

RESOLUTION 2022-11
A RESOLUTION TO APPROVE ANNEXATION of
24.455± ACRES OF LAND LOCATED
AT THE EAST SIDE OF SASSAFRAS STREET,
MILLINGTON, MD, MAP 0032, PARCEL 0049

WHEREAS, the Mayor and Council of Millington is granted the authority to annex land pursuant to Article 11-3 of the Constitution of the State of Maryland, and Section 19 or Local Government Article of the Annotated Code of Maryland, 1975 Edition, as amended, entitled “Municipal Corporations” , and

WHEREAS, the Mayor and Council of Millington has determined the proposed annexation will not create any unincorporated area which is bounded on all sides by real property presently within the corporate limits of the town, or real property proposed to be within the corporate limits of the Town as a result of the annexation, or any combination of such properties, and

WHEREAS, the Mayor and Council of Millington have received consent from the owners of more than 25% of the assessed value of the area to be annexed; and

WHEREAS, an annexation plan has been promulgated and is available for public review and discussion at public hearings to be held;

NOW THEREFORE BE IT RESOLVED that the Mayor and Council amend the Charter of Millington by adding a new section of Millington described as follows:

Beginning for the same at a point located at the intersection of the division line between the herein described lands of the County Commissioners of Kent County (1007/134) and the lands now or formerly of Gary B. Fellows, et. Us. (297/499) with the eastern most right-of-way line of Maryland Route 313 (Sassafras Street)(50’R/W);

Thence leaving said point of beginning so fixed and binding with the aforesaid division line;

1) North 88°51’07” East 412.39’ to an iron rod found located along the southwestern most boundary line of the lands now or formerly of Steven & Dawn Webb (102/51) passing in transit a concrete marker found located 4.69’ from the beginning thereof;

Thence leaving the aforesaid Fellows lands and binding with the aforesaid Webb lands and lands now or formerly of the State of Maryland (815/2);

2) South 47°09’28” East 713.91’ to a concrete marker found located along the western most right-of-way line of the lands now or formerly of the Maryland Department of Transportation (66’ Wide Railroad R/W);

Thence leaving the State of Maryland lands and binding with the aforesaid Maryland Department of Transportation lands:

3) South 14°23’00” West 877.09’ to an iron rod found located at the northeastern most corner of the lands now or formerly of the Town of Millington (694/215)(Water Tank Property);

Thence leaving the Maryland Department of Transportation lands and binding with the Town of Millington lands the (2) two following courses and distances;

4) South 85°16’45” West 243.11’ to an iron rod found;

5) South 05°16’24” East 278.22’ to an iron rod found located along the northern most boundary line of the lands now or formerly of Lewis & Pamela Teat (307/88);

Thence leaving the Town of Millington lands and binding with the Teat lands;

- 6) North 87°43'00" West 241.48' to an iron rod set located at the southeastern most corner of the lands now or formerly of C. Scott Westcott (731/12);
Thence leaving the Teat lands and binding with the aforesaid Westcott lands and the lands now or formerly of Raymond Edward Conner, et al (548/323) the (2) two following courses and distances;
- 7) North 06°22'50" West 266.86' to a concrete marker found, passing in transit a concrete marker found located 147.08' from the end thereof;
- 8) South 85°14'56" West 134.67' to a point located along the eastern most right-of-way line of the aforementioned Maryland Route 313, said point being further referenced North 85°14'56" East 2.01' from a concrete marker found;
Thence leaving the Conner lands and binding with the aforesaid right-of-way line the (5) five following courses and distances:
- 9) North 07°24'18" West 184.62' to a point curvature;
Thence with an arc of a curve to the right a distance of 194.12', said curve having a radius of 6975.00' and scribed by a chord of;
- 10) North 06°36'28" West 194.11' to a point of tangency;
Thence,
- 11) North 05°48'38" West 131.59' to a point of curvature;
Thence with an arc of a curve to the right a distance of 477.88', said curve having a radius of 5875.00' and scribed by a chord of;
- 12) North 03°28'49" West 477.75' to a point of tangency;
Thence
- 13) North 01°09'00" West 376.55' to the point of beginning.

BE IT PROVIDED that the area to be annexed will become part of the Town of Millington and that persons residing in the area, and their property, and the owners of the property herein, shall be subject to the provisions of the Charter of Millington and its Municipal Ordinances and Resolutions, and that such persons and their property shall be subject to municipal taxation and entitled to municipal services and facilities equal to such taxation imposed and such services and facilities provided to the other residents and property owners of Millington, subject to the provisions contained herein, and

BE IT FURTHER PROVIDED, that the property being annexed shall be zoned in compliance with the Millington Comprehensive Plan and ratified by Kent County.

BE IT FURTHER RESOLVED, provided further that there shall have been published in the Kent County News, a newspaper of general circulation serving the community of Millington, once in each of the four weeks commencing _____, a brief and accurate description of the area to be annexed and the conditions and circumstances applicable thereto, including notice of a public hearing to be held by the Mayor and Council on the proposed annexation on _____, provided further that such public hearing shall have been held, and unless a proper petition for referendum shall have been filed as provided by Section 19 of Local Government Article of the Annotated Code of Maryland prior to such effective date.

AND BE IT FURTHER RESOLVED, that the Mayor of Millington is hereby specifically directed to carry out the provision of the above section hereof regarding the giving of notice by publication of the material directed therein to be published, and as evidence of that compliance, the Town Manager shall cause to be affixed to the Annexation Resolution a certificate of the publication of the newspaper in which such material shall have been published, and the Mayor, if there is no petition for referendum, shall declare the Annexation Resolution to be effective on the effective date herein provided, by affixing his/her signature here to in the space provided below the effective date hereof.

AND BE IT FURTHER RESOLVED, that, if a proper petition for referendum on the Annexation Resolution herein proposed is filed, the Mayor and Council and other proper officials of the Town of Millington shall comply with the provisions set forth in Section 19, Local Government Article of the Annotated Code of Maryland.

AND BE IT FURTHER RESOLVED, that as soon as the Annexation Resolution hereby made shall become effective, either as herein provided or following a referendum, the Mayor of Millington shall promptly register both the original boundaries and the new boundaries with the Town Manager and the Clerk of the Court of Kent County, Maryland, and shall send separately by registered mail to the Secretary of State of Maryland, the Director of the Hall of Records, the State Law Library, and to the Department of Legislative Reference of Maryland, a complete certified copy of the text of this Resolution, the date of the referendum, if any is held, a certificate showing the number of Council members voting for and against it, and a report on the votes cast for or against the amendment hereby enacted and any referendum hereon and the effective date of the Annexation Resolution.

This resolution introduced this _____ day of _____.

Mayor and Council of Millington

Attest to All

Elizabeth Jo Manning, Town Administrator

Kevin Hemstock, Mayor

Michelle Holland, Council

Mark Linton, Council

Zita Seals, Council

Wayne Starkey, Council

The Charter Amendment passed by the foregoing Resolution on _____
effective 45 days thereafter.

Elizabeth Jo Manning, Town Administrator