

COUNTY COUNCIL

OF

TALBOT COUNTY

2024 Legislative Session, Legislative Day No.: December 10, 2024

Resolution No.: 365

Introduced by: Mr. Callahan and Mr. Stepp

A RESOLUTION TO AMEND THE TALBOT COUNTY COMPREHENSIVE WATER AND SEWER PLAN TO RECLASSIFY AND REMAP CERTAIN REAL PROPERTIES LOCATED AT 9802 OCEAN GATEWAY AND 9818 OCEAN GATEWAY, EASTON, MARYLAND, SHOWN ON TAX MAP 25 AS PARCELS 5 AND 6 FROM “UNPROGRAMMED” TO “W-1/S-1” IMMEDIATE PRIORITY STATUS PURSUANT TO AN APPLICATION FILED BY THE McNEAL FAMILY TRUST

By the Council: December 10, 2024

Introduced, read the first time, and ordered posted, with Public Hearing scheduled on Tuesday, January 14, 2025, at 5:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

By order: _____

Susan W. Moran

Susan W. Moran, Secretary

A RESOLUTION TO AMEND THE TALBOT COUNTY COMPREHENSIVE WATER AND SEWER PLAN TO RECLASSIFY AND REMAP CERTAIN REAL PROPERTIES LOCATED AT 9802 OCEAN GATEWAY AND 9818 OCEAN GATEWAY, EASTON, MARYLAND, SHOWN ON TAX MAP 25 AS PARCELS 5 AND 6 FROM “UNPROGRAMMED” TO “W-1/S-1” IMMEDIATE PRIORITY STATUS PURSUANT TO AN APPLICATION FILED BY THE McNEAL FAMILY TRUST

WHEREAS, on October 22, 2002, the County Council of Talbot County (the “County Council”) adopted Resolution No. 100, which updated the Talbot County Comprehensive Water and Sewer Plan (the “CWSP”) through the 2002 Report of the Review; and

WHEREAS, the Maryland Department of the Environment (“MDE”) approved Resolution No. 100 on February 20, 2003; and

WHEREAS, McNeal Family Trust (the “Owner”) is the owner of certain real properties located at 9802 Ocean Gateway and 9818 Ocean Gateway, Easton, Maryland, shown on Tax Map 25 as Parcels 5 and 6 (individually, “Parcel 5” and “Parcel 6”; collectively, the “Properties”); and

WHEREAS, the Properties consist in the aggregate of 2.48± acres and are each improved with a single-family dwelling; and

WHEREAS, the Owner has submitted an Application for an Amendment to the CWSP for Change of Priority Status to change the water and sewer classification of the Properties from “Unprogrammed” to “W-1/S-1 - Immediate Priority Status”; and

WHEREAS, the County Engineer has evaluated and confirmed the feasibility of extending public water and sewer to the Properties and requested that the Talbot County Office of Law prepare this amendment to the CWSP to facilitate extension of public water and sewer thereto; and

WHEREAS, in accordance with the requirements of Md. Code Ann., Envir. § 9-506(a)(1)(i), the proposed CWSP amendment set forth herein has been submitted to the Talbot County Planning Commission (the “Planning Commission”), as well as the Talbot County Public Works Advisory Board, for review for consistency with planning programs for the area; and

WHEREAS, on _____, 2025, the Planning Commission certified that the proposed CWSP amendment set forth herein is consistent with the Comprehensive Plan as required by Md. Code Ann., Envir. § 9-506(a)(1)(ii).

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND, that the Talbot County Comprehensive Water and Sewer Plan shall be and is hereby amended as follows:

SECTION ONE: The above recitals are hereby incorporated as if fully set forth herein.

SECTION TWO: Subject to the terms and conditions herein, the CWSP is amended to reclassify and remap the Properties from “Unprogrammed” to “W-1/S-1 – Immediate Priority

Status,” as shown on the map attached hereto as Exhibit A and incorporated herein by reference as if fully set forth.

SECTION THREE: Water service for the Properties shall be from the Town of Easton. The proposed water extension shall be designed and constructed in accordance with the current Town of Easton Water Service Policy and design guidelines.

SECTION FOUR: Sewer service for the Properties shall be from the Town of Easton. The proposed sewer extension shall be constructed in accordance with the current Town of Easton Sewer Service Policy and design guidelines.

SECTION FIVE: Sewer and Water allocation for the property will be for approved uses in the BC (Business Commercial) Zoning District for the Town of Easton, as approved by the Town of Easton and consistent with the Easton Utilities Tariff.

SECTION SIX: The subdivision plat shall demonstrate the number of Equivalent Dwelling Units (“EDUs”) and the water and sewer capacities approved by the Office of Environmental Health.

SECTION SEVEN: The Owner shall be responsible for contracting and paying for all required permits, easements, construction work, and all benefit and connection charges as approved by the Town of Easton.

SECTION EIGHT: The Owner shall be responsible for paying a connection fee as defined for the Town of Easton’s water and wastewater systems before commencing construction to connect the Properties to the force main. Such connections shall be subject to periodic charges, tariffs, and policies as may be adopted from time to time.

SECTION NINE: The Owner shall be solely responsible for all costs incurred for design, engineering, construction, inspection, and testing that may be reasonably required, as determined by the Town of Easton, to connect the Properties to the force main, including, without limitation, any material, pumps, saddles, or other equipment, and for all costs incurred for ongoing maintenance and repair.

SECTION TEN: No water or sewer service shall be available to any area beyond the existing Properties to be served. No other properties, lots, or parcels, including any future reconfiguration or recombination of the Properties, shall be entitled to service or capacity, unless and until the CWSP is amended to permit such service.

SECTION ELEVEN: The design shall be consistent with the design standards for similar projects in the Town of Easton, shall be subject to review and approval by the Town Engineer or their designee, and shall include design features, components, and materials as the Town Engineer or their designee may reasonably require, including the ability to isolate the connection.

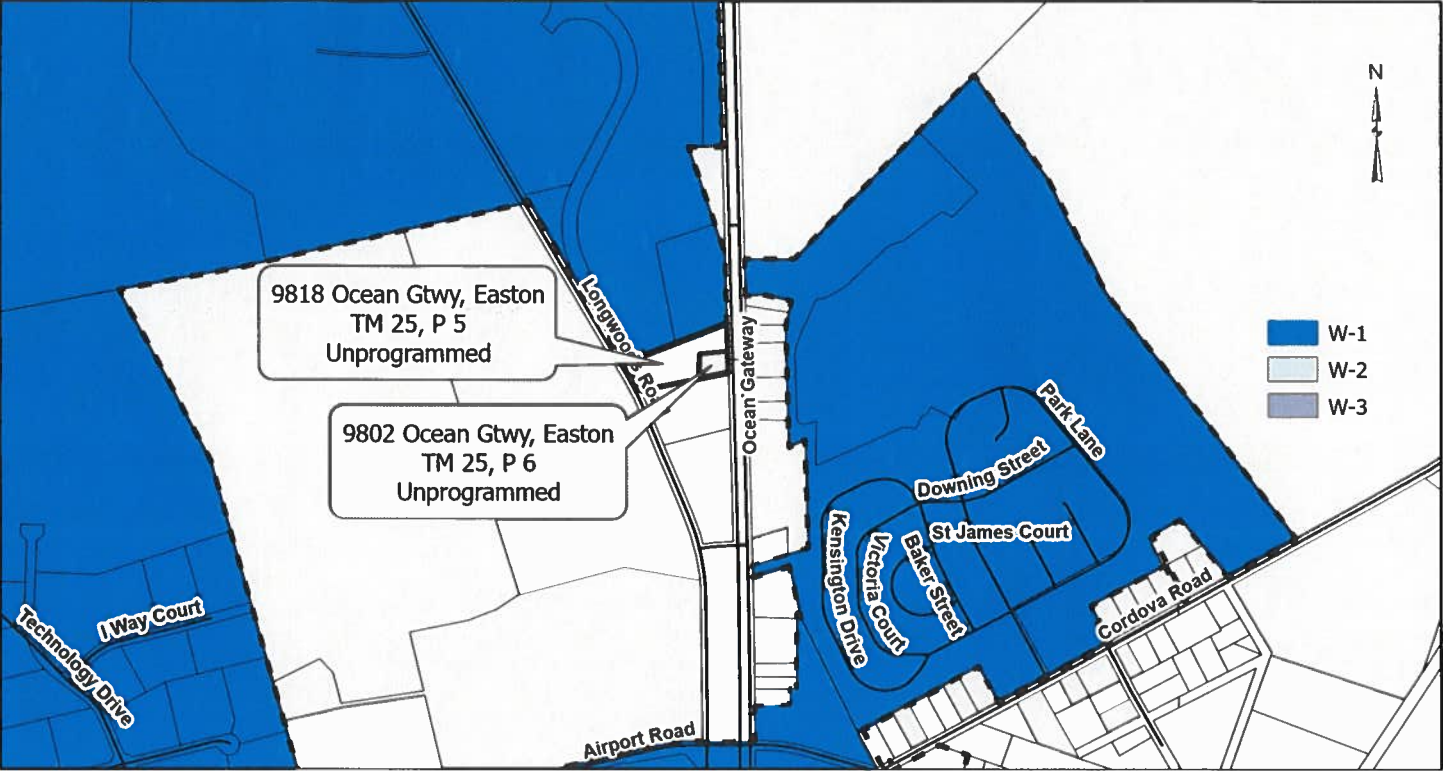
SECTION TWELVE: The Owner shall be solely responsible for all remediation, mitigation, damages, charges, fines, penalties, or other costs imposed, levied, or assessed at any time by any federal, State, or local enforcement agency for any environmental damage or violation of law caused by or resulting from the Owner’s connection to the force main. The Owner shall

indemnify and hold the County harmless from and against all such claims, actions, suits, damages, losses, or expenses, of any kind, nature, or description whatsoever.

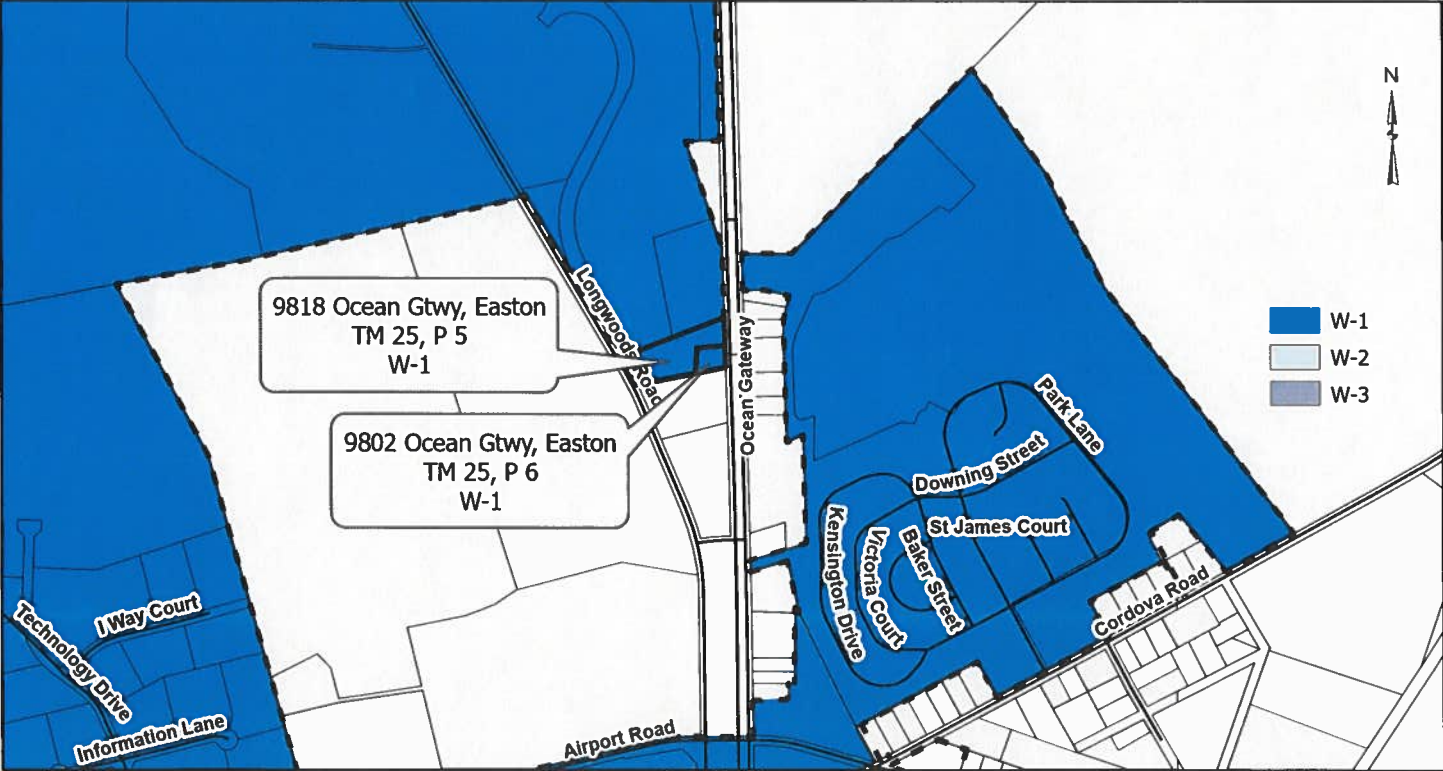
SECTION THIRTEEN: This Resolution shall not modify, excuse, or supersede any other requirements for ongoing compliance with all applicable federal, State, and local statutes, ordinances, rules, or regulations, including without limitation all conditions and requirements of all permits and approvals necessary for connection to the force main.

SECTION FOURTEEN: This Resolution shall take effect immediately upon the date of its adoption.

Existing Water Service Area
9802 & 9818 Ocean Gtwy, Easton / Tax Map 25, Parcels 5 & 6



Proposed Water Service Area
9802 & 9818 Ocean Gtwy, Easton / Tax Map 25, Parcels 5 & 6



PUBLIC HEARING

Having been posted and Notice, Time and Place of Hearing, and Title of Resolution No. 365 having been published, a public hearing was held on Tuesday, January 14, 2025, at 5:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland.

BY THE COUNCIL

Read the second time:

Adopted: January 14, 2025

By Order: *Susan W. Moran*
Susan W. Moran, Secretary

Callahan	-	Aye
Stepp	-	Aye
Leshner	-	Aye
Mielke	-	Aye
Haythe	-	Aye

Effective Date: January 14, 2024