

Resolution No. _____

RESOLUTION: To enlarge the corporate boundaries of the City of Rockville to include 3.12 acres of land, more or less, Mayor and Council of Rockville

WHEREAS, Article 23A, Section 19 of the Annotated Code of Maryland permits the annexation of real property by municipalities of the State of Maryland; and

WHEREAS, the Mayor and Council of Rockville, proposes to annex the property hereinafter described; and

WHEREAS, the subject property is contiguous and adjoining to the existing corporate area of the Mayor and Council of Rockville (hereinafter referred to as “Rockville”); and

WHEREAS, the annexation of the subject property will not create any unincorporated area which is bounded on all sides by real property proposed to be within the corporate limits of Rockville, as a result of the proposed annexation, or any combination of such properties; and

WHEREAS, the size of the subject property is less than 5 (five) acres; and

WHEREAS, the property to be annexed represents portions of lots that contain at least one other parcel that is already within the municipal corporate area of the City and has been part of the City for more than three years; and

WHEREAS, public notice of a resolution to annex property of BP Associates Limited Partnership totaling 3.12 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 June 6, 2011, 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, a copy of the Annexation Plan for 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 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.

Being part of Lot 12, Block B as shown on a plat of subdivision entitled “Lots 10, 11, 12 & 13, A Resubdivision of Lots 6, 7, & 9, Burgundy Park” recorded September 10, 1979 in Plat Book 108 as Plat 12613 among the Land Records of Montgomery County, Maryland, said part of Lot 12, Block B being part of the three (3) following conveyances: (1) from WAVERLY ASSOCIATES, INC., a Maryland Corporation to BURGUNDY PARK ASSOCIATES by deed dated June 23, 1975 and recorded June 26, 1975 in Liber 4655 at Folio 361 (2) from WAVERLY ASSOCIATES, INC. to BURGUNDY PARK ASSOCIATES, a Maryland Limited Partnership by deed Corporate Deed dated October 4, 1982 and recorded October 6, 1982 in Liber 5940 at Folio 479 and (3) from WAVERLY ASSOCIATES, INC. to BP ASSOCIATES LIMITED

PARTNERSHIP, a Maryland limited partnership by Corporate Deed dated May 23, 1985 and recorded May 31, 1985 in Liber 6750 at Folio 209, all among the aforesaid Land Records, said Burgundy Park Associates now known as BP Associates Limited Partnership by virtue of amended and restated limited partnership agreement dated September 11, 1984 and recorded among the corporation records at WMS 565-445.

Beginning for the same at the point of beginning of the aforementioned conveyance recorded in Liber 6750 at Folio 209, being the northwesterly most corner of the aforementioned Lot 12, Block B and being the westerly most common corner of Lots 11 and 12, Block B as shown on the aforementioned Plat 12613 on the westerly right of way line of Southlawn Lane, 80 feet wide, as shown on said plat, thence leaving said westerly right of way line and running with the outlines of said Lot 12, Block B with the first (1st) through fourth (4th) lines of said conveyance and with the common dividing lines of said Lots 11 and 12, Block B the following four (4) courses, in the datum of the Washington Suburban Sanitary Commission as shown on said Plat 12613

1. South 81°58'40" East, 200.00 feet, thence
2. South 08°01'20" West, 5.00 feet, thence
3. South 81°58'40" East, 300.00 feet, thence
4. South 50°20'50" East, 39.74 feet to the end of said fourth (4th) line where the outlines of the aforementioned Lots 11 and 12, Block B cease to be common and the outlines of Lot 12, Block B begin to be common with the southwesterly most line of Lot 15, Block B as shown on a plat of subdivision entitled "Lot 15 – Block B, Burgundy Park" recorded in Plat Book 134 as Plat 15578 among the aforementioned Land Records, said southwesterly most line of Lot 15, Block B also being shown on Condominium Plats 5048 through 5050 and 5072 through 5074 entitled "Redgate Business Park Condominium" all recorded among the aforementioned Land Records, thence still with the outline of Lot 12, Block B, with part of said southwesterly line of Lot 15, Block B and with all of the fifth (5th) line of the aforementioned conveyance recorded in Liber 6750 at Folio 209
5. South 02°51'09" East, 208.85 feet to the end of said fifth (5th) line, also being the beginning of the sixth (6th) line of the aforementioned conveyance recorded in Liber 5940 at Folio 479, thence with part of said sixth (6th) line and the aforementioned common dividing line of Lots 12 and 15, Block B, still
6. South 02°51'09" East, 50.60 feet to a point at the end of the sixteenth (16th) line of a parcel of land annexed into the City of Rockville, Maryland as described in Resolution No. 74-61 adopted by the Mayor and Council of Rockville November 13, 1961, thence leaving the outline of the

aforementioned Lot 12, Block B to cross and include a part of said Lot and parts of the first three (3) aforementioned conveyances running with the existing corporate boundaries of the City of Rockville with all of said sixteenth (16th) line, reversed

7. South 78° 19' 38" West, 300.15 feet to the end thereof at a point on the westerly margin of a previous right of way for a road, thirty (30) feet wide, as shown on a plat of subdivision entitled "Burgundy Park" recorded in Plat Book 1 as Plat 25 among the aforementioned Land Records, abandoned by decree of the Circuit Court of Montgomery County, Maryland in Equity Case 34179, thence with said westerly margin and still with the existing corporate boundaries of the City of Rockville and all of the fifteenth (15th) through thirteenth (13th) lines and part of the twelfth (12th) line, of the aforementioned annexed parcel described in Resolution No. 74-61, reversed the following four (4) courses
8. North 11° 40' 22" West, 50.00 feet to a point, thence
9. 165.18 feet along the arc of a tangent curve deflecting to the left with a radius of 315.00 feet and a chord bearing and distance of North 26° 41' 44" West, 163.30 feet to a point, thence on a line tangent to the previously described curve
10. North 41° 43' 05" West, 171.67 feet to a point, thence
11. 91.87 feet along the arc of a tangent curve deflecting to the right with a radius of 285.00 feet and a chord bearing and distance of North 32° 28' 59" West, 91.48 feet to intersect the aforementioned westerly right of way line of Southlawn Lane, an arc distance of 180.51 feet from the southerly end of curve number two (2) as shown on the aforementioned Plat 12613, said point being the end of the fourth (4th) line of the aforementioned conveyance recorded in Liber 4655 at Folio 361 and the end of the sixth (6th) line of the aforementioned conveyance recorded in Liber 6750 at Folio 209, thence leaving the aforementioned twelfth (12th) line of the annexed parcel, the existing corporate limits of the City of Rockville and the aforementioned westerly margin of the road abandoned by Equity Case 34179 and running with said westerly right of way line of Southlawn Lane and all of the seventh (7th) and eighth (8th) lines of said conveyance recorded in Liber 6750 at Folio 209, the following two (2) courses
12. 10.67 feet along the arc of a curve deflecting to the left, non-tangent to the previously described curve, with a radius of 751.00 feet and a chord bearing and distance of North 08° 25' 45" East, 10.67 feet, thence on a line tangent to the previously described curve

13. North 08° 01' 20" East, 9.33 feet to the **Point of Beginning** containing 136,299 square feet or 3.12899 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 March 28, 2011.

Glenda Evans, City Clerk