

- ANNEXATION RESOLUTION NO. R2014-05 ANNEX -

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, A MUNICIPAL CORPORATION OF THE STATE OF MARYLAND, ENLARGING THE CORPORATE BOUNDARIES OF THE CITY OF CUMBERLAND BY ANNEXING LAND CONTIGUOUS TO AND ADJOINING UPON THE CORPORATE BOUNDARIES OF THE CITY OF CUMBERLAND, WHICH LAND IS LOCATED ALONG THE SOUTH SIDE OF MARYLAND ROUTE 144 (ALI GHAN ROAD) IN ELECTION DISTRICT NO. 22, CONSISTING OF 0.55 ACRES, MORE OR LESS, SAID LAND BEING MORE PARTICULARLY DESCRIBED IN THE METES AND BOUNDS DESCRIPTION ATTACHED HERETO AS EXHIBIT A, BEING THE LAND DESCRIBED AS PARCEL TWO IN THE DEED FROM HOUSING AUTHORITY OF ALLEGANY COUNTY TO LOVE'S TRAVEL STOPS & COUNTRY STORES, INC. DATED NOVEMBER 1, 2012 AND RECORDED AMONG THE LAND RECORDS OF ALLEGANY COUNTY, MARYLAND IN BOOK 1917, PAGE 34, BEING IDENTIFIED AS 13320 ALI GHAN ROAD, CUMBERLAND, ALLEGANY COUNTY, MARYLAND 21502, ALLEGANY COUNTY TAX ACCOUNT NO. 22-016385, THEREBY AMENDING THE CHARTER OF THE CITY OF CUMBERLAND AND PROVIDING FOR THE CONDITIONS AND CIRCUMSTANCES APPLICABLE TO THE PROPOSED CHANGES IN THE BOUNDARIES OF THE CITY OF CUMBERLAND AND THE AMENDMENT OF THE SAID CHARTER.

WHEREAS, pursuant to the authority of Article XI-E of the Constitution of the State of Maryland and Sections 4-

401, *et seq.*, of the Land Use Article of the Annotated Code of Maryland, it is the intention of the Mayor and City Council of Cumberland to introduce and pass a resolution providing that the present corporate limits as described in the Charter of the City of Cumberland (1991 Edition) be enlarged to include therein property within Allegany County, Maryland, as more particularly described in the metes and bounds description attached hereto and made a part hereof as Exhibit A and as shown as the "Second Parcel of Annexation" on the plat attached hereto and made a part hereof as Exhibit B (the said property hereinafter being referred to as the "Annexation Parcel"), which is contiguous and adjoining to the existing corporate boundaries of the City of Cumberland;

WHEREAS, the Annexation Parcel is located on the south side of Maryland Route 144 (Ali Ghan Road), consists of 0.55 acres, more or less, and is described in the deed from Housing Authority of Allegany County to Love's Travel Stops & Country Stores, Inc. dated November 1, 2012 and recorded among the Land Records of Allegany County, Maryland in Book 1917, Page 34, and is identified as 13320 Ali Ghan Road, Cumberland, Allegany County, Maryland 21502, Allegany County Tax Account No. 22-016385;

WHEREAS, the annexation which is the subject of this Resolution does not create any unincorporated area which is bounded on all sides by real property presently within the corporate limits of the City of Cumberland, real property proposed to be within the corporate limits of the City of Cumberland as a result of the proposed annexation, or any combination of such properties;

WHEREAS, in accordance with Md. Local Gov't. Code Ann. § 4-403(b), the City has obtained the consent for the proposed annexation from not less than 25 percent of the persons who reside in the area to be annexed and who are registered as voters in county elections and from the owners of not less than 25 percent of the assessed valuation of the real property located in the Annexation Parcel;

WHEREAS, no persons reside within the Annexation Parcel;

WHEREAS, Love's Travel Stops & Country Stores, Inc., the sole owner of land subject to taxation in the area to be annexed, has consented to the proposed annexation under the terms of the letter from Greg Love, President and Co-CEO of Love's Travel Stops & Country Stores, Inc., to the Mayor and City Council of Cumberland dated May 23, 2014, a copy of which is attached hereto and incorporated by reference herein as Exhibit C; and

WHEREAS, the Mayor and City Council have determined to initiate this Resolution to enlarge and extend the limits of the City of Cumberland to include the Annexation Parcel, as described more fully in the Exhibits A and B attached hereto, and to make applicable to that area all laws which are now in force and effect or which may hereafter be enacted by the Mayor and City Council of Cumberland.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND:

SECTION 1. That there is hereby annexed into the corporate boundaries of the Mayor and City Council of Cumberland, a municipal corporation of the State of Maryland, all that land contiguous and adjoining its current boundaries in Allegany County, Maryland along the southerly side of Maryland Route 144 (Ali Ghan Road) in Election District No. 22, consisting of 0.55 acres, more or less, as more particularly and fully described by a survey of courses and distances attached hereto as Exhibit A and as shown as the "Second Parcel of Annexation" on the plat attached hereto as Exhibit B, the said land having been previously identified herein as the Annexation Parcel.

SECTION 2. The City Administrator will cause a notice of the proposed enlargement of the corporate boundaries of the City of Cumberland to be published not less than two

(2) times, at weekly intervals, in the *Cumberland Times News*, a newspaper of general circulation in the City of Cumberland, Maryland, said notice describing the proposed enlargement (i.e., the area to be annexed) and conditions and circumstances applicable thereto and specifying the time, date and place at which a public hearing will be held on the proposed annexation. Said public hearing is to be held on the 5th day of August, 2014, at 6:15 p.m. in the City Hall, Cumberland, Maryland, said date being more than fifteen (15) days after the second publication of the notice in the aforementioned newspaper.

SECTION 3. Immediately upon the first publication of the public notice, the City Administrator shall cause a copy of the public notice to be provided to the Board of County Commissioners of Allegany County, Maryland, the Allegany County Planning Services Division and the Maryland Department of Planning. Each of these agencies and jurisdictions shall have the first right to be heard at the scheduled public hearing, after which the hearing shall be open to the general public.

SECTION 4. This Resolution shall be and become effective the forty-sixth (46th) day after its passage by the Mayor and City Council unless a petition for referendum in accordance with Md. Local Gov't. Code Ann. §§ 4-408 to 4-413

is submitted to the City Administrator within forty-five (45) days following its passage.

SECTION 5. That from and after the effective date of this Resolution, all provisions of the Constitution of Maryland, all laws of the State of Maryland applicable to the City of Cumberland, and all duly adopted provisions of the Charter of the City of Cumberland, the Code of the City of Cumberland and the ordinances of the City of Cumberland shall be, and hereby are, extended and made applicable to the Annexation Parcel. Nothing herein or elsewhere in the Resolution shall affect the power of the Mayor and City Council of Cumberland to amend or to repeal any Charter provision, City Code provision or ordinance existing at the date of passage of this Resolution, or to enact and ordain any ordinance which, at the date of passage of this Resolution, or hereafter, it may be authorized to enact or ordain.

SECTION 6. The inhabitants of the Annexation Parcel shall, in all respects and to all intents and purposes, be subject to the powers, jurisdiction and authority vested, or to be vested by law, in the Mayor and City Council of the City of Cumberland, so far as the same may be consistent with the provisions of this Resolution, and the Annexation Parcel shall, in all respects, be taken and

considered as part of the municipal corporation of the City of Cumberland.

SECTION 7. Promptly, but no later than 10 days, after the effective date of this Resolution, the City Administrator of the City of Cumberland shall send a copy of this Resolution together with the new boundaries of the City of Cumberland to the City Clerk, the Clerk of the Circuit Court for Allegany County, Maryland and, as required by Md. Local Gov't. Code Ann. § 4-414, to the Department of Legislative Services. Thereafter, the City Clerk shall hold this Resolution and make it available for inspection during all business hours.

SECTION 8. The Annexation Parcel shall be zoned B-H (Highway-Business) upon its annexation.

INTRODUCED the 1st day of July, 2014.


PASSED under our hands and seals at the City Hall, Cumberland, Maryland, this 2nd day of September, 2014, with the corporate seal of the City of Cumberland hereto attached, duly attested by the City Clerk.

Mayor and City Council of
Cumberland



Brian K. Grim, Mayor

ATTEST:



Marjorie A. Woodring, City Clerk

First Publication Date: 7/8/14

Second Publication Date: 7/15/14

First Reading: 7/1/14
Second Reading: 9/2/14
Third Reading: 9/2/14
Passed 5-0

EXHIBIT A

Beginning for the same at an 5/8 inch iron bar found at the end of line 28th line of the 2005 Annexation of the Aaron/Turano/Devlin Manor properties, a copy of which is filed in Liber 1148, Folio 23 among the Land Records of Allegany County, Maryland, said point also being at the end of the third line of this Second Parcel to be annexed, a description of said parcel is recorded in Liber 1917, Folio 34 among the aforementioned Land Records; thence leaving the current City Limit Line and binding with the fourth line of said Parcel (following the metes and bounds as shown on the annexation plat)

South 78 degrees 28 minutes 47 seconds East 138.68 feet to a 60D nail found along the Southerly right-of-way limits of Maryland 144 as found on Maryland Department of Transportation Plat No. 50411; thence leaving said right-of-way limits and binding with the Westerly edge of a bituminous concrete driveway and binding with lines of said Cumberland Liquidation Trust, Parcel Two the next three bearings and distances and also binding with lines 29 through 31 of the said 2005 Annexation, reversed

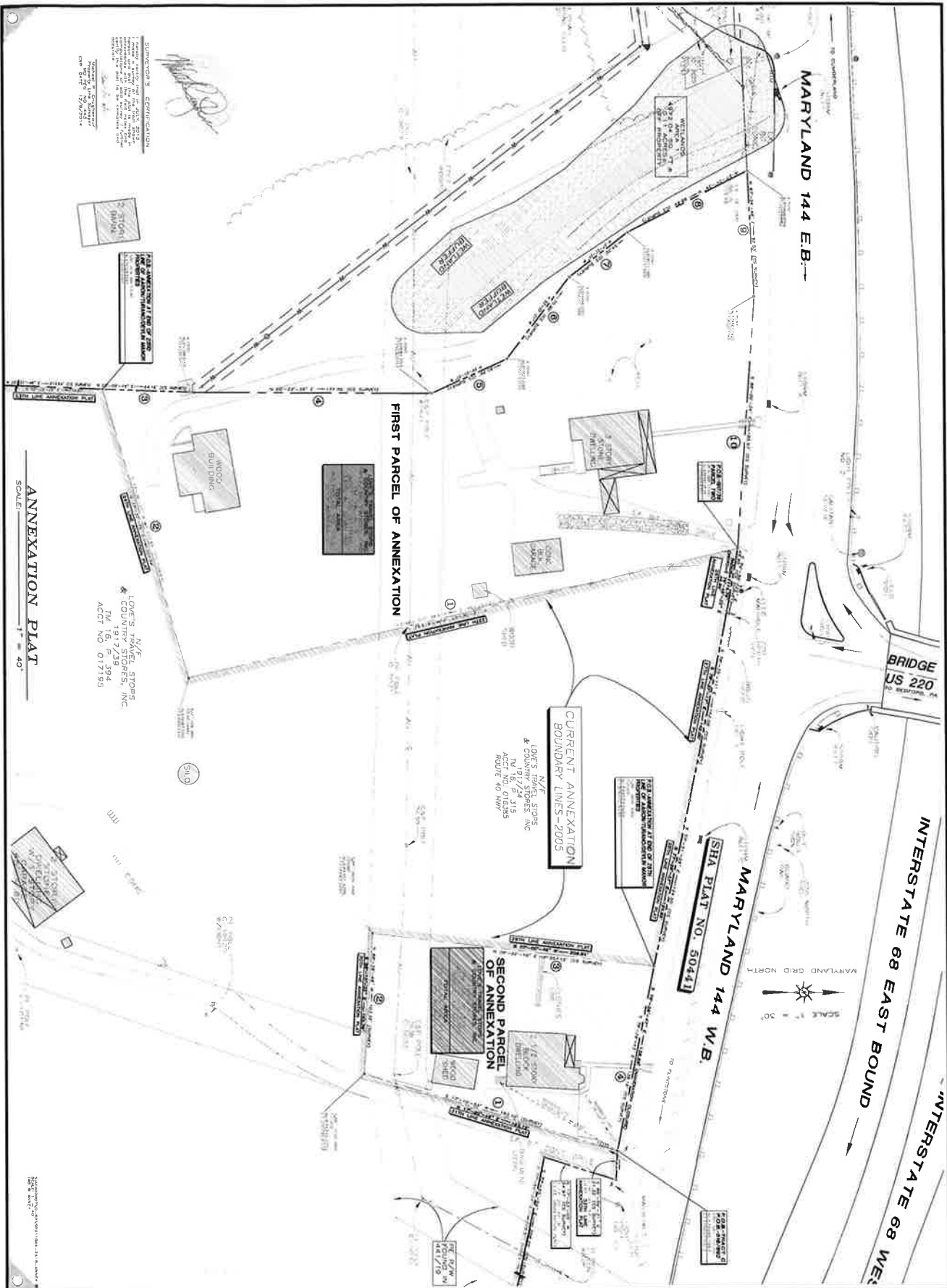
South 17 degrees 20 minutes 46 seconds West 193.12 feet to a 5/8 inch iron bar found; thence leaving said driveway

North 86 degrees 15 minutes 33 seconds West 103.78 feet to a 5/8 inch iron bar found; thence

North 07 degrees 00 minutes 45 seconds East 206.81 feet to a 5/8 inch iron bar found at the point of beginning

Containing 23,956.43 square feet∇ or 0.55 acres∇ as surveyed by Coughenour Surveying May, 2012.

EXHIBIT B



SURVEYOR'S CERTIFICATION
 I, D. L. COUGHENOUR, a duly Licensed Professional Surveyor in the State of Maryland, do hereby certify that the foregoing is a true and correct copy of the original plat as recorded in the Office of the State Surveyor, State of Maryland, on this 12th day of December, 2013.
 D. L. COUGHENOUR
 State of Maryland
 License No. 12247314

ANNEXATION PLAT
 SCALE: 1" = 40'

N.F. STORES & COUNTRY STORES, INC.
 ACT NO. 1917/239
 ACT NO. 01/1785

N.F. LOWE'S TRAVEL STORES & COUNTRY STORES, INC.
 ACT NO. 01/17234
 ACT NO. 01/17235
 ROUTE 40 HWY

SHA PLAT NO. 50441

PROJECT NUMBER 211044-2418	DRAWING NUMBER 1 of 1	ANNEXATION PLAT FOR CITY OF CUMBERLAND		COUGHENOUR SURVEYING	DATE DECEMBER, 2013	REVISIONS	
		LOCATED AT 13300 ALI GHAN ROAD, NE ALLEGANY COUNTY ELECTION DISTRICT NO. 22 CUMBERLAND MARYLAND				PREPARED FOR: CITY OF CUMBERLAND CUMBERLAND, MARYLAND 21502	

EXHIBIT C



10601 North Pennsylvania
P.O. Box 26210
Oklahoma City, OK 73126

May 23, 2014

Mayor and City Council of Cumberland
c/o Michael Scott Cohen
City Solicitor
213 Washington Street
Cumberland, MD 21502

Re: Annexation of 2.13 Acre Parcel (Tax ID No. 22-011030) and .55 Acre Parcel (Tax ID No. 22-016385) Located at 13300 and 13320 Ali Ghan Road, Cumberland, MD

Dear Mayor and City Council:

We have been informed that the City of Cumberland is ready to proceed with the annexation of the above-referenced parcels of land which are solely owned by Love's Travel Stops & Country Stores, Inc. ("Love's"). The purpose of this letter is to advise you that Love's formally requests that the City annex those parcels into its municipal boundaries.

It is Love's understanding that, upon annexation, the subject parcels will become a part of the City and shall be subject to all of its ordinances, orders and regulations. It is also Love's understand that the parcels will be zoned B-11 (Highway-Business) upon annexation.

You may rely upon the consent to annexation set forth herein unless and until Love's provides the City with written notice of its intent to withdraw it. Such notice would be provided to the City Solicitor at the address set forth above.

The certification below is provided as an assurance that I have been authorized to submit this letter on Love's behalf.

I thank you for your consideration.

Very truly yours,

**LOVE'S TRAVEL STOPS &
COUNTRY STORES, INC.**

By: 

Greg Love
President & Co-CEO

I hereby certify under the penalties of perjury that I and the President and Co-CEO of Love's Travel Stops & Country Stores, Inc., an Oklahoma corporation, that I am duly authorized by it to make this certification and that the foregoing letter constitutes its act and deed.

**LOVE'S TRAVEL STOPS &
COUNTRY STORES, INC.**

By: 

Greg Love
President & Co-CEO