NOTICE OF INTENT TO CONSIDER EXTENSION OF GROWTH AREA NUMBER 3 FOR THE TOWN OF BERLIN, MARYLAND

RECEIVED
MD. DEPARTMENT OF PLANNING
MAY 0 8 2017
LOWER EASTERN SHORE OFFICE

Maryland Department of Planning
301 West Preston Street, Suite 101
Baltimore, MD

To Whom It May Concern:

The Planning Commission of the Town of Berlin intends to hold a public hearing to consider the amendment to the Town of Berlin Comprehensive Plan to amend Growth Area Number 3 in the manner shown on the attachments hereto.

The Planning Commission intends to hold the hearing on or about the _____ day of _____, 2018 and, this notice is provided pursuant to the provisions of *Land Use Article* Section 3-203(c). There is attached with this notice the following:

Exhibit "A" - Property Owners Statement of Purpose – Amendment to Berlin Growth Area 3;

Exhibit "B" - Deed to Property Owner;

Exhibit "C" - Town of Berlin Growth and Urban Growth Boundary Areas Map;

Exhibit "D" - Proposed Resolution Recommending Amendment of Berlin Comprehensive Plan to Extend the Growth Area;

Exhibit "E" - Plat of Property to be included in Growth Area 3;

Upon your consideration of the proposed plan extension, the recommendation of the Maryland Department of Planning, together with the recommendation of the Worcester County of Development, Review and Permitting, will be included in the Planning Commission's report to the Mayor and Council of Berlin in accordance with *Land Use Article*, Sections 3-203(d), (e) and (f).

David H. Engelhart

David Engelhart
Planning Director

EXHIBIT "A"

STATEMENT OF PURPOSE – AMENDMENT TO BERLIN GROWTH AREA 3

STATEMENT OF PURPOSE

AMENDMENT TO BERLIN GROWTH AREA 3 AND SUBSEQUENT REQUEST FOR ANNEXATION TOWN OF BERLIN M&G ROUTE 50 LAND, LLC MARYLAND ROUTE 376 AT U.S. ROUTE 50

The following is a Statement of Purpose for placing the subject property (Tax Map 20, Parcel 47) into, first, Growth Area 3 of the Town of Berlin and; secondly, requesting annexation of the property into the Corporate Limits of Berlin.

The applicant, M&G Route 50 Land, LLC by Ernest Gerardi, Jr., member, proposes to utilize the property, consisting of 18.58 acres of land for the location of a "Visitors Center" with attendant commercial services such as gasoline and convenience items, as the property is located at the intersection of U.S. Route 50, west of Berlin (an arterial highway) and Maryland Route 346 (Old Ocean City Boulevard) one of the significant western entrances to the Town of Berlin. The location of the property is uniquely suited for such a facility, as it is directly at one of the approaches of Berlin, and is conveniently located on an arterial highway. The property is contiguous to the Corporate Limits of the Town of Berlin by virtue of the annexation, by the Town, of U.S. Route 50 roadbed at the time of the annexation of other property on the north side of U.S. Route 50.

A. BERLIN COMPREHENSIVE PLAN

The inclusion in Growth Area 3 of the subject property is in conformity with the Comprehensive Plan for the Town of Berlin adopted by the Mayor & Council on June 14, 2010. The property is designated on the Growth and Urban Growth Boundary Areas Map (Map 5) as "potential development area" and is adjacent to the westerly end of Growth Area 3.

The utilization of the property is in compliance with the Land Use Element (Element 5) of the Berlin Comprehensive Plan which contains the goals and objectives of preserving the character of the community by encouraging residential and commercial mixed uses in the Town while maintaining its historic character and making economic impacts a primary consideration for development and re-development proposals. Further, such objectives include promoting business and job opportunities in the Maryland Route 346 corridor (Old Ocean City Boulevard).

In the Municipal Growth Element (Element 6) of the Plan, significant growth is acknowledged to have occurred in the commercial and industrial sectors and states that Atlantic General Hospital has become an important part of the Town *and has ignited redevelopment along U.S. Route 113 and Old Ocean City Boulevard (Route 346).*

While Growth Area 3 (GA3) is the largest of the four Growth Areas and is recommended

area (although such commercial businesses should be limited). Growth Area 3 also envisions architectural and design guidelines to be adopted in the area and, such goal comports with the requirements of the Worcester County Code related to design guidelines and standards for commercial uses along Route 50 (adopted by Worcester County, November 3, 2009).

In the Transportation Element (Element 8) of the Berlin Plan, the roadway system analysis also comports with the location of a Visitors Center on the property: "The Town of Berlin can be accessed by two major roadways: U.S. Route 50 (Ocean Gateway) and U.S. Route 113 (Worcester Highway). Maryland Routes 818, 374 and 376 also bisect the town and provide access to Berlin's downtown. The future intensity of development for land uses, discussed in this Plan, should be based on the functional classification of streets in Berlin" and the transportation element continues, "U.S. Route 50 is the main roadway to enter Berlin and access Main Street... more over, Maryland Routes 374 and 376 adjacent to the Town (within Worcester County jurisdiction) provide an important transition from rural to urban areas as one approaches Berlin. The roads should not be altered in these areas and to maintain the rural-transitional character of the area."

In the Sensitive Areas Element (Element 10) of the Comprehensive Plan the following statement is found (on Pages 65 and 66) **"Historical and Cultural Areas"**

"Berlin identifies itself as being a historically significant community. Historic preservation involves the inventorying, research, restoration and on-going protection of sites and structures having significant local, state or national historic character. Continued historic and cultural resource preservation and enhancement through sensitive land use planning and other administrative means would provide Berlin with a number of benefits including: ...increased property values and tax revenues as a result of a renovation and restoration; increased revenues generated from tourism."

Therefore, a Visitors Center located in an area of convenient access to downtown would enhance this important character of the Town.

B. WORCESTER COUNTY COMPREHENSIVE DEVELOPMENT PLAN

In the 2006 Comprehensive Development Plan for Worcester County, the importance of Berlin's location is noted in the Development Plan including the following statement: "Berlin, due to its proximity to Ocean City and local leadership, has experienced a downtown revitalization. Tour bus traffic in the Fall can be substantial as visitors visit the curio shops and art galleries lining Main Street. Worcester County's land use goal includes efficiently providing adequate public facilities and services and to foster a cooperative approach to land use planning and development. Further, land use objectives include locating new development in or near existing population centers and within planned growth centers and working with municipalities that provide for logical community extensions while encouraging infill within a municipality.

Worcester County also states that "appropriate public service expansions should be planned with mutual agreement on growth projections and locations coordinated between the County and the municipalities."

Significantly, Worcester County recognizes the "Lower Shore Heritage Plan".

"*The Management Plan for the Lower Eastern Shore Heritage Area* was undertaken to have the Lower Shore designated a "Certified Heritage Area. The plan seeks to make the area a more attractive visitor designation. It provides for orienting and linking natural and cultural resources with interpretative and education programs and facilities. It provides a strategy for stewardship and economic development. The *Management Plan for the Lower Eastern Shore Heritage Area* is incorporated into this Comprehensive Plan by this reference." (Comprehensive Development Plan, Page 37)

C. THE LOWER EASTERN SHORE HERITAGE AREA MANAGEMENT PLAN

The LESHAMP is an important conceptual plan for the Lower Eastern Shore area. The purpose thereof is stated as follows: "The underlying concept of Heritage Development is to enrich communities by enhancing and promoting the enjoyment of unique cultural and natural resources. Heritage tourism is a key element." Key actions for the strategy for Lower Shore Heritage Development includes "**establishing local visitors centers in historic Towns and Villages, using existing interpretive sites, businesses, or specially developed sites.**"

"Strategy for Heritage Tourism: increasing visitation will help lower Eastern Shore Towns and interpretive sites to attract more investment. Such investment is critical to maintaining the economic vitality and thus the preservation of these historic places."

"Why pursue Heritage Tourism? Travel is one of the worlds largest industries; travel is worth billions of dollars to the United States economy; Lower Eastern Shore, 2000: 15,000 jobs - $3,011,000 payroll - $62,000,000 local taxes."

"Strategy for Heritage Tourism; for "convention companions" and group tours, promote the arts, unique shopping, locally made crafts and products, and museums."

"Economic Benefits: increased visitation to the Lower Eastern Shore through the Heritage Area Program is expected to result in as many as 185,000 new visitors per year after five years. Their spending would add $11.4 million dollars to existing tourism spending. Each of the Heritage Area Counties will receive increased tax revenues from existing property, income, room and food and beverage taxes."

"Potential Target Investment Areas; Town of Berlin"

"The Lower Eastern Shores scenic roads, historic communities, agricultural landscape and rich variety of natural resources create the setting that visitors come to experience. Critical partners in the certified Heritage Area include local governments, tourism agencies *and businesses, and interpretive sites*." (emphasis added)

D. CONCLUSION

In conclusion, the proposed location of a Berlin Visitors Center, afforded by the potential location of such a facility on the subject property is uniquely and appropriately located at an entrance to the Town of Berlin, complies with the Comprehensive Plan of the Town of Berlin and the Comprehensive Development Plan for Worcester County and, most significantly, complies with the goals of the Heritage Area Management Plan for the Lower Eastern Shore of Maryland.

For all of these reasons, the subject property should be included in Growth Area 3 (GA3) of the Town of Berlin and, subsequently considered as an appropriate property for inclusion by annexation into the Corporate Limits of the Town of Berlin.

Joseph E. Moore

U:\dpivec\JEM - DRD\Gerardi\Statement.wpd

EXHIBIT "B"

DEED TO M&G ROUTE 50 LAND, LLC OF SUBJECT PROPERTY

WORCESTER COUNTY CIRCUIT COURT (Land Records) SRB 6798, p. 0143, MSA_CE31_6919. Date available 06/30/2016. Printed 03/26/2017.

THIS DEED, made on this 28th day of June, 2016, by **M & G Rental Properties, LLC,** a Maryland limited liability company, hereinafter called Grantor,

WITNESSETH:

THAT FOR NO CONSIDERATION, and pursuant to Section 12-108(bb)(1) of the Tax-Property Article of the Annotated Code of Maryland, the said Grantor does hereby grant and convey unto **M & G Route 50 Land, LLC,** a Maryland Limited Liability Company, its successors and assigns, forever in fee simple, all of its right and title in and to the hereinafter described property:

ITEM ONE: ALL that tract, part of a tract or parcel of land lying and being situate on the easterly side of the State Highway leading from Berlin to Salisbury (U.S. Route #50), in the Third (formerly Ninth) Election District of Worcester County, Maryland, containing by estimation one hundred sixty-one (161) acres of land, more or less, being part of a tract of land called "Mitchells Deer Park", "Mount Pleasant", or by whatever name or names the same may be known or called; and being all and the same property which was conveyed to Archie B. Elliott and Joyce E. Elliott, his wife, by Deed dated October 6, 1951 from Peninsula Beagle Club, Incorporated, and recorded among the Land Records of Worcester County, Maryland in Liber C.W.N. No. 46, folio 380; the said Archie B. Elliott having departed this life on August 6, 1976, leaving his wife, Joyce E. Elliott, as the sole surviving tenant by the entirety; EXCEPTING, HOWEVER, so much thereof as was conveyed by the following Deeds: (1) Deed dated March 14, 1958 from Archie B. Elliott and Joyce E. Elliott, his wife, to George & Lynch, Inc., and recorded among the Land Records of Worcester County, Maryland in Liber 110, folio 185, et seq; (2) Deed dated July 13, 1973 from Archie B. Elliott and Joyce E. Elliott, his wife, to

FILED
2016 JUN 28 PM 2:23
SUSAN R. BRANIECKI
CLK. CT. CT.
WOR. CO.

Ayres, Jenkins, Gordy & Almand, P.A.
11047 Racetrack Road
P O Box 1244
Berlin, MD 21811

WORCESTER COUNTY CIRCUIT COURT (Land Records) SRB 6798, p. 0144, MSA_CE31_6919. Date available 06/30/2016. Printed 03/26/2017.

Indian Acres of Ocean City, Inc., and recorded among the Land Records of Worcester County, Maryland, in Liber FWH No. 404, folio 263, et seq.; (3) Deed dated August 13, 1981 from Joyce E. Elliott to Delmarva Power & Light Company and recorded among the Land Records of Worcester County, Maryland, in Liber FWH No. 779, folio 77, et seq.; (4) Deed to the State of Maryland to the use of the State Roads Commission, dated May 5, 1958, and recorded among the Land Records of Worcester County, Maryland, in Liber FWH No. 111, folio 28; and (5) Lot 1, as shown on a plat entitled "Minor Subdivision Showing Property of Joyce E. Elliott, recorded among the Land Records of Worcester County, Maryland, in Liber 863, folio 1711. **Property address: 9525 Old Ocean City Boulevard, Berlin, Maryland 21811. Tax ID: 03-008800**

ITEM TWO: ALL that tract or parcel of land situate, lying and being in the Third (3rd) Election District of Worcester County, Maryland, being known and designated as Lot 1, as shown on a plat entitled "Minor Subdivision Showing Property of Joyce E. Elliott, recorded among the Land Records of Worcester County, Maryland, in Liber 863, folio 171. **Property Address: 9523 Old Ocean City Boulevard, Berlin, Maryland 21811. Tax ID: 03-117243**

BEING the same property conveyed unto M & G Rental Properties, LLC by Deed dated May 10, 2016, and recorded among the Land Records of Worcester County, Maryland in Liber No. 6773, folio 156, et seq.

TOGETHER with the improvements thereon and the rights, roads, ways, waters, privileges and appurtenances to the same belonging or in anywise appertaining.

TO HAVE AND TO HOLD the above described property unto the said **M & G Route 50 Land, LLC,** a Maryland Limited Liability Company, its successors and assigns, forever in fee simple;

WORCESTER COUNTY CIRCUIT COURT (Land Records) SRB 6798, p. 0145, MSA_CE31_6919. Date available 06/30/2016. Printed 03/26/2017.

AND the said Grantor hereby covenants to warrant specially the property hereby conveyed and to execute such other and further assurances of the same as may be requisite.

WITNESS the hand and seal of the Grantor herein the day and year first above written.

WITNESS: M & G Rental Properties, LLC

By _____ (SEAL)
Ernest A. Gerardi, Jr., Manager

STATE OF MARYLAND, COUNTY OF WORCESTER, to wit:

I HEREBY CERTIFY that on this 28th day of June, 2016, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared **ERNEST A. GERARDI, JR.,** Manager of M & G Rental Properties, LLC, who acknowledged that he, being authorized so to do, executed the foregoing Deed.

AS WITNESS my hand and Notarial Seal.

NOTARY PUBLIC

MARY T. VINCENT NOTARY PUBLIC WORCESTER CO. MARYLAND

My Commission Expires: 09/01/2018

Pursuant to Annotated Code of Maryland Tax Property Article, Section 12-108(bb)(1) under the penalties of perjury Ernest A. Gerardi, Jr., Manager of M & G Rental Properties, LLC, does hereby swear and affirm that M & G Rental Properties, LLC is the sole member of M & G Route 50 Land, LLC.

WITNESS: M & G Rental Properties, LLC, Sole Member

By _____ (SEAL)
Ernest A. Gerardi, Jr., Manager

I, an Attorney-at-Law of the State of Maryland, do hereby certify that the within instrument was either prepared by me or prepared under my supervision.

Harold B. Gordy, Jr.

TRANSFER TAX NOT REQUIRED
FINANCE OFFICER
WORCESTER COUNTY MARYLAND
By _____ Authorized Signature
Date 6/28/16

Water & Wastewater Services
Worcester County
NO ASSESSMENT
Date 6/28/16 By

TAXES FOR WHICH ASSESSMENTS HAVE BEEN RECEIVED HAVE BEEN PAID AS OF THIS DATE. 6/28/16
Worcester County Finance Officer
By _____
EXCEPT PERSONAL PROPERTY

WORCESTER COUNTY CIRCUIT COURT (Land Records) SRB 6798, p. 0146, MSA_CE31_6919. Date available 06/30/2016. Printed 03/26/2017.

LR - Deed (No-Taxes)
Recording Fee 20.00
Grantor/Grantee Name:
m&g rental/m & g route 50
Reference/Control #:
LR - Deed (No-Taxes)
Surcharge 40.00

SubTotal: 60.00

Total: 60.00
06/28/2016 02:25
CC23-MT
#6425580 CC0104 - Worcester County/CC01.04.02 - Register 02

JUN 28 2016 The foregoing instrument filed for record and is accordingly recorded among the land records of Worcester County, Maryland.

Clerk

State of Maryland Land Instrument Intake Sheet

County: Worcester County

Information provided is for use of the Clerk's Office, State Department of Assessments and Taxation and County Finance Office only.

(Type or Print in Black Ink Only–All Copies Must Be Legible)

1 Type(s) of Instruments (Check Box if Addendum Intake Form is Attached)

x	Deed		Mortgage		Deed		Other
	Deed of Trust		Lease				

2 Conveyance Type Check box

	Improved Sale Arms-Length[1]		Unimproved Sale Arms-Length[2]		Multiple Accounts Arms-Length[3]	X	Not an Arms-Length Sale[9]

3 Tax Exemptions (if Applicable) Cite Or Explain Authority

Recordation	Sec 12-108(bb)(2), Real Property Article, Annotated Code of MD
State Transfer	
County Transfer	

4 Consideration And Tax Calculation

Consideration Amount		Finance Office Use Only	
Purchase Price/Consideration	$0.00	Transfer and Recordation Tax Consideration	
Any New Mortgage	$	Transfer Tax Consideration	$
Balance of Existing Mortgage	$	X( )% =	$
Other:	$	Less Exemption Amount	$
		Total Transfer Tax	$
Other	$	Recordation Tax Consideration	$
		X( )per $500 =	$
Full Cash Value	$	TOTAL DUE	$

5 Fees

Amount of Fees	Doc. 1	Doc. 2	
Recording Charge	$20.00	$	Agent:
Surcharge	$40.00	$	Tax Bill:
State Recordation Tax	$	$	
State Transfer Tax	$	$	C.B. Credit:
County Transfer Tax	$	$	
Other	$	$	Ag. Tax/Other:
Other	$	$	

6 Description of Property

SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i)

District	Property Tax ID No.(1)	Grantor Liber/Folio	Map	Parcel No.	Var.LOG
03	03-117243/03-008800	6773/156	0020	0318/0047	(5)

Subdivision Name	Lot(3a)	Block (3b)	Sect/AR(3c)	Plat Ref.	SqFt/Acreage (4)

Location/Address of Property Being Conveyed (2)

9523 - 9525 Old Ocean City Boulevard, Berlin, Maryland 21811

Other Property Identifiers (if applicable) | Water Meter Account No.

Residential [X] or Non-Residential[ ] | Fee Simple [X] or Ground rent[ ] Amount:

Partial Conveyance?[ ]Yes [X]No | Description/Amt.of SqFt/Acreage Transferred:

If Partial Conveyance, List Improvements Conveyed:

7 Transferred From

Doc.1 – Grantor(s) Name(s)	Doc.2 – Grantor(s) Name(s)
M & G Rental Properties, LLC	
Doc.1 – Owner(s) of Record, if Different from Grantor(s)	Doc.2 – Owner(s) of Record, if Different from Grantor(s)

8 Transferred To

Doc.1 – Grantee(s) Name(s)	Doc.2 – Grantee(s) Names(s)
M & G Route 50 Land, LLC	

New Owner's (Grantee) Mailing Address

9 Bay Street, Berlin, Maryland 21811

9 Other Names To Be Indexed

Doc.1 – Additional Names to be Indexed (Optional)	Doc.2 – Additional Names to be Indexed (Optional)

10 Contact/Mail Information

Instrument Submitted By or Contact Person | [ ] Return to Contact Person

Name: Harold B. Gordy, Jr

Firm: Ayres, Jenkins, Gordy & Almand, P.A. | [X] Hold for Pickup

Address: 11047 Racetrack Road Berlin, MD 21811

Phone: PH: (410)-641-5033 | [ ] Return Address Provided

11 IMPORTANT: *BOTH* THE ORIGINAL DEED *AND* A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER

Assessment Information

[ ]Yes [X]No Will the property being conveyed be the grantee's principal residence?

[ ]Yes [X]No Does transfer include personal property? If yes, identify:

[ ]Yes [X]No Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).

Assessment Use Only – Do Not Write Below This Line

[ ] Terminal Verification [ ] Agricultural Verification [ ] Whole [ ] Pad [ ] Tran. Process Verification

Transfer Number: Date Received: Deed Reference: Assigned Property No.:

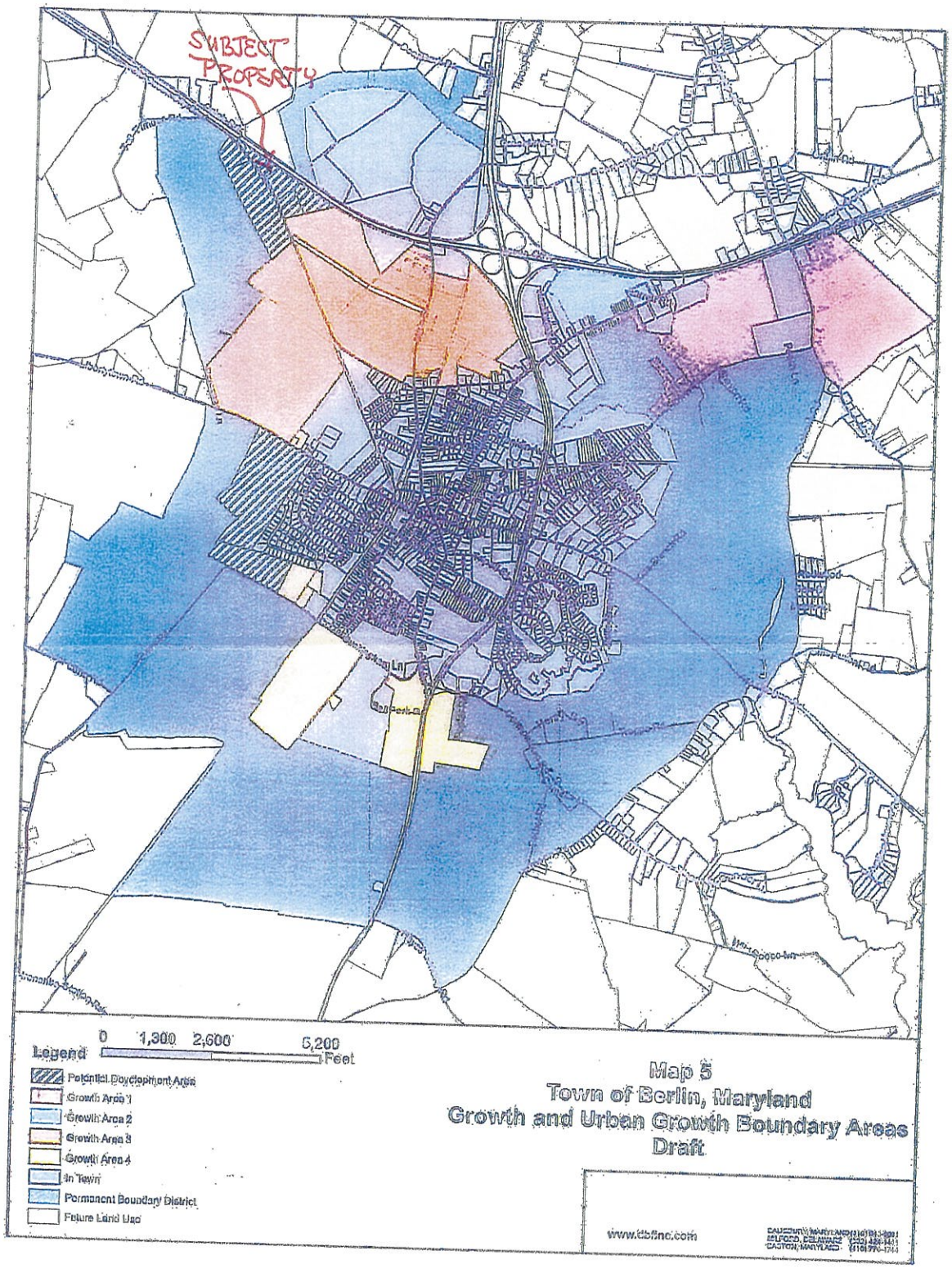
Year			Geo.	Map	Sub.	Block
Land			Zoning	Grid.	Plat	Lot
Buildings			Use	Parcel	Section	Occ.Cd.
Total			Town Cd.	Ex.St.	Ex.Cd.	

REMARKS:

WORCESTER COUNTY CIRCUIT COURT (Land Records) SRB 6798, p. 0147, MSA_CE31_6919. Date available 06/30/2016. Printed 03/26/2017.

EXHIBIT "C"

TOWN OF BERLIN, MARYLAND GROWTH AND URBAN GROWTH BOUNDARY AREAS



Map 5
Town of Berlin, Maryland
Growth and Urban Growth Boundary Areas
Draft

EXHIBIT "D"

PROPOSED RESOLUTION RECOMMENDING AMENDMENT OF BERLIN COMPREHENSIVE PLAN PURSUANT TO LAND USE ARTICLE SECTION 3-202

RESOLUTION OF BERLIN PLANNING COMMISSION
RE: AMENDMENT OF GROWTH AREA 3 (GA3)
OF THE 2010 COMPREHENSIVE PLAN FOR THE TOWN OF BERLIN, MARYLAND

WHEREAS, on June 14, 2010, by Resolution 2010-06, the Mayor and Council of Berlin adopted the 2010 Comprehensive Plan for the Town of Berlin; and

WHEREAS, "Municipal Growth Element" was designated in said Comprehensive Plan as Plan Element 6 and established therein the Growth Areas for the future land use of the Town and, designated those Growth Areas as follows: "The Annexation areas shown on the future Land Use Map and described herein are based on areas most likely to request Annexation and are in locations that best benefit the future of Berlin. The 'Planning Area' indicates areas that the Town may consider annexing to address its future growth needs."; and

WHEREAS, "Growth Area 3 (GA3) is located to the west of the Town boundaries along the southerly side of U.S. Route 50, and the west side of Maryland Route 818, and, although GA3 was denoted in the Comprehensive Plan of the Town of Berlin as primarily residential development, commercial businesses in the area, although limited are not prohibited, and are appropriate at the intersection of Maryland Route 346 and U.S. Route 50 a major arterial highway in north Worcester County; and

WHEREAS, the property hereinafter designated as the proposed additional property for inclusion in Growth Area 3 provides a potentially additional residential and commercial area and is fully compliant with the Lower Eastern Shore Management Plan, included in the Worcester County Comprehensive Plan, which makes it an appropriate addition for inclusion in Growth Area 3.

NOW THEREFORE, this Resolution Witnesseth: that the Town of Berlin Growth and Urban Growth Boundary Areas Map (Map 5) and Growth Area 3 as designated in the 2010 Comprehensive Plan for the Town of Berlin, Maryland be amended to provide that Growth Area 3 contain the additional specific component as follows:

The land area extending between the northerly side of Maryland Route 346 and the southerly side of U.S. Route 50 extending in a westerly direction from the existing Growth Area 3 to the intersection of Maryland Route 346 and U.S. Route 50.

It is therefore recommended to the Mayor and Council of Berlin that said Mayor and Council amend the 2010 Comprehensive Plan for the Town of Berlin to provide the subject property being included in Growth Area 3 (GA3) as being a beneficial area for the inclusion of additional light commercial use encompassing a Visitors Center and attendant uses, within the Corporate Limits of the Town of Berlin in Growth Area 3.

Respectfully submitted this _____ day of _____, 2017 by the Berlin Planning and Zoning Commission

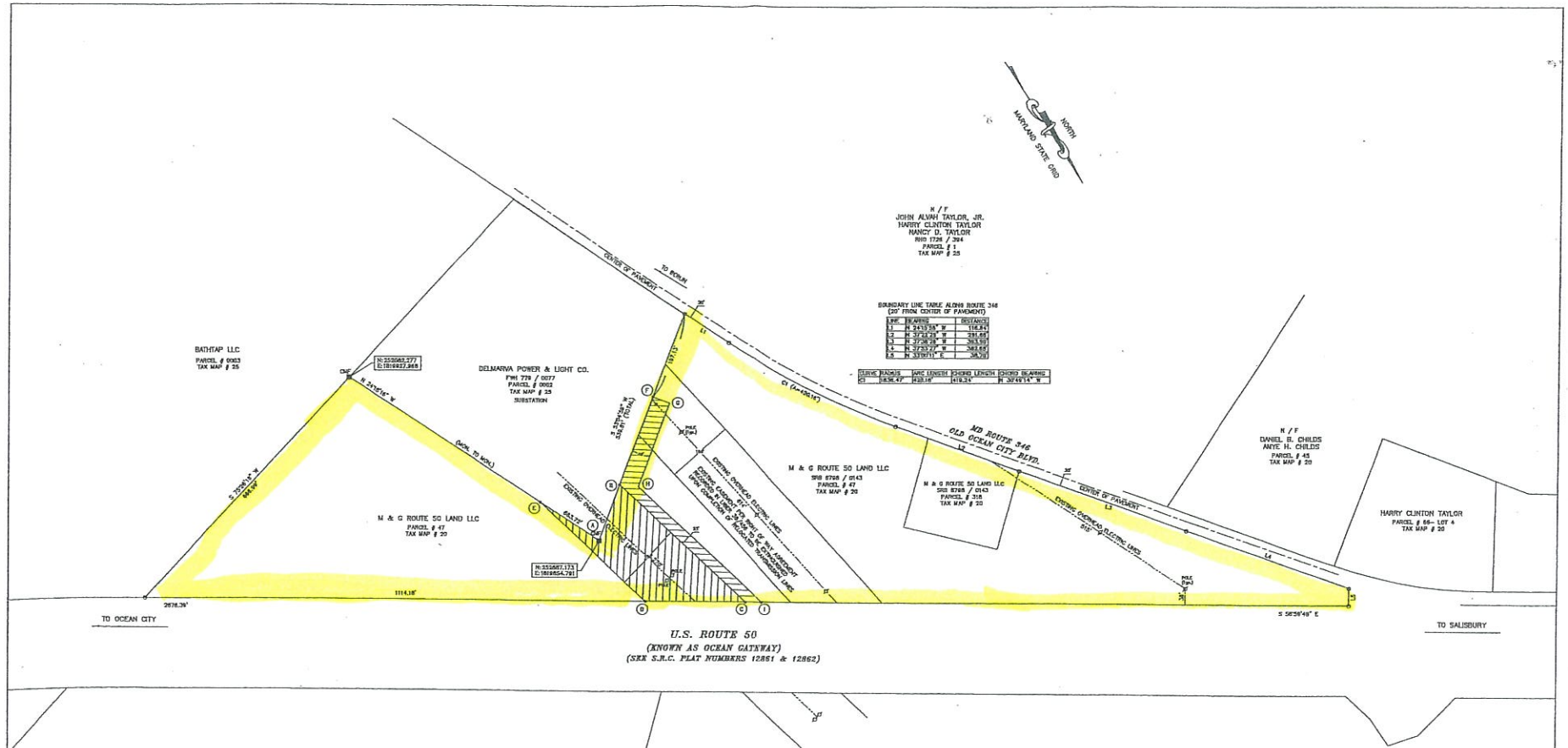
Berlin Planning and Zoning Commission

By: _____
Chairman

\\SERVER1\Shared Folders\User Shares\dpivec\dpivec\JEM - DRD\Gerardi\Resolution of Berlin Planning Commission re Growth Area 3.wpd

EXHIBIT "E"

PLAT OF PROPERTY



EXISTING 150' WIDE EASEMENT
(PER RIGHT OF WAY AGREEMENT
RECORDED IN LIBER 519/259)

LINE	BEARING	DISTANCE
A–B	S 53°04'59" W	133.26
B–C	N 14°21'55" W	382.30
C–D	S 58°59'49" E	221.47
D–E	N 14°21'55" W	321.23
E–A	N 24°18'16" W	158.02

AREA = ±42,673 SQ. FT.

NEW RIGHT OF WAY

LINE	BEARING	DISTANCE
B–F	S 53°04'59" W	209.22
F–G	N 36°55'01" W	40.00
G–H	N 53°04'59" E	188.78
H–I	N 14°21'55" W	376.53
I–C	S 58°59'49" E	36.91
C–B	S 14°21'55" E	382.30

AREA = ±17,645 SQ. FT.

PLAT OF SURVEY
OF LANDS OF
M & G ROUTE 50 LAND LLC

TAX MAP #20, PARCEL 47 & 318
THIRD TAX DISTRICT
WORCESTER COUNTY, MARYLAND

TOTAL AREA OF SURVEY = ±18.65 ACRES

DATE 12/28/2016
REV. 02/24/2017
SCALE: 1" = 100'

0 100 200 300
GRAPHIC SCALE

L. E. BUNTING, JR. DATE

L. E. BUNTING SURVEYS, INC.
MARYLAND & VIRGINIA
LAND SURVEYING
24 BROAD STREET
BERLIN, MARYLAND 21811
(410) 641-3313

EXHIBIT "F"

MUNICIPAL BOUNDARY – TOWN OF BERLIN

ATE PLANE DATA

E OF BEARINGS & DISTANCES
OF ANNEXATION

INE	BEARING	DISTANCE
18	N 57°00'07' W	1336.24'
19	N 32°59'53' E	200.00'
20	N 14°20'21' W	1463.50'
21	N 01°02'52' W	23.54'
22	N 57°48'52' E	135.26'
23	N 56°21'09' E	280.75'
24	N 12°58'24' E	133.35'
25	N 01°59'37' E	118.58'
26	N 01°14'19' E	8.44'
27	N 65°16'00' E	964.31'
28	N 85°55'00' E	2015.02'
29	S 47°28'05' E	261.00'
30	S 09°33'27' W	12.03'

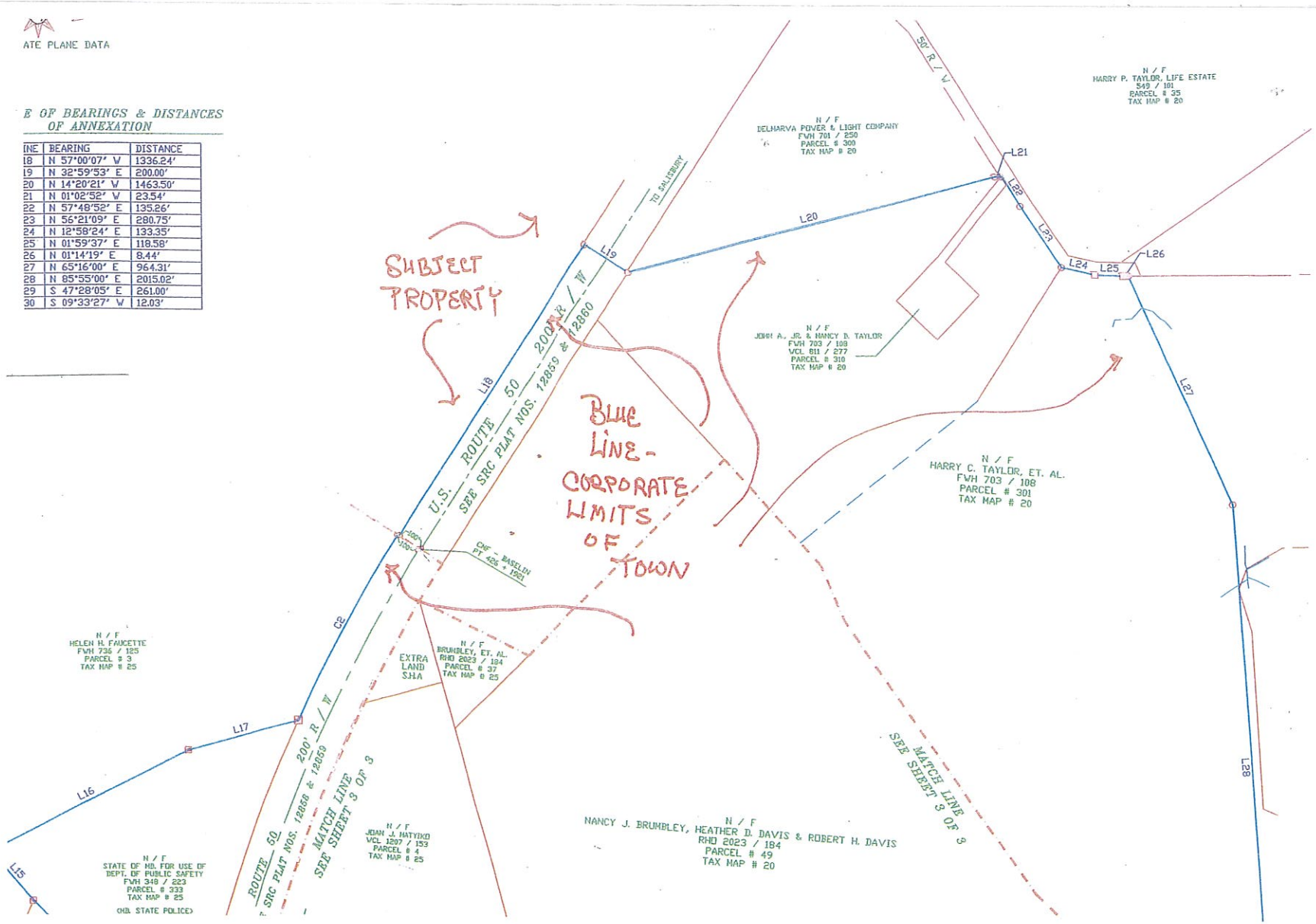


EXHIBIT "G"

AERIAL PHOTO – PROPERTY BOUNDARIES

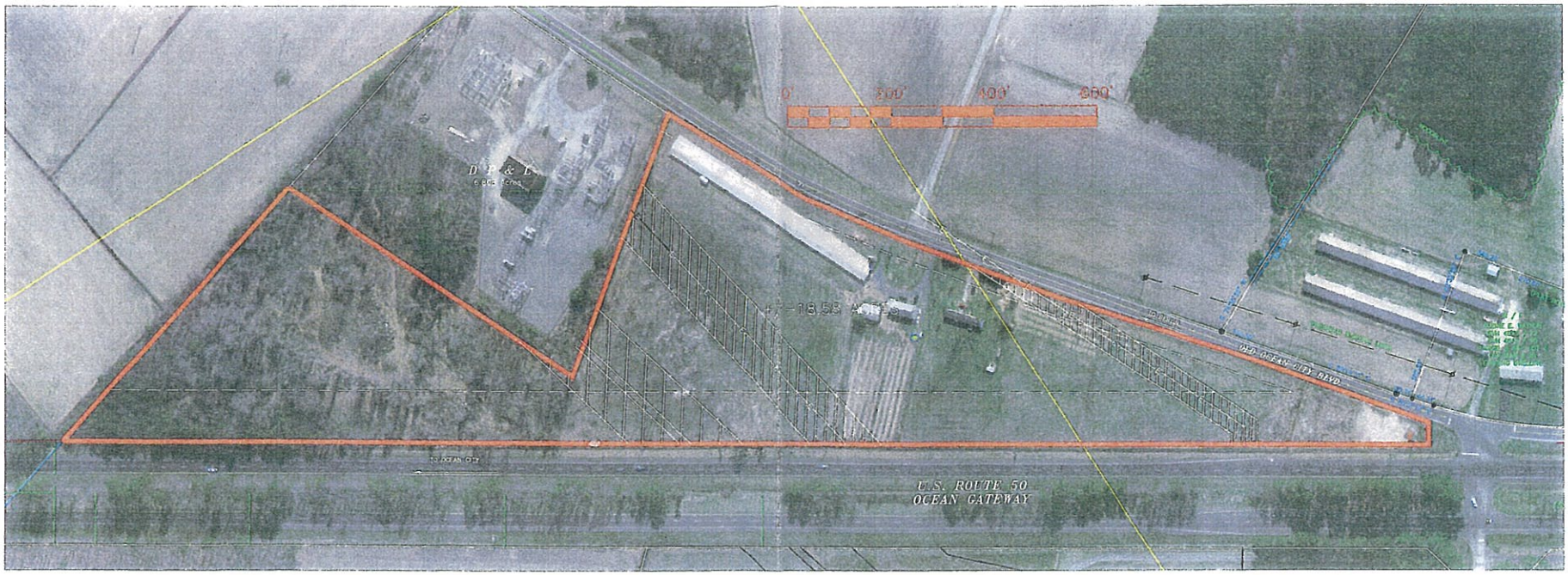

0'
200'
400'
600'
D P & L
+/- 18.58 ACRES
OLD OCEAN CITY BLVD.
U.S. ROUTE 50
OCEAN GATEWAY

EXHIBIT "H"

LAND USE ARTICLE
SECTION 3-202

§ 3.04, amended by Acts
and 2, related to general
ning Commission, repealed
26, § 1, eff. Oct. 1, 2012.

Land Planning §§ 2, 9, 20,
to 247.

l of County Com'rs of Cecil
79, 401 A.2d 666, 285 Md.
nning ⇐ 1383(1)
missioners were exercising
delegated to them by the
zoning matters, such a
e exercised only subject to
it was delegated. Hewitt
Baltimore County, 1959,
Id. 48. Zoning And Plan-

TITLE 3

COMPREHENSIVE PLAN

Subtitle 1—Requirement and Elements.

Section
3–101. Plan required; municipal inclusion.
3–102. Elements—Noncharter counties and municipal corporations.
3–103. Development regulations element.
3–104. Sensitive areas element.
3–105. Transportation element.
3–106. Water resources element.
3–107. Mineral resources element.
3–108. Community facilities element.
3–109. Areas of critical State concern element.
3–110. Goals and objectives element.
3–111. Land use element.
3–112. Municipal growth element.
3–113. Fisheries element.

Subtitle 2—Development and Adoption.

3–201. Plan preparation.
3–202. Recommendation for adoption.
3–203. Plan development.
3–204. Plan adoption.
3–205. Planning commission review.
3–206. Municipal growth element.

Subtitle 3—Implementation.

3–301. Plan revision.
3–302. Recommendation to officials.
3–303. Periodic review; implementation.
3–304. Deadline.

Historical and Statutory Notes

2012 Legislation

Acts 2012, c. 426, § 2, added Title 3, Comprehensive Plan.

SUBTITLE 1—REQUIREMENT AND ELEMENTS

Historical and Statutory Notes

2012 Legislation

Acts 2012, c. 426, § 2, added Subtitle 1, Requirement and Elements.

§ 3–101. Plan required; municipal inclusion

In general

(a) A local jurisdiction shall enact, adopt, amend, and execute a plan in accordance with this division.

Promotion

(d)(1) A planning commission may promote public interest in and understanding of the plan.

(2) A planning commission shall consult with public officials and agencies, public utility companies, civic, educational, professional, and other organizations, and citizens about protecting or executing the plan.

Added by Acts 2012, c. 426, § 2, eff. Oct. 1, 2012.

Legislative Notes

Revisor's Note (Acts 2012, c. 426):

This section is new language derived without substantive change from former Art. 66B, § 3.05(c), (d), and (a)(2) and the introductory language to § 1.01.

In subsection (b)(1)(iii) of this section, the former reference to "[t]he ... morals, order, convenience, [and] prosperity" of the local jurisdiction is deleted as included in the reference to "the health, safety, and general welfare" of the local jurisdiction.

In subsections (c) and (d) of this section, the references to a "planning" commission are added for clarity.

Defined terms: "Development" § 1–101
"Local jurisdiction" § 1–101
"Plan" § 1–101

Historical and Statutory Notes

Derivation:

Former Art. 66B, § 3.05, amended by Acts 1995, c. 495, § 2; Acts 1995, c. 488, § 17; Acts 1996, c. 10, § 1; Acts 2000, c. 426, §§ 2, and 3; Acts 2001, c. 29, § 1; Acts 2006, c. 44, § 6; Acts 2006, c. 289, § 1; Acts 2006, c. 381, § 1; Acts 2009, c. 60, § 5; Acts 2009, c. 175, § 1, related to the plan, repealed by Acts 2012, c. 426, § 1, eff. Oct. 1, 2012.

Cross References

Coastal Facilities Review Act, composting, see Environment, § 14–508.
Mineral resources plan review, see Environment, § 15–804.
Role of commission, state planning, see State Finance and Procurement, §§ 5–708 and 5–709.
Visions, see Md. Code, Art. 66B, § 1.01.
Water and sewerage plans, counties, see Environment, § 9–506.

Library References

Zoning and Planning ⟹1043, 1044, 1220.
Westlaw Topic No. 414.

C.J.S. Zoning and Land Planning §§ 1, 4, 11, 39.

Research References

Encyclopedias

Maryland Law Encyclopedia Zoning and Planning § 6, Enabling Statutes.

Maryland Law Encyclopedia Zoning and Planning § 10, Commissions and Officers.

§ 3–202. Recommendation for adoption

In general

(a)(1) A planning commission shall:

(i) make and approve a plan; and

(ii) recommend the plan to the legislative body for adoption.

(2) A planning commission may recommend adoption of:

(i) the whole plan;

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; Acts 2009, c. 175, § 1,
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§§ 5–708 and 5–709.

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of:

(ii) successive parts of the plan, which correspond to geographic sections or divisions of the local jurisdiction; and

(iii) an amendment to the plan.

Expression of elements

(b)(1) The elements of the plan may be expressed in words, graphics, or any other appropriate form.

(2) The elements of the plan shall be interrelated and each element shall describe how it relates to each of the other elements.

Added by Acts 2012, c. 426, § 2, eff. Oct. 1, 2012.

Legislative Notes

Revisor's Note (Acts 2012, c. 426):

This section is new language derived without substantive change from former Art. 66B, §§ 3.05(a)(1) and (3) and 3.07(a).

In subsection (a)(2)(ii) of this section, the former reference to "major" geographical sections or divisions is deleted as surplusage.

In subsection (b)(2) of this section, the former reference to "the statement of objectives, principles, policies, and standards" is deleted as included in the reference to "the other elements".

Defined terms: "Legislative body" § 1–101
"Local jurisdiction" § 1–101
"Plan" § 1–101

Historical and Statutory Notes

Derivation:

Former Art. 66B, § 3.05, amended by Acts 1995, c. 495, § 2; Acts 1995, c. 488, § 17; Acts 1996, c. 10, § 1; Acts 2000, c. 426, §§ 2, and 3; Acts 2001, c. 29, § 1; Acts 2006, c. 44, § 6; Acts 2006, c. 289, § 1; Acts 2006, c. 381, § 1; Acts 2009, c. 60, § 5; Acts 2009, c. 175, § 1, related to the plan, repealed by Acts 2012, c. 426, § 1, eff. Oct. 1, 2012.

Cross References

Coastal Facilities Review Act, composting, see Environment, § 14–508.
Mineral resources plan review, see Environment, § 15–804.
Role of commission, state planning, see State Finance and Procurement, §§ 5–708 and 5–709.
Visions, see Md. Code, Art. 66B, § 1.01.
Water and sewerage plans, counties, see Environment, § 9–506.

Library References

Zoning and Planning ⟹1043, 1044, 1220.
Westlaw Topic No. 414.

C.J.S. Zoning and Land Planning §§ 1, 4, 11, 39.

Research References

Encyclopedias

Maryland Law Encyclopedia Zoning and Planning § 6, Enabling Statutes.

Maryland Law Encyclopedia Zoning and Planning § 10, Commissions and Officers.

§ 3–203. Plan development

Creation

(a)(1) When a local jurisdiction initially implements the zoning powers under this division, the planning commission shall recommend the boundaries of the

original districts and zones and appropriate regulations to be enforced in the districts and zones.

(2) The planning commission shall make a preliminary report on the proposed districts, zones, and regulations and hold at least one public hearing on the preliminary report before submitting its final report to the legislative body.

(3) The legislative body may not hold a public hearing or take action until it receives the final report of the planning commission.

Public hearing required

(b)(1) A planning commission shall hold at least one public hearing before the commission recommends the adoption of a plan or any part or amendment to a plan.

(2) The planning commission shall publish at least one notice of the time and place of the hearing in a newspaper of general circulation in the local jurisdiction.

Recommended plan copies

(c) At least 60 days before the public hearing, the planning commission shall provide copies of the recommended plan and amendments to the plan to:

(1) adjoining jurisdictions; and

(2) State units and local jurisdictions responsible for financing or constructing public improvements necessary to implement the plan.

Comments

(d) The planning commission shall include in its report to the legislative body the recommendation of each unit and jurisdiction that comments on the plan.

Voting

(e)(1) A majority of the planning commission, by resolution, shall approve the plan or any part of or amendment to the plan.

(2) The resolution shall refer expressly to the text, map, and other matter that the commission intends to form the whole or part of the plan.

(3) The action taken shall be recorded on the map, plan, text, or other matter by the identifying signature of:

(i) the chair of the planning commission; or

(ii) the secretary of the commission.

Attested copy

(f) An attested copy of the plan or part of the plan shall be certified to the legislative body.

Added by Acts 2012, c. 426, § 2, eff. Oct. 1, 2012.

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Legislative Notes

Revisor's Note (Acts 2012, c. 426):

This section is new language derived without substantive change from former Art. 66B, §§ 3.06(a) and 3.07(b) through (f).

In subsection (a)(1) and (2) of this section, the references to "zones" are added for consistency within this article.

In subsection (a)(1) of this section, the reference to "initially implement[ing]" zoning powers is substituted for the former reference to "first adopt[ing]" zoning powers for clarity. No substantive change is intended.

Also in subsection (a)(1) of this section, the former reference to the "various" original districts is deleted as unnecessary.

In subsection (a)(2) of this section, the reference to a preliminary report "on the proposed districts . . . and regulations" is added for clarity.

Also in subsection (a)(2) of this section, the reference to submitting a final report "to the legislative body" is added for clarity.

In subsection (b)(2) of this section, the reference to publishing "at least one" notice is substituted for the former reference to publishing a notice "once" for clarity.

In subsection (c) of this section, the former references to "all" amendments, adjoining jurisdictions, and State and local jurisdictions are deleted as surplusage.

In subsection (c)(1) of this section, the former reference to "planning" jurisdictions is deleted as surplusage.

In subsections (c)(2) and (d) of this section, the references to State "unit[s]" are added for clarity.

In subsection (e)(1) of this section, the reference to "[a] majority of the planning commission" is substituted for the former phrase "carried by the affirmative votes of not less than a majority of the commission membership" for brevity.

In subsection (e)(3) of this section, the former reference to "[b]oth the secretary and the chairman" is deleted as unnecessary.

In subsection (e)(3)(i) of this section, the reference to the "chair" is substituted for the former reference to the "chairman" because SG § 2–1238 requires the use of words that are neutral as to gender to the extent practicable. See General Revisor's Note to article.

The Land Use Article Review Committee notes, for consideration by the General Assembly, that in subsection (c) of this section copies of a recommended plan and amendments need only be provided to "State units and local jurisdictions"; whereas a number of regional entities such as multicounty development councils may benefit from receiving the copies. The General Assembly may wish to consider adding explicit reference to providing copies to "regional units" to subsections (c) and (d) of this section to ensure that these entities have an appropriate voice in local planning.

Defined terms: "Legislative body" § 1–101
"Local jurisdiction" § 1–101
"Plan" § 1–101
"Regulation" § 1–101
"State" § 1–101

Historical and Statutory Notes

Derivation:

Former Art. 66B, § 3.06, amended by Acts 2000, c. 209, § 2; Acts 2000, c. 426, § 2; Acts 2000, c. 676, § 1; Acts 2001, c. 29, § 1, related to first actions by local jurisdiction; implementing the plan, repealed by Acts 2012, c. 426, § 1, eff. Oct. 1, 2012.

Former Art. 66B, § 3.07, amended by Acts 2000, c. 426, § 2, related to procedures for recommending adoption, amendment, etc., of plan; resolution of approval, repealed by Acts 2012, c. 426, § 1, eff. Oct. 1, 2012.

Library References

Zoning and Planning ⟹1043, 1046, 1131, 1134.
Westlaw Topic No. 414.

C.J.S. Zoning and Land Planning §§ 1, 4, 11 to 13, 15, 39 to 40.