MAYOR AND COUNCIL AGENDA

NO. 14 DEPT.: Community Planning and Development Services / DATE PREPARED:6/6/05
STAFF CONTACT:Cas Chasten, Planner III FOR MEETING OF: 6/13/05

SUBJECT: Introduction of resolution to enlarge corporate boundaries; Annexation Petition ANX2005-00137, Steven A. & Tracy L. Clark. Petition for annexation of 1.06 acres of land known as 9101 Scott Drive legally described as Lot 7, Block "A," Potomac High Lands.

RECOMMENDATION: Introduce and adopt resolution to enlarge the corporate boundaries of the City.

DISCUSSION: The petitioners request annexation into the City of Rockville, the referenced property, consisting of a single parcel of land approximately 1.06 acres in size. The parcel is currently improved with a single family detached dwelling. The property is currently served by an on-site private well and septic system. The septic system serving the residence has failed. The applicant plans to eliminate both the private well and septic system and connect to City of Rockville water and sewer services.

The property is currently zoned for Montgomery County's R-200 (Residential, One Family) land usage (minimum lot size of 20,000 square feet). The petitioners request that upon annexation the subject property be classified for R-150 (Medium Density) land usage in the City of Rockville. Staff, however, recommends the property be classified for R-E (Residential Estate) land usage with its more comparable lot size requirement, i.e., a minimum of 40,000 square feet.

The subject petition has been submitted in accordance with provisions of Article 23A of the Annotated Code of Maryland, which specifies procedures for annexation to a municipal corporation. This law requires the Mayor and Council to introduce a resolution to propose annexation promptly upon being petitioned to do so.

Boards and Commissions Review: Section 25-99 of the City of Rockville Zoning & Planning Ordinance requires the Planning Commission to hold a public hearing so that interested persons who wish to speak and/or submit written comments into the official record have an opportunity to do so. The Planning Commission will hold its public hearing on July 27, 2005 to allow interested parties to comment and/or submit written comments into the official record regarding annexation of the subject property from Montgomery County into the City of Rockville.

Next Steps: The Mayor and Council is scheduled to hold a public hearing on the request on August 1, 2005. At its September 12, 2005 meeting, the Mayor and Council would discuss the request and instruct staff regarding the granting of the annexation petition. If the Mayor and Council approves the

annexation petition at its meeting on September 26, 2005, Mayor and Council would adopt the resolution to enlarge the corporate boundaries of the City and introduce the Ordinance amending the Zoning Map. At its next regularly scheduled meeting in October 2005, the Mayor and Council would officially adopt the ordinance amending the Zoning Map.

PREPARED BY:

Castor D. Chasten

Castor D. Chasten, Planner III

APPROVED BY: Deane Mellander

Deane Mellander, Acting Chief of Planning — DATE 6/7/05

APPROVED BY:

Arthur D. Chambers, AICP, CPDS Director — DATE 6/7/05

APPROVED BY: Scott Ullery

Scott Ullery, City Manager — DATE 6/8/05

LIST OF ATTACHMENTS:

1. Site Vicinity Map
2. Resolution
3. Annexation Petition

ANX2004-00137

SITE

N

9101 Scott Drive

Attachment 1

Resolution No. _____

RESOLUTION: To enlarge the corporate boundaries of the City of Rockville to include 1.06 acres of land of Steven A. and Tracy L. Clark

WHEREAS, public notice of a resolution to annex property of Steven A. and Tracy L. Clark, totaling 1.06 acres of land, more or less, hereinafter more particularly described, has been published not fewer than two times at not less than weekly intervals in a newspaper of general circulation in the City of Rockville and the area to be annexed, said notice specifying that a public hearing would be held by the Mayor and Council on said resolution at Rockville City Hall, on August 1, 2005, at 7:00 p.m.; and

WHEREAS, the Mayor and Council conducted a public hearing on said resolution at the time and place provided for in said advertisement which hearing was not less than fifteen days after the second publication of the public notice referenced above; and

WHEREAS, an outline for the extension of services and public facilities into the area to be annexed was provided to the County Executive of Montgomery County, Maryland, the Secretary of the State Department of Planning and the Chairman of the Maryland-National Capital Park and Planning Commission at least thirty days prior to the holding of the scheduled public hearing; and

WHEREAS, immediately after the first publication of the public notice in said newspaper, a copy of that public notice and the Planning Commission Preliminary Report was provided to the County Executive of Montgomery County, Maryland, the Secretary of the State Department of Planning and the Chairman of the Maryland-National Capital Park and Planning Commission; and

WHEREAS, this matter having been considered and deliberated by the Mayor and Council of Rockville, and the Mayor and Council having decided that enactment of this resolution would promote the health, safety and welfare of the City of Rockville.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF ROCKVILLE, MARYLAND, as follows:

Section 1. That the corporate limits of the City of Rockville are hereby extended to include the following area, which is hereby added to the City.

LOT 7 – BLOCK "A"
POTOMAC HIGH LANDS

Being a parcel of land located in the Fourth (4th) Election District of Montgomery County, Maryland and being all of the land conveyed by John H. Woodhull, Trustee to Steven A. Clark and Tracy L. Clark by deed dated February 29, 2000 and recorded among the Land Records of Montgomery County, Maryland in Liber 17924 at Folio 709 and also being all of Lot 7, Block "A" as delineated on a Subdivision Record Plat entitled "Potomac High Lands" as recorded among the aforesaid Land Records as Plat No. 2952 and being more particularly described in said Plat Datum by Macris, Hendricks & Glascock, P.A. as follows:

Beginning at a point on the northerly right-of-way limits of Scott Drive (60'R/W), said point being the common front corner of Lots 6 and 7, Block A, then leaving said Scott Drive and binding with the common line between said Lots 6 and 7

1. North 08°15'00" East, 252.88 feet to a point, said point being the common rear corner of the said Lots 6 and 7, Block A, then binding with the northerly platted limits of the said Lot 7, Block "A"
2. South 81°45'00" East, 159.40 feet to a point, then binding with the easterly platted limits of said Lot 7 and the westerly platted limits of Lot 4 as delineated on a Plat of Corrections entitled "Rock Falls" and

recorded among the aforesaid Land Records as Plat No. 17480 then binding with said common line

3. South 02°24'47" West, 281.59 feet to a point, said point being on the aforesaid northerly right-of-way limits of Scott Drive, then binding with said right-of-way limits

4. North 73° 31'00" West, 190.00 feet to the point of beginning; containing 1.06 acres of land.

Section 2. That all territory hereby annexed to the City of Rockville and the persons residing thereon shall, after the effective date of this resolution, be subject to the Charter, laws, ordinances and regulations of said City.

Section 3. That as soon as the annexation provided by this resolution shall become effective, the Mayor shall promptly register both the original boundaries and the new boundaries of the City with the City Clerk of Rockville, with the Clerk of the Circuit Court for Montgomery County, Maryland, with the Maryland-National Capital Park and Planning Commission, and shall send, or cause to be sent, separately by certified mail, return receipt requested, one copy of this resolution to the Department of Legislative Reference.

* * * * * * * * *

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Mayor and Council of Rockville at its meeting of _____.

_____
Claire F. Funkhouser, CMC, City Clerk

Attachment 3

BEFORE THE MAYOR AND COUNCIL
OF THE CITY OF ROCKVILLE, MARYLAND

Annexation No. Anx2005-00137

RECEIVED
CITY CLERK'S OFFICE
2005 APR 25 AM 9:58

PETITION FOR ANNEXATION

The undersigned property owner "Petitioner" hereby petitions the Mayor and Council of the City of Rockville pursuant to Section 19, Article 23 of the Annotated Code of Maryland to annex property into the corporate boundaries of the City of Rockville. In support of this request the Petitioner states as follows:

1. The property which is the subject of this annexation petition consists of 1.06 acres of improved land commonly known as 9101 Scott Drive, and legally described as Lot 7, Block "A", Potomac Highlands, recorded amongst the Land Records of Montgomery County at Plat Book 41 at Plat 2952 (Exhibit C), and more particularly described in the Metes and Bounds description (Exhibit A) attached for the Subject Property.

2. The Subject Property is contiguous to and adjoining the existing corporate limits of the City of Rockville.

3. Annexation of the Subject Property will not create any unincorporated area which is bounded on all sides by: i) real property presently within the corporate limits of the City of Rockville, or, ii) real property proposed to be within the City of Rockville, or, iii) any combination of incorporated properties, and proposed to be incorporated properties within the City of Rockville.

4. The Subject Property to be annexed into the City is owned by Steven A. and Tracy L. Clark, both of which are registered voters in county elections.

5. The property is served by a private on site well and septic system. The septic system serving the existing residence has failed (See Exhibit D). The applicant intends to eliminate the private well and septic system and connect to the City water and sewer service.

6. The Subject Property is within the urban growth boundary of the City of Rockville, and annexation of the Subject Property is within the urban growth boundary of the City of Rockville, and annexation of the Subject Property will provide a logical corporate boundary for the City of Rockville.

7. The Subject Property is currently classified in the R-200 (Residential, One-Family) zone in Montgomery County, which zoning classification is consistent with the current and duly adopted Master Plan. Petitioner requests that the Subject Property be classified in the R-150 zone in the City of Rockville which will permit a land use of a single family detached dwelling which is substantially similar to the use permitted in Montgomery County's R-200.

WHEREFORE, the Petitioner respectfully requests that the Mayor and the Council of the City of Rockville initiate all steps necessary for final enactment of a resolution annexing the Subject Property into the corporate boundaries of the City of Rockville.

PETITIONER:

By: _____
Steven A. Clark

_____
Tracy L. Clark

Exhibits:
- Application and Consent Form
- Property Description (Exhibit A)
- Property Sketch (Exhibit B)
- Record Plat (Pb41/Plat 2952)(Exhibit C)
- Letter to Montgomery County, Dept of Permitting Services, Well & Septic dated December 14, 2004 (Exhibit D)

CONSENT TO ANNEXATION

The undersigned is the owner of record, in fee simple, of the property located on 9101 Scott Drive and legally described as: Lot 7, Block "A", Potomac Highlands Pb 41, Plat 2952, recorded in the Land Records of Montgomery County, Maryland.

I hereby consent to annexation of the subject property and consent to its proposed annexation into the City of Rockville.

4/18/2005
Date

By: _____
Steven A. Clark

_____
Tracy L. Clark

05-114
PFA001BD

EXHIBIT "A"
LOT 7 – BLOCK "A"
POTOMAC HIGH LANDS

Being a parcel of land located in the Fourth (4th) Election District of Montgomery County, Maryland and being all of the land conveyed by John H. Woodhull, Trustee to Steven A. Clark and Tracy L. Clark by deed dated February 29, 2000 and recorded among the Land Records of Montgomery County, Maryland in Liber 17924 at Folio 709 and also being all of Lot 7, Block "A" as delineated on a Subdivision Record Plat entitled "Potomac High Lands" as recorded among the aforesaid Land Records as Plat No. 2952 and being more particularly described in said Plat Datum by Macris, Hendricks & Glascock, P.A. as follows:

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2. South 81°45'00" East, 159.40 feet to a point, then binding with the easterly platted limits of said Lot 7 and the westerly platted limits of Lot 4 as delineated on a Plat of Corrections entitled "Rock Falls" and recorded among the aforesaid Land Records as Plat No. 17480 then binding with said common line

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4. North 73° 31'00" West, 190.00 feet to the point of beginning; containing 1.06 acres of land.

Parcel I.D. = 04-00088848

Certified correct to the best of our professional knowledge, information and belief. If the seal and signature are not violet colored, the document is a copy that should be assumed to contain unauthorized alterations. The certification contained on this document shall not apply to any copies.

Douglass H. Riggs III

Macris, Hendricks & Glascock, P.A.
Douglass H. Riggs, III, Professional Land Surveyor
Maryland Registration No. 10712

05-114
SA001DHR

STATE OF MARYLAND
DOUGLASS H. RIGGS
No. 10712
REGISTERED
PROFESSIONAL LAND SURVEYOR

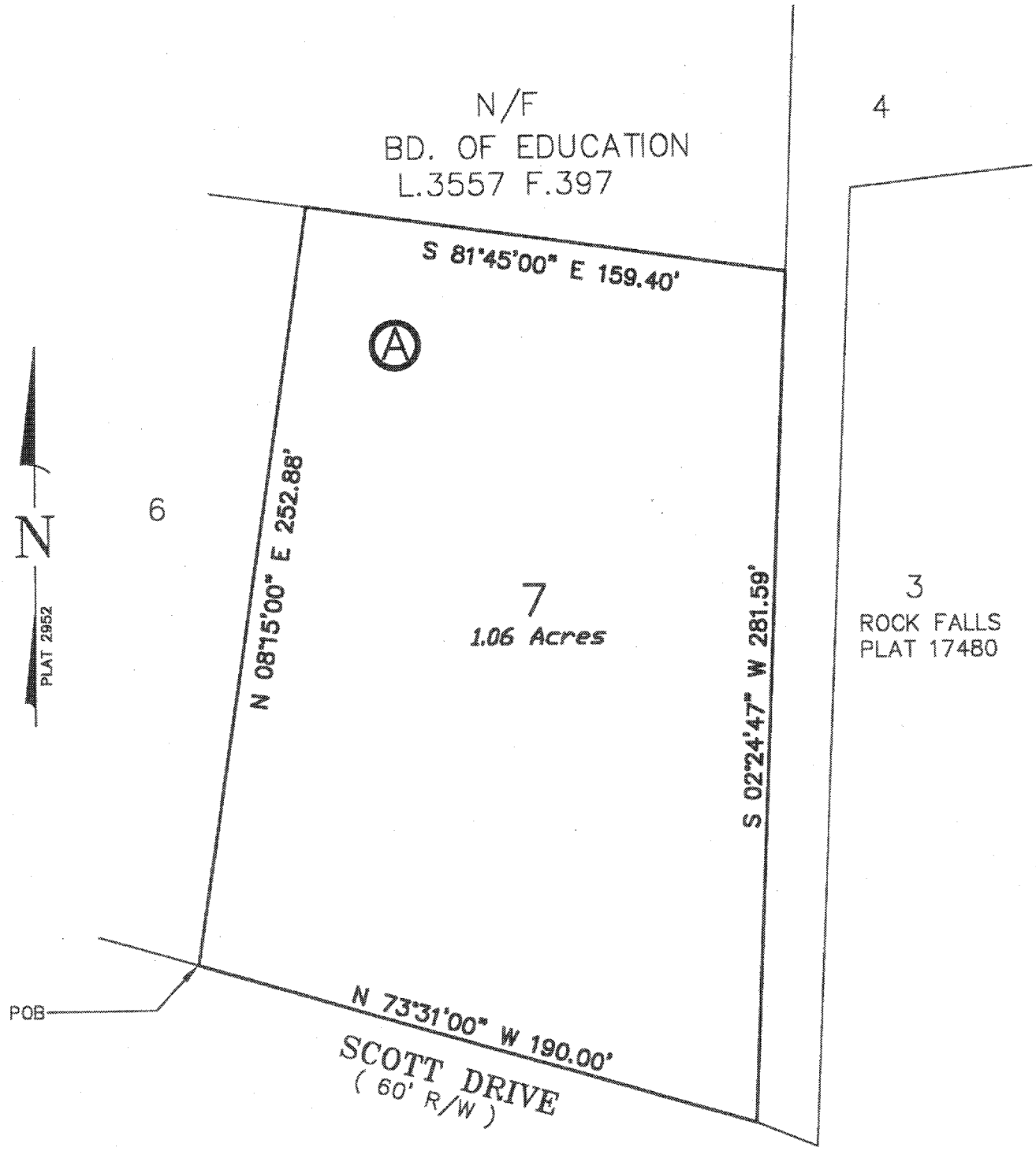

EXHIBIT "B"

LOT 7 BLOCK A

POTOMAC HIGH LANDS

PLAT 2952

1"=50' February, 2005

MONTGOMERY COUNTY, MARYLAND

MHG Macris, Hendricks & Glascock, P.A.
Engineers • Planners
Landscape Architects • Surveyors

9220 Wightman Road, Suite 120
Montgomery Village, Maryland
20886-1279

Phone 301.670.0840
Fax 301.948.0693
www.mhgpa.com

JOB NO. 2005-114 (10)

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