

RESOLUTION NO. 2024-01

A RESOLUTION INITIATED BY THE MAYOR AND COUNCIL OF THE TOWN OF MYERSVILLE TO CHANGE THE BOUNDARIES OF THE TOWN OF MYERSVILLE, MARYLAND BY THE ANNEXATION INTO THE CORPORATE LIMITS OF THE TOWN OF 77.663 ACRES OF REAL PROPERTY, MORE OR LESS.

WHEREAS, the Mayor and Council desire to have certain property hereinafter described annexed into and made a part of the Town of Myersville, Maryland; and

WHEREAS, the property to be annexed consists of two (2) parcels of land, all parcels together consisting in the aggregate, of 77.663 acres of real property, more or less, (all parcels or portions of parcels being annexed are hereinafter referred to as “the Property”), and the Property is more fully described on the metes and bounds description prepared by Shelly, Witter & Fox Inc. dated December 1, 2023, which is attached hereto and incorporated by reference herein as Exhibit “A”; and

WHEREAS, the two (2) parcels or portions of parcels which make up a portion of the Property is owned by the following:

- (1) Town of Myersville – 60.679 acres, more or less
- (2) State of Maryland – State Highway Administration – 16.984 acres, more or less

WHEREAS, there are no persons residing in or on the Property to be annexed; and

WHEREAS, the owners of at least 25% of the assessed valuation of the Property to be annexed have consented to the annexation of the Property into the corporate limits of the Town of

Myersville; and

WHEREFORE, the Property is contiguous and adjoining to the existing corporate boundaries of the Town of Myersville, and its annexation will not create any unincorporated area that is bounded on all sides by (i) real property presently in the boundaries of the Town of Myersville or (ii) real property proposed to be in the boundaries of the Town of Myersville as a result of this proposed annexation or (iii) any combination of real property described in item (i) or item (ii).

NOW, THEREFORE, BE IT ENACTED AND RESOLVED by the Mayor and Council of Myersville, pursuant to the authority set forth in *Local Government* Article, Division II, Title 4, Subtitle 4 of the Annotated Code of Maryland as follows:

SECTION I: The boundaries of the Town of Myersville, Maryland are extended and enlarged by adding to the Town of Myersville and making a part thereof all that real property consisting of 77.663 acres, more or less, which is described on the metes and bounds description entitled "Metes and Bounds Property Description Lands Proposed to be Annexed into the Town of Myersville Corporate Limits" prepared by Shelly, Witter & Fox Inc. and dated December 1, 2023, which description is attached hereto and incorporated by reference herein as Exhibit "A".

The Property being annexed is further depicted on a plat prepared by Shelly, Witter, & Fox Inc., dated December 1, 2023 attached hereto as Exhibit "B" and is identified on said plat as:

"Annexation of the Lands of the Town of Myersville, Maryland & The State of Maryland to the Use of the State Roads Commission Maryland"

SECTION II: Except as otherwise provided herein, the Property and any persons now or in the future residing thereon, if any, shall be subject to the provisions of the Charter of the Town of Myersville and all ordinances and regulations enacted pursuant thereto.

SECTION III: The Property shall be annexed into the corporate limits of the Town of Myersville under the condition the Property shall be classified in the "OS", Open Space zoning classification pursuant to Chapter 165 of the Myersville Municipal Code, which provides for uses which are substantially similar to and not less restrictive than the zoning for the Property under Frederick County jurisdiction.

SECTION IV: The Corporate Boundaries of the Town of Myersville are hereby amended to add thereto the Property annexed by this Resolution, and as required by Article I, Section 102 of the Town Charter, the description of the corporate boundaries, including the description of the Property annexed by this Resolution, shall be maintained on file with the Town Clerk.

SECTION V: This Resolution shall become effective on the forty-sixth (46th) day following its enactment, unless a Petition for Referendum, in proper form and in conformity with the requirements of *Local Government* Article, Sections 4-408, 4-409 or 4-410 of the Annotated Code of Maryland, is submitted to the Mayor of the Town of Myersville.

PASSED AND ENACTED this ____ day of _____, 2024 by
the Mayor and Council of the Town of Myersville by a vote of _____ **FOR**, _____ **AGAINST**
and _____ **ABSTAINING** and _____ **ABSENT**.

ATTEST:

TOWN OF MYERSVILLE

Kathy Gaver, Town Clerk

By: _____
Mark Hinkle, Mayor

**I HEREBY CERTIFY THAT A PUBLIC HEARING WAS HELD ON THIS
RESOLUTION NO. 2024-01 ON THE _____ DAY OF _____, 2024. I
FURTHER CERTIFY THAT NOTICE OF THE TIME, DATE, PLACE AND PURPOSE
OF THE PUBLIC HEARING WAS PUBLISHED IN THE FREDERICK NEWS POST
NEWSPAPER ON THE FOLLOWING DATES:**

_____, 2024
_____, 2024
_____, 2024
_____, 2024

**THE PUBLIC HEARING WAS HELD NOT LESS THAN FIFTEEN DAYS
AFTER THE LAST PUBLICATION OF NOTICE.**

Kathy Gaver, Town Clerk

Date: _____

December 1, 2023

Metes and Bounds Property Description
Lands Proposed to be Annexed into
The Town of Myersville Corporate Limits

Lands of The Town of Myersville, Maryland &
Lands of the State of Maryland to the use of The State Roads Commission

Situate to the east of Myersville Road (Maryland Route 17) and north of Interstate 70 in Jackson Election District No.16, Frederick County, Maryland, and being part of those lands as conveyed by Tree-Land Foundation, Inc., a Maryland Non-Stock Not for Profit Corporation, to The Town of Myersville, Maryland, by deed dated September 21, 2023, and recorded in Liber 16651, Folio 471, and part of the lands conveyed by James J. Alban, Jr. (n.m.s.) unto The State of Maryland, to the use of The State Roads Commission of Maryland, by deed dated July 26, 1968, and recorded in Liber 789 at Folio 406; both of which are recorded among the Land Records of Frederick County, Maryland, with north to agree with NAD 83 Maryland State Plane Grid Datum and being more particularly described as follows:

Beginning for the same at a point in a storm drainage ditch in the existing Corporate Limits of The Town of Myersville on the north right of way line of Interstate 70, said point being at the end of the fifth (5th) or S 03°28'12" W 1506.09 feet line of a parcel of land conveyed by Raymond J. Gordon, Sidney S. Sherr, Kenneth S. Battye, Robert Steinberg (erroneously Robert Bernstein) and Lorraine Bernstein, Trustees, of the Peggy and Yale Gordon Charitable Trust, to McDonald's Corporation, by deed dated June 19, 1986, and recorded in Liber 1355, Folio 126, thence running with said deed line reversed and as now surveyed and running with the existing Corporate Boundary of the Town of Myersville as per Annexation Resolution No. 81-1, passing through a concrete monument at the end of 16.09 feet

1. N 03° 28' 10" E 1386.34' to a 5/8" rebar with cap (set), thence continuing with the existing Corporate Boundary of the Town of Myersville (L. 11876, F. 488) and binding on the lands of the Town of Myersville, the two (2) following courses and distances
2. S 74° 53' 34" E 551.99' to a 5/8" rebar with cap (set), thence
3. S 35° 21' 34" E 834.63' to a 5/8" rebar with cap (found) on the east side of Catoctin Creek, thence binding on the lands of 3333 Matlan Ventures, LLC (L. 15977, F. 267) the six (6) following courses and distances
4. S 23° 38' 07" W 676.58' to a 5/8" rebar with cap (found), thence

5. S 06° 53' 41" E 82.38' to 5/8" rebar with cap (found), thence
6. S 42° 21' 47" E 164.30' to 5/8" rebar with cap (found), thence
7. S 89° 41' 49" E 523.85' to 5/8" rebar with cap (found), thence
8. N 83° 55' 42" E 206.08' to 5/8" rebar with cap (found), thence
9. S 85° 12' 27" E 452.36' to a point in the Catocin Creek, thence binding on the lands of Musket Ridge Development Company, LLC (L. 2451, F. 1152) the eleven (11) following, courses and distances
10. S 12° 17' 38" E 30.14' to point in the said creek, thence
11. S 26° 18' 59" E 165.00' to point in the creek, thence
12. S 31° 26' 01" W 86.63' to a point in the creek, thence
13. S 05° 48' 59" E 264.00' to a point in the creek near the east edge, thence
14. S 13° 33' 59" E 189.75' to a point in the creek near the east edge, thence
15. S 30° 33' 41" E 156.74' to a 5/8" rebar with cap (set) on the east side of the creek, thence crossing the creek
16. S 06° 11' 27" W 139.40' to 3/4" iron pipe (found), thence
17. S 51° 59' 19" W 250.07' to 1" pinched pipe (found), thence
18. S 56° 59' 08" W 292.43' to 5/8" rebar with cap (found) on the lands of the State Roads Commission of Maryland (L. 789, F. 406), thence running with the outlines S.H.A. Plat No. 45877 and binding on the aforesaid lands of Musket Ridge Development Company, LLC (L. 2451, F. 1152) the following two (2) courses and distances, bearings to agree with the aforesaid NAD 83 Maryland State Plane Grid Datum
19. S 46° 57' 51" E 350.05' to a point on said Plat No. 35266 outlines, thence with said Plat No. 35266 outlines
20. S 46° 06' 27" E 79.86' to a point, thence leaving said Plat No. 45877 outlines and said lands of Musket Ridge Development Company, LLC, outlines and running with said Plat No. 35266 outlines the following course and distance

21. S 47° 49' 36" W 380.62' to a point on State Roads Commission of Maryland Plat No. 35266 as recorded among the State of Maryland Plat Records and being located on said plat at 240' northeast of and perpendicular to Baseline of Right of Way Station 864+91.12, thence running with said northeasterly Right of Way Line and Right of Way Line of Through Highway of I-70 in a northwesterly direction the following twelve (12) courses and distances, nine (9) of which are following the outlines of S.R.C. Plat No. 35266
22. N 43° 35' 37" W 808.88' to a point, thence
23. N 37° 53' 00" W 201.00' to a point, thence
24. N 43° 35' 37" W 214.11' to a point, thence
25. N 49° 18' 15" W 201.00' to a point, thence
26. N 41° 02' 56" W 450.45' to a point, thence
27. N 43° 35' 37" W 100.00' to a point, thence
28. N 39° 18' 16" W 200.56' to a point, thence
29. N 43° 35' 37" W 150.00' to a point, thence
30. N 36° 38' 09" W 143.66' to a rebar (found), said point being located on the aforesaid plat as 292.21' northeast of and perpendicular to Baseline of Right of Way Station 602+59.82, thence continuing with S.R.C. Plat No. 34779 and running with the corporate boundary of the Town of Myersville (Annexation Resolution No. 4-89) the three (3) following courses and distances
31. N 36° 37' 03" W 61.79' to a 5/8" rebar with cap (found), thence
32. N 38° 42' 13" W 103.11' to 5/8" rebar with cap (found), thence
33. N 36° 57' 01" W 207.30' to the point of beginning.

The amount of land proposed to be annexed into the Corporate Limits of The Town of Myersville and contained by the foregoing description amounts to 3,383,008.106 Sq. Ft. or 77.663 Acres, more or less and as shown on "Annexation Plat for the Town of Myersville, Maryland", dated December 1, 2023, and as prepared by Shelly, Witter & Fox.

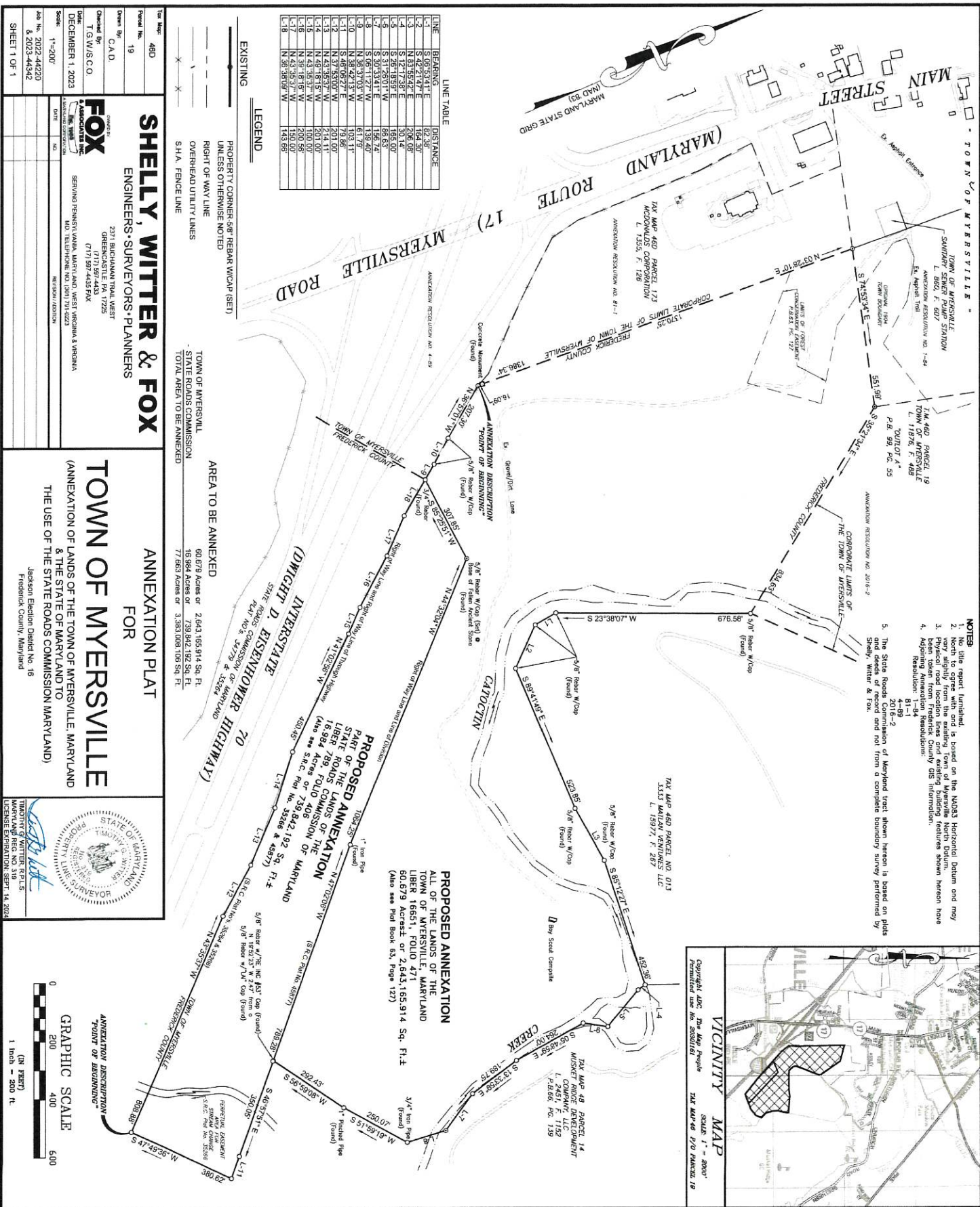


Timothy G. Witter
Registered Property Line Surveyor
Maryland Reg. No. 319

Dec. 1, 2023

_____ Date





LINE TABLE

LINE	BEARING	DISTANCE
L-1	S 89° 52' 41" E	152.30
L-2	S 20° 24' 14" E	126.30
L-3	N 33° 55' 24" E	226.00
L-4	S 12° 17' 39" E	30.14
L-5	S 20° 18' 57" E	185.00
L-6	S 30° 33' 41" E	156.74
L-7	S 05° 11' 27" W	139.40
L-8	N 36° 37' 03" W	61.79
L-9	S 48° 46' 27" E	79.81
L-10	N 37° 53' 00" W	201.00
L-11	N 43° 35' 57" W	214.11
L-12	N 39° 18' 16" W	220.56
L-13	N 43° 35' 37" W	150.00
L-14	N 36° 38' 09" W	143.85

LEGEND

EXISTING

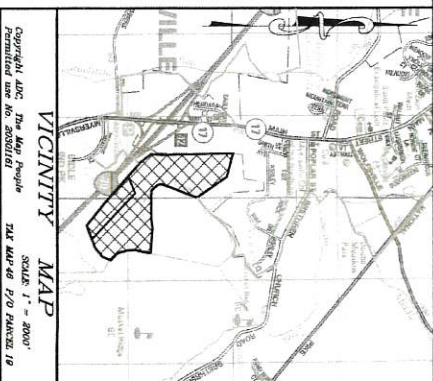
PROPERTY CORNER OR REBAR W/CAP (SET) UNLESS OTHERWISE NOTED

RIGHT OF WAY LINE

OVERHEAD UTILITY LINES

SHA FENCE LINE

- NOTES**
1. title report furnished.
 2. North to agree with and is based on the NAD83 Horizontal Datum and may vary slightly from the existing Town of Myersville North Datum.
 3. All parcels shown herein have been taken from Frederick County GIS Information.
 4. Adjoining Annexation Resolutions:
 - 2016-2
 - 2016-3
 - 2016-4
 - 2016-5
 5. The State Boundary of Maryland (not shown herein) is based on plats and deeds of record and not from a complete boundary survey performed by Shelly, Witter & Fox.



SHelly, WITTer & FOX
ENGINEERS • SURVEYORS • PLANNERS

2011 BIRCHMOUNT ROAD, SUITE 100
GREENSBORO, NC 27409
(771) 597-4433 FAX
(771) 597-4433 FAX
SERVING PENNSYLVANIA, MARYLAND, WEST VIRGINIA & VIRGINIA
NO TELEPHONE NO. (801) 791-0223
REVISION / VERSION

Project No. 19
Drawn By: C.A.D.
Checked By: T.G.W./S.C.O.
DATE: 11/20/20
Scale: 1"=200'
JOB No. 2022-4432 & 2023-4434
SHEET 1 OF 1

TOWN OF MYERSVILLE
ANNEXATION PLAT FOR
PROPOSED ANNEXATION
OF LANDS OF THE
TOWN OF MYERSVILLE, MARYLAND
& THE STATE OF MARYLAND TO
THE USE OF THE STATE ROADS COMMISSION (MARYLAND)

