

RESOLUTION NO. R-27-24

RESOLUTION AUTHORIZING THE ANNEXATION TO THE CITY OF GAITHERSBURG OF APPROXIMATELY 5.25 ACRES OF LAND LOCATED ADJACENT TO THE PRESENT CORPORATE LIMITS AND TO ESTABLISH CD ZONING FOR SAID LAND, KNOWN AS THE CASEY PROPERTY, LOCATED ON SOUTH FREDERICK AVENUE BETWEEN O'NEILL DRIVE AND I-370

ANNEXATION X-9683-2023

WHEREAS, the Mayor and City Council of Gaithersburg have received a petition requesting the enlargement of the corporate boundaries of the City of Gaithersburg to include the Casey Property, consisting of 228,632 square feet of land area, also known as Parcel P940 on Tax Map FS63, which is currently not within the corporate limits of the City of Gaithersburg and whose boundaries are described in more detail hereafter; and

WHEREAS, the signatures of the said petition for annexation have been verified and it has been ascertained that the persons signing said petition are owners of not less than twenty-five percent (25%) of the assessed valuation of the real property located in the area to be annexed, and constitute not less than twenty-five percent (25%) of the persons who reside in the area to be annexed, and who are registered as voters in County elections in the precincts in which the territory to be annexed is located; and

WHEREAS, the property is within the defined maximum expansion limits of the City of Gaithersburg and identified in the City's adopted Municipal Growth Element; and

WHEREAS, the property is contiguous and adjoining to the existing corporate boundaries of the City of Gaithersburg and does not create an unincorporated area that is bounded on all sides by the real property presently in the boundaries of the City, real property proposed to be in the boundaries of the City of Gaithersburg as a result of the proposed annexation; or any combination thereof; and

WHEREAS, under the annexation petition, the properties would be rezoned from Montgomery County's CRT-0.75 C-0.25 R-0.75 H-80 (Commercial Residential Town) Zone to the City of Gaithersburg's CD (Corridor Development) Zone; and

WHEREAS, the Mayor and City Council introduced the resolution requesting approval of the petition to annex the property into the City of Gaithersburg on December 4, 2023; and

WHEREAS, the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission (M-NCPPC) on January 25, 2024 voted unanimously to support the proposed annexation and transmit their comments to the County Council, including that the proposed land uses, densities, and proposed CD zoning are not substantially different from those authorized under the current County zoning and the proposed density is not more than 150% of the density that could be allowed for the entire property under current County zoning; and

WHEREAS, the City of Gaithersburg Planning Commission reviewed the X-9683-2023 annexation petition during their February 7, 2024 meeting and found:

- 1) The proposed X-9683-2023 annexation and associated plan are in compliance with the City's Master Plan and Strategic Plan; and
- 2) The proposed zoning of CD (Corridor Development) for annexation X-9683-2023 is appropriate; and
- 3) The proposed X-9683-2023 annexation and associated plan can be served by both existing and future public facilities; and

WHEREAS, the Mayor and City Council following the proper notification for the public hearing by publication not fewer than two (2) times, at not less than weekly intervals, in The Washington Post, a newspaper of general circulation in the City of Gaithersburg and posting of the property, conducted a public hearing on the X-9683-2023 petition on April 1, 2024 and held the record open for additional written testimony until May 1, 2024; and

WHEREAS, the Mayor and City Council reviewed an Annexation Plan submitted by the applicant, identified as Exhibit 16 and the Staff Analysis and Fiscal Impact Report, identified as Exhibit 34; and

WHEREAS, the Mayor and City Council conducted the X-9683-2023 policy discussion on May 20, 2024 and upon review of the record, testimony, recommendations, and findings;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Gaithersburg, that the corporate boundaries of the City of Gaithersburg be, and they hereby are, enlarged by including therein the following area:

DESCRIPTION OF PROPERTY

Metes and Bounds Description

Being the parcel of land acquired by Mirna Lizzette Lopez, Donna Wollin Sheehan and Brendan V. Sullivan, Jr, their successors and/or assigns, as trustees of the Eugene B. Casey Foundation U/T/D, from Mirna Lizzette Lopez, Trustee of the Betty Brown Casey Trust U/T/A, by a deed dated June 7, 2023, and recorded among the Land Records of Montgomery County, Maryland in Liber 67107 at folio 463, also being a part of the 191.17 acres of land acquired by Eugene B. Casey, from Mary E. Clements Offutt, by a deed dated May 15, 1937, and recorded among the aforesaid Land Records in Liber 668 at folio 209, and being more particularly described as follows:

Beginning for the same at a point on the southerly or South 53° 00' 00" West, 522.28 foot line of a plat of subdivision entitled "Parcels "B" & "C", Rosedale", and recorded among the aforesaid Land Records as Plat No. 9659, distant 305.08 feet from the easterly end thereof; thence running reversely with part of said southerly line and binding reversely on part of the 19th line of Annexation X-099, per Resolution No. R-8-69, as found among the City of Gaithersburg, Maryland, records, the following course and distance:

1. North 52° 56' 06" East, 305.08 feet to a point of non-tangent curvature at the southerly end of the easterly curved dedication line of O'Neill Drive (80' wide public R/W), as shown on the aforesaid plat recorded as Plat No. 9659; thence running reversely with said easterly curved dedication line, and binding reversely on the 18th line of the aforesaid Annexation X-099, the following course and distance:
2. 380.48 feet along the arc of a curve deflecting to the right, having a radius of 280.00 feet (chord: North 01° 51' 42" East, 351.88 feet) to a point of tangency; thence running reversely with part of the southeasterly dedication line of O'Neill Drive (80' wide public R/W), as shown on the aforesaid plat recorded as Plat No. 9659, also being the southeasterly existing right of way line of O'Neill Drive, as shown on State Roads Commission Plat No.48473, and binding reversely on part of the 17th line of the aforesaid Annexation X-099, the following course and distance:
3. North 40° 47' 26" East, 424.99 feet to westerly end of the southerly line of South Frederick Avenue (MD355) (a variable width public right of way), labeled Station 158+83.15, Offset 524.46' left from the baseline of right of way for Sam Eig Highway (I370), as shown on the aforesaid State Roads Commission Plat No. 48473; thence running with the right of way line of South Frederick Avenue (MD355), the following three (3) courses and distances:

4. South 49° 11' 43" East, 153.34 feet to a point; thence
5. North 40° 48' 24" East, 120.99 feet to a point; thence
6. South 10° 47' 37" East, 186.61 feet to the northerly end of the westerly line of Sam Eig Highway (I370) (a variable width public right of way), labeled Station 158+70, Offset 225' left from the baseline of right of way for Sam Eig Highway (I370), as shown on the aforesaid State Roads Commission Plat No. 48473; thence running with said westerly line of Sam Eig Highway (I370), as shown on State Roads Commission Plats No. 48472 & 48773, the following course and distance:
7. South 35° 35' 50" West, 549.08 feet to the easterly end of the northerly line of Sam Eig Highway (I370) (a variable width public right of way), labeled C.S. Station 152+82.31, Offset 175' left from the baseline of right of way for Sam Eig Highway (I370), as shown on the aforesaid State Roads Commission Plat No. 48472; thence running with said northerly line, the following course and distance:
8. South 63° 42' 04" West, 494.14 feet to the Point of Beginning; containing 228,632 square feet or 5.2487 acres of land more or less.

BE IT FURTHER RESOLVED, by the Mayor and City Council of the City of Gaithersburg, that this Resolution shall become effective forty-five (45) days following its adoption, unless a prompt petition for referendum thereon shall be filed as permitted by law, and provided further that the notice required by law shall be published not fewer than two (2) times, at not less than weekly intervals, in The Washington Post, a newspaper of general circulation in the City of Gaithersburg.

BE IT FURTHER RESOLVED, by the Mayor and City Council of the City of Gaithersburg, that the 228,632 square foot property described above and known as Parcel P940 on Tax Map FS63, being land annexed to the City, be and is hereby classified in the CD (Corridor Development) Zone, upon the effective date of this Resolution.

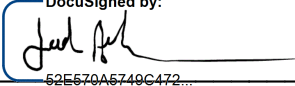
BE IT FURTHER RESOLVED, by the Mayor and City Council of the City of Gaithersburg, that this annexation shall be subject to the terms and conditions of an annexation agreement by and between the Property Owner and the City of Gaithersburg and any amendment which may be hereafter enacted thereto.

BE IT FURTHER RESOLVED, by the Mayor and City Council of the City of Gaithersburg, that promptly after this Resolution shall become effective, the City Manager shall send copies of said Resolution to the following:

<u>Number of Copies</u>	<u>Agency</u>
1	Department of Legislative Reference
1	Clerk of the Circuit for Montgomery County
1	Supervisor of Assessments for Montgomery County
1	Maryland-National Capital Park and Planning Commission

BE IT FURTHER RESOLVED, by the Mayor and City Council of the City of Gaithersburg, that the property described above and persons residing therein, if any, shall, after the effective date of this Resolution, be subject to all of the Charter laws, ordinances and resolutions of the City of Gaithersburg, Maryland.

ADOPTED by the City Council this 20th day of May, 2024.

DocuSigned by:

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JUD ASHMAN, MAYOR and
President of the Council

THIS IS TO CERTIFY, that the foregoing Resolution was adopted by the City Council, in public meeting assembled on the 20th day of May, 2024. The Annexation will become effective on the 4th day of July, 2024.

DocuSigned by:

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Dennis Enslinger, Deputy City Manager