

RESOLUTION NO. 2022-02
(ENGLAND WOODS ANNEXATION)

A RESOLUTION TO CHANGE THE BOUNDARIES OF THE TOWN OF NEW MARKET BY ANNEXING INTO THE CORPORATE LIMITS OF THE TOWN OF 93.739 ACRES OF REAL PROPERTY, MORE OR LESS, UPON THE PETITION OF TURNPIKE FARM LIMITED PARTNERSHIP AND ENG-LAND ACRES, LLC (“PETITIONERS”)

WHEREAS, the Petitioners, Turnpike Farm Limited Partnership and Eng-Land Acres, LLC, a Maryland Limited Liability Company, have petitioned to have certain property consisting of 93.739 acres of real property, more or less, (hereinafter referred to as “the Property”) annexed into and made a part of the Town of New Market, Maryland; and

WHEREAS, Ryan Trust Development, LLC (“Ryan”) and DR Acquisitions LLC, (“DR”) are the contract purchasers of the Property; (“Contract Purchasers”);

WHEREAS, England Woods, LLC, a Maryland Limited Liability Company is the Developer of the Property (“Developer”);

WHEREAS, the Property is depicted on a Plat entitled “Plat of Annexation into the Town of New Market, the property of Turnpike Farm Limited Partnership, the property of Eng-Land Acres, LLC, and the property of Frederick County”, a copy of which is attached to Petitioners’ Annexation Petition and also attached hereto and incorporated by reference herein as **Exhibit A** and is more fully described on a metes and bounds description attached hereto and incorporated by reference herein as **Exhibit B**; and

WHEREAS, it has been ascertained that the Petitioners are the owners of over 25% of the assessed valuation of the Property to be annexed and that there are no persons residing in the area to be annexed; and

WHEREAS, the Property is adjacent to and contiguous with the existing corporate limits of the Town and its annexation will not create any unincorporated area completely surrounded by land currently within the corporate limits of the Town.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Town Council of the Town of New Market as follows:

SECTION I: The boundaries of the Town of New Market are hereby enlarged by including within the corporate boundary of the Town all that real property consisting of 93.739 acres as depicted on a Plat attached hereto as **Exhibit A** and which is more fully described by metes and bounds in **Exhibit B**; and the description of the boundary of the Town in the Charter of the Town of New Market is amended to include the Property annexed in this Resolution.

SECTION II: Except as otherwise provided in this Resolution, the Property and any persons now or in the future residing thereon, if any, shall be subject to the provisions of the Charter and applicable laws, ordinances and regulations of the Town.

SECTION III: Upon annexation, the Property shall be zoned “Economic Development Flex” (EDF) and “Low Density Residential” (R-1), under the Land Development Ordinance of the Town, as follows: the portion of the Property designated EDF on the 2016 Planned Use Map (Map #11) of the New Market Master Plan shall be zoned EDF; and the portion of the Property designated LDR on the 2016 Planned Use Map (Map #11) of the New Market Master Plan be

zoned R-1; and the Town Zoning Map shall be amended accordingly. The Property shall be subject to the architectural review in accordance with the Land Development Ordinance of the Town.

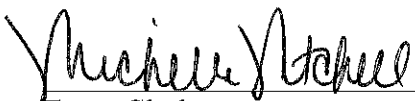
SECTION IV: This annexation is subject to the following special provision regarding municipal taxation: For a period of four (4) years from the effective date of Annexation, municipal *ad valorem* real estate taxes applicable to the annexed property shall be assessed and taxed at fifty percent (50%) of the prevailing municipal *ad valorem* tax rate otherwise applicable to real property within the Town from time to time. Notwithstanding the foregoing, the preceding special provision shall cease to apply as to any lot, parcel or area depicted on any recorded subdivision or condominium plat which is improved by a one or more substantially completed dwellings, or which comprises a common area.

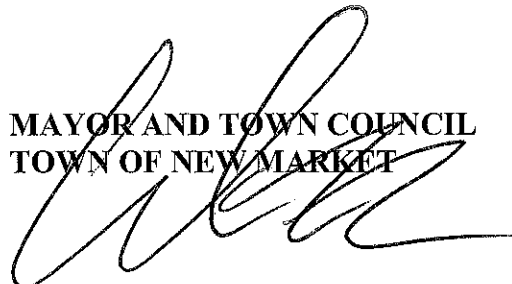
SECTION V: Upon the effective date of annexation, the Property shall be subject to the applicable provisions of an Annexation Agreement between the Town and the Petitioners, Contract Purchasers and Developer executed concurrently this Resolution.

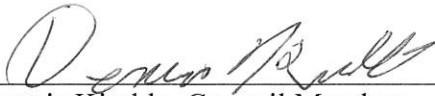
SECTION VI: This Resolution shall become effective forty-five (45) days following the date of its enactment.

ENACTED this 10th day of November, 2022 by the Mayor and Town Council of the Town of New Market.

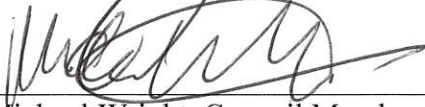
ATTEST:

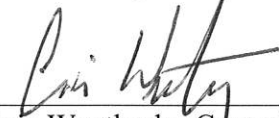

Town Clerk

**MAYOR AND TOWN COUNCIL
TOWN OF NEW MARKET**

Winslow F. Burhans, III, Mayor


Dennis Kimble, Council Member


Shannon Rossman, Council Member


Michael Wright, Council Member


Chris Weatherly, Council Member


Matthew Chance, Council Member

EXHIBITS A AND B ARE PART OF THIS RESOLUTION

Introduced : July 14, 2022
Enacted : November 10, 2022
Effective : December 26, 2022

I HEREBY CERTIFY THAT A PUBLIC HEARING WAS HELD ON THIS
RESOLUTION NO. 2022-02 ON THE 13th DAY OF October, 2022.

I FURTHER CERTIFY THAT NOTICE OF THE TIME, DATE, PLACE AND PURPOSE
OF THE PUBLIC HEARING WAS PUBLISHED IN THE FREDERICK NEWS-POST
NEWSPAPER ON THE FOLLOWING DATES:

September 6, 2022

September 13, 2022

September 20, 2022

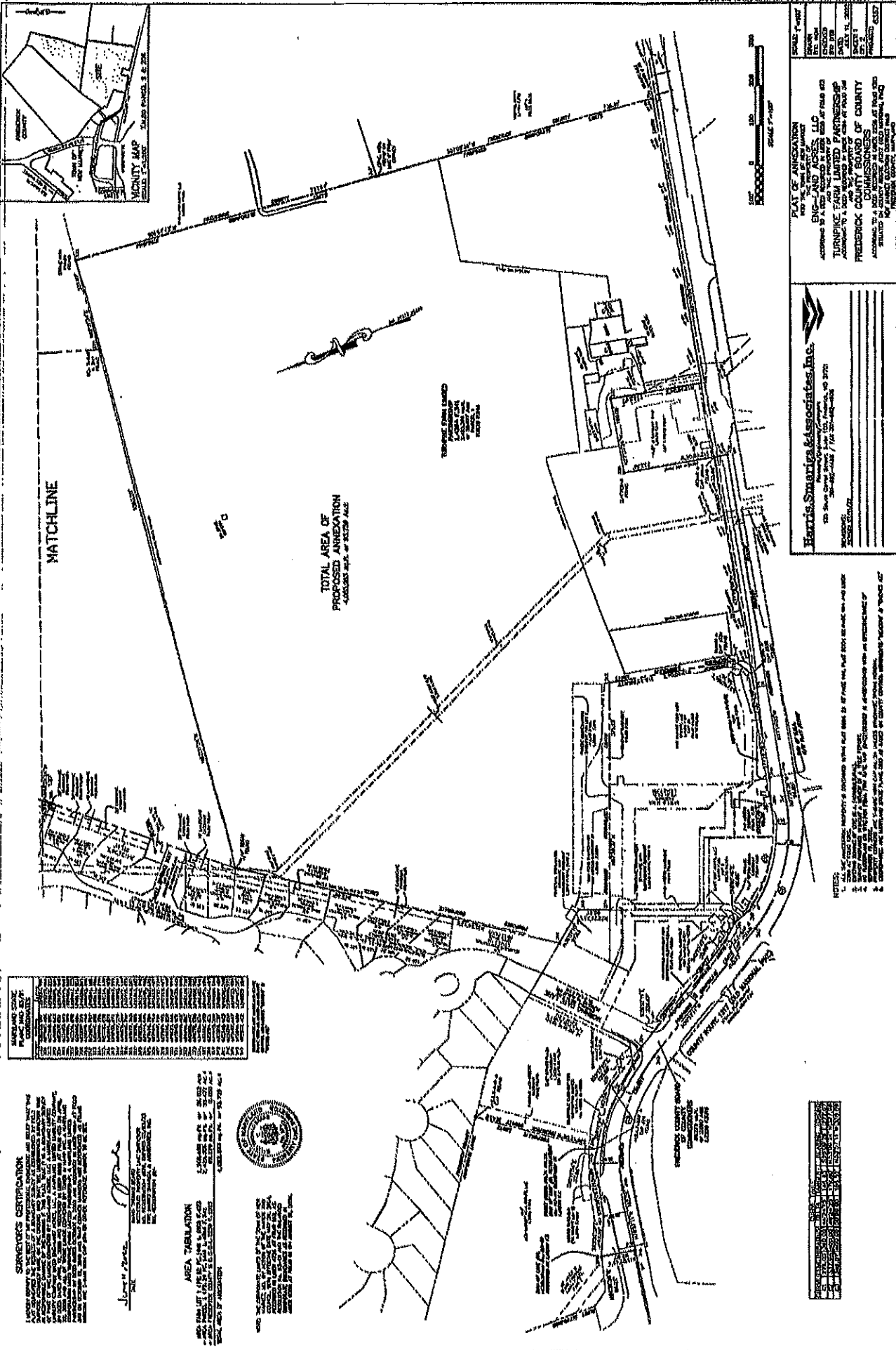
September 26, 2022

THE PUBLIC HEARING WAS HELD NOT LESS THAN FIFTEEN DAYS AFTER
THE LAST PUBLICATION OF NOTICE.

Michelle Mitchell
Town Clerk

Date: November 10, 2022

Exhibit A



ANNEXATION CERTIFICATION

I, the undersigned, being a duly qualified and authorized officer of the County of Frederick, Maryland, do hereby certify that the foregoing is a true and correct copy of the original as the same appears on the records of the County of Frederick, Maryland.

[Signature]

AREA TABLE

DESCRIPTION	ACRES
Proposed Annexation Area	1.00
Other	0.00
Total	1.00



PLAT OF ANNEXATION

ENG-AND ASSOC. LLC
TURNPIKE FARM LIMITED PARTNERSHIP
FREDERICK COUNTY BOARD OF COUNTY COMMISSIONERS

APPROVED BY THE BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY, MARYLAND, ON 11/11/11.

SCALE 1"=100'

0 100 200

Harris, Smarig & Associates, Inc.

1200 South Center Street, Suite 100, Frederick, MD 21701

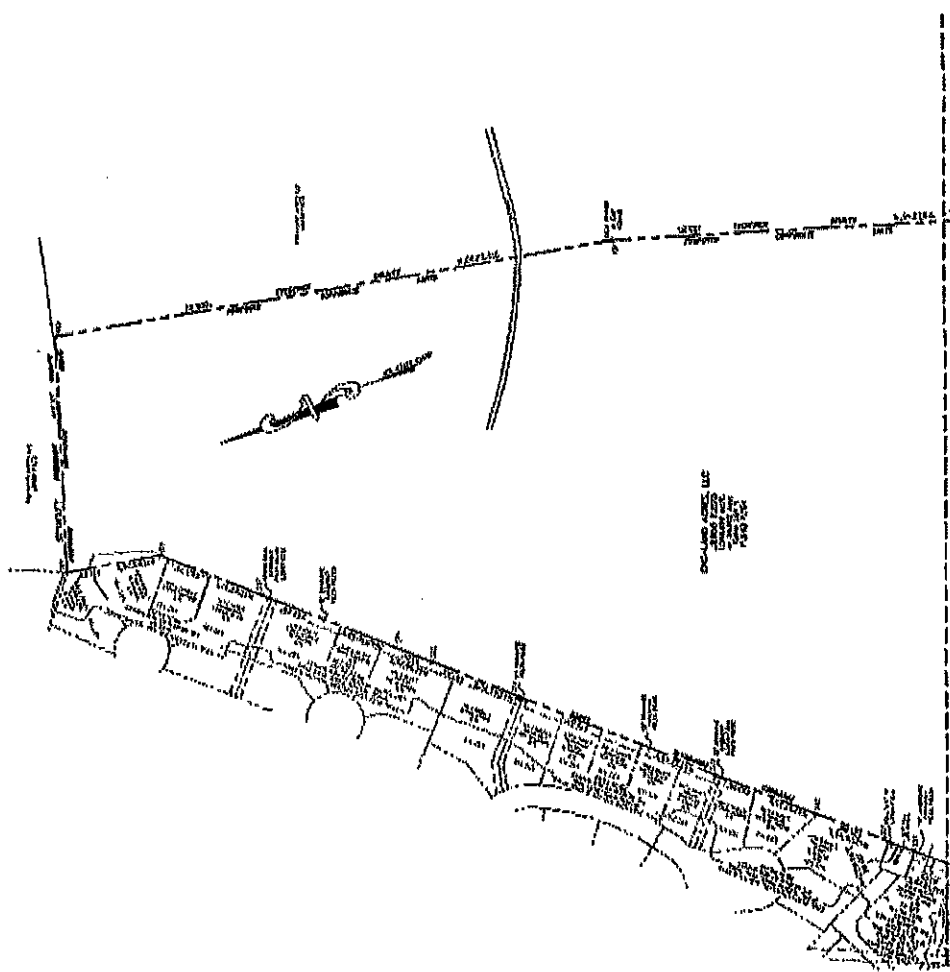
301-692-1111 / 100-211-1111

NOTES:

1. The proposed annexation is shown within the red line.
2. The proposed annexation is shown within the red line.
3. The proposed annexation is shown within the red line.
4. The proposed annexation is shown within the red line.

LEGEND

1. 1/4 SECTION 1, T1N, R1E, S1W, 1/4
 2. 1/4 SECTION 2, T1N, R1E, S1W, 1/4
 3. 1/4 SECTION 3, T1N, R1E, S1W, 1/4
 4. 1/4 SECTION 4, T1N, R1E, S1W, 1/4
 5. 1/4 SECTION 5, T1N, R1E, S1W, 1/4
 6. 1/4 SECTION 6, T1N, R1E, S1W, 1/4
 7. 1/4 SECTION 7, T1N, R1E, S1W, 1/4
 8. 1/4 SECTION 8, T1N, R1E, S1W, 1/4
 9. 1/4 SECTION 9, T1N, R1E, S1W, 1/4
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 99. 1/4 SECTION 99, T1N, R1E, S1W, 1/4
 100. 1/4 SECTION 100, T1N, R1E, S1W, 1/4



Harris SmartAggregates, Inc.
 10000 Harris Road, Suite 100
 Houston, Texas 77036
 Phone: 281-410-1000
 Fax: 281-410-1001
 Email: info@harris-aggregates.com
 Website: www.harris-aggregates.com

STATE: TEXAS	PROJECT: P-100
COUNTY: HARRIS	SECTION: 100
TOWNSHIP: 10N	RANGE: 10E
SURVEY: 10N 10E	DATE: 10/10/10
PREPARED BY: HARRIS SMARTAGGREGATES, INC.	DATE: 10/10/10
CHECKED BY: HARRIS SMARTAGGREGATES, INC.	DATE: 10/10/10
APPROVED BY: HARRIS SMARTAGGREGATES, INC.	DATE: 10/10/10

EXHIBIT B



125 S. CARROLL STREET
SUITE 100
FREDERICK
MARYLAND 21701

P. 301.662.4488
F. 301.662.4906
www.harrissmariga.com

July 11, 2022
HSA Job No. 6357
Page 1 of 6

**Description of Property to be Annexed
Into the Town of New Market, Maryland
Property of**

**Turnpike Farm Limited Partnership, Eng-Land Acres, LLC and Frederick County Board
of County Commissioners**

BEING all those pieces or parcels of land situated on Maryland Route #144, County Route #1317 Old National Pike, located adjacent to the Town of New Market, Frederick Election District No. 9, Frederick County, Maryland. Being all of the lands conveyed unto Turnpike Farm Limited Partnership, a Maryland Limited Partnership by deed dated October 9, 2003 and recorded among the Land Records of Frederick County, Maryland in Liber 4264 at Folio 341, part of the lands conveyed unto Eng-Land Acres, LLC, a Maryland limited liability company by deed dated April 17, 2008 and recorded among the aforesaid Land Records in Liber 6958 at Folio 673 and Part of Maryland Route 144 conveyed unto the Frederick County Board of County Commissioners by a Road Transfer Deed dated November 12, 1996 and recorded among the aforesaid Land Records in Liber 2258 at Folio 1315 and partially shown on S.H.A. Right of Way Plat #51197 filed or intended to be filed for record among the Maryland State Archives contained within a field boundary survey for annexation purposes completed by Harris Smariga & Associates, Inc., on June 7, 2021, and as shown on a plat entitled "Plat Of Annexation Into The Town Of New Market, The Property Of Eng-Land Acres, LLC According To A Deed Recorded In Liber 6958 At Folio 673 And The Property Of Turnpike Farm Limited Partnership According To A Deed Recorded In Liber 4264 At Folio 341 And The Property Of Frederick County Board Of County Commissioners According To A Deed Recorded In Liber 2258 At Folio 1315" prepared by Harris, Smariga & Associates, Inc. dated July 11, 2022 and being more particularly described in accordance with meridian reference to the Maryland Coordinate System as defined by the North American Datum of 1983, adjusted in 1991 (NAD 83/91), as established by Frederick County Control Monuments "Meadow" and "Chevez Az."

BEGINNING for the same at a point labeled #300 of the aforementioned Annexation Plat. Said point being at the end of line NO. 11 or the North 63° 50' 07" West, 103.58' line as described in a "Resolution NO. 03-01 Of The Town Of New Market To Enlarge The Corporate Boundaries Of The Town (Orchard At New market, LLC)" recorded among the said Land Records in Liber 6200 at Folio 001 on August 31, 2006. Said point also being located 87.00' right of a station 52+50 as shown on S.H.A. Plat No. 51197, Thence running with the existing Town of New Market Corporate Boundaries and the northern Right of Way Line of County Route #1317 (Old National Pike) as now surveyed the following three (3) courses and distances.

1. S. 63° 50' 37" E. 103.58' to a point labeled #301 on said Annexation Plat, thence



2. S. 78° 39' 09" E. 134.89' to a point labeled #302 on said Annexation Plat, thence
3. S. 55° 11' 54" E. 37.66' to point labeled #348, T-bar & survey cap found and held labeled HSA #24 on said Annexation Plat, said point being the corner of Lot 5 on a plat entitled "Addition Plat, Addition of Seawright Corporation to Lot 5, Turnpike Farm" and recorded among the aforementioned Land Records in Plat Book 71 at Page 39. Said point also being the end of line #8 on the above mentioned Resolution, thence leaving said existing Corporate Boundary Limits, and running with the north Right of Way Line of County Route #1317, and with the outline of said Annexation Survey as now surveyed, the following seven (7) courses and distances
4. S. 55° 11' 54" E. 162.58' to point labeled #303, T-bar & survey cap found and held labeled HSA #24 on said Annexation Plat, thence
5. S. 29° 13' 15" E. 125.56' to point labeled #304 on said Annexation Plat, thence
6. S. 28° 57' 11" E. 338.67' to point labeled #305, T-bar & survey cap found and held labeled HSA #24 on said Annexation Plat, thence
7. S. 40° 15' 47" E. 50.99' to point labeled #306 on said Annexation Plat, thence
8. S. 18° 00' 45" E. 48.06' to point labeled #307 on said Annexation Plat, thence
9. 279.00' along the arc of a curve deflecting to the left, having a radius of 360.00', said arc being subtended by a chord bearing S. 55° 09' 29" E. 272.07' to point labeled #309 on said Annexation Plat, thence
10. S. 70° 23' 36" E. 69.36' to point labeled #310 on said Annexation Plat, said point also being located 31.59' left of a station 45+67 as shown on Maryland State Highway Administration Plat No. 51197, thence leaving said plat and running with the north Right of Way Line the following course and distance
11. S. 77° 19' 56" E. 263.98' to point labeled #311, Rebar & survey cap found and held labeled #339 on said Annexation Plat, thence leaving the above mentioned north Right of Way Line and running with the outlines of Lot 2R as shown on a plat of record labeled "Correction Plat Lots 2R, 3-5 & Outlot, Turnpike Farm" recorded among the aforementioned Land Records in Plat Book 70 at Page 164 as now surveyed the following three (3) courses and distances
12. N. 57° 40' 04" E. 56.56' to point labeled #312, Rebar & survey cap found and held labeled #339 on said Annexation Plat, thence
13. N. 12° 40' 04" E. 318.33' to point labeled #313 on said Annexation Plat, thence



14. N. 67° 30' 37" W. 571.15' to point labeled #314 on said Annexation Plat, thence leaving the outline of Lot 2R of the aforementioned Correction Plat and running with the outlines of the Out Lot the following two (2) courses and distances
15. N. 22° 29' 23" E. 80.61' to point labeled #315 on said Annexation Plat, thence
16. N. 36° 57' 10" W. 97.63' to point labeled #316 on said Annexation Plat, said point being on the East Property Line of the Meadow Subdivision, said point also being the Southwest corner of Parcel 2 at the beginning of the N. 37° 51' 26" E. 847.71' on a plat entitled "Turnpike Farm" recorded among the aforementioned Land Records in Plat Book 29 at Page 144, thence running with the said 847.71' line of Parcel 2, and the east Property Line of the Meadow Subdivision recorded in Plat Book 73, page 178, Plat Book 56, page 21, and a part of the east Property Line of the Meadow Subdivision recorded in Plat Book 59, page 84 as now surveyed the following course and distance
17. N. 35° 24' 43" E. 848.09' to point labeled #317, 3/4" Rebar found and held on said Annexation Plat, said point also being the Southwest corner of Farm Lot 1 on a Plat entitled "Farm Lot 1, Stone Oak Manor" recorded among the aforementioned Land Records in Plat Book 82 at Page 194, and following the outlines of Farm Lot 1, and continuing to run with a part of the east Property Line of the Meadow Subdivision as recorded in Plat Book 59, page 84, and also running with the east Property Line of the Meadow Subdivision recorded in Plat Book 68, page 134, the east Property Line of Frederick County Well Site "B" recorded in Liber 1504, folio 610, and the east Property Line of the Meadow Subdivision recorded in Plat Book 70, page 190, Plat Book 75, page 93, plat Book 73, page 123, and Plat Book 71, page 152, the following twelve (12) courses and distances
18. N. 41° 34' 36" E. 501.41' to point labeled #318 on said Annexation Plat, thence
19. N. 48° 25' 24" W. 1.27' to point labeled #319 on said Annexation Plat, thence
20. N. 41° 18' 20" E. 83.06' to point labeled #320 on said Annexation Plat, thence
21. N. 42° 59' 28" E. 50.00' to point labeled #321 on said Annexation Plat, thence
22. N. 42° 00' 48" E. 138.08' to point labeled #322 on said Annexation Plat, thence
23. N. 42° 57' 25" E. 193.26' to point labeled #323 on said Annexation Plat, thence
24. N. 43° 32' 49" E. 377.07' to point labeled #324 on said Annexation Plat, thence
25. N. 43° 43' 20" E. 167.44' to point labeled #325 on said Annexation Plat, thence
26. N. 42° 59' 28" E. 70.01' to point labeled #326 on said Annexation Plat, thence



27. N. 43° 36' 58" E. 249.84' to point labeled #327 on said Annexation Plat, thence
28. N. 42° 47' 41" E. 193.79' to point labeled #328 on said Annexation Plat, thence
29. N. 11° 55' 29" E. 171.97' to point labeled #329 on said Annexation Plat, thence
leaving the said Eastern Property Line of the Meadow Subdivision and still following the
outlines of the aforementioned Farm Lot 1 the following three (3) courses and distances
30. S. 71° 08' 03" E. 416.37' to point labeled #330 on said Annexation Plat, thence
31. S. 12° 22' 20" W. 1006.01' to point labeled #331, Gary Castle Associates T-Bar &
survey cap found and held on said Annexation Plat, thence
32. S. 18° 52' 46" W. 755.20' to point labeled #332, Gary Castle Associates T-Bar &
survey cap found and held on said Annexation Plat, said point intersecting the S. 80° 04'
17" E. 1584.84' line as shown on the North Property line of Parcel 1 on the
aforementioned plat entitled "Turnpike Farm" recorded among the said Land Records in
Plat Book 29 at Page 144, thence running with the said Parcel 1 as now surveyed the
following four (4) courses and distances
33. S. 82° 31' 34" E. 231.67' to point labeled #333, Stone With Punch Found on said
Annexation Plat, said point also being labeled "Planted Stone Found" on the
aforementioned Plat entitled "Turnpike Farm", thence
34. S. 06° 54' 43" W. 794.64' to point labeled #347, said point being 6' from a point
labeled Concrete Monument Found on said Annexation Plat thence passing on line and
over said Monument
35. S. 07° 02' 36" W. 736.91' to point labeled #335 on said Annexation Plat, said point
intersecting the north Right of Way Line of County Route #1317, and binding with the
said Right of Way Line as now surveyed
36. N. 77° 19' 56" W. 729.69' to point labeled #336 on said Annexation Plat, said point
also being the Southeast corner of Lot 1 labeled point #605 on a Plat entitled "Correction
Plat Lot 1, Section 1, Turnpike Farm" recorded among the aforementioned Land Records
in Plat Book 92 at Page 67, thence following the outlines of Lot 1 as now surveyed the
following three (3) courses and distances
37. N. 12° 40' 04" E. 232.54' to a point labeled #337 on said Annexation Plat, thence
38. N. 77° 20' 24" W. 190.05' to a point labeled #338, 3/4" Rebar found and held on said
Annexation Plat, thence

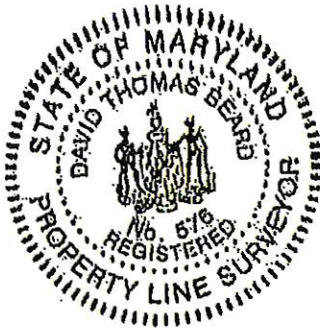


39. S. $12^{\circ} 40' 04''$ W. 265.51' to a point labeled #339 on said Annexation Plat, said point located 33' passed a Rebar and survey cap labeled #8644 Found on line and falling in the centerline of County Route #1317 and running with the centerline as now surveyed the following course and distance
40. N. $77^{\circ} 14' 00''$ W. 819.00' to a point labeled #340 on said Annexation Plat, said point also being located at baseline station 45+67 as shown on Maryland State Highway Administration Plat No. 51197 and running and binding with said baseline as now surveyed the following five (5) courses and distances
41. N. $77^{\circ} 21' 36''$ W. 68.85' to a point labeled #341 on said Annexation Plat, said point being located at the intersection of Former MD. Route 144 and Relocated Maryland Route 144, baseline station P.O.T 44+98.15 = P.C. 39+90.00 as shown on the aforementioned Maryland State Highway Administration Plat No. 51197, thence
42. 337.94' along the arc of a curve deflecting to the right, having a radius of 400.00', said arc being subtended by a chord bearing N. $53^{\circ} 09' 24''$ W. 327.98' to point labeled #342 on said Annexation Plat, thence
43. N. $28^{\circ} 57' 11''$ W. 410.73' to a point labeled #343 on said Annexation Plat, thence
44. 349.07' along the arc of a curve deflecting to the left, having a radius of 400.00', said arc being subtended by a chord bearing N. $53^{\circ} 57' 11''$ W. 338.09' to point labeled #345 on said Annexation Plat, thence
45. N. $78^{\circ} 57' 11''$ W. 162.26' to a point labeled #346 on said Annexation Plat, said point being located at baseline station 52+50 as shown on S.H.A Plat No. 51197, thence leaving said baseline
46. N. $11^{\circ} 02' 49''$ E. 87.00' to the place of first beginning.

The area contained by the foregoing amounts to 4,083,283 square feet or 93.739 acres of land more or less.



I hereby certify that the description shown hereon is correct and is in compliance with Maryland minimum standards of practice and is in compliance with the requirements stated in Comar Title 9 Subtitle 13 Chapter 6 Regulation 12; and that it is based on a field survey performed, under my direct supervision and responsible charge;



David Thomas Beard
Registered Property Line Surveyor
MD. Registration #576, expires 03/23/23
for Harris Smariga & Associates, Inc.
Md. Registration #24