source:
https://sdat.dat.maryland.gov/RealProperty/Pages/viewdetails.aspx?County=24&SearchType=ACCT&District=01&AccountNumber=013858

The area of annexation is 0.803 acres or 35,000 square feet. The project site is a developed site with a single-family dwelling containing 2,247 of above grade living area with an attached garage. The lot dimensions are approximately 130' by 140'. The property has frontage and access to both Rte. 13-Ocean Highway and Makemie Road

Land Use Patterns of Area Proposed to be Annexed

Existing and proposed zoning and land use:
The subject parcel is adjacent to a veterinary clinic to the north and a residential property and storage yard to the south, in proximity to an RV repair and sales shop. The area to the west of the site reflects farmland and an RV warehouse/storage area. **Attachment D and E** provide an aerial and street view of the property.

The Ocean Highway corridor is predominantly commercial in nature with a small number of isolated residential land uses. Along this corridor, many properties remain outside the City's corporate boundaries and are served by domestic wells and on-site sewage disposal systems.

The property is governed by the Worcester County's Comprehensive Plan and Zoning Plan and the Worcester County Water and Sewer Master Plan prior to annexation. The property is currently zoned C-2 (a general commercial zoning district) under the current Worcester County Zoning Map (**Attachment F**). Upon annexation to the City, the Pocomoke City Planning Commission will recommend the property be zoned to B-2, General Business as defined by the City's zoning code. The City Zoning Map is illustrated in **Attachment G**. The general zoning pattern along this corridor is almost entirely B-2 at the present time.

If zoned B-2, the residential use of the property would become a legal non-conforming use under this zoning designation. Note that under the City's Zoning Code, Article II, Zoning Districts, §230-12 Annexed Territory, there is a reference to automatic assignment to R-1 (residential) zoning designation (until otherwise classified). This parcel if zoned R-1 could be viewed as spot zoning with no similar zoning designations along the entire highway corridor, under both county and city zoning maps.

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The Maryland Department of Planning recognizes this area and the parcel to be annexed as being within a city/county Priority Funding Area, a preferred geographic designation for future state and federal funding allocations. **(Attachment H)**

The City's Comprehensive Plan designates this general corridor as "regional commercial" shown as **Attachment I.** The proposed zoning of this parcel to B-2 would be consistent with this general land use pattern. This plan also identifies this parcel as being within an area of "Potential Annexation Properties" as shown in **Attachment J.**

Section 4 of the City's Comprehensive Plan's Municipal Growth Plan makes reference to the County's 2006 Comprehensive Development Plan. Their land use and growth policy places new development in designated growth areas. Worcester County's policy is "...development in growth areas, which are located adjacent to or in close proximity to the corporate limits of a municipality, shall be contingent upon all of the following conditions:

1. Annexation by the municipality. *(Confirmed with this annexation petition application)*
2. Water, sewer, and other services shall be provided to the development by the municipality. *(Sewer service to be provided by the municipality).*
3. The developer shall be responsible for all impact fees, excise taxes, adequate public facilities fees, and other impositions including those payable to the county. *(If fees are assigned to the owner by the City or County, the owners will be responsible).*
4. The annexation shall be subject to an annexation agreement to which the county shall be a party. *(The City will make the County party to the annexation agreement).* (Source: The Comprehensive Plan Worcester County, MD March 2006, pg. 11).

The City's Comprehensive Plan further outlines an Annexation Plan strategy that states that "the City may consider annexing areas shown on **Map 7** in the future, depending on available water and sewer capacity" (page 57 of Comprehensive Plan). All properties must be within the Priority Funding Area *(confirmed)* and must be further evaluated for impact on its public services and infrastructure.

- Annexations will be consistent with the city's annexation plan. *(Confirmed that this annexation request is consistent with the City's annexation plan as shown on Map 7).*

- Annexations will meet the requirements of applicable state laws, including the Land-Use Article and Article 23A of the Annotated Code of Maryland. *(This annexation will meet the applicable requirements of Local Government Article, Division II. Municipalities, Title 4. In General, Subtitle 4. Annexation).*

- Annexed areas will be contiguous to the corporate limits and create a natural extension of the city's corporate boundaries. *(The subject parcel is adjacent to the City's corporate boundaries that is associated with the Ocean Highway right-of-way).*

- Annexations will be coordinated with the State of Maryland and Worcester County. *(Annexation plan will be forwarded to the Maryland Department of Planning and their regional branch office*

and to the Worcester County Government offices for review and comment at least 30 days prior to the public hearing. Final annexation documents will be forwarded to appropriate county and state agencies as required by law).

- Annexation is a condition of city services and property owners who desire city services must be annexed prior to consideration. *(The property will be annexed prior to receiving city services although the City may authorize hook-up to the City Sewer system prior to the date of a 45-day waiting period due to the negative impact on the environment of a failing on-site sewer disposal system).*

- Proposed annexation areas will be economically self-sufficient and not result in larger municipal expenditures than anticipated revenues that could indirectly burden existing city residents with the costs of services or facilities to support the area annexed. *(There will be no additional burden to additional city services and expenditures. Upon annexation, the property will pay City property taxes).*

- The costs of providing roads, utilities, parks, other community services will be borne by those people gaining the most value from such facilities through income, profits, or utilization. *(The cost of tying into the City's sewer system will be borne by the applicants).*

- Specific conditions of annexation will be made legally binding in an executed annexation agreement. Such agreements will address among other things:

    - consistency with the goals, objectives and recommendations contained in the Pocomoke City Comprehensive Master Plan;
    - proposed zoning of the property;
    - type of development the city expects;
    - responsibility for conducting appropriate studies;
    - and preliminary agreements concerning responsibilities for the cost of facilities and services provided by the city. These preliminary agreements may be further revised in a Developers Rights and Responsibility Agreement (DRRA).

The Annexation Agreement will address the above reference concerns.

Adequacy of Public Facilities/Services and Infrastructure

Water and Sewer:

The Pocomoke City Wastewater Treatment plant provides public sewer services to properties within the City limits including properties along US Rte. 13 that are annexed to the City. Pocomoke City's Wastewater Treatment plant has a design capacity and permitted flow of 1.47 MGD. In 2005, the monthly average was 0.555 MGD. At that time the City was using about 47 percent of its allocated capacity. As of 2017, the average daily monthly usage was estimated at 0.859 and the City is presently using 58.46 percent of its allocation. The Comprehensive Plan had designated the subject parcel as S-2 according to Table 38 and Map 15 (Planned Water and Sewer Service Areas) of the Comprehensive Plan

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Conclusion

In summary, the proposed area to be annexed is consistent with the Pocomoke City's Municipal Growth Element (Section 4-Municipal Growth-Comprehensive Plan) and is consistent with the Annexation Policies reflected in this subchapter. The area proposed for annexation is within the County and City's Priority Funding Area (Map 7 of the Pocomoke City Comprehensive Plan) and Potential Annexation Properties (Map 8 of the Pocomoke City Comprehensive Plan) as established in the Municipal Growth Element of the City's Comprehensive Plan, adopted by Resolution # 485, October 6, 2014. The Planning Commission has reviewed the Annexation Plan and has recommended approval. The Planning Commission has further recommended the property be zoned B-2, General Commercial **(See Attachment G).** A fiscal impact study and an environmental impact assessment that addresses the potential impact of the proposed annexation on the environment of the site and surrounding area is not required.

List of Attachments and Maps

Attachment A: Cover Letter, Annexation Petition, Plat of Area to be Annexed, Legal Description, Consent forms.

Attachment B: State Department of Taxation (SDAT) Information Sheet

Attachment C: State Department of Taxation (SDAT) Map

Attachment D: Aerial View of Property at 541 Ocean Highway.

Attachment E: Street View of Property at 541 Ocean Highway.

Attachment F: Worcester County Zoning Map

Attachment G: Pocomoke City Zoning Map

Attachment H. Maryland Department of Planning (MDP) Priority Funding Area Map.

Attachment I. Pocomoke City Land Use Plan

Attachment J. Pocomoke City "Potential Areas to be Annexed"

Attachment A: Annexation Petition
and Supporting Documents

Law Office of Deborah Ullmann, LLC
203 Second Street
Pocomoke City, Maryland 21851
(410) 603-9140

February 6, 2023

Mr. Daniel Brandewie, Planning Director
Pocomoke City Hall
101 Clarke Street
Pocomoke City, Md. 21851

Re: Petition for Annexation

Dear Mr. Brandewie:

Attached is a Petition for Annexation for 541 Ocean Highway, two consent forms signed by adjacent owners, and an Annexation Plat from George E. Young, Engineers and Surveyors. It is my understanding from a recent email exchange that your office will invoice the filing fee and hook up fee in the near future.

Please let me know if you have any questions concerning this submission. We look forward to a timely issuance of a Resolution by the City Council. Thank you for your cooperation in this matter.

Sincerely,

Deborah Ullmann

IN RE: 541 OCEAN HIGHWAY	*	MAYOR AND CITY COUNCIL OF
	*	
WORCESTER COUNTY, MARYLAND	*	POCOMOKE CITY, MARYLAND

* * * * * * * * * * * *

PETITION FOR ANNEXATION

Now comes Trinity Realty Holdings, LLC, owner of the property known as 541 Ocean Highway, Pocomoke, Maryland 21851, by and through its attorney, Deborah Ullmann, and the Law Office of Deborah Ullmann, LLC, and hereby petition the Mayor and City Council of Pocomoke City to annex its property to be included within the corporate limits of the City. It requests that the Mayor and City Council issue a resolution, publish the required notice, and conduct a public hearing concerning the proposed annexation.

The above mentioned property is contiguous and adjoining to Pocomoke City and does not lie within the boundaries of any other municipality. If annexation is granted, no enclave of unincorporated area would be completely surrounded by land within the municipality.

The above mentioned property consists of 17,022 square feet, or .39 acres, as set forth in the "Annexation Plat for the City of Pocomoke" dated January 18, 2023, attached hereto and incorporated herein as Exhibit 1,by George E. Young, III, a professional land surveyor licensed by the State of Maryland. The property contains an existing rental house and garage and is zoned in Worcester County as C-2 (Commercial). Petitioners request that the City's zoning map be amended to reflect this commercial zoning classification.

Attached hereto as Exhibit 2, are consents to the annexation by the adjacent property owners. Petitioners also request to be connected to the City's wastewater treatment services, in addition to eligibility for other City services.

Respectfully submitted,

Deborah Ullmann, Esquire
203 Second Street
Pocomoke City, MD 21851
DUllmannesq@gmail.com
(410) 603-9140

Tony John Varghese, President
Trinity Realty Holdings, LLC

1/31/23
Date

LEGAL DESCRIPTION OF THE LAND OF TRINITY REALTY HOLDINGS, LLC TO BE ANNEXED INTO THE CITY OF POCOMOKE IN THE FIRST ELECTION DISTRICT, WORCESTER COUTNY, MARYLAND

All that lot situate on the westerly side of the new U.S. Route No. 13, leading from Pocomoke City to the Virginia Line, beginning at a point on said U.S. Route No. 13 which is distant two hundred seven (207) feet, in a southerly direction, along said new U.S. Route No. 13, from its intersection with a county road known as "Tull's Road"; and thence, from said beginning point, in a southerly direction, one hundred forty (140) feet to a marker to be settled in the ground; thence in a westerly direction, by a straight line at right angles to the said new U.S. Route No. 13, to the old U.S. Route No. 13; thence by and with said old U.S. Route No. 13, in a northerly direction, one hundred forty (140) feet to a marker settled in the ground; thence in an easterly direction, to the place of beginning.

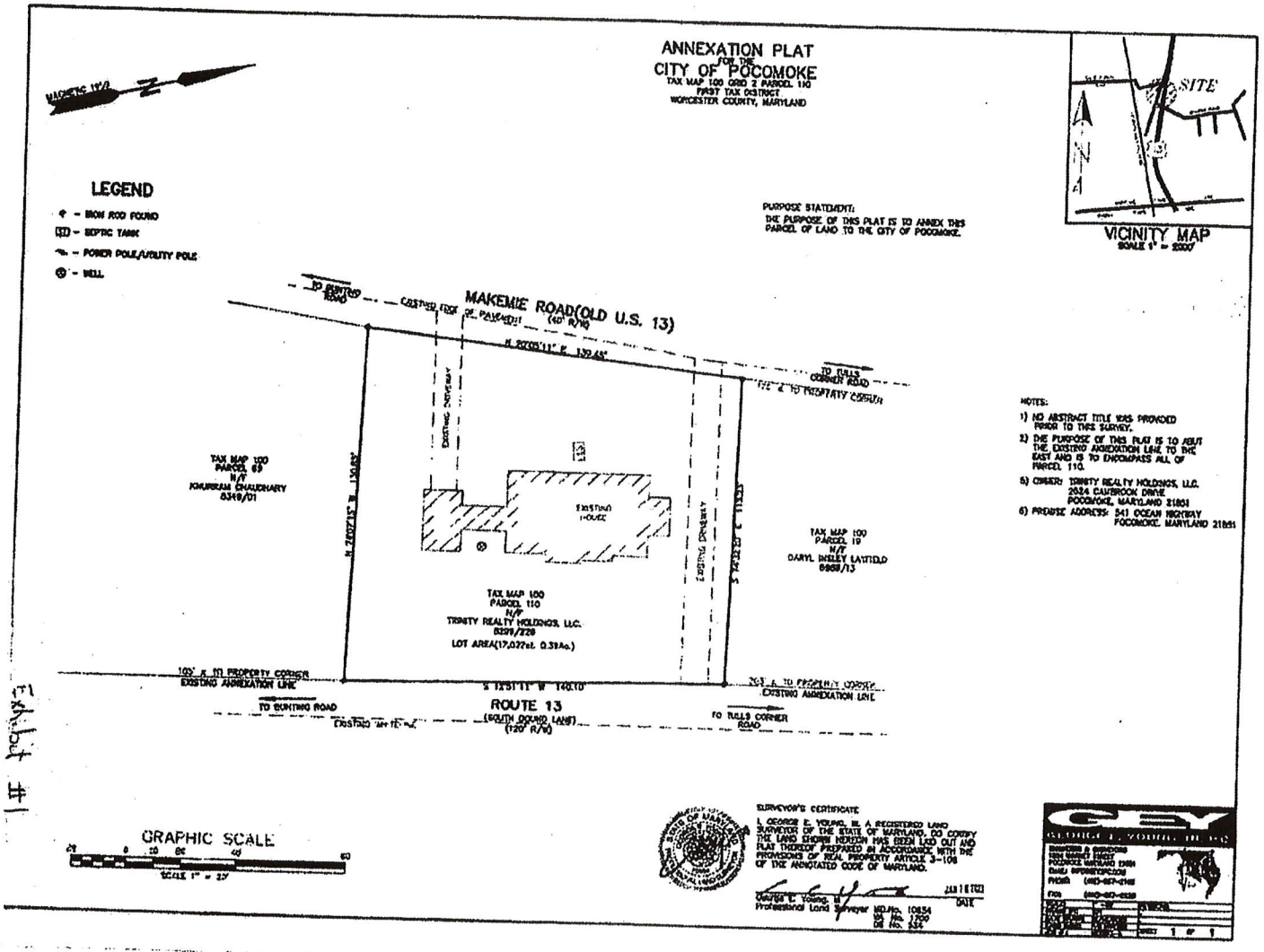

ANNEXATION PLAT
FOR THE
CITY OF POCOMOKE
TAX MAP 100 GRID 2 PARCEL 110
FIRST TAX DISTRICT
WORCESTER COUNTY, MARYLAND
LEGEND
- IRON ROD FOUND
- SEPTIC TANK
- POWER POLE/UTILITY POLE
- WELL
PURPOSE STATEMENT:
THE PURPOSE OF THIS PLAT IS TO ANNEX THIS PARCEL OF LAND TO THE CITY OF POCOMOKE.
VICINITY MAP
SITE
MAKEMIE ROAD(OLD U.S. 13)
(40' R/W)
TO BUNTING ROAD
TO TULLS CORNER ROAD
EXISTING DRIVEWAY
EXISTING HOUSE
TAX MAP 100
PARCEL 69
N/F
KHURRAM CHAUDHARY
TAX MAP 100
PARCEL 19
N/F
DARYL INSLEY LATTIELD
TAX MAP 100
PARCEL 110
N/F
TRINITY REALTY HOLDINGS, LLC.
LOT AREA(17,077±f. 0.39Ac.)
105' ± TO PROPERTY CORNER
EXISTING ANNEXATION LINE
ROUTE 13
(SOUTH BOUND LANE)
(120' R/W)
TO BUNTING ROAD
TO TULLS CORNER ROAD
NOTES:
1) NO ABSTRACT TITLE WAS PROVIDED PRIOR TO THIS SURVEY.
2) THE PURPOSE OF THIS PLAT IS TO ABUT THE EXISTING ANNEXATION LINE TO THE EAST AND IS TO ENCOMPASS ALL OF PARCEL 110.
5) OWNER: TRINITY REALTY HOLDINGS, LLC.
2024 CAMBROOK DRIVE
POCOMOKE, MARYLAND 21851
6) PREMISE ADDRESS: 541 OCEAN HIGHWAY
POCOMOKE, MARYLAND 21851
GRAPHIC SCALE
SCALE 1" = 20'
SURVEYOR'S CERTIFICATE
I, GEORGE E. YOUNG, III, A REGISTERED LAND SURVEYOR OF THE STATE OF MARYLAND, DO CERTIFY THE LAND SHOWN HEREON HAS BEEN LAID OUT AND PLAT THEREOF PREPARED IN ACCORDANCE WITH THE PROVISIONS OF REAL PROPERTY ARTICLE 3-108 OF THE ANNOTATED CODE OF MARYLAND.
George E. Young, III
Professional Land Surveyor
DATE
GEORGE E. YOUNG, III, INC.
SHEET 1 OF 1

Exhibit #1

IN RE: 541 OCEAN HIGHWAY	*	MAYOR AND CITY COUNCIL OF
	*	
WORCESTER COUNTY, MARYLAND	*	POCOMOKE CITY, MARYLAND

* * * * * * * * * * * * *

CONSENT TO ANNEXATION

Now comes, Khurram Chaudhary, owner of a property contiguous to 541 Ocean Highway, Pocomoke, Maryland 21851,who is/~~is not~~ (circle one) a registered voter in Worcester County, Maryland and hereby gives consent to the annexation of the above mentioned property in order that it can connect to Pocomoke City's sewer system

Respectfully submitted,

K. Chaudhary

Khurram Chaudhary

Exhibit # 2(a)

IN RE: 541 OCEAN HIGHWAY * MAYOR AND CITY COUNCIL OF

WORCESTER COUNTY, MARYLAND * POCOMOKE CITY, MARYLAND

* * * * * * * * * * * *

CONSENT TO ANNEXATION

Now comes, Daryl Layfield Insley, owner of a property contiguous to 541 Ocean Highway, Pocomoke, Maryland 21851, who is/is not (circle one) a registered voter in Worcester County, Maryland and hereby gives consent to the annexation of the above mentioned property in order that it can connect to Pocomoke City's sewer system

Respectfully submitted,

Daryl Layfield Insley

Exhibit # 2(b)

Attachment B:
State Department of Taxation Information Sheet

Real Property Data Search ( )
Search Result for WORCESTER COUNTY

View Map View GroundRent Redemption View GroundRent Registration

Special Tax Recapture: None

Account Identifier: District - 01 Account Number - 013858

Owner Information

Owner Name:	TRINITY REALTY HOLDINGS LLC	**Use:**	RESIDENTIAL
		Principal Residence:	NO
Mailing Address:	2624 CAMBROOK DR POCOMOKE MD 21851-	**Deed Reference:**	/08299/ 00226

Location & Structure Information

Premises Address:	541 OCEAN HWY POCOMOKE 21851-0000	**Legal Description:**	140' X 250' W SIDE R-13 S OF POCOMOKE

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0100	0002	0110	1010007.24	0000				2023	Plat Ref:

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1950	2,247 SF		35,000 SF	

StoriesBasement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
1 1/2	NO	STANDARD UNITSIDING/3		1 full	1 Attached	

Value Information

	Base Value	Value	Phase-in Assessments	
		As of 01/01/2023	As of 07/01/2022	As of 07/01/2023
Land:	44,900	44,900		
Improvements	37,600	108,000		
Total:	82,500	162,900	82,500	105,967
Preferential Land:	0	0		

Transfer Information

Seller: MEARS BOBBY T	**Date:** 01/28/2022	**Price:** $75,500
Type: ARMS LENGTH MULTIPLE	**Deed1:** /08299/ 00226	**Deed2:**
Seller: MEARS BOBBY T & JEANE E	**Date:** 07/29/1998	**Price:** $0
Type: NON-ARMS LENGTH OTHER	**Deed1:** RHO /01940/ 00003	**Deed2:**
Seller: HAROLD S & LAURA M MILLS	**Date:** 06/26/1975	**Price:** $0
Type: NON-ARMS LENGTH OTHER	**Deed1:** FWH /00477/ 00639	**Deed2:**

Exemption Information

Partial Exempt Assessments:	**Class**	07/01/2022	07/01/2023
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00|0.00	0.00|0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

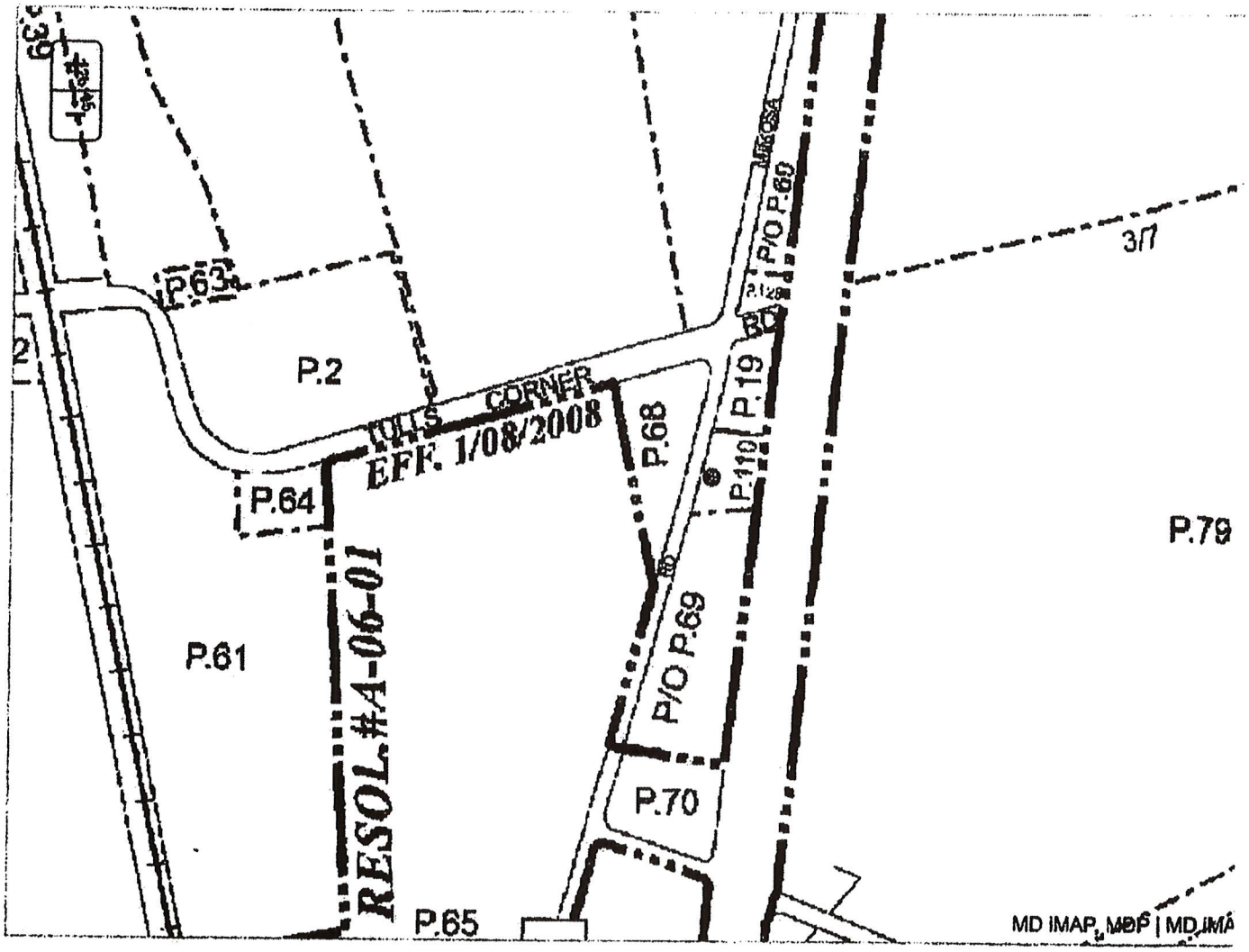
Homeowners' Tax Credit Application Status: No Application **Date:**

Attachment C: SDAT Map

Worcester County

New Search (https://sdat.dat.maryland.gov/RealProperty)

District: 01 **Account Number: 013858**

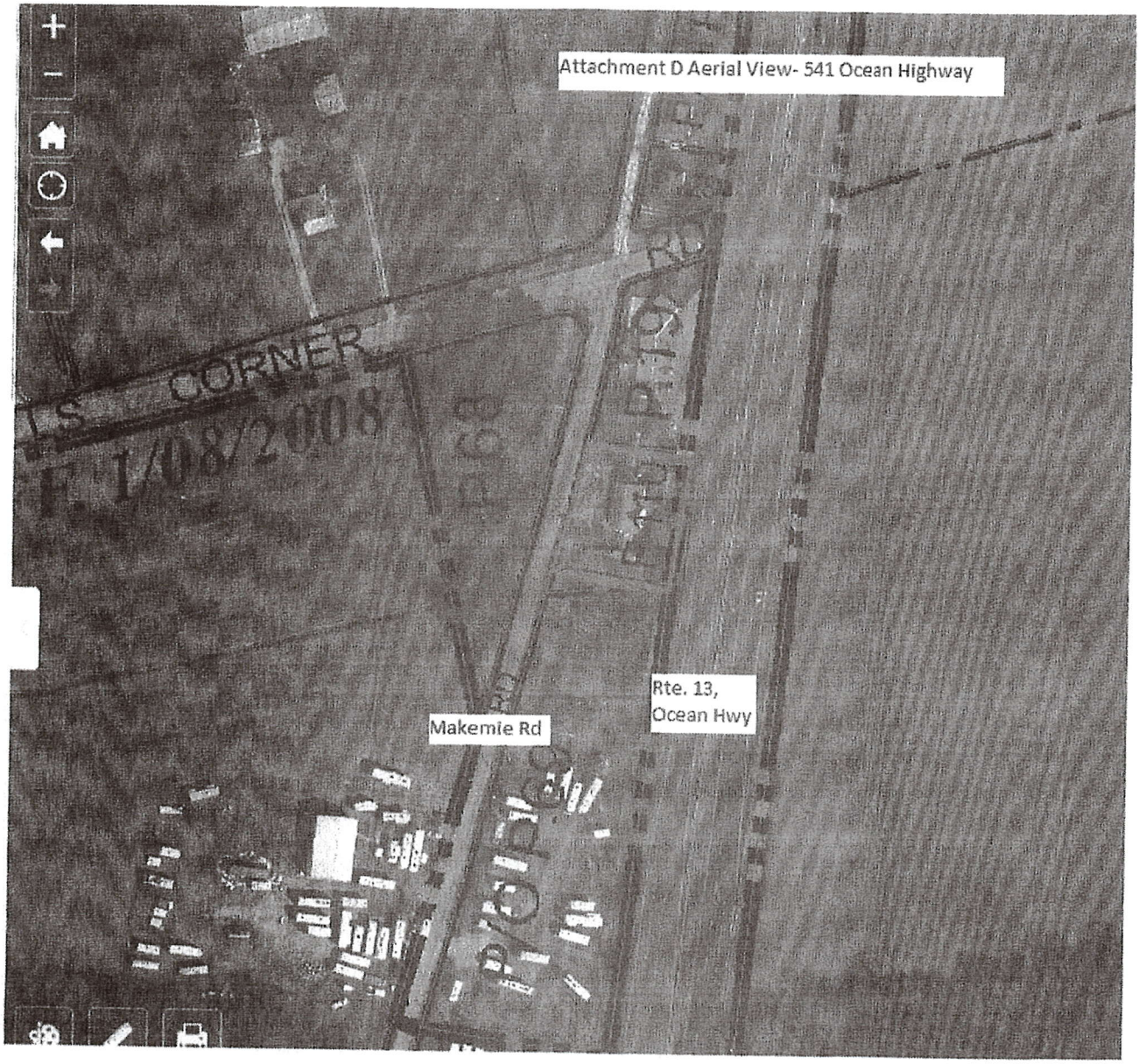


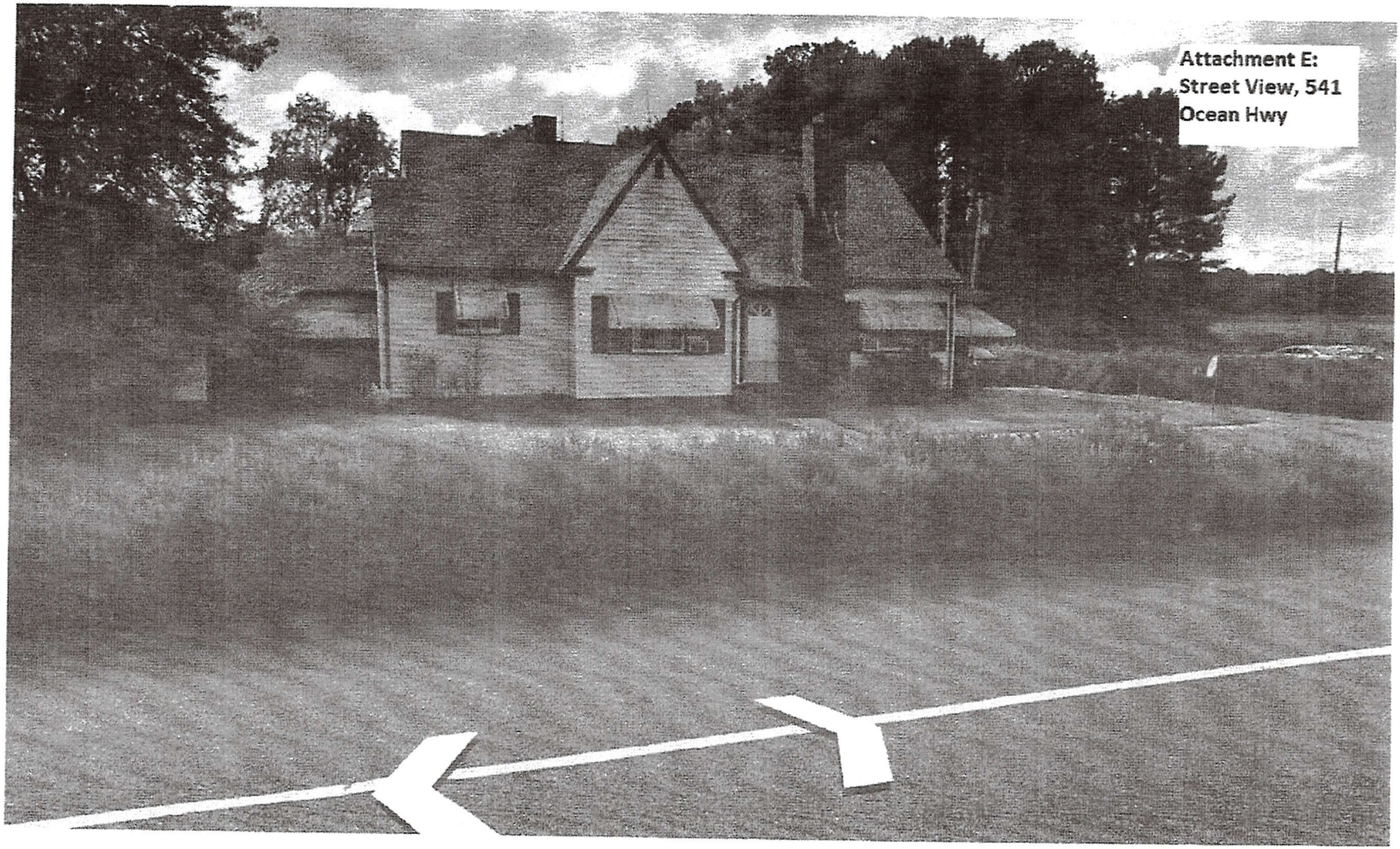
The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net (http://www.plats.net).

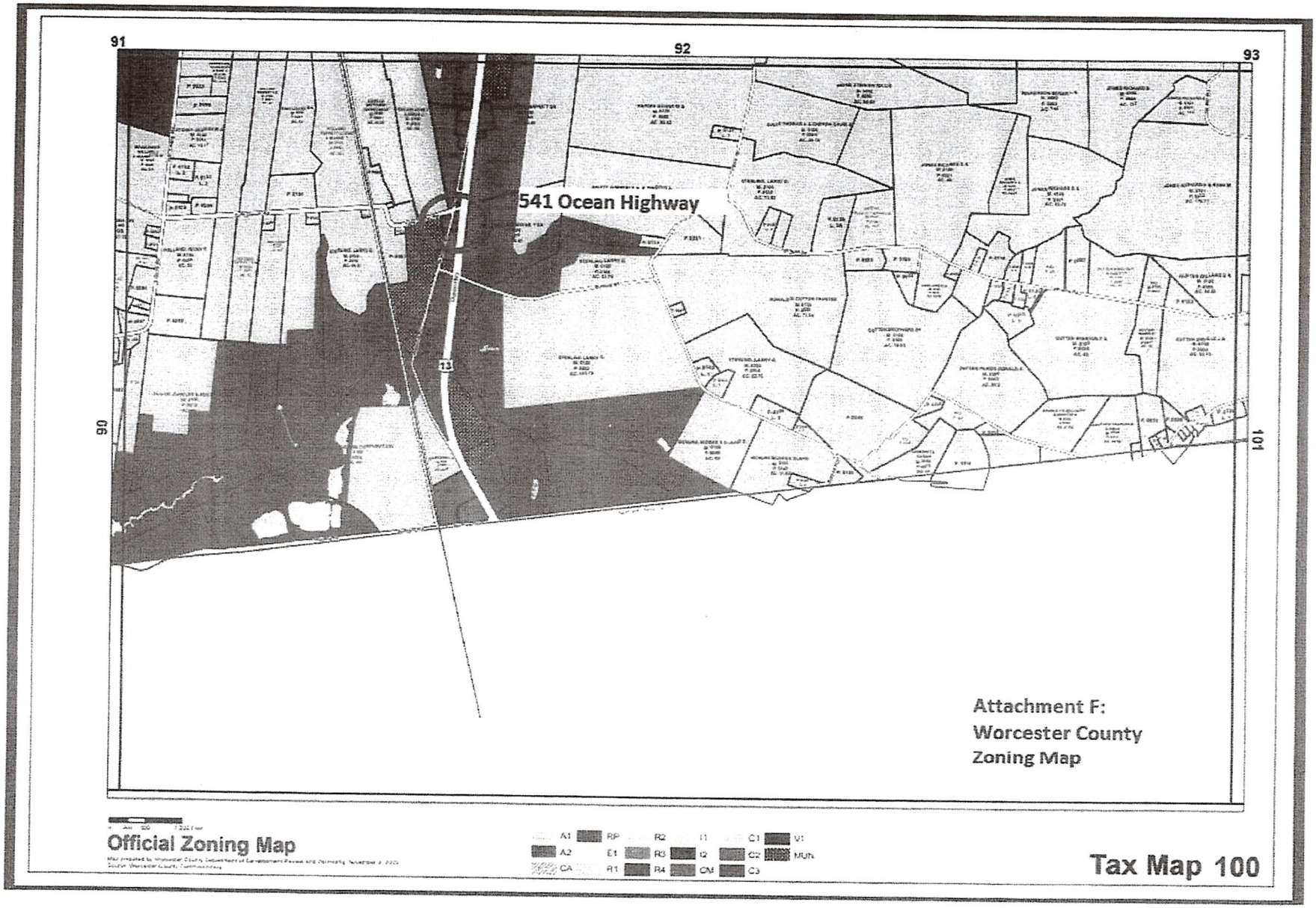
Property maps provided courtesy of the Maryland Department of Planning.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at http://planning.maryland.gov/Pages/OurProducts/OurProducts.aspx (http://planning.maryland.gov/Pages/OurProducts/OurProducts.aspx).

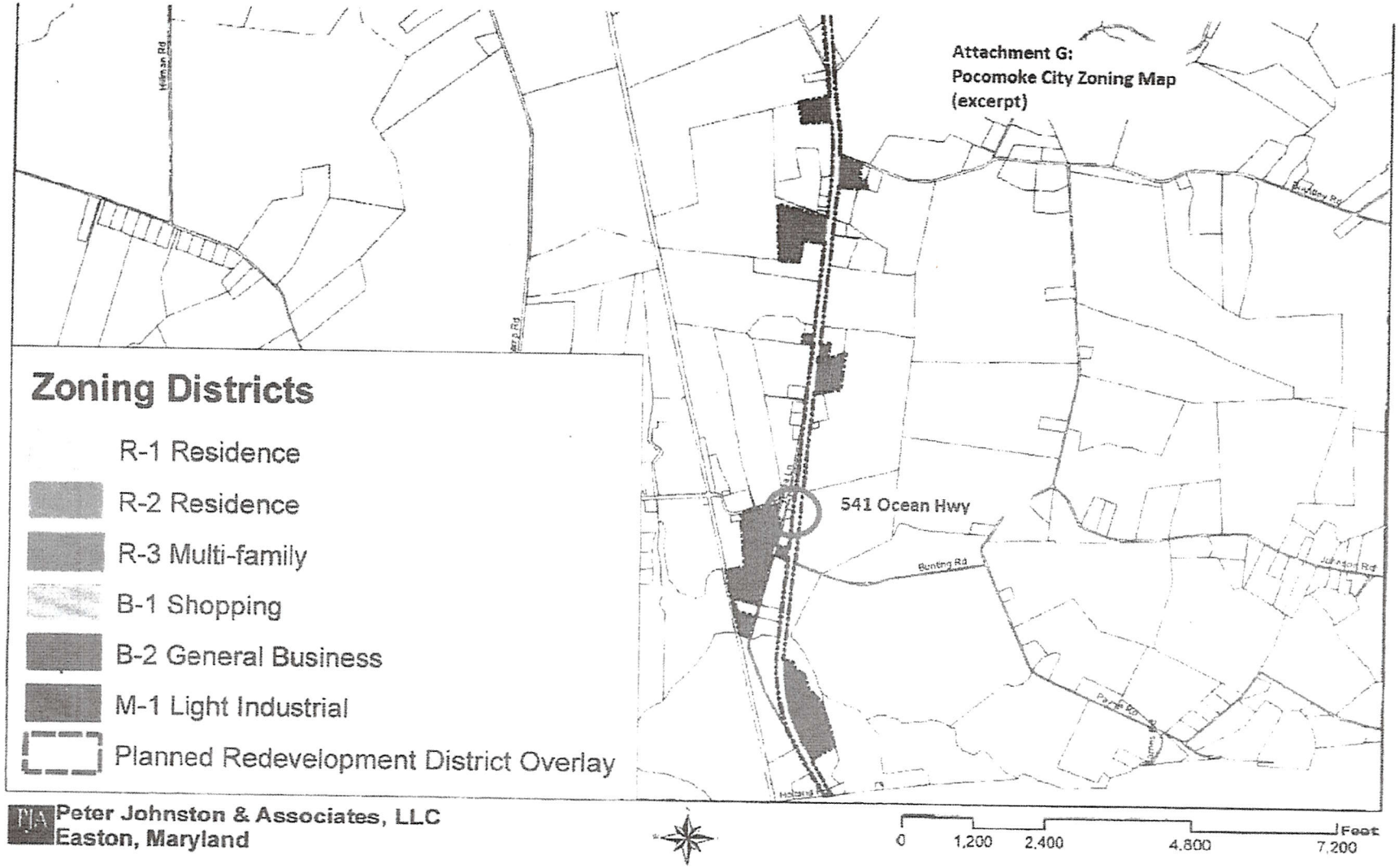

Attachment D Aerial View- 541 Ocean Highway
CORNER
Rte. 13,
Ocean Hwy
Makemie Rd



Attachment E:
Street View, 541 Ocean Hwy

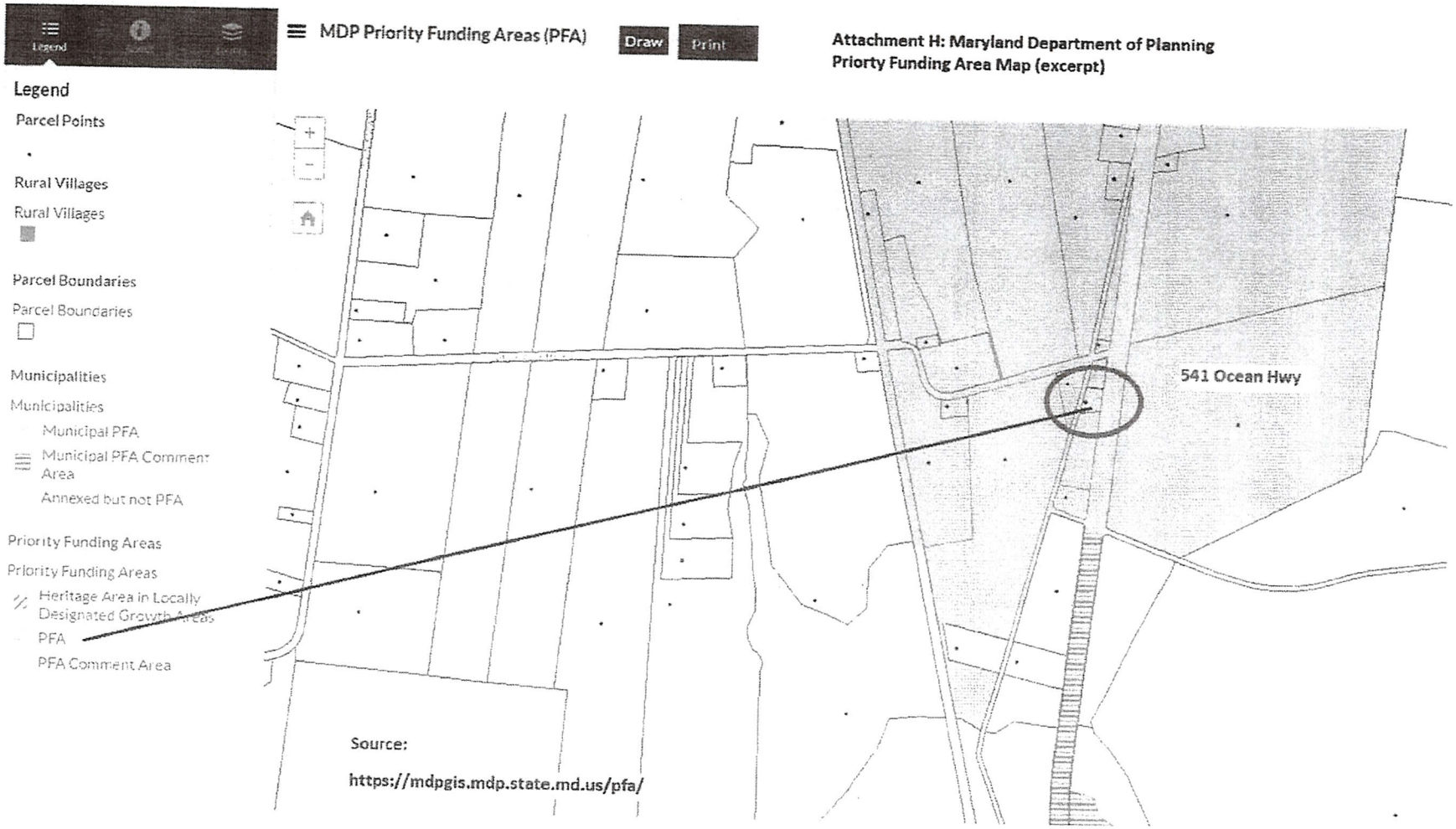

91
92
93
90
101
541 Ocean Highway
13
Attachment F:
Worcester County
Zoning Map
Official Zoning Map
A1
A2
CA
RP
E1
R1
R2
R3
R4
I1
I2
CM
C1
C2
C3
VI
MUN
Tax Map 100

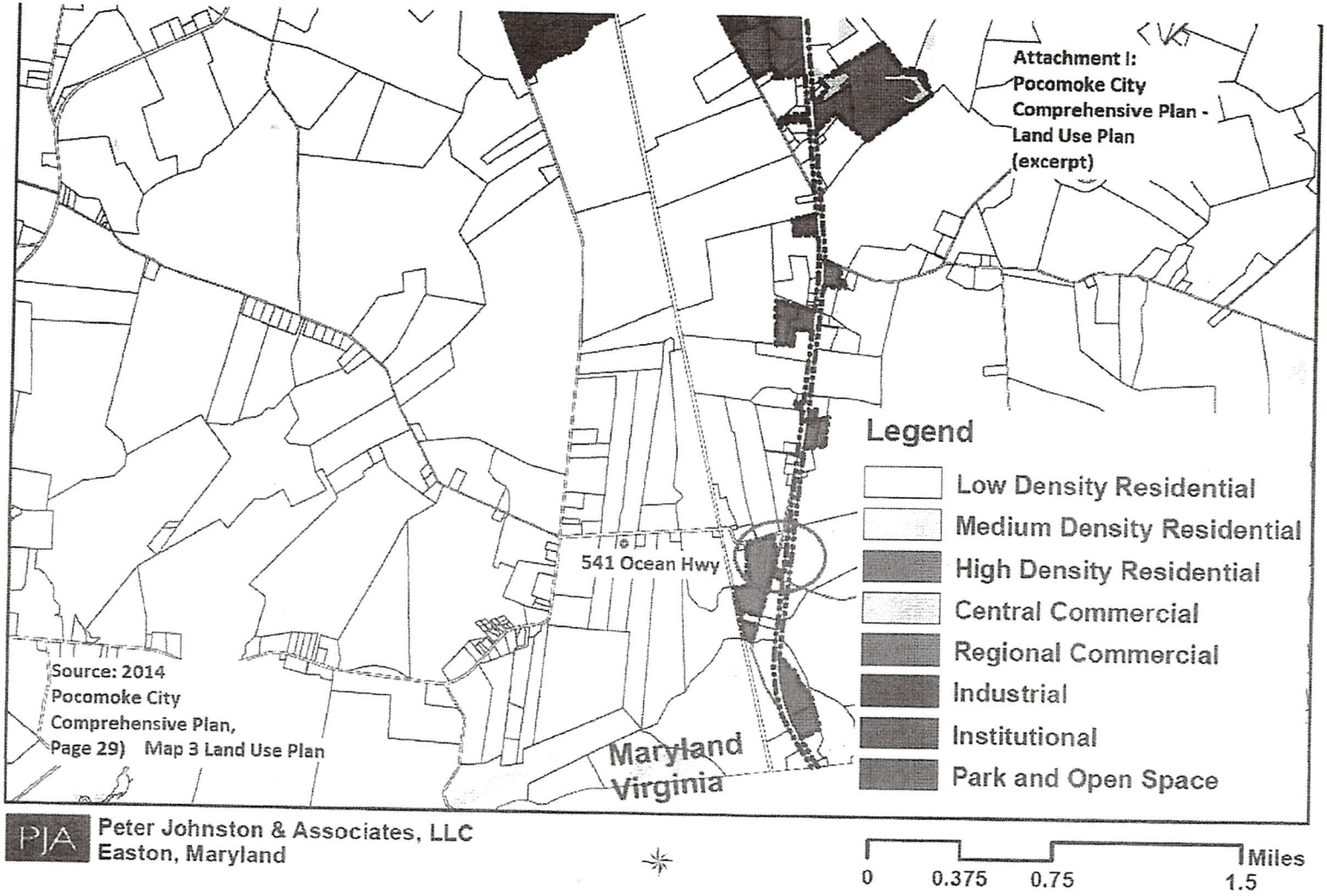
Attachment G:
Pocomoke City Zoning Map
(excerpt)



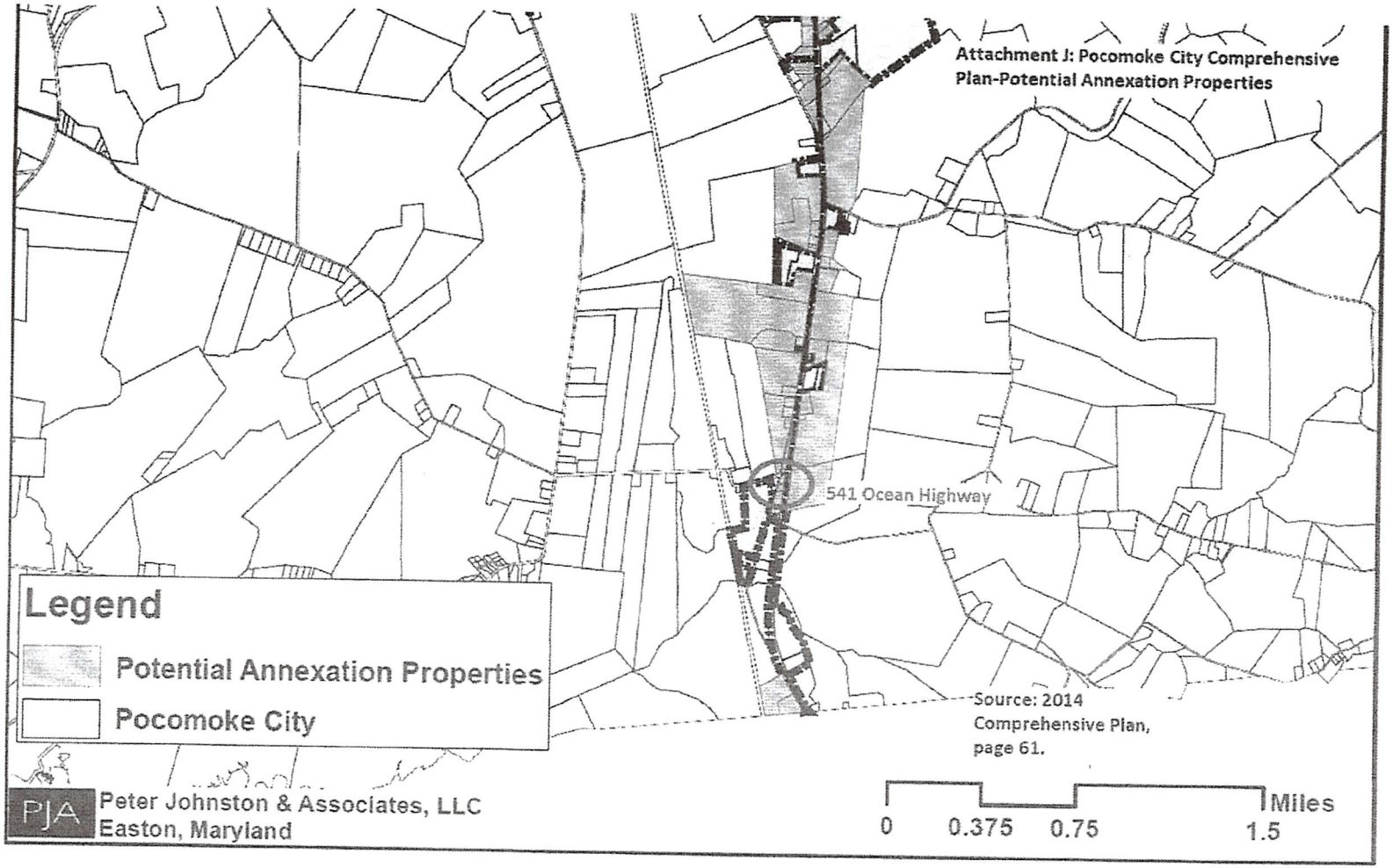
PJA **Peter Johnston & Associates, LLC**
Easton, Maryland

Attachment H: Maryland Department of Planning Priorty Funding Area Map (excerpt)





Pocomoke City C


Attachment J: Pocomoke City Comprehensive Plan-Potential Annexation Properties
541 Ocean Highway
Legend
Potential Annexation Properties
Pocomoke City
Source: 2014 Comprehensive Plan, page 61.
PJA
Peter Johnston & Associates, LLC
Easton, Maryland
0
0.375
0.75
1.5
Miles

Pocomok