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RESOLUTION NO. 399

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A RESOLUTION OF THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND PURSUANT TO CHAPTER 155, ENTITLED ZONING, SECTION 155-38 (N) OF THE DORCHESTER COUNTY CODE GRANTING RESIDENTIAL GROWTH ALLOCATION AND CHANGING THE CLASSIFICATION WITHIN THE CRITICAL AREA PROTECTION DISTRICT AND PROVIDING REVERTER PROVISIONS.

BE IT RESOLVED, by the County Council of Dorchester County, Maryland pursuant to Chapter 155, Entitled "Zoning" Section 155-38 (N) that the following growth allocation be hereby granted to Waterford Land Development, Ltd. and the area within the Critical Area Protection District reclassified as an Intensely Developed Area (IDA) within the Critical Area Protection District as follows:

FIRST: A 98.0 acre or less growth allocation is hereby awarded and the Critical Area Protection District classification for said 98.0 acres is hereby changed from a Limited Development Area (LDA) to an Intensely Developed Area (IDA) said 98.0 acres being the critical area portions of parcel 166, 167, and 168 on Tax Map 30 more particularly described as follows:

Parcel No. 1

All that tract or parcel of land designated as Lot-2 on a Plat of Survey entitled "Subdivision Lot-2 Bay Bridge Assoc. Inc. City of Cambridge Dorchester County, MD", prepared by Andrews, Miller and Associates, Inc., dated June 2, 1981, recorded among the Plat records of Dorchester County, Maryland, in Liber P.L.C. No. 27, Folio 1, and which according to said Plat is more particularly described as follows:

"Beginning at an iron rod with cap set at the intersection of the southwesterly right-of-way line of Lovers Lane with the northwesterly line of lands reputedly owned by Dorchester Sanitary Commission (Deed Ref: P.L.C. No. 124, Folio 19), said beginning point being coordinated on the Maryland State Plane Coordinate System as N 272272.11 E 1056694.31, thence running in the datum of said Maryland State Plane Coordinate System and binding with the northwestern boundary of said Dorchester Sanitary Commission land (1) South 34 degrees 18 minutes 36 seconds West, 300.62 feet to a point; thence (2) running and binding with the southwestern boundaries of lands reputedly owned by the said Dorchester Sanitary Commission (Deed Ref: P.L.C. No. 133, Folio 344), Parcel No 2 herein, and again Dorchester Sanitary Commission (Deed Ref: P.L.C. No. 147, Folio 381) South 20 degrees 39 minutes 19 seconds East, 1,754.19 feet to an iron rod with cap; thence (3) running and binding with the southern boundard of the said Dorchester Sanitary Commission lands (Deed Ref: P.L.C. 147/381) North 69 degrees 12 minutes 41 seconds East, 1,008.18 feet to a concrete monument; thence (4) leaving said Dorchester Sanitary Commission land and running and binding with the western boundary of lands retained by Bay Bridge Associates, Inc., South 37 degrees 36 minutes 57 seconds East, 60.95 feet to a 24" oak tree and the northern most corner of a tract of land reputedly owned by John E. Dunnock (Deed Ref: J.F.D. No. 42, Folio 632); thence (5) running and binding with the western edge of the said Dunnock land South 06 degrees 50 minutes West, 1,879.72 feet to a point on the northerly right-of-way line of Maryland Route 343, fifty (50) feet wide; thence (6) running and binding with the northerly edge of said Maryland Route 343 North 73 degrees 29 minutes 49 seconds West, 352.90 feet; thence (7) North 16 degrees 30 minutes 11 seconds East, 10.00 feet; thence (8) North 73 degrees 29 minutes 49 seconds West, 25.00 feet; thence (9) South 16 degrees 30 minutes 11 seconds West, 10.00 feet; thence (10) continuing to run and bind with the northerly edge of said Maryland Route 343 North 73 degrees 29 minutes 49 seconds West, 673.59 feet to a boulder; thence (11) running in an arc of a circle deflecting to the left, 239.49 feet (curve data: radius 741.20 feet; chord North 82 degrees 45 minutes 12 seconds West, 238.45 feet) to a point; thence (12) running North 52 degrees 54 minutes 46 seconds West, 20.35 feet to a point; thence (13) running and binding with southern edge of an ingress-egress easement area South 85 degrees 35 minutes 25 seconds West, 31.59 feet to a concrete monument and land reputedly owned by Robert H. Matthews et al (Deed Ref: P.L.C. No. 145, Folio 314); thence leaving said

right-of-way line of Maryland Route 343 and running and binding with the easter edge of the said Matthews' land two courses viz: (14) North 14 degrees 25 minutes 09 seconds West, 433.11 feet to a point of curvature; thence (15) running in an arc of a circle deflecting to the left, 32.06 feet (curve data: radius 107.00 feet; chord North 23 degrees 00 minutes 15 seconds West, 31.94 feet) to an iron rod with cap; thence leaving the said Matthews' land and running and binding with the northeasterly line of other lands of the Grantors herein, eleven courses, viz: (16) North 31 degrees 35 minutes 20 seconds West, 122.90 feet to a point of curvature; thence (17) running in an arc deflecting to the left, 69.13 feet (curve data: radius 92.00 feet; chord North 43 degrees 41 minutes 44 seconds West, 67.52 feet); thence (18) North 65 degrees 13 minutes 22 seconds West, 278.81 feet to a point; thence (19) North 68 degrees 24 minutes 31 seconds West, 169.03 feet to a point; thence (20) North 57 degrees 45 minutes 25 seconds West, 413.27 feet to a point; thence (21) North 59 degrees 19 minutes 02 seconds West, 524.57 feet to a point; thence (22) North 58 degrees 34 minutes 31 seconds West, 406.18 feet to an iron rod with cap; thence (23) North 27 degrees 14 minutes 09 seconds East, 22.00 feet to an iron rod with cap; thence (24) North 27 degrees 53 minutes 56 seconds West, 81.55 feet to an iron rod with cap; thence (25) North 31 degrees 15 minutes 37 seconds East, 189.59 feet to an iron rod with cap; thence (26) North 53 degrees 32 minutes 51 seconds West, 279.80 feet to the point on the high water line of Jenkins Creek, passing over an iron rod with cap 15 feet reversely along said line; thence running and binding with the mean high water line of Jenkins Creek, three courses, viz: (27) North 22 degrees 14 minutes 14 seconds East, 228.72 feet to a point; thence (28) North 29 degrees 26 minutes 35 seconds East, 234.71 feet to a point; and thence (29) North 70 degrees 52 minutes 36 seconds East, 163.32 feet to a point on the southeasterly line of a parcel reputedly owned by William H. Stewart (Deed Ref: R.S.M. No. 108, Folio 210); thence (30) running and binding with the said Stewart land North 55 degrees 56 minutes 34 seconds East, 171.88 feet; thence (31) running and binding with the eastern boundaries of lands reputedly owned by the said Stewart, Jeffrey S. Dayton (Deed Ref: P.L.C. No. 194, Folio 755); and Robert L. Dudley (Deed Ref: P.L.C. No. 169, Folio 675) North 4 degrees 47 minutes 59 seconds West, 423.67 feet, passing over a stone 21 feet from the beginning of said course, to a point; thence (32) running and binding the northern boundary of the said Dudley and, and also the easterly prolongation of the southerly right-of-way line of Lovers Lane reversed, South 85 degrees 18 minutes 19 seconds West, 32.56 feet to a point on the aforementioned right-of-way line of Lovers Lane, 32 feet wide; thence northwardly and then easterly the next three courses along said Lovers Lane (33) North 42 degrees 53 minutes 19 seconds East, 47.40 feet to a point; thence (34) North 15 degrees 34 minutes 55 seconds East, 853.02 feet to a point; and thence (35) South 64 degrees 37 minutes 24 seconds East, 1,482.16 feet to the point and place of beginning; containing 151.969 acres of land.

The above described Parcel No. 1 is subject to the following easements: a 20 foot sanitary sewer easement as recorded in the aforesaid Land Records in Liber P.L.C. No. 141, Folio 18 and Liber P.L.C. No. 147, Folio 384; a 60 foot wide right-of-way as recorded in the aforesaid Land Records in Liber P.L.C. No. 132, Folio 498; 10 foot easement recorded in the aforesaid Land Records in Liber P.L.C. No. 133, Folio 344 and also another easement recorded in the aforesaid Land Records in Liber P.L.C. No. 119, Folio 359; a 22 foot wide ingress-egress easement binding with the southwestern boundary of said Parcel No. 1, running from Maryland Route 343 to course No. 22 of the "Subdivision Lot-1 Bay Bridge Associates, Inc. . . ." Plat recorded among the Plat Records of Dorchester County, Maryland, in Liber P.L.C. No. 26, Folio 73.

Parcel No. 2

All that parcel of land designated as PARCEL NO. 2 on an unrecorded Plat of Survey entitled "Parcels of Land Surveyed for Conveyance by Marshall A. Binder Located - Maryland Route 343 & LOVERS LA. Cambridge Election District Dorchester County, Maryland", prepared by Frederick Ward Associates, dated August 30, 1971, revised September 1978, and which according to said Plat is more particularly described as follows:

Beginning for the same at a concrete monument heretofore set at the end of the first or North 32 degrees 33 minutes 15 seconds West, 575.21 feet line of that tract or parcel of land conveyed by and described in a Deed from Marshall A. Binder to

Dorchester County Sanitary District, Inc., dated March 31, 1966 and recorded among the Land Records of Dorchester County in Liber No. 147, Folio 381, said monument being also shown on a plat entitled, "Plat Showing Land of Marshall A. Binder and Dorchester County Sanitary District, Inc.", recorded among the Plat Records of Dorchester County in Liber P.L.C. No. 9, Folio 68 and running thence (1) binding on the last mentioned conveyance as now surveyed, North 66 degrees 42 minutes 12 seconds West, 864.05 feet; thence (2) leaving the last mentioned conveyance, North 16 degrees 49 minutes 34 seconds East, 82.20 feet to other lands of Dorchester County Sanitary District, Inc. as shown on the aforesaid plat; thence (3) binding thereon as now surveyed, South 66 degrees 42 minutes 12 seconds East, 840.57 feet; thence (4) leaving the lands of Dorchester County Sanitary District, Inc., South 01 degree 00 minute 07 seconds West, 88.20 feet to the beginning hereof; containing 1.60 acres of land, more or less. The herein described PARCEL NO. 2 being a strip of land approximately eighty feet wide lying between lands owned by Dorchester Sanitary District, Inc.

Parcel No. 3

All that parcel of land designated as PARCEL NO. 5 on an unrecorded Plat of Survey entitled "Parcels of Land Surveyed for Conveyance by Marshall A. Binder Located - Maryland Route 343 & Lovers Lane. . .", prepared by Frederick Ward Associates, dated August 30, 1971, revised September 1978, and which according to said Plat is more particularly described as follows:

Beginning for the same at a point on the northwesterly side of Lovers Lane where the same is intersected by the fourteenth of North 85 degrees 26 minutes East 693 feet line of that tract or parcel of land conveyed by and described in a Deed from S. Lambert Byrn, Jr. and Evelyn Mantz Byrn, his wife, to Marshall A. Binder, dated June 10, 1965 and recorded among the Land Records of Dorchester County in Liber P.L.C. No. 142, Folio 657 and running thence (1) binding reversely on said line, as now surveyed, North 57 degrees 28 minutes 20 seconds West, 670.81 feet to the beginning of the aforesaid fourteenth line; thence (2) still binding reversely on the last mentioned conveyance and on the thirteenth and the twelfth lines thereof, as now surveyed, South 65 degrees 00 minutes 40 seconds West, 17.49 feet, and (3) South 32 degrees 23 minutes 40 seconds West, 382.18 feet to a point on the northeasterly side of a 32 foot wide right-of-way leading to Lovers Lane, at the end of the fourth line of PARCEL NO. 1 as conveyed by and described in a deed from S. Lambert Byrn, Jr. and Evelyn Mantz Byrn, his wife, to Thomas Zuk and Grace E. Zuk, his wife, dated January 25, 1956 and recorded as aforesaid in Liber R.S.M. No. 97, Folio 316; running thence (4) leaving the Zuk lands, binding on the right-of-way line of the last mentioned 32 foot wide right-of-way three courses viz: (5) South 57 degrees 27 minutes 43 seconds East, 399.78 to a point of curvature; thence (6) by a curve to the left in a northeasterly direction of radius 198.77 feet, an arc distance of 243.23 feet to a point of tangency; thence (7) North 52 degrees 06 minutes 05 seconds East, 278.64 feet to the beginning hereof; containing 5.448 acres of land, more or less.

Subject to and together with an easement or right-of-way over and across the entrance roadway or right-of-way, which leads from the dwelling standing on PARCEL NO. 2 of the lands conveyed to Thomas Zuk and wife by deed dated January 25, 1956 and recorded among the Land Records of Dorchester County in Liber No. 97, Folio 316 to Lovers Lane, the centerline of said right-of-way runs with the first, or North 57 degrees 28 minutes 20 seconds West 670.81 feet, line of the hereinbefore described PARCEL NO. 3.

Parcel No. 1 above described is conveyed subject to a 22 foot wide ingress-egress easement over a portion of the southwestern boundary of the said Parcel No. 1. The technical data pertaining to the said easement area appears on a Plat entitled "Subdivision Lot-2 Bay Bridge Assoc. Inc. . . .", which is recorded among the Plat Records of Dorchester County, Maryland, in Liber P.L.C. No. 27, Folio 1; reference should be made to the above mentioned Plat for an accurate description of the said Easement area.

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SECOND: That the Director of Planning is hereby authorized to change the Dorchester County Critical Area Maps accordingly.

THIRD: If Waterford Land Development Ltd. should fail to use or begin construction of the "Waterford" subdivision, within two (2) years from the date of passage of this resolution or complete construction within a reasonable period, the approval shall become void, and the land shall revert to its original zoning classification, unless an extension has been granted by the County Council prior to expiration of the change in zoning. For the purpose of this section, commence the use or begin construction means either:

- A. Submission to the county of a site plan;
- B. Application for a building permit for structures comprising a substantial portion of the improvements; or
- C. Substantial completion of construction. (As determined in the sole discretion of the County Council).

FOURTH: This resolution is expressly contingent upon, and subject to, that certain Memorandum of Understanding dated April 29, 2004 ("MOU") between the County Council of Dorchester County, and Waterford Land Development, Ltd. ("Waterford") and others. Any breach of Waterford under the MOU shall give the County Council of Dorchester County, Maryland cause and the right to revoke the growth allocation herein provided for.

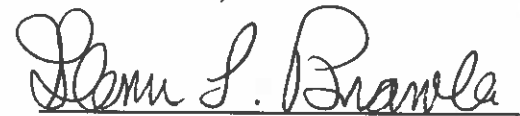
FIFTH: This resolution shall take effect upon Critical Area Commission approval.

THIS RESOLUTION IS HEREBY ADOPTED, PASSED AND APPROVED
THIS 14th DAY OF SEPTEMBER, 2004.

ATTEST:

COUNTY COUNCIL OF
DORCHESTER COUNTY, MARYLAND


Jane Baynard, County Manager


Glenn L. Bramble, President


David Yoekey, Vice President


Effie M. Elzey

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Dr. Thomas A. Flowers