

- ANNEXATION RESOLUTION NO. R2023-01 ANNEX -

A RESOLUTION OF MAYOR AND CITY COUNCIL OF CUMBERLAND, A MUNICIPAL CORPORATION OF THE STATE OF MARYLAND, ENLARGING ITS CORPORATE BOUNDARIES BY ANNEXING LAND CONTIGUOUS TO AND ADJOINING UPON THE SAID BOUNDARIES, THE SAID LAND BEING LOCATED ALONG THE SOUTH SIDE OF MARYLAND ROUTE 144, MARYLAND ELECTION DISTRICT NO. 22 AND CONSISTING OF 8.848 ACRES, MORE OR LESS, THE SAID LAND BEING MORE PARTICULARLY DESCRIBED IN THE METES AND BOUNDS DESCRIPTION ATTACHED HERETO AS EXHIBIT A AND SHOWN ON THE PLAT ATTACHED HERETO AS EXHIBIT B, BEING PART OF THE LAND DESCRIBED IN THE DEED FROM HARRY B. CARLETON, ET AL. TO ALI GHAN COUNTRY CLUB DATED FEBRUARY 13, 1932 AND RECORDED AMONG THE LAND RECORDS OF ALLEGANY COUNTY, MARYLAND IN DEED LIBER 167, FOLIO 188, AND THE DEED FROM STATE OF MARYLAND AND BOARD OF PUBLIC WORKS OF MARYLAND TO ALI GHAN CLUB, INC. DATED JULY 8, 2003 AND RECORDED AMONG THE LAND RECORDS OF ALLEGANY COUNTY, MARYLAND IN DEED LIBER 719, FOLIO 882, AND BEING IDENTIFIED IN THE RECORDS OF THE MARYLAND STATE DEPARTMENT OF ASSESSMENTS AND TAXATION AS ALLEGANY COUNTY TAX ACCOUNT NO. 22-002627, THEREBY AMENDING THE CHARTER OF THE SAID MUNICIPAL CORPORATION AND PROVIDING FOR THE CONDITIONS AND CIRCUMSTANCES APPLICABLE TO THE PROPOSED CHANGES IN THE AFORESAID CORPORATE BOUNDARIES AND THE AMENDMENT OF THE AFORESAID CHARTER.

MAY 02 2023

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 Local Government Article of the Annotated Code of Maryland, it is the intention of the Mayor and City Council of the City of Cumberland, Maryland to introduce and pass a resolution providing that present corporate limits of Mayor and City Council of Cumberland (the "City") 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 as Exhibit A and as shown on the plat attached hereto as Exhibit B, (the said property hereinafter being referred to as the "Annexation Parcel"), which is contiguous and adjoining to the existing corporate limits of the City.

WHEREAS, the Annexation Parcel is located on the south side of Maryland Route 144, consists of 8.848 acres, more or less, and is part of the land described in the deed from Harry B. Carleton, et al. to Ali Ghan Country Club dated February 13, 1932 and recorded among the Land Records of Allegany County, Maryland in Deed Liber 167, folio 188, and the deed from State of Maryland and Board of Public Works of Maryland to Ali Ghan Club, Inc. dated July 8, 2003 and recorded among the Land Records of Allegany County, Maryland in Deed Liber

719, folio 882, the parcels within which the Annexation Parcel is located being identified in the records of the Maryland State Department of Assessments and Taxation as Allegany County Tax Account No. 22-002627.

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, real property proposed to be within the corporate limits of the City 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)(2), the City has obtained consent for the proposed annexation 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, Ali Ghan Country Club, 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 Michael Starliper, Potentate of Ali Ghan Country Club, Inc. to Jeff Silka, City Administrator of the City of Cumberland dated January 23, 2023, a copy of which is attached hereto and incorporated by reference herein as Exhibit C.

WHEREAS, the Mayor and City Council of the City of Cumberland, Maryland have determined to initiate this Resolution to enlarge and extend the limits of the City to include the Annexation Parcel 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, Maryland.

WHEREAS, in furtherance of the foregoing, upon the introduction of this Resolution, the City Administrator shall have caused a notice of the proposed enlargement of the City's corporate boundaries 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 Annexation Parcel) and conditions and circumstances applicable thereto and specifying the time, date and place at which the public hearing on the proposed annexation was held. Said public hearing was held on the 2nd day of May, 2023, at 6:15 p.m. in City Hall, Cumberland, Maryland, said date having been more than fifteen (15) days after the final publication of the newspaper notice.

WHEREAS, in furtherance of the foregoing, upon the introduction of this Resolution, the City Administrator shall have caused notice to have been given to commercial property

owners in the Annexation Parcel of all personal property taxes and fees to be imposed by the City and the date, time, and place of the aforesaid public hearing.

WHEREAS, immediately upon the first publication of the newspaper notice, the City Administrator caused a copy of it to be provided to the Board of County Commissioners of Allegany County, Maryland, the Allegany County Planning and Zoning Department, Maryland Department of Legislative Services, and the Maryland Department of Planning.

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 Mayor and City Council of Cumberland, having been previously identified herein as the City, all that land contiguous and adjoining its current boundaries in Allegany County, Maryland located along the south side of Maryland Route 144 in Election District No. 22, consisting of 8.848 acres, more or less, being part of the property described in the deed from Harry B. Carleton, et al. to Ali Ghan Country Club dated February 13, 1932 and recorded among the Land Records of Allegany County, Maryland in Deed Liber 167, folio 188, and the deed from State of Maryland and Board of Public Works of Maryland to Ali Ghan Club, Inc. dated July 8, 2003 and recorded among the Land Records of Allegany

County, Maryland in Deed Liber 719, folio 882, by the metes and bounds description attached hereto as Exhibit A and as shown on the plat attached hereto as Exhibit B, the said land having been previously identified herein as the Annexation Parcel.

SECTION 2. The Annexation Parcel shall be zoned I-G (Industrial-General).

SECTION 3. The annexation of the Annexation Parcel shall be made subject to the terms and conditions set forth in the Annexation Plan attached hereto as Exhibit D.

SECTION 4. 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 and the inhabitants therein. Nothing herein or elsewhere in the Resolution shall affect the power of the Mayor and City Council of the City of Cumberland, Maryland 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 they are authorized to enact or ordain.


SECTION 5. This Resolution shall be and become effective the forty-sixth (46th) day after its passage 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 6. Promptly, but no later than ten (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, the Department of Legislative Services. Thereafter, the City Clerk shall hold this Resolution and make it available for inspection during all business hours.


INTRODUCED the 21st day of March, 2023.

PASSED under our hands and seals at the City Hall, Cumberland, Maryland, this 2nd day of May, 2023, with the corporate seal of the City of Cumberland hereto attached, duly attested by the City Clerk.

MAYOR AND CITY COUNCIL OF
CUMBERLAND


Raymond M. Morriss, Mayor

ATTEST:



Allison Layton, City Clerk

First Publication Date: April 7, 2023

Second Publication Date: April 17, 2023

EXHIBIT A

Metes and Bounds Description

Boundary Description for Lands of Ali Ghan Country Club to be Annexed Into the City of Cumberland

ALL that certain piece, parcel, or tract of land, situate in the County of Allegany, State of Maryland, bounded and described as follows:

BEGINNING AT A POINT on the common boundary line of lands now or formerly of Love's Travel Stops & Country Store, Inc. and lands now or formerly of Ali Ghan Country Club, said point being marked with an iron pin and cap stamped "Coughenour", said point also being on the corporate boundary of the City of Cumberland and Allegany County; thence from said point of beginning through lands of the aforementioned Ali Ghan Country Club the following seven courses and distances:

1. North 31°16'33" East, 331.45' to an existing 5/8 inch rebar;
2. North 36°47'08" East, 129.24' to an existing 5/8 inch rebar;
3. North 46°56'23" East, 87.41' to an existing 5/8 inch rebar;
4. North 67°27'30" East, 91.05' to an existing 5/8 inch rebar;
5. North 87°12'53" East, 136.77' to an existing 5/8 inch rebar;
6. North 41°06'31" East, 65.66' to a set iron pin and cap;
7. North 14°12'14" East, 21.89' to a set iron pin and cap on the southerly right-of-way line of MD 144;

Thence along said southerly right-of-way line of MD 144 the following three courses and distances:

1. North 88°08'26" East, 13.44' to a point;
2. North 80°32'38" East, 45.55' to a set iron pin and cap;
3. South 88°04'12" East, 41.01' to a set iron pin and cap on the westerly line of lands now or formerly of Love's Travel Stops & Country Store, Inc.

Thence along the westerly line of Love's Travel Stops & Country Store, Inc. the following eight courses and distances:

1. South 26°54'37" East, 97.51' to a set iron pin and cap;
2. South 37°15'19" East, 54.20' to a set iron pin and cap;
3. South 52°15'19" East, 75.90' to a set iron pin and cap;
4. South 24°16'25" East, 60.79' to a set iron pin and cap;
5. South 0°29'41" West, 177.70' to a set iron pin and cap;
6. South 2°16'16" West, 64.16' to a set iron pin and cap;
7. South 2°21'45" West, 214.42' to an existing 5/8" rebar;
8. North 81°35'47" West, 839.97' to an iron pin with cap stamped "Coughenour", the point and place of beginning.

Containing 8.848 acres as shown on "Annexation Plan" prepared by Stiffler, McGraw and Associates, Inc., dated November 22, 2022.

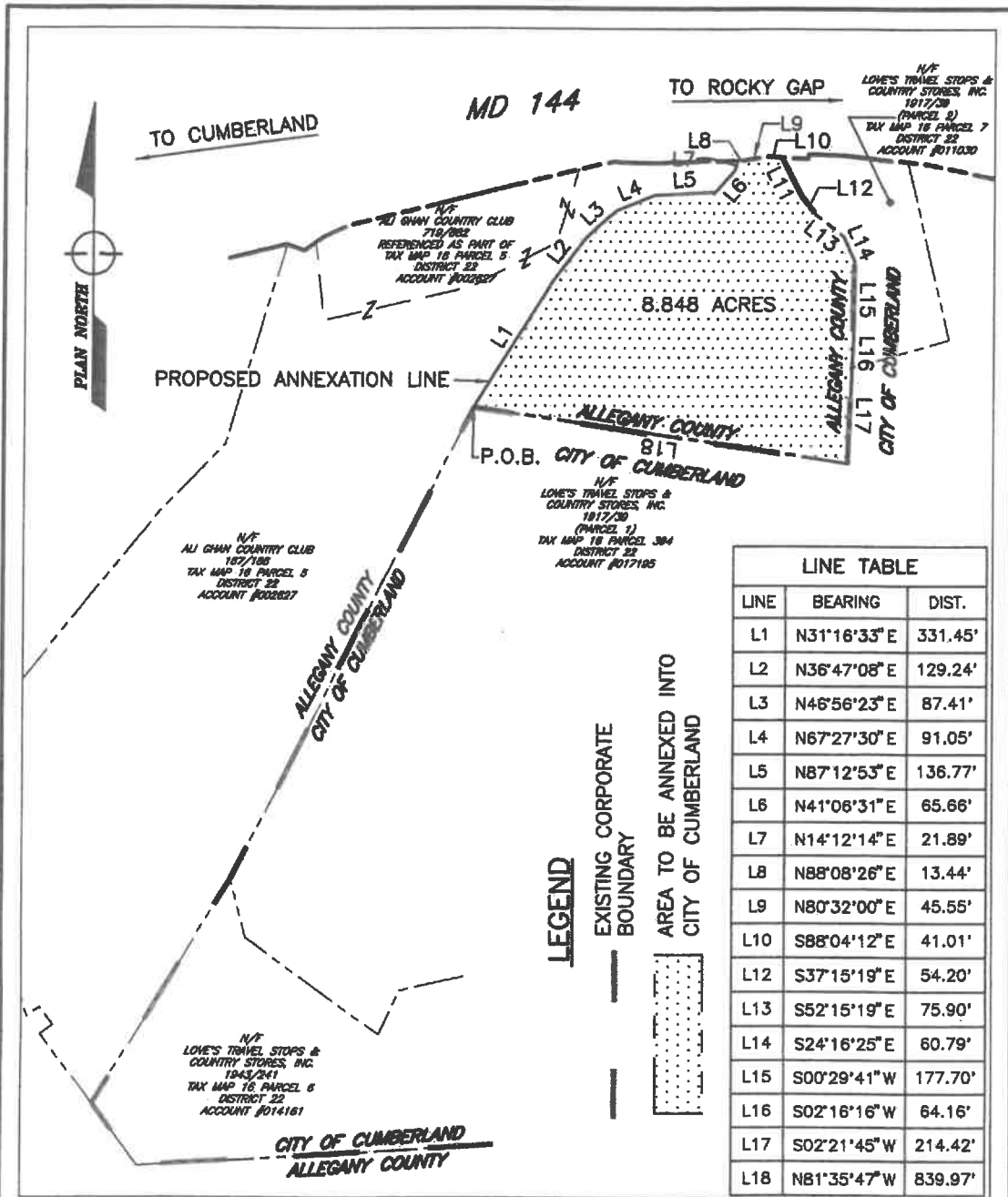
ALL OF THE ABOVE being part of the lands described in (i) the Deed from Harry B. Carleton, et al. to Ahi Ghan Country Club dated February 13, 1932 and recorded among the Land Records of Allegany County Maryland in Deed Liber 167, folio 188, and (ii) the Deed from State of Maryland and Board of Public Works of Maryland to Ali Ghan Club, Inc. dated July 8, 2003 and recorded among the Land Records of Allegany County Maryland at Deed Liber 719, folio 882.

TOGETHER WITH AND SUBJECT TO any restrictions, reservations, covenants, right of ways, et cetera as of record, and as shown on the aforesaid plat.

EXHIBIT B

Annexation Plat

EXHIBIT B



ANNEXATION PLAN
PLAN SHOWING THE PROPOSED ANNEXATION OF A PORTION OF
LANDS OWNED BY ALI GHAN COUNTRY CLUB
INTO THE CITY OF CUMBERLAND
 PREPARED FOR BURGMEIER REAL ESTATE COMPANY OF MARYLAND

SITUATE
 ALLEGANY COUNTY AND CITY OF CUMBERLAND
 ALLEGANY COUNTY MARYLAND

| | | | | | | |
|------------------|---------------------|--------------------|---------------------|----------------------------|------------------|-------------------------|
| DRAWN BY: JDY | DESIGNED BY: JDY | CHECKED BY: JDY | SCALE: 1" = 300' | REVISION DATE: 11/22/22 | FIELD BK/PG: | PROJECT NO.: 21-5023 |
|------------------|---------------------|--------------------|---------------------|----------------------------|------------------|-------------------------|



1731 N. Juniata Street
 Hollidaysburg, PA 16648
 Phone: 814.696.6280 Fax: 814.696.6240

EXHIBIT C

EXHIBIT C



ALI GHAN SHRINERS
OFFICE OF THE RECORDER
PO Box 1416
Cumberland, MD 21501-1416
Phone: 301.722.5970 Fax: 301.777.5276
Email: alighanshriners@atlanticbbn.net

January 23, 2023

Mr. Jeff Silka
City Administrator
City of Cumberland
57 N. Liberty Street
Cumberland, MD 21502

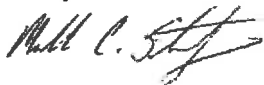
Dear Mr. Silka:

This letter constitutes Ali Ghan Country Club Inc., request to have an 8,848 +/- acre parcel of land it owns annexed into the City of Cumberland. I have attached a similar letter you received from Burgmeier's Hauling; Inc. dated November 22, 2022. Since the subject parcel remains titled in the name of Ali Ghan Country Club, Inc., it is the party that must make the request for annexation.

This request covers the very same property as the parcel described in the attachments to the aforesaid November 22, 2022 letter from Burgmeier's. Therefore, we incorporate the letter and the attachments thereto herein.

Please call if you have any questions regarding the subject matter of this letter.

Sincerely,



Michael Starliper
Potentate

BURGMEIER'S HAULING, INC.

INDUSTRIAL, COMMERCIAL, RESIDENTIAL,
RECYCLING & RECYCLING CONSULTANT
(814) 943-8975

DAVID M. BURGMEIER
President

1356 OLD SIXTH AVE. ROAD

PO BOX 159

BELLWOOD, PA 16617

November 22, 2022

City of Cumberland
57 N. Liberty Street
Cumberland, MD 21502
Attn: Mr. Jeffrey F. Silka, City Administrator

RE: Request for Annexation
Portion of the Ali Ghan Country Club Property

Dear Mr. Silka:

On behalf of Burgmeier Real Estate Company of Maryland, please allow this letter to serve as our written request to have a portion (8.848 acres) of the Ali Ghan Country Club property annexed from the County of Allegany into the City of Cumberland. In support of this request, I have attached hereto a survey plan showing the areal extent of the annexation along with a metes and bounds description of the parcel to be annexed.

If you should have any questions or require any additional information in support of the annexation process, please let me or our consultant (Jim Young, Stiffler, McGraw & Associates, Inc.) know.

Sincerely,


David Burgmeier

MB/jdy
Enclosures

Service & Satisfaction Guaranteed

EXHIBIT D

NOTICE OF PUBLIC HEARING
- ANNEXATION RESOLUTION -

******* INSERT PUBLIC HEARING NOTICE HERE *******

NOTICE IS HEREBY GIVEN that Mayor and City Council of Cumberland, a municipal corporation of the State of Maryland, (the City of Cumberland) will conduct a public hearing in the Council Chambers of City Hall, 2nd Floor, City of Cumberland City Hall, 57 N. Liberty Street, Cumberland, MD 21502 on May 2, 2023, at 6: 15 p.m., or as soon thereafter as it may be held, on a Resolution introduced for the purpose of enlarging the corporate boundaries of Mayor and City Council of Cumberland to be extended to include that area hereinafter particularly described as:

ALL that certain piece, parcel, or tract of land, situate in the County of Allegany, State of Maryland, bounded and described as follows:

BEGINNING AT A POINT on the common boundary line of lands now or formerly of Love's Travel Stops & Country Store, Inc. and lands now or formerly of Ali Ghan Country Club, said point being marked with an iron pin and cap stamped "Coughenour", said point also being on the corporate boundary of the City of Cumberland and Allegany County; thence from said point of beginning through lands of the aforementioned Ali Ghan Country Club the following seven courses and distances:

1. North 31°16'33" East, 331.45' to an existing 5/8 inch rebar;
2. North 36°47'08" East, 129.24' to an existing 5/8 inch rebar;
3. North 46°56'23" East, 87.41' to an existing 5/8 inch rebar;
4. North 67°27'30" East, 91.05' to an existing 5/8 inch rebar;
5. North 87°12'53" East, 136.77' to an existing 5/8 inch rebar;
6. North 41°06'31" East, 65.66' to a set iron pin and cap;
7. North 14°12'14" East, 21.89' to a set iron pin and cap on the southerly right-of-way line of MD 144;

Thence along said southerly right-of-way line of MD 144 the following three courses and distances:

1. North 88°08'26" East, 13.44' to a point;
2. North 80°32'38" East, 45.55' to a set iron pin and cap;
3. South 88°04'12" East, 41.01' to a set iron pin and cap on the westerly line of lands now or formerly of Love's Travel Stops & Country Store, Inc.

Thence along the westerly line of Love's Travel Stops & Country Store, Inc. the following eight courses and distances:

1. South 26°54'37" East, 97.51' to a set iron pin and cap;
2. South 37°15'19" East, 54.20' to a set iron pin and cap;
3. South 52°15'19" East, 75.90' to a set iron pin and cap;
4. South 24°16'25" East, 60.79' to a set iron pin and cap;

5. South 0°29'41" West, 177.70' to a set iron pin and cap;
6. South 2°16'16" West, 64.16' to a set iron pin and cap;
7. South 2°21'45" West, 214.42' to an existing 5/8" rebar;
8. North 81°35'47" West, 839.97' to an iron pin with cap stamped "Coughenour", the point and place of beginning.

Containing 8.848 acres as shown on "Annexation Plan" prepared by Stiffler, McGraw and Associates, Inc., dated November 22, 2022.

ALL OF THE ABOVE being part of the lands described in (i) the Deed from Harry B. Carleton, et al. to Ahi Ghan Country Club dated February 13, 1932 and recorded among the Land Records of Allegany County Maryland in Deed Liber 167, folio 188, and (ii) the Deed from State of Maryland and Board of Public Works of Maryland to Ali Ghan Club, Inc. dated July 8, 2003 and recorded among the Land Records of Allegany County Maryland at Deed Liber 719, folio 882. The said lands are identified on Allegany County Tax Map 16 as Parcel 5 and as Tax Identification Number 22- 002627.

TOGETHER WITH AND SUBJECT TO any restrictions, reservations, covenants, right of ways, et cetera as of record, and as shown on the aforesaid plat.

SAID RESOLUTION proposes to extend the boundaries of the City of Cumberland to include the aforesaid area, and that said area and persons and/or establishments residing therein shall become subject to all of the laws, ordinances and regulations of said City of Cumberland, Maryland.

Mayor and City Council of Cumberland

/s/ Raymond M. Morriss, Mayor

AN ANNEXATION PLAN PERTAINING TO THE PROPOSED ANNEXATION OF
LAND BY THE CITY OF CUMBERLAND, MARYLAND

March 21, 2023

Pursuant to the provisions of Section 4-415 of the Land Use Article of the Annotated Code of Maryland, as amended, the following document constitutes a proposed Annexation Plan for the area proposed to be annexed into the corporate boundaries of Mayor and City Council of Cumberland (the "City"), a municipal corporation, existing under and by virtue of the laws of the State of Maryland. Municipal services (excluding sewer service) will be provided to the area to be annexed on the same terms and conditions as provided to the other residents of the City. The parcel will be eligible to receive aforesaid City services upon the effective date of its annexation by the City. A copy of the Annexation Resolution is attached to this Annexation Plan.

AREA TO BE ANNEXED

The area to be annexed (hereinafter referred to as the "Annexation Parcel") encompasses approximately 8.848 acres of land which are part of the larger parcel of land which is located at 13100 Ali Ghan Road, NE, Cumberland, MD 21502 in Election District No. 22 that consists of 29.167 (+/-) acres and is identified as Allegany County Tax Account Number 22-002627. The said larger parcel of land is described in the Deed from Harry B. Carleton, et al. to Ali Ghan Country Club dated February 13, 1932 and recorded among the Land Records of Allegany County Maryland in Deed Liber 167, folio 188, and the Deed from State of Maryland and Board of Public Works of Maryland to Ali Ghan Club, Inc. dated July 8, 2003 and recorded among the Land Records of Allegany County Maryland in Deed Liber 719, folio 882. The entire Annexation Parcel is situated contiguous to and adjoining the corporate limits of the City and is more fully described and depicted in the Resolution of Annexation.

The Annexation Parcel is located on the south side of MD Route 144 (Ali Ghan Road), adjacent to the property owned by Loves Travel Stops & Country Stores, Inc. to the east, and the property owned by Willison Oil, Inc. to the west. The current (pre-redevelopment) setting of the Annexation Parcel can best be described as an area of mixed commercial, institutional, and low-density residential uses.

LAND USE AND ZONING

The Annexation Parcel is not specifically designated for a future land use classification by the 2002 or 2014 Comprehensive Plan for Allegany County. However, it does fall within the City's Municipal Growth Area as shown on Map 10 on page 151 of the City-Wide Element of the City's Comprehensive Plan. See attached Exhibit 1.

The only institutional use, as that term is defined in the County Zoning Ordinance, is the larger parcel of land, which includes the Annexation Parcel, which is the site of the Ali Ghan Shrine, a fraternal organization.

The Annexation Parcel is subject to the terms of the Commercial Real Estate Purchase Agreement by and between Ali Ghan Shriners Holding Corporation FKA Ali Ghan Club, Inc. and Ali Ghan Country Club to Burgmeier Real Estate Company of Maryland, Inc. dated August 18, 2021, pertaining to the latter's purchase of the Annexation Parcel from the former. Burgmeier intends to use the Annexation Parcel as a motor freight terminal (i.e., a freight transfer station) in connection with its solid waste removal business. Closing under the terms of the Commercial Real Estate Purchase Agreement is contingent upon annexation.

The Annexation Parcel is currently zoned as "B-2" Major Commercial under the Allegany County Zoning Ordinance, which permits a wide range of commercial, institutional, and professional uses. The property is located adjacent to highway commercial uses extending along MD Route 144 within and outside of the City.

A freight transfer station is planned for the Property. The Use Regulations set forth in Section 25-132 of the City Zoning Ordinance (Chapter 25 of the Cumberland City Code) permit motor freight terminals exclusively within the I-G (Industrial General) Zoning District. Accordingly, the City plans to designate the property as I-G. It is the City's determination that the County zoning classification and the proposed zoning in the City are consistent. The City's proposed zoning is also consistent with adjoining parcels along MD Route 144 that are currently located within the City limits.

The largest adjoining parcel abuts the eastern side of the Annexation Parcel. It is owned by Loves Travel Stops & Country Stores, Inc. There is a motel and a truck stop at the Loves site. Interstate 68 is in close proximity to on-ramps and off-ramps for I68. A significant volume of truck and car traffic come to and from the Loves property.

Just like the Loves site, truck traffic, albeit a much smaller amount of truck traffic. Given the nature of the proposed use of the Annexation Parcel, such easy access to the Interstate makes the Annexation Parcel the ideal location for the proposed freight transfer station use of that property. The proposed use will be significantly less intense and continuous than the use conducted at the Loves parcel.

PUBLIC FACILITIES

Schools

Allegany County, Maryland maintains the schools that serve the area, and it is not anticipated that any impact will occur to the Allegany County public schools, which are located in the City of Cumberland. The Annexation Parcel is not intended to be developed or used for residential uses. Neither Allegany County nor the City of

Cumberland currently have an adequate public facilities ordinance or an impact fee ordinance to allocate school capacity.

Health Facilities

The Western Maryland Regional Medical Center is located at 12500 Willowbrook Road, within two (2) miles of the Annexation Parcel. This is the hospital that primarily serves Allegany County, including but not limited to the Annexation Parcel and the surrounding area. While it is conceivable that employees working at the Annexation Parcel could require medical care while on the job. Such potential medical care can be provided by the Western Maryland Regional Medical Center.

Library

The annexation will have no adverse impact upon the library services provided by the two (2) Allegany County-owned libraries in the City. The Annexation Parcel will not be developed or used for residential purposes.

Fire

The City of Cumberland Fire Department provides full-time emergency medical services and provides ambulances to service properties within its municipal boundaries. Its main station at 20 Bedford Street, Cumberland, MD 21502 is located approximately three (3) miles from the Annexation Parcel. Existing pressurized fire hydrants served by the City's water system are located along the water main that was extended to the Annexation Parcel in order to serve the adjoining Loves travel plaza.

The scope of this annexation will have no adverse impact upon the full-time City of Cumberland Fire Department.

Public Safety-Police

The City of Cumberland maintains a public police department of 51 sworn officers and 55 total employees. The annexation will have no adverse impact upon the department's public safety functions.

Recreational Facilities

The annexation will have no adverse impact upon the City's park and recreation facilities as the Annexation Parcel will not be developed or used for residential uses purposes.

PUBLIC UTILITIES

The Annexation Parcel will be provided with City water. Sewerage services will be provided by Allegany County.

The City-owned Water Treatment Facility located in Bedford County, PA supplies water to the City. The facility consists of a total capacity of 3.2 billion gallons in reservoirs in a 4,000-acre watershed. The proposed development of the site should not result in a significant change in current water demand from the Annexation Parcel. Sufficient capacity exists within the system to serve the Annexation Parcel.

CONSISTENCY WITH MUNICIPAL GROWTH ELEMENT OF CITY COMPREHENSIVE PLAN

The proposed use of the Annexation Parcel is consistent with the Municipal Growth Element of the City's Comprehensive Plan (the "Plan").

In addressing future industrial land use within the City, the Plan states:

- I – Industrial** – This category encompasses the city's remaining industrial uses and represent areas with a strong potential for future light industrial and manufacturing operations. They tend to be located in areas convenient to major Arterial highways and rail transportation. (*See Plan, Vol. 2, page 149*).

Thus, the Plan includes the acknowledgment that industrial uses tend to be located and are appropriately located in areas like that where the Annexation Parcel is located.

The Annexation Plan section of the Municipal Growth Element of the Plan provides that:

The overarching goal of this annexation plan is to identify adjoining land areas with strong potential for future growth that will provide opportunities for land uses that may not fit well into the city's existing developed lands. (Id., page 152).

Map 10 of the Plan (*See attached Exhibit 1*) shows the areas the City has targeted for annexation. The Annexation Parcel is located within the target growth areas.

ANNEXATION RESOLUTION

The Annexation Resolution is attached hereto and incorporated by reference herein as Attachment 1.

Exhibit 1

2013 Comprehensive Plan: City-Wide Element#

land to retain and infiltrate the stormwater runoff generated by the proposed development. That capacity is very difficult to reliably project on lands with extreme topographical and hydrologic constraints without a detailed survey and engineering assessment.

Future annexation opportunities within the western sections of the potential annexation area (along the slopes of Haystack Wills Mountain) are most likely to be driven by this need or will occur in response to the plan's recommendation to incorporate the remaining undeveloped lands along the mountainsides to provide expanded protection of the scenic amenity afforded by the forested slopes adjoining the Narrows. Annexations in these areas, if they occur, are not expected to satisfy a significant amount of the city's potential growth over the next 20 years, due to the limited number of existing residential lots within those areas and the desire for expanded protection of the slopes that serve as the rural transitional buffer on the city's west side. However, since portions of the Wills Mountain summit adjacent to the Narrows are owned by Maryland DNR as part of the undeveloped Wills Mountain State Park (which the city leases from DNR), annexation of that property may help satisfy the State's land-based standards for recreational open space.

Map 10: Municipal Growth Areas

