

**FILED**

2009 MAR 20 PM 3:17 **COUNTY COUNCIL**

CIRCUIT COURT  
DORCHESTER COUNTY

**OF**

**DORCHESTER COUNTY, MARYLAND**

2009 Legislative Session,  
Legislative Day No. 2, 2009

Introduced By: County Council

BILL NO. 2009- 2

AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY MARYLAND PURSUANT TO CHAPTER 155, ENTITLED ZONING SECTION 155-B OF THE DORCHESTER COUNTY CODE REZONING A PARCEL OF LAND OWNED BY CANNING HOUSE, LLC, WHICH IS LOCATED ON THE SOUTH SIDE OF CLARK CANNING HOUSE ROAD, EAST OF MARYLAND ROUTE 307 (WILLIAMSBURG ROAD), AND APPROXIMATELY ONE MILE SOUTH-WEST OF THE MUNICIPAL BOUNDARY OF THE TOWN OF FEDERALSBURG, CONTAINING 24.91 ACRES OF LAND, MORE OR LESS, OF WHICH 11.50 ACRES IS TO BE REZONED, IN THE WILLIAMSBURG OR 12th ELECTION DISTRICT OF DORCHESTER COUNTY, MARYLAND FROM AN AC, AGRICULTURAL CONSERVATION DISTRICT TO B-2, GENERAL BUSINESS DISTRICT.

Introduced, read first time, ordered posted on official bulletin board of County, County Office Building, 501 Court Lane, Cambridge, Maryland 21613.

Ordered publication for once a week for two (2) successive weeks, and public hearing scheduled on Tuesday, February 17, 2009 in Room 110, County Office Building, 501 Court Lane, Cambridge, Maryland at 6:25 PM.

By order:

  
Jane Baynard, County Manager

BILL NO. 2009- 2

AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY MARYLAND PURSUANT TO CHAPTER 155, ENTITLED ZONING SECTION 155-B OF THE DORCHESTER COUNTY CODE REZONING A PARCEL OF LAND OWNED BY CANNING HOUSE, LLC, WHICH IS LOCATED ON THE SOUTH SIDE OF CLARK CANNING HOUSE ROAD, EAST OF MARYLAND ROUTE 307 (WILLIAMSBURG ROAD), AND APPROXIMATELY ONE MILE SOUTH-WEST OF THE MUNICIPAL BOUNDARY OF THE TOWN OF FEDERALSBURG, CONTAINING 24.91 ACRES OF LAND, MORE OR LESS, OF WHICH 11.50 ACRES IS TO BE REZONED, IN THE WILLIAMSBURG OR 12th ELECTION DISTRICT OF DORCHESTER COUNTY, MARYLAND FROM AN AC, AGRICULTURAL CONSERVATION DISTRICT TO B-2, GENERAL BUSINESS DISTRICT.

**SECTION ONE:** Acting under Chapter 155, entitled "Zoning", Section 155-5(B) of The Dorchester County Code (The "Act"), be it ENACTED and ORDAINED by the County Council of Dorchester County, Maryland that the following described parcel of land be and the same are hereby rezoned from an AC, Agricultural Conservation District to a B-2, General Business District.

ALL that lot of ground situate in DORCHESTER COUNTY, MARYLAND, and described as follows, that is to say,

TO WIT:

LEGAL DESCRIPTION

AREA OF PROPOSED RE-ZONING ON PART OF THE LAND OF  
CANNING HOUSE, LLC.  
AS CONVEYED BY DEED 837 / 226  
AND SHOWN ON TAX MAP 6, GRID 12, PARCEL 12  
IN THE 12th ELECTION DISTRICT OF DORCHESTER COUNTY, MARYLAND.

Beginning at a point on the east side of the land of The State of Maryland State Railroad Administration as conveyed to them by deed Liber 222, folio 769, distant 33' in a southeast direction from the center of the tracks known as the Cambridge-Seaford Line of the Penn Central Railroad, said point being the northwest corner of the land herein described and the southwest corner of the land now or formerly of Roger and Rena Dye as conveyed to them by deed Liber 461, folio 926, said point is also distant S 58°30'00" W, 0.6' from a capped rebar found; thence with the division line of the land herein described and said Dye land S 51°10'19" E, 833.92' to a capped rebar found on the west side of a 50' wide Right-of-Way shown as Lot 2 on a plat recorded in the Land Records of Dorchester County, Maryland in Plat book 24, folio 38; thence with the west side of said Right-of-Way the following 4 courses and distances:  
N 35°48'45" E, 346.79' to a point;  
N 53°46'39" E, 133.95' to a point;  
with a curve to the left, having a radius of 92.95', an arc length of 81.11' and a chord of N 28°46'39" E, 78.56' to a point;  
N 03°46'39" E, 194.07' to a point in the centerline of Clarks Canning House Road; thence with the center of said road S 85°21'57" E, 50.01' to a point on the east side of said Right-of-Way; thence leaving said centerline of road and with the east side of said Right-of-Way the following 4 courses and distances:  
S 03°46'39" W, 193.32' to a point;  
with a curve to the right, having a radius of 142.95', an arc length of 124.74' and a chord of S 28°46'39" W, 120.82' to a point;  
S 53°46'39" W, 126.05' to a point;  
S 35°48'45" W, 341.52' to a capped rebar found on said division line between the land herein described and the land of said Roger and Rena Dye; thence with said division line the following 2 courses and distances:  
S 51°10'19" E, 100.00' to a concrete monument found;  
S 35°03'43" W, 402.28' to a concrete monument found; thence leaving said division line and for a new Zoning line dividing the property herein described N 51°10'19" W, 1062.55' to a point on the division line of the herein described property and the land shown as "claimed by George D. Faulkner" on said plat; thence with said division line N 12°28'58" E, 119.57' to a point on the east side of said State Railroad Administration, distant S 12°28'58" W, 4.61' from a concrete monument found; thence with said State Railroad Administration N 58°30'00" E, 312.50' to the place of beginning; containing an area of 11.508 Acres more or less; said area of re-zoning being part of Lot 1 and all of Lot 2 as shown on a plat entitled "Division of part of the land of George D. Faulkner" recorded in the Plat records of Dorchester County, Maryland in Plat book 24, folio 38.

LIBER 0006 FOLIO 0008

**SECTION TWO:** Be it further ENACTED and ORDAINED by the County Council of Dorchester County that the Director of Planning is directed to change the Dorchester County Official Zoning Maps accordingly contingent upon the applicant executing and recording a separate Maryland Department of Environment environmental covenant also known as a Deed Restriction (copy attached) for the subject property.

**SECTION THREE:** Be it further ENACTED and ORDAINED by the County Council of Dorchester County, Maryland that this Bill shall be known as Bill No. 2009-2 of Dorchester County, Maryland and shall take effect sixty (60) days after its final passage.

PASSED this 17th day of March, 2009

ATTEST:

COUNTY COUNCIL OF DORCHESTER  
COUNTY, MARYLAND

BY: Jane Baynard  
Jane Baynard, County Manager

Jay L. Newcomb  
Jay L. Newcomb, President

APPROVED this 17th day of March, 2009

ATTEST:

COUNTY COUNCIL OF DORCHESTER  
COUNTY:

BY: Jane Baynard  
Jane Baynard, County Manager

Jay L. Newcomb  
Jay L. Newcomb, President

Newcomb - yes  
Nichols - no  
Elzey - no  
Price - yes  
Travers - yes

## ENVIRONMENTAL COVENANT

**HOLDER:** *[Insert Name of Holder]*

**PROPERTY ADDRESS:** 5127 Clarks Canning House Road

This Environmental Covenant is executed pursuant to the provisions of Subtitle 8, Title 1 of the Environmental Article, Ann. Code of Md. (2007 Repl. Vol.). This Environmental Covenant subjects the Property identified in Paragraph 1 to the activity and/or use limitations in this document. As indicated later in this document, this Environmental Covenant has been approved by the Maryland Department of the Environment (Department).

1. **Property Affected.** The property affected (Property) by this Environmental Covenant is located in the Williamsburg, Dorchester County, Maryland.

The postal street address of the Property is: 5127 Clarks Canning House Road.

The County Land Records Deed Reference: MLB Liber 837 Folio 226.

The latitude and longitude of the center of the Property affected by this Environmental Covenant is: N38°40'25.5" / W 75°48' 11".

The Property has been known by the following names:

- Eastern Maryland Wood Treating Company

A complete metes and bounds description of the Property is attached to this Environmental Covenant as Exhibit A. A map of the Property is attached to this Environmental Covenant as Exhibit B.

2. **Property Owner/Holder.** \_\_\_\_\_ is the owner of the Property. The mailing address of the Owner is/are: \_\_\_\_\_

3. **Holder/Grantee.** Same as Owner/Grantor.

4. **Regulatory Program(s) Issuing Departmental Determination.** The following regulatory program(s) within the Department is responsible for having issued a determination requiring the use of this Environmental Covenant:

- Voluntary Cleanup Program
- Controlled Hazardous Substance Enforcement Division
- Oil Control Program
- Solid Waste Program
- Hazardous Waste Program
- Other Program within the Department: \_\_\_\_\_

5. **Activity & Use Limitations.** The Property is subject to the following activity and use limitations, which the Owner and each subsequent owner of the Property shall abide by:

- a. Use of the property shall be limited to Tier 2 Commercial/Restricted,<sup>1</sup> which is defined as use of the property that allows exposure and access by the general public, workers and other expected users, including customers, patrons or visitors. Commercial purposes allow access to the property and duration consistent with a typical business day. Tier 2 properties typically include shopping centers, retail business, vehicle service stations, medical offices, hotels, office space, religious institutions and restaurants.
- b. Groundwater beneath the property shall not be used for any purpose.
- c. Prior to any excavation work on the property, three (3) days advance notice must be provided to the Maryland Department of the Environment, Chief of the CHS Enforcement Division.
- d. Prior to any building construction on the property, a minimum of 30 days prior notice must be provided by the property owner to the Maryland Department of the Environment, Chief of the CHS Enforcement Division.
- e. Any excavation work on the property must be conducted in accordance with a health and safety plan that complies with Occupational Safety and Health Act Requirements.
- f. Any soil or groundwater excavated or pumped or otherwise removed from the property must be tested, properly characterized and disposed of in an appropriate manner.

6. **Notice of Limitations in Future Conveyances.** Each instrument hereafter conveying any interest in the Property subject to this Environmental Covenant shall contain a notice of the activity and use limitations set forth in this Environmental Covenant and shall provide the recorded location of this Environmental Covenant.

7. **Access by the Department.** In addition to any rights already possessed by the Department, this Environmental Covenant grants to the Department a right of access of the Property to implement or enforce this Environmental Covenant.

8. **Recordation & Filing with Registry.** The Owners shall file a Notice of Environmental Covenant in the Land Records of Dorchester following the execution of the covenant and send proof of the recording to the Department within 30 days of recordation. This Environmental Covenant shall be filed as soon as possible after execution in the Registry of environmental covenants maintained by the Department.

<sup>1</sup> The Department has determined that the use of the property for any high frequency recreational use such as day care or nursery school or other similar activities do not meet the Tier 2 Commercial/Restricted land use category.

9. **Termination or Modification.** This environmental covenant may only be terminated or modified in accordance with Section 1-809 of the Environmental Article, Ann. Code of Md. (2007 Repl. Vol.).

10. **Department's Address.** Communications with the Department regarding this Environmental Covenant shall be sent to: Registry of Environmental Covenants, Maryland Department of the Environment, Waste Management Administration, Land Restoration Program, 1800 Washington Blvd., Baltimore, MD 21230.

ACKNOWLEDGMENTS by Owner(s) and any Holder(s), in the following form:

*[Insert Name of Property Owner/Holder]*

Date:

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

*[Insert Name of Holder, if different from Holder Identified above]*

Date:

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

APPROVED, by Maryland Department of the Environment

Date:

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

