

PROCEDURES FOR ANNEXATION



This pamphlet is designed as a guide to explain the process of annexation for those individuals who may be interested in having their property become part of the Town of Manchester.

***TOWN OF MANCHESTER
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MANCHESTER, MARYLAND 21102
410-239-3200***

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WHAT ARE THE BENEFITS OF BECOMING PART OF THE TOWN?

Although the answer to this question is often one dealing with the specifics of a certain property, the general answer is “the benefits of Town Services”.

Free residential trash removal and the added protection of the local police force are often the two most cited reasons. Additionally, most properties annexed into Town are in line to receive public water and sewer services.

As a resident you also gain a voice in your local community by being able to vote and hold office in the municipal government.

The Town of Manchester has enjoyed a reputation as a prudent municipal government with a continued history of one of the lowest tax rates in the county. Even so, Manchester enjoys the largest park system of any county municipality and has a variety of community activities for every age.

BEGINNING THE PROCESS

The Annexation process is largely governed by Maryland State law. Prior to October 1, 2013, these State laws were contained in Article 23A of the Annotated Code of Maryland. At that time, these laws were recodified and are now found in Title 4, Subtitle 4 of the Local Government Article of the Annotated Code of Maryland. While an annexation can be initiated by the Mayor and Town Council, most annexations are initiated by petition of the private landowner. This guide is geared towards petitions of private property owners.

An important preliminary step in the annexation process is to meet with the Town Zoning Administrator to discuss the general parameters of the annexation and to deal specifically with your property in relationship to the Town. It is also wise to schedule a meeting with the Town Clerk/Director of Finance so that a tentative time schedule can be discussed concerning the filing of the petition and introduction of an annexation resolution to the Council, advertising requirements and necessary hearings.

In order for a property to be considered for annexation, it must be adjacent or contiguous to existing property already within the Town and within the municipal growth area on the Town’s Comprehensive Plan. The property, if annexed, may not create an “enclave” or island of unincorporated property.

An individual property owner may also find it advantageous to work with neighboring property owners who may also desire annexation. Because there will likely be both survey and legal fees involved in the process, a shared effort may do much to reduce individual costs. Becoming “adjacent” to the Town might also be achieved in this manner.

It should be remembered that any and all costs associated with the annexation of any property into the Town must be borne by the petitioner(s).

I. PREPARING THE PETITION AND SUPPORTING INFORMATION

The next step in the annexation process is filing the petition with the Town by submitting it to the Office of the Town Administrator. The petition is a small portion of a “package” of materials that needs to be assembled for both the Council and the many agencies involved in petition review. Twenty-five (25) copies of the following items should be completed for filing of the petition. In addition, one copy of complete package should be submitted electronically.

1. PETITION FOR ANNEXATION

Normally an attorney prepares a Petition for Annexation making the annexation request of the Council and containing the information required by law. (A sample petition is available to provide some general guidance).

It is important that the petition for annexation be signed by at least 25% of the registered voters and 25% of the owners of assessed valuation of real property in the area to be annexed.

2. METES AND BOUNDS DESCRIPTION

A complete metes and bounds description of the subject property accompanies the petition. It is usual for this description to be prepared by a certified surveyor.

3. SURVEY PLAT OF SUBJECT PROPERTY

Accompanying the metes and bounds description is a plat showing, in detail, the subject property and supplying part of the information request in Part 4 below. It must show where the area to be annexed is contiguous to existing Town limits.

In addition to showing on the plat all public facilities, particular attention should be paid to water sources and/or water supply plans. See “Water Supply” in this pamphlet.

4. COUNTY MASTER PLAN MAP/SUBJECT PROPERTY

A site map showing the location of the subject property on the County Master Plan Map should also be submitted. This map may be used to illustrate boundaries of the subject property contiguous to Town limits.

5. REQUEST FOR RELEASE OF COUNTY ZONING

In certain cases where the proposed zoning in Town would permit a land use or density for the property different than the zoning in Carroll County prior to the annexation, such development of the land may not be allowed for five (5) years unless express approval is granted by the County Commissioners.

6. APPLICATION FOR ZONING A request to zone the property to be annexed may be made in the annexation petition. Any Town Code separate requirements for zoning shall be met. Costs associated with publishing or posting zoning notices, mailing costs, legal review fees, and all other costs associated with the zoning request shall be the responsibility of the petitioner and shall be treated the same as other

annexation costs. Any residential subdivision in the R-40,000 District occurring on land annexed into the Town after October 1, 2018 shall be required to be clustered in accordance with the criteria set forth in Section 250-85 governing cluster subdivisions, as same may be amended or recodified from time to time.

7. FEASIBILITY STUDY

A study shall be made at the Petitioner's expense determining the fiscal impact the annexation of the subject property will have on the Town of Manchester. The scope of the study will be dependent upon the size and nature of the annexation request.

For the annexation of a small parcel of land for residential use, a study prepared by the attorney may be sufficient. A larger parcel with planned multiple residences or uses, may require preparation of a study done by a land-planning or engineering consulting firm. Details of the required study may be discussed in preliminary conference with the Zoning Administrator.

8. RESOLUTION

A draft Town Council Resolution may be submitted with the petition for annexation or may be deferred to a later more appropriate time depending on the circumstances. This document states in resolution form many of the facts of the petition. It may also contain other conditions and agreements made between the petitioning party and the Town of Manchester. Legal Counsel for the Town will prepare or review the resolution.

9. COSTS

All costs incurred by the Town in processing an annexation request, the petition and any application for zoning shall be the obligation of the Petitioner and non-refundable. Petitioner and/or related parties shall agree to the payment of such costs in writing at the outset.

II. PROCESSING THE PETITION TIME FRAME/OTHER REQUIREMENTS

1. INTRODUCTION.

When all the materials for the petition have been reviewed for completeness and legal sufficiency by the Town Office, the petition is presented to the Town Council. If a resolution accompanies the filing of the petition, the resolution may be introduced at the same time or when it is otherwise ready for introduction. The introduction of the resolution by the Town Council starts in motion the process of review, public notice and public hearing leading to Council action on the resolution and the acceptance (or rejection) of the annexation.

Neither the acceptance of the petition for annexation nor the introduction of a resolution binds the municipality in any manner. Approval or disapproval is subject to the legislative process and solely within the discretion of the Town.

2. ANNEXATION PLAN – LOCAL GVT. 4-415

At least thirty (30) days before the public hearing, the Town Council is required to adopt an Annexation Plan for the area to be annexed. The Petitioner may be asked to provide studies or other information to create and support the Annexation Plan.

The Annexation Plan must include detail on the following:

- a. description of proposed land use pattern,
- b. schedule for extending municipal services to area considered for annexation,
- c. method of financing the extension of services.
- d. land available for public facilities which may be required for the proposed land use, including schools, water, sewage treatment, libraries, recreation and fire or police services
- e. explanation as to how proposal is consistent with the municipal growth element of the Town's Comprehensive Plan

3. PUBLIC HEARING

Following petition acceptance by the Council and introduction of the resolution, the Town shall publish at least four (4) times, or two (2) times if the proposed annexation is 25 acres or less in size, at not less than weekly intervals an advertisement of the proposed annexation. After a period no sooner than fifteen (15) days following the final advertisement, the Town shall hold a public hearing on the petition for annexation, and the Council may act at or following the hearing to accept or reject the resolution.

4. An Annexation Agreement or other agreement is sometimes used to address unique or individual circumstances or conditions relating to the annexation. This may be negotiated during the process. It is typically executed before enactment of the resolution.

5. ACTION ON RESOLUTION/REFERENDUM

If the Council enacts the resolution for annexation, it cannot take effect until at least forty-five (45) days after its enactment.

During these forty-five (45) days from the enactment of the resolution by the Council, a Petition for referendum may be filed with the Town which, if it meets the filing requirements, would suspend the effectiveness of the annexation resolution by Town proclamation. This Petition for Referendum may come from three possible sources:

1. A minimum of twenty percent (20%) of the qualified voters of the Town,
2. A minimum of twenty percent (20%) of the registered voters who are residents in the area to be annexed, or
3. Two-thirds vote of the County governing board.

If such Petition for referendum is received, the Town must publish a notice of referendum two (2) times at not less than weekly intervals and hold a referendum election no sooner than fifteen (15) and no later than ninety (90) days after the notices are published. The results of the public referendum are binding on a decision to annex or not to annex.

6. WATER RESOURCES AND THE TOWN

Because water is one of the most precious and limited resources to the Town and the general public, the Town of Manchester has adopted policies providing for the sufficiency of supply to meet the demands of the population.

Prior to enactment of the resolution for annexation, the Town may require the petitioner to agree to furnish a water supply satisfactory to the Town. In the alternative, the Town also has a water replacement fee. The petitioner must also provide for the accommodation of water storage. Final determination as to volume, storage and/or replacement fee (if applicable) shall be handled in the Town's discretion on a case by case basis.

7. REPORTING OF RESOLUTION

Once an annexation resolution becomes final and effective, a copy with the new Town boundaries is sent to the Town Administrator, the Clerk of the Circuit Court for Carroll County and the Maryland Department of Legislative Services.

ADDENDUM

MARYLAND ANNEXATION PROCEDURES

ANNEXATION CHECK LIST

SAMPLE PETITION

ANNEXATION MAILING LIST

Initial Petition Packet

Mayor and Council of Manchester	6
Town Administrator	1
Zoning Administrator	1
Director of Finance	1
Director of Public Works	1
Manchester Planning & Zoning Commission	6
Town Attorneys:	1
Hollman, Maguire, Korzenewski & Luzuriaga, Chartered 189 E. Main Street Westminster MD 21157	
Carroll County Department of Planning 225 N. Center Street Westminster MD 21157	1
Carroll County Commissioners 225 N. Center Street Westminster MD 21157	5
Baltimore Metropolitan Council 2700 Lighthouse Point, East Suite 310 Baltimore MD 21224	1
Maryland Office of Planning 301 W. Preston Street Suite 1101 Baltimore MD 21201-2305	1
TOTAL # OF COPIES	25

Adopted Annexation

Maryland Department of Legislative Reference (Include Annexation Resolution Registration Form)
Department of Legislative Reference
90 State Circle
Annapolis, Maryland 21404-1991

Carroll County Clerk of the Court
P O Box 190
Westminster MD 21157

Courtesy Copy (one copy each)

BGE 47 State Circle Ste 403 Annapolis, MD 21401	State Highway Administration PO Box 717 Baltimore MD 21203-0717
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ANNEXATION CHECKLIST

1. Filing of Petition to Town Administrator _____ Date: _____
2. Mayor shall cause verification of signatures _____ Date: _____
*Consent of at least 25% of registered voters; and
25% of owners of assessed valuation of property (Petition initiated by Town).*
OR
*Petition is signed by at least 25% of registered voters; and
25% of owners of assessed valuation of property (Petition initiated by Owners).*
3. Petition presented to Mayor and Town Council _____ Date: _____
4. Introduction of resolution by Mayor and Town Council _____ Date: _____
5. Provide Petition to Carroll County Commissioners at least sixty (60) _____ Date: _____
days prior to public hearing (Town/County Agreement)
6. Send out for review: *(45 day review period)*

Mayor and Council _____	<input type="checkbox"/>	Date: _____
Town Administrator _____	<input type="checkbox"/>	Date: _____
Manchester Planning & Zoning Commission _____	<input type="checkbox"/>	Date: _____
Town Attorney _____	<input type="checkbox"/>	Date: _____
Manchester Zoning Office _____	<input type="checkbox"/>	Date: _____
Director of Public Works and Parks _____	<input type="checkbox"/>	Date: _____
Director of Finance _____	<input type="checkbox"/>	Date: _____
Carroll County Department of Planning _____	<input type="checkbox"/>	Date: _____
Carroll County Commissioners [See Town/County Agreement <u>For Review and Appeal Process</u>]	<input type="checkbox"/>	Date: _____
Baltimore Metropolitan Council _____	<input type="checkbox"/>	Date: _____
Maryland Office of Planning _____	<input type="checkbox"/>	Date: _____
7. Provide Annexation Plan to (1) the municipal governing body, (2) the county, and (3) regional and state planning agencies at least 30 days prior to the public hearing.
8. Publication of Notice of Hearing 4 times, or two (2) times _____
if less than 25 acres, at weekly intervals
Newspaper: _____
Date: _____
Date: _____
Date: _____
Date: _____
9. Immediately after the first publication, provide to the county governing body, to regional planning agency where applicable and the Maryland Office of Planning a copy of the first hearing notice.
10. Public Hearing to be held not less than 15 days after last publication _____ Date: _____

11. Annexation Resolution is rejected, annexation fails. _____ Date: _____

12. Annexation Resolution is enacted, subject to 45-day referendum _____ Date: _____
period

13. Resolution becomes effective after 45 days, if no referendum _____ Date: _____

14. In the event of receipt of a petition for referendum

a. Verify that the petition for referendum meets statutory criteria, Date: _____
i.e., i) 20% of qualified voters of the municipality; ii) 20% of the
registered voters in the area to be annexed or iii) a vote of at
least two thirds of the members of the county governing board.

b. Issue proclamation suspending the effectiveness of the _____ Date: _____
annexation resolution pending the results of the referendum

c. Set date for referendum not less than 15 nor more than _____ Date: _____
90 days after publication of notices of referendum

d. Publish notice of referendum twice at not less than weekly _____ Date: _____
intervals.

e. Conduct referendum. _____ Date: _____

f. If annexation resolution is upheld on referendum then it becomes Date: _____
effective on the 14th day after the referendum, and then report
and register boundaries as indicated below.

15. Send annexation information within 10 days after effective date to [Local Govt. 4-109(a)(iv) and (b)(2)
and 4-414(a)]:

Manchester Town Administrator _____ Date: _____

Maryland Department of Legislative Reference _____ Date: _____

Clerk of the Circuit Court for Carroll County _____ Date: _____

Carroll County Commissioners within 30 days after decision _____ Date: _____

[Town/County Agreement]

[SAMPLE]

JOINT PETITION FOR ANNEXATION AND ZONING
TO THE TOWN OF MANCHESTER

ANNEXATION NO. ____

_____, the undersigned
owners (the "Petitioners") of real estate in the area adjacent and contiguous to the corporate
limits of the Town of Manchester, as hereinafter described, do hereby petition the Town of
Manchester pursuant to MD. CODE ANN., LOCAL GOVT, ARTICLE ____, Sections
_____ of the Charter of the Town of Manchester; and Sections _____ and _____ of
the Manchester Code, for the following:

A. **TO ANNEX** the area within the boundaries described below:

[Insert Survey Description]

The real property to be annexed is contiguous to the corporate limits along the following
line(s): _____

as shown on the Plat entitled, " _____ " dated _____,
attached hereto as Exhibit A and incorporated herein.

It is hereby certified that there are _____ registered voters living within the area
sought to be annexed by this Petition; and

It is further certified that the Petitioners own _____% of the assessed valuation of
the real property located in the area to be annexed.

It is further certified that the area to be annexed is contiguous to the existing corporate limits of the Town of Manchester as shown on Exhibit A and that the annexation of the within described property will not create any unincorporated area which is bounded on all sides by real property presently, or by this Petition, or by a combination of both, within the corporate limits of the Town of Manchester.

B. **TO ESTABLISH** on the zoning map of the Town of Manchester an _____ Zone for the entire area sought to be annexed by this Petition. All of the area proposed to be annexed is presently classified as _____ under the zoning laws of Carroll County, Maryland.

WITNESS:

(Owners: Tax Map ____, Parcel ____)

Petitioner: _____

Annexation No.: _____

STATEMENT OF PETITION FOR ANNEXATION RELATED FEES

TO THE MAYOR AND COUNCIL OF THE TOWN OF MANCHESTER:

The Petitioner is responsible for all expenses associated with the annexation and zoning process. These expenses include cost of administrative review by Town staff, postage costs, advertising costs, copying costs, legal fees of Town Attorneys, costs of preparation of Annexation Plan, costs of statutory compliance and notice, recording fees, transcription fees (if applicable), engineering or consulting fees (if applicable), costs of hearing room (if applicable), and such other necessary costs.

I (We) hereby submit a deposit towards these costs in the amount of \$_____. The Town shall periodically invoice these costs to the Petitioner. The excess above this initial deposit which shall be promptly paid by Petitioner. In the event of an unpaid invoice, the Town may suspend processing and approvals.

I (We) hereby understand and certify that the Petitioner is Responsible for the payment of costs as described above, and I (we) do hereby guarantee payment to the Town of Manchester within thirty (30) days from the receipt of a statement of such costs. I (We) understand that these fees are non-refundable.

Signature of Petitioner

Guarantor