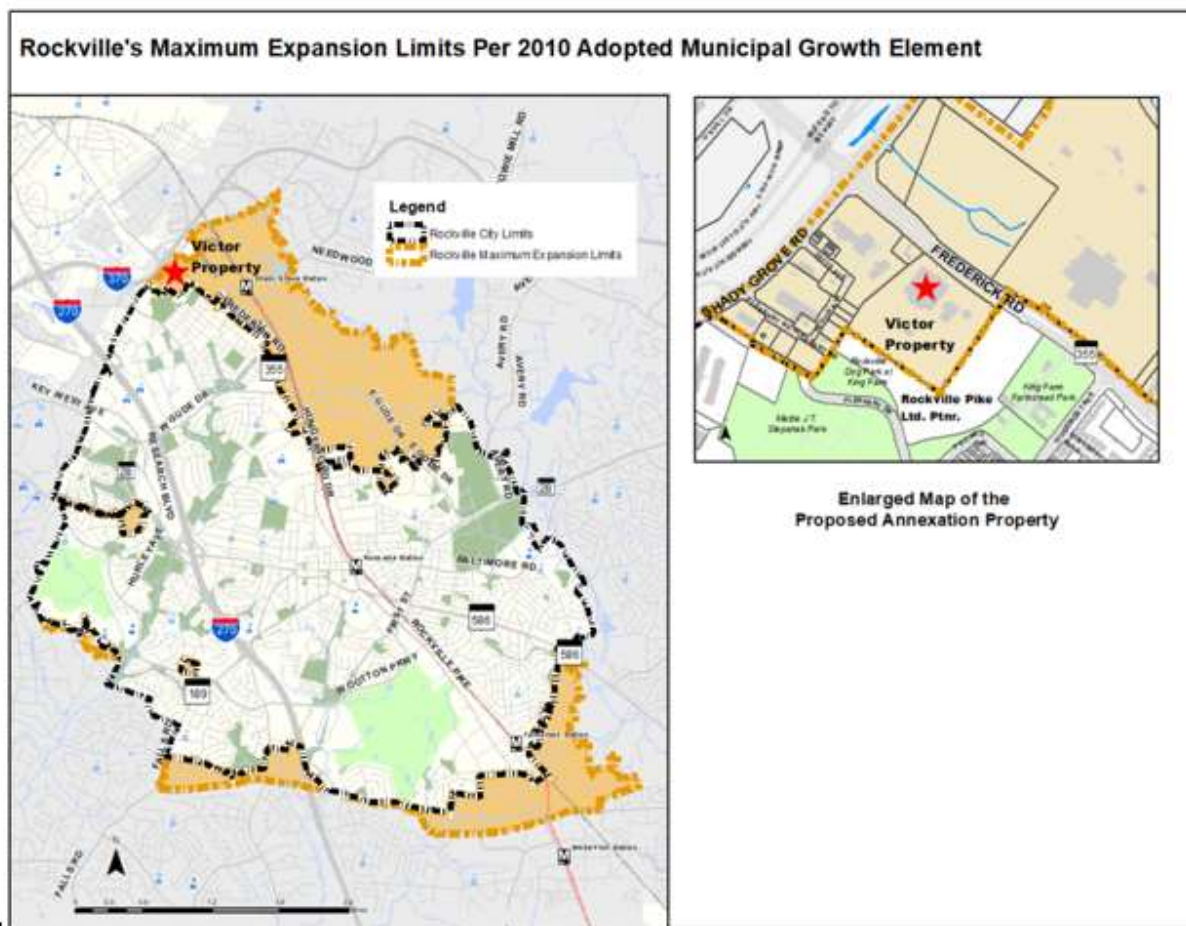


Annexation Plan Annexation ANX2020-00146

This Annexation Plan is prepared as a result of an applicant-initiated request to annex land into the City of Rockville. Pursuant to Local Government Article, Section 4-415 of the Annotated Code of Maryland, the Annexation Plan must be consistent with the Municipal Growth Element ("MGE") of the comprehensive plan of the municipality.

The area proposed for annexation is within unincorporated Montgomery County, and within the City's maximum expansion limits (MEL), as established in the MGE, adopted in December 2010, of the City's Comprehensive Master Plan.

Figure 1 - Rockville's MEL per 2010 adopted MGE



Rockville's MGE notes that, because there is no expectation that the entire area as defined as the maximum expansion limits in the document will be annexed, the public facilities capacities will be determined in the context of specific annexation petitions. Accordingly, in addition to a

description of the land use pattern proposed for the area to be annexed, this Annexation Plan includes an approach for extending public services to the annexed area, a description of the anticipated means of financing the extension of services, and a demonstration of available land for public facilities that may be considered reasonably necessary for the proposed use.

The following fulfills the Local Government Article requirement for the Annexation Plan.

General Information and Description

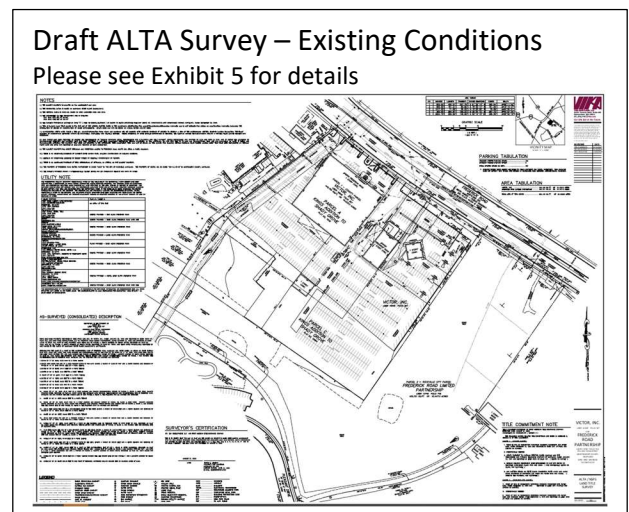
Petitioner:

Victor, Inc.
16200 Frederick Road
Gaithersburg¹, MD 20877

Location:

The parcels of land proposed for annexation ("Annexation Area") are located approximately 800 feet south of the intersection of Shady Grove Road and MD 355, also described as (a) 16160 and 16200 Frederick Road and (b) Parcel A, recorded among the Land Records of Montgomery County ("Land Records") at Plat No. 7936 and a portion of Parcel C, recorded among the Land Records at Plat 10684. The Annexation Area is approximately 11.96 acres, or 521,154 square feet, consisting of 10.23 acres of privately owned parcels ("Victor Property") and 1.73 acres of State of Maryland Highway 355 right-of-way ("SHA Property"). The Annexation Application and the property description are enclosed with this document.

Figure 2 - Survey Plat



Background

Pursuant to Section 4-415(a) of the Local Government Article of the Annotated Code of Maryland, an annexation plan shall be adopted by the legislative body for the area to be annexed. The Mayor and Council introduced the Annexation Resolution for the Annexation Area on November 23, 2020 and set the public hearing on the Resolution for May 17, 2021. The Mayor and Council are scheduled to adopt the Annexation Plan for release for their public hearing at the April 12, 2021 meeting.

Land Use Patterns of Area Proposed to be Annexed

Existing Conditions

The Victor Property is a developed site with existing buildings that house an automobile dealership and service shop constructed prior to its current County zoning. The Victor Property abuts a 10.34-acre parcel ("Partnership Parcel"), owned by Frederick Road Limited Partnership, which is located within the municipal boundaries of Rockville. The Partnership Parcel is zoned

¹ Despite a mailing address indicating "Gaithersburg", the properties are not within the municipal boundaries of the City of Gaithersburg, but in unincorporated Montgomery County.

MXCD. EYA Development LLC (“EYA”) is the contract purchaser of both the Victor Property and the Partnership Parcel.

The Victor Property is adjacent to a series of Rockville park features that are part of the King Farm neighborhood, including the Dog Park, the King Farm Farmstead and the broader Mattie J. T. Stepanek Park. Various developed commercial properties are to the west/northwest, including an office building, a hotel, and retail space. On the opposite side of Frederick Road (MD 355) are the Montgomery County transfer station site and a vacant lot owned by the Betty B. Casey Trust.

Figure 3 - Location Map



The Victor Property lies within the boundaries of the County’s 2006 Approved and Adopted Shady Grove Sector Plan, which recommends maintaining the existing commercial uses. It further recommends that properties along MD 355 be developed in the long term to achieve a mixed-use classification of employment.

A minor amendment to the 2006 Shady Grove Sector plan is currently underway. On October 15, 2020, the Montgomery County Planning Board voted to approve and send the Shady Grove Sector Plan Minor Plan Amendment Planning Board Draft Plan (Draft Amendment) to the Montgomery County Council and the County Executive, who are currently reviewing the plan. The expected timeline is that the updated plan will be adopted in the summer of 2021.

Montgomery County Zoning

The current zoning of the Victor Property is GR-1.5, H-45 (General Retail) within Montgomery County. The County zoning allows for a mixture of retail, commercial and residential uses. It regulates these uses based on a prescribed floor-to-area ratio (FAR) and sets forth certain percentage limitations for some uses, such as residential. The maximum height permitted is 45 feet. Bonus residential density is permitted based on the provision of affordable dwelling units.

The Draft Amendment recommends rezoning the Property to the Commercial Residential Town (CRT) 1.5, C-0.5, R-1.0 H-80' Zone. If approved, this new zoning would permit a development with FAR of 1.5, if developed with both residential and commercial uses, FAR of 0.5 with only commercial development, and FAR of 1 with only residential development. The height limit would be 80 feet. The intent of the proposed County zoning is consistent with the City's MXCD zoning as requested, and the development as proposed by the applicant, as the MXCD zoning also permits a mix of uses and has a height limit of 75 feet.

Requested City Zoning

The petitioner has requested that the City's MXCD zoning be placed on the Victor Property when annexed. By doing so, it would match the MXCD zoning of the adjacent Partnership Parcel that is already within the city limits. EYA, the contract purchaser of both properties, proposes a combined residential project ("Project") under the City's MXCD Zone. The concept of the proposed Project contains a combination of townhomes and two-over-two multi-family residences with a total number of units in the range of 365-370 units, public and private streets, open spaces, public use space and other amenities. 15% of the residences would be Moderately Priced Dwelling Units. As indicated previously, the City's MXCD zoning allows for buildings of up to 75 feet in height. EYA is proposing building heights of up to 55 feet.

MXCD zoning is appropriate for the Victor Property, upon annexation. The Victor Property's location facing MD 355 and its adjacency to the MXCD-zoned Partnership Parcel provide a similar context as the majority of Rockville's existing MXCD zoning. Most of the land within the City that is along the MD 355 corridor has this same zoning. Furthermore, the draft Rockville 2040 Comprehensive Plan assigns to this site a Land Use of OCRM (Office Commercial Residential Mix), which is the mixed-use designation that aligns with MXCD (or MXTD). Residential development is also appropriate at this location, because 1) there is a great need for various types of housing in Rockville, to serve various income levels; 2) residential development would be well served by transit and the road system and 3) other community amenities, such as parks and schools, are within sufficient proximity.

Compliance with Municipal Growth Element of City's Comprehensive Plan

The proposed annexation is within the boundaries of the City's Maximum Expansion Limits ("MEL"), as delineated in the MGE of the City of Rockville Comprehensive Master Plan. No change in this regard is anticipated in the draft Rockville 2040 Comprehensive Plan, which is currently under review, as the existing draft continues to show this site as well within the MEL (see Figure 1).

Adequacy of Public Facilities

This section discusses the public facilities and services that are currently existing or proposed for the area. In general, this urbanized portion of Montgomery County, including the nearby neighborhoods within Rockville and the commercial areas along MD 355, are well served by public facilities. As a result, the City of Rockville has confidence that the Victor Property will also be well served after annexation, as it is at present. However, impacts on public facilities will be evaluated as detailed development plans are submitted to the City.

The City of Rockville's Adequate Public Facilities Ordinance (APFO) and the Adequate Public Facilities Standards that implement the Ordinance, together, establish procedures and standards necessary to ensure that adequate public facilities and services are provided with new development. It requires tests of the capacity of public facilities based on current and projected data available at the time of development application. The City utilizes the development review process to ensure that adequate public facility systems exist during and after a development project and ensure that all concerns are adequately addressed and mitigated.

The public facilities and services needed by the proposed development and the methods to provide such facilities and services to the annexed parcels as hereby outlined.

Water and Sewer

The Washington Suburban Sanitary Commission (WSSC) currently provides public water and sewer services to the property within the annexation area. No changes in service will occur as a result of the annexation, although the specifics of the sewer and water service will be evaluated as part of a project plan application. WSSC will confirm that their system has the capacity to provide service to the Property upon review of a Hydraulic Planning Analysis ("HPA"). The HPA has been filed with the WSSC and is currently under review.

Roads

The existing public roads are adequate to serve the existing use of the Victor Property, which is currently an auto dealership. A traffic analysis is currently under way for the proposed new development. It is anticipated that new public and private roads will be required for construction to manage the traffic generated by the new development. It is anticipated that the developer will construct any new roads that serve the development.

Transit

The site is less than one mile to the Shady Grove Metro Station. Bus service is also available through Ride On and WMATA, both at the station and along MD 355 and Shady Grove Road. In addition to these current transit options, the MD 355 corridor is on the route of one of the planned Montgomery Bus Rapid Transit (BRT) routes. In general, the Victor Property is, and will be, very well served by transit.

Police Services

Police protection will be provided by the Rockville Police Department, in conjunction with the Montgomery County Police Department that already serves this area. County Police District 1 serves Rockville, though the resources of the entire County Department are available if needed. Rockville anticipates no concerns in being able to extend service to the Victor Property.

Fire, EMS and Rescue Services

Montgomery County Fire and Emergency Services (MCFRS) provides fire and disaster protection to the Victor Property and will continue to do so after annexation, as this service is a County function. Station 3, at 380 Hungerford Drive, serves this area, although other stations are available to supplement service, including Station 28 on Muncaster Mill Road, Station 8 on Russell Avenue in Gaithersburg, and Station 32 at 9615 Darnestown Road. In addition, the Montgomery County Fire and Rescue Services have also proposed a new fire station in the Shady Grove Sector Plan area to meet the needs of additional growth.

School Services

The current use on the Victor Property has no impact on school services, as it is an automobile dealership. The petitioner is proposing a zoning designation of MXCD. That zoning would permit a variety of uses on the property, including commercial and residential, though the petitioner has indicated that a residential project is being proposed. As such, the annexation itself will have no impact on schools, but the impact of the proposed development will need to be assessed.

An analysis of school capacity will be conducted during the review of the project plan. The petitioner's current proposal is to develop a total of 370 units, consisting of 252 townhomes and 118 two-over-two multifamily units. Using the student generation rates adopted by the Board for FY2021, approximately 52 elementary school students, 25 middle school students, and 34 high school students will be generated as proposed with the Project. At this time, the Gaithersburg cluster (Rosemont Elementary, Forest Oak Middle School and Gaithersburg High School) can adequately support the additional increase in students at each school under the current FY2021 School Test and will remain adequate under the proposed school test in the Montgomery County Public Schools 2020-2024 Growth and Infrastructure Plan, which the County Council adopted on November 16, 2020. Approval of the Project Plan will depend on this adequacy being affirmed at the time of approval. However, the final number and type of housing units will be determined through the development review process. If deficiencies emerge that are not adequately addressed, the project will not be permitted to move forward.

Parks and Recreation and Public Libraries

Currently, the closest park facilities are located in the King Farm development and include the King Farm Farmstead, Mattie Stepanek Park, King Farm Park, Pleasant Park, and King Farm Stream Valley Park. The current and proposed zones have open space requirements, including requirements for public use space, that must be met with redevelopment. The County GR designation requires 10% of the site be maintained as open space, while the MXCD district requires 15%. The developer is proposing at least 15% open space, including a recreation center to serve the development, and assistance in providing parking for the Farmstead.

The closest library to the Project is the Rockville Memorial Library, which is approximately 3 miles away, though any Montgomery County resident has access to the full resources of any library branch and all online services. The MGE has assessed library capacity for the city and found it to be well beyond general standards used to assess adequacy. Additional residences from the proposed annexation and project will not stress this assessment.

Stormwater Management

If annexed, all properties shall be required to pay an annual Stormwater Management Utility Fee in accordance with Section 19-116 of the City Code. The City Stormwater Management Utility Fee will replace the Water Quality Protection Charge, an annual fee assessed by the Montgomery County Department of Environmental Protection. Additionally, a review of stormwater management will be conducted as part of the project plan process required for future development of the Victor Property and the Partnership Parcel. The development will not be approved unless it is found to be in compliance with all regulations.

General Fiscal Considerations

No detailed fiscal impact of annexation has been conducted for this one application. However, previous analysis can provide evidence that the impact is very likely to be net positive for Rockville, whether the Victor Property remains in its current use or it is redeveloped similarly to that of the proposed development concept.

The City of Rockville charges residents a real property tax and charges businesses real and personal property taxes. The amounts charged are based on the City's tax rates and the value of the properties. The current tax rates equal \$0.292 per \$100 of assessed value for real property and \$0.805 per \$100 of assessed value for personal property. Property value is determined by the assessed value of real estate (including land and structures on the land) and the assessed value of personal property of business establishments (inventory, furniture, and fixtures).

The assessed value of the Petitioner's taxable annexation area is \$10,551,200 per the 2020 Tax Assessment Records. At minimum, the property will result in approximately \$30,000 per year in real property taxes to the City if annexed in its current condition. Very few additional costs would be added from the added impact on City services, as there would be no costs attributable to residences. As such, the annexation, in itself, is likely to have a positive fiscal impact if the current use remains in place.

General considerations regarding the proposed development concept are as follows. A 2012 the Development Fiscal Impact Analysis conducted for the City concluded that, at that time, a single-family dwelling unit valued at \$315,000 and a multiple family dwelling unit valued at approximately \$190,000 (based on 2012/2013FY dollars) would result in a break-even fiscal impact to the City. Therefore, any housing values above those levels were judged to be net fiscally positive. Any below would be negative.

According to the U.S. Bureau of Labor Statistics, the Consumer Price Index (CPI) rose approximately 13% from November 2012 to November 2020. Assuming that all costs and revenues moved higher in a common manner, the breakeven points for single-family and multifamily dwelling units would be \$356,000 and \$215,000, respectively.

The development concept currently envisions townhomes and “missing-middle” housing that are two-story units. Townhomes are single-family dwelling units. According to www.trulia.com, asking prices for recently built or under-construction townhomes in nearby developments include: Westside at Shady Grove in Derwood at between \$460,000 and \$650,000; Downtown Crown at between \$600,000 and \$950,000; and the new Tower Oaks townhomes at between \$925,000 and \$1.25 million. EYA anticipates sales prices for the market-rate townhouses to range between \$600,000 to \$800,000, and that the comparable sales that they are using to model the development have average prices of \$680,000. Taking into account the need to factor in the reduced prices of the 15% that will be MPDUs, the anticipated product at this site would still average well beyond the anticipated breakeven point of approximately \$356,000.

Assumptions regarding the “missing-middle” housing of 2-story units, which the developer anticipates as having three bedrooms, are more speculative because this product is not found in significant numbers nearby and they appear to be a hybrid between townhomes and multifamily units. Examples of current asking prices for recently built condominium units of at least 2 bedrooms include \$389,000 in Town Center (The Fitz: 3 BR, 2 BA); \$435,000 in King Farm (2BR, 2BA); \$650,000 in Falls Grove (3BR, 3BA); \$810,000 in King Farm (3BR, 3BA). The developer has indicated that they anticipate sales price for the market-rate two-over-two units to range between \$450,000 and \$600,000.

As before, assuming that 15% of the units will be MPDUs, thereby lowering the average price, the anticipated average assessed value at this site would be well beyond the breakeven point, whether the units are considered to be single-family (\$356,000) or multifamily (\$215,000).

It is important to recall that this review does not constitute a full fiscal impact analysis, but it does provide evidence that the impact on Rockville of both the annexation with the current land use and the potential development project is likely to be net fiscally positive.

Conclusion

In summary, annexation of the annexation area, including the Victor Property, is consistent with the Municipal Growth Element of the City’s Comprehensive Master Plan. A zone of MXCD would be consistent with City policies and is recommended for the Victor Property. The City of

Rockville is also confident in the City's ability to support the required public facilities and services, and in the County's continued ability to support its required services.

Enclosed

Annexation Petition and Property Description



Application for

Annexation Application

ANX

2/09

City of Rockville

Department of Planning and Development Services

Victor Inc
c/o Conrad V. Aschenbach
16200 Frederick Road
Gaithersburg, Maryland 20898
Email:

111 Maryland Avenue, Rockville, Maryland 20850

Phone: 240-314-8200 • Fax: 240-314-8210 • E-mail: pds@rockvillemd.gov • Web site: www.rockvillemd.gov

Please Print Clearly or Type

Property Address Information 16200 Frederick Road, Rockville, MD 20855

Subdivision Kings Addition to Shady Grove Lot(S) Parcel A & C Block N/A

Zoning MXCD (proposed) Tax Account(S) 09-00772335

Property Size (in square feet) 521,154

Property's Use Existing (to include office, industrial, residential, commercial) Commercial - Car Dealership

Applicant Information:

Please supply Name, Address, Phone Number and E-mail Address

Applicant EYA Development LLC, 4800 Hampden Ln, Bethesda, MD 20814, c/o Jason Sereno (jsereno@eya.com)

Property Owner Victor, Inc., 16200 Frederick Road, Gaithersburg, MD 20898, c/o Conrad Aschenbach (cva@kingauto.com)

Architect Not Applicable

Engineer VIKA Maryland, LLC, 20251 Century Boulevard, Suite 400, Germantown, MD 20874

Michael Goodman, goodman@vika.com, 301-916-4100

Attorney Miles & Stockbridge, 11 North Washington Street, Suite 700, Rockville, MD 20850

Barbara Sears, bsears@MilesStockbridge.com, 301-762-1600

Property Current Zoning In Montgomery County GR-1.5,H-45

STAFF USE ONLY

Application Acceptance:

Application # _____ OR Date Received _____

Date Accepted _____ Reviewed by _____

Staff Contact _____ Date of Checklist Review _____

Deemed Complete: Yes ☐ No ☐

Project Name King Buick

Metes and Bonds Description See Attached.

A letter of authorization from the owner must be submitted if this application is filed by anyone other than the owner.
I hereby certify that I have the authority to make this application, that the application is complete and correct and that I have read and understood all procedures for filing this application.

Please sign here 
Conrad V. Aschenbach, President

Application Checklist:

The following documents are to be furnished as part of this application:

Submitted

- Complete Application
- Filing Fee
- Petition
- Metes and Bonds description and graphic plan prepared and certified by a professional engineer.
Twelve (12) copies: (size 8.5 x 11, 11x14, or 11x17)
 - Electronic Copy

Comments on Submittal: (For Staff Use Only)

PETITION FOR ANNEXATION

TO THE MAYOR AND COUNCIL OF THE CITY OF ROCKVILLE:

COMES NOW, Petitioner, VICTOR, INC. (the "Property Owner") pursuant to Maryland Code (2013), § 4-404 of the Local Government Article to petition the Mayor and Council of the City of Rockville, Maryland, to annex certain property into the jurisdiction of the City of Rockville and in support thereof states as follows:

1. Annexation is sought for property consisting of 11.96405, more or less, acres of land, as more particularly described by metes and bounds on Exhibit "A" and depicted by sketch on Exhibit "B". The subject property consists of all of the property acquired by Victor, Inc., a Maryland corporation, from Lois, Inc., a Maryland corporation, by deed dated January 22, 1999 and recorded in Liber 16849 at Folio 367, part of said property also being all of Parcel A, King's Addition to Shady Grove, recorded as Plat No. 7936 and all of Parcel C, King's Addition to Shady Grove, recorded as Plat No. 10684 (the "Victor Property") and a portion of Fredrick Road, Maryland 355 as shown on State Highway Administration Plat No. 44224 and 44325 (the "SHA Property"), all among the Land Records of Montgomery County, Maryland and collectively referred to as, the "Property". The Victor Property is also collectively referred to as Parcel

N979 on Tax Map GS 122 and GS 123. The tax account number for the Victor Property is 09-00772335.

2. Annexation is sought by the Property Owner in its capacity as the current and sole owner of the Victor Property.

3. The Property lies in a location contiguous to and adjoining the existing corporate boundary of the City of Rockville and is within the Maximum Expansion Limits of the City of Rockville.

4. No persons registered as voters in Montgomery County or the City of Rockville reside on the Property. Accordingly, no consent is necessary for the granting of this Petition.

5. Petitioner requests that the Mayor and Council include as part of the annexation resolution, the reclassification of the Property to the MXCD zone. Petitioner believes the MXCD zone is substantially similar to the current GR-1.5 H-45 classification of the Property.

6. Petitioner presents the following Exhibits: (1) Exhibit "A" (a metes and bounds description of the Property) and (2) Exhibit "B" (a sketch of the Property).

Respectfully submitted:

VICTOR, INC.,
a Maryland corporation

By:  (SEAL)

Name: CONRAD V. A. SCHENBACH

Title: Prescoat

STATE OF Maryland)
COUNTY OF Prince Georges)

I HEREBY CERTIFY that on the 6th day of November, 2020,
before me, the subscriber, a Notary Public in and for the aforesaid jurisdiction,
personally appeared Conrad V. Aschenbach, the President of Victor
INC a Maryland corporate, who acknowledged himself/herself to me,
and that he/she executed the foregoing instrument for the purposes therein contained
by signing his/her ~~name~~ Victor Inc.

Witness my hand, at office, this 6th day of November, 2020.

Notary Public

Doris L. Graner

My commission expires: 12/3/2021

[Notarial Seal]

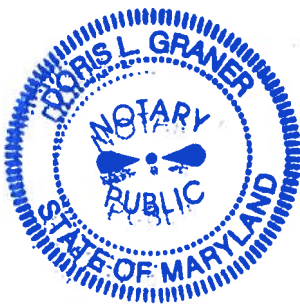


EXHIBIT "A"

**DESCRIPTION OF THE PROPERTY OF
VICTOR, INC.
LIBER 16849 FOLIO 367
AND A PORTION OF
FREDERICK ROAD
MARYLAND 355
(9TH) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND**

Being all of the property acquired by Victor, Inc., a Maryland corporation, from Lois, Inc., a Maryland Corporation, by deed dated January 22, 1999 and recorded in Liber 16849 at Folio 367, part of said property also being all of Parcel A, King's Addition to Shady Grove, recorded as Plat No. 7936 and all of Parcel C, King's Addition to Shady Grove, recorded as Plat No. 10684 and also being a portion of Frederick Road, Maryland 355, width varies, as shown on State Highway Administration Plat No. 44324 and 44325 all among the Land Records of Montgomery County, Maryland, and being more particularly described in the datum of Maryland State Plane (NAD83/2011) as follows:

Beginning for the same at a point on the southwesterly line of Frederick Road, Maryland 355, width varies, as shown on State Highway Administration Plat Nos. 44324 and 44325, said point marking the northwesterly end of the fifth (5th) or South 49° 11' 44" East, 40.54 foot deed line of said Liber 16849 at Folio 367, and also marking the common northeasterly corner of Parcel 1, Hunt's Addition to Shady Grove, recorded as Plat No. 9426 among the aforesaid Land Records; thence leaving said common northeasterly corner of Parcel 1 and running so as to cross and include a portion of said Frederick Road, Maryland 355

1. North 40° 37' 53" East, 125.67 feet to a point on the northeasterly line of said Frederick Road, Maryland 355, said point also marking the southwesterly line of Betty Brown Casey, Trustee, recorded in Liber 9304 at Folio 343 among the aforesaid Land Records; thence running with said northeasterly line of Frederick Road and with the common line of said Betty Brown Casey, Trustee and with the common line of Montgomery County, Maryland, recorded in Liber 5369 at Folio 441 among the aforesaid Land Records, the following two (2) courses and distances
2. 363.99 feet along the arc of a non-tangent curve to the left, having a radius of 2804.79 feet and a chord bearing and distance of South 53° 05' 11" East, 363.74 feet to a point; thence
3. South 56° 48' 15" East, 207.55 feet to a point; thence leaving said northeasterly line of Frederick Road and running so as to cross and include a portion of said Frederick Road
4. South 34° 50' 12" West, 137.55 feet to a point on the said southerly line of Frederick Road and also marking the common northwesterly deed line of Frederick Road Limited Partnership as recorded in Liber 13746 at Folio 746 among the aforesaid Land Records; thence leaving said southwesterly line of Frederick Road and running with the common line of said Frederick Road Limited Partnership, the following two (2) courses and distances

5. South 34° 50' 12" West, 649.86 feet to a point; thence
6. North 55° 10' 02" West, 726.21 feet to a point on the southeasterly line of Lot 3, Block B, Zetts Subdivision, recorded as Plat No. 1525 among the aforesaid Land Records; thence leaving said common line of Frederick Road Limited Partnership and running with the common line of said Lots 3 and 4, Zetts Subdivision and with a portion of Parcel 3, Hunt's Addition to Shady Grove, recorded as Plat No. 15074 among the aforesaid Land Records
7. North 32° 26' 32" East, 192.40 feet to a point; thence running with the common line of said Parcels 1 and 3, Hunt's Addition to Shady Grove
8. North 52° 22' 22" East, 500.49 feet to the point of beginning, containing 521,154 square feet or 11.96405 acres of land.

The undersigned hereby states that the metes and bounds description hereon was prepared by myself or under my direct supervision and that it complies with the Minimum Standards of Practice for Metes and Bounds Descriptions as established in Title 9, Subtitle 13, Chapter 6, Section .08 and .12 of the Code of Maryland Regulations (COMAR) as enacted and amended.

OCT. 22, 2020

Date

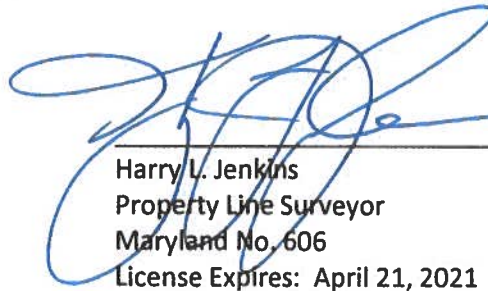
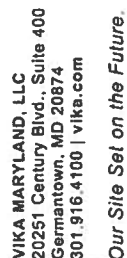

Harry L. Jenkins
Property Line Surveyor
Maryland No. 606
License Expires: April 21, 2021



EXHIBIT B
SKETCH SHOWING THE
PROPERTY OF
VICTOR, INC.
LIBER 16849 FOLIO 367
AND A PORTION OF
FREDERICK ROAD
MARYLAND 355
9TH ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND
SCALE: 1" = 120' OCT. 22, 2020



Resolution No. __

RESOLUTION: To enlarge the corporate boundaries of the City of Rockville to include 11.96 acres of land, more or less owned by Victor, Inc. and the State Highway Administration

WHEREAS, public notice of a resolution to annex property of Victor Inc. and State Highway Administration, totaling 11.96 acres of land, more or less, hereinafter more particularly described, has been published not fewer than two times at not less than weekly intervals in a newspaper of general circulation in the City of Rockville and the area to be annexed, said notice specifying that a public hearing would be held by the Mayor and Council on said resolution at Rockville City Hall, on May 17, 2021, at 7:00 p.m. or virtually, consistent with current City protocols for public hearings; and

WHEREAS, the Mayor and Council conducted a public hearing on said resolution at the time and place provided for in said advertisement which hearing was not less than fifteen days after the second publication of the public notice referenced above; and

WHEREAS, an annexation plan consistent with the municipal growth element of the comprehensive plan of the City was provided to the County Executive of Montgomery County, Maryland, the Secretary of the State Department of Planning and the Chairman of the Maryland-National Capital Park and Planning Commission at least thirty days prior to the holding of the scheduled public hearing; and

WHEREAS, immediately after the first publication of the public notice in said newspaper, a copy of that public notice was provided to the County Executive of Montgomery

County, Maryland, the Secretary of the State Department of Planning and the Chairman of the Maryland-National Capital Park and Planning Commission; and

WHEREAS, this matter having been considered and deliberated by the Mayor and Council of Rockville, and the Mayor and Council having decided that enactment of this resolution would promote the health, safety and welfare of the City of Rockville.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF ROCKVILLE, MARYLAND, as follows:

Section 1. That the corporate limits of the City of Rockville are hereby extended to include the following area, which is hereby added to the City.

Being all of the property acquired by Victor, Inc., a Maryland corporation, from Lois, Inc., a Maryland Corporation, by deed dated January 22, 1999 and recorded in Liber 16849 at Folio 367, part of said property also being all of Parcel A, King's Addition to Shady Grove, recorded as Plat No. 7936 and all of Parcel C, King's Addition to Shady Grove, recorded as Plat No. 10684 and also being a portion of Frederick Road, Maryland 355, width varies, as shown on State Highway Administration Plat No. 44324 and 44325 all among the Land Records of Montgomery County, Maryland, and being more particularly described in the datum of Maryland State Plane (NAD83/2011) as follows:

Beginning for the same at a point on the southwesterly line of Frederick Road, Maryland 355, width varies, as shown on State Highway Administration Plat Nos. 44324 and 44325, said point marking the northwesterly end of the fifth (5th) or South 49° 11' 44" East, 40.54 foot deed line of said Liber 16849 at Folio 367, and also marking the common northeasterly corner of Parcel 1, Hunt's Addition to Shady Grove, recorded as Plat No. 9426 among the aforesaid Land Records; thence leaving said common northeasterly corner of Parcel 1 and running so as to cross and include a portion of said Frederick Road, Maryland 355

1. North 40° 37' 53" East, 125.67 feet to a point on the northeasterly line of said Frederick Road, Maryland 355, said point also marking the southwesterly line of Betty Brown Casey, Trustee, recorded in Liber 9304 at Folio 343 among the aforesaid Land Records; thence running with said northeasterly line of Frederick Road and with the common line of said Betty Brown Casey, Trustee and with the common line of Montgomery County, Maryland, recorded in Liber 5369 at Folio 441 among the aforesaid Land Records, the following two (2) courses and distances

2. 363.99 feet along the arc of a non-tangent curve to the left, having a radius of 2804.79 feet and a chord bearing and distance of South 53° 05' 11" East, 363.74 feet to a point; thence
3. South 56° 48' 15" East, 207.55 feet to a point; thence leaving said northeasterly line of Frederick Road and running so as to cross and include a portion of said Frederick Road
4. South 34° 50' 12" West, 137.55 feet to a point on the said southerly line of Frederick Road and also marking the common northwesterly deed line of Frederick Road Limited Partnership as recorded in Liber 13746 at Folio 746 among the aforesaid Land Records; thence leaving said southwesterly line of Frederick Road and running with the common line of said Frederick Road Limited Partnership, the following two (2) courses and distances
5. South 34° 50' 12" West, 649.86 feet to a point; thence
6. North 55° 10' 02" West, 726.21 feet to a point on the southeasterly line of Lot 3, Block B, Zetts Subdivision, recorded as Plat No. 1525 among the aforesaid Land Records; thence leaving said common line of Frederick Road Limited Partnership and running with the common line of said Lots 3 and 4, Zetts Subdivision and with a portion of Parcel 3, Hunt's Addition to Shady Grove, recorded as Plat No. 15074 among the aforesaid Land Records
7. North 32° 26' 32" East, 192.40 feet to a point; thence running with the common line of said Parcels 1 and 3, Hunt's Addition to Shady Grove
8. North 52° 22' 22" East, 500.49 feet to the point of beginning, containing 521,154 square feet or 11.96405 acres of land.

Section 2. That all territory hereby annexed to the City of Rockville and the persons residing thereon shall, after the effective date of this resolution, be subject to the Charter, laws, ordinances and regulations of said City.

Section 3. That as soon as the annexation provided by this resolution shall become effective, the Mayor shall promptly register both the original boundaries and the new boundaries of the City with the City Clerk of Rockville, with the Clerk of the Circuit Court for Montgomery County, Maryland, with the Maryland-National Capital Park and Planning

Commission, and shall send, or cause to be sent, separately by certified mail, return receipt requested, one copy of this resolution to the Department of Legislative Reference.

* * * * *

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Mayor and Council of Rockville at its meeting of August 2, 2021

Sara Taylor-Ferrell, City Clerk