

**THE CITY OF FREDERICK
ORDINANCE NO: G-16-10**

AN ORDINANCE concerning the zoning of a portion of the Schley House Property

FOR THE PURPOSE of correcting an error in the description of the property to be designated

BY amending Ordinance No. G-16-04

WHEREAS, the Land Management Code (LMC) of The City of Frederick (the "City") incorporates by reference the official zoning maps; and

WHEREAS, the City has the authority to designate the boundaries for sites, structures, or districts that are deemed to be of historic, archeological, or architectural significance; and

WHEREAS, the City's Historic Preservation Commission (HPC) made an application to amend the official zoning maps by applying the HPO zone to the property located at 423B East Patrick Street, consisting of 1.54 acres of land, more or less, and generally known as the Schley House/Wayside Inn Property; and

WHEREAS, on January 21, 2016, the Board of Aldermen enacted Ordinance No. G-16-04, which applied the HPO to a portion of the Schley House Property; and

WHEREAS, Ordinance No. G-16-04 described the land to be rezoned as "an area of \pm .675 acres of land, including the entire width of the lot and encompassing all land between the east and west property lines until a point of 85 feet to the north of the front property line, as depicted on Exhibit A, attached hereto and incorporated herein by this reference"; and

WHEREAS, the foregoing property description was premised on an incorrect measurement - specifically, the calculation of 85 feet was erroneous, resulting in a district boundary running through an existing structure; and

WHEREAS, the Board of Aldermen intended the boundary to fall beyond the exterior of the existing structure; and

WHEREAS, the Board of Aldermen now desires to correct the property description to correspond to its original intent.

SECTION I. NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN that Ordinance No. G-16-04 be amended as described below. Except as otherwise provided in this section, Ordinance No. G-16-04 remains in full force and effect as originally enacted.

(1) Revise the 9th recital to state:

WHEREAS, the Board of Aldermen desires to apply the HPO to a portion of the Schley House Property, to wit, an area of \pm 0.66 acres of land, including the entire width of the lot and encompassing all land between the east and west property

lines until a point of 164.62 feet to the north of the front property line, as measured from the western property line and 149.68 feet as measured from the eastern property line as depicted on Exhibit A, attached hereto and incorporated herein by this reference (the "Property"); and

- (2) Repeal Exhibit A and replace it with a new Exhibit A, attached hereto and incorporated herein by this reference.

SECTION II. BE IT FURTHER ENACTED AND ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN that in the event any provision, section, sentence, clause, or part of this ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause, or part of this ordinance, it being the intent of the City that such remainder shall be and shall remain in full force and effect.

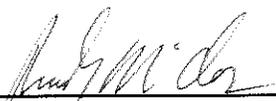
SECTION III. BE IT FURTHER ENACTED AND ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN that this Ordinance shall take effect on March 27, 2016 and all other ordinances or parts of ordinances inconsistent with the provisions of this ordinance will as of that date be repealed to the extent of such inconsistency.

APPROVED: March 17, 2016

PASSED: March 17, 2016



Randy McClement, Mayor



Randy McClement, President
Board of Aldermen

Approved for Legal Sufficiency:



Sandra A. Nichols
City Attorney

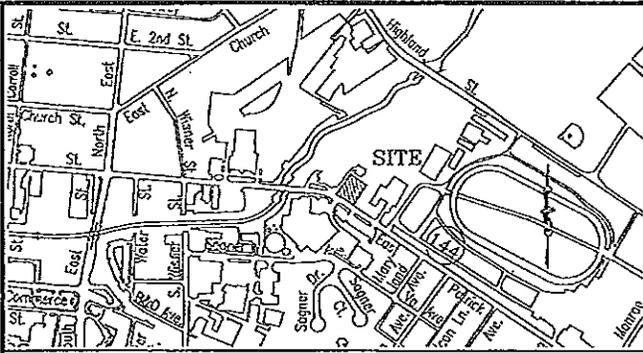
EXHIBIT 'A'

SURVEYOR'S SEAL



James Rahochik
Professional Land Surveyor
Maryland Registration No. 21667
For The City of Frederick, Maryland
License Expires/Renews 5-21-2016

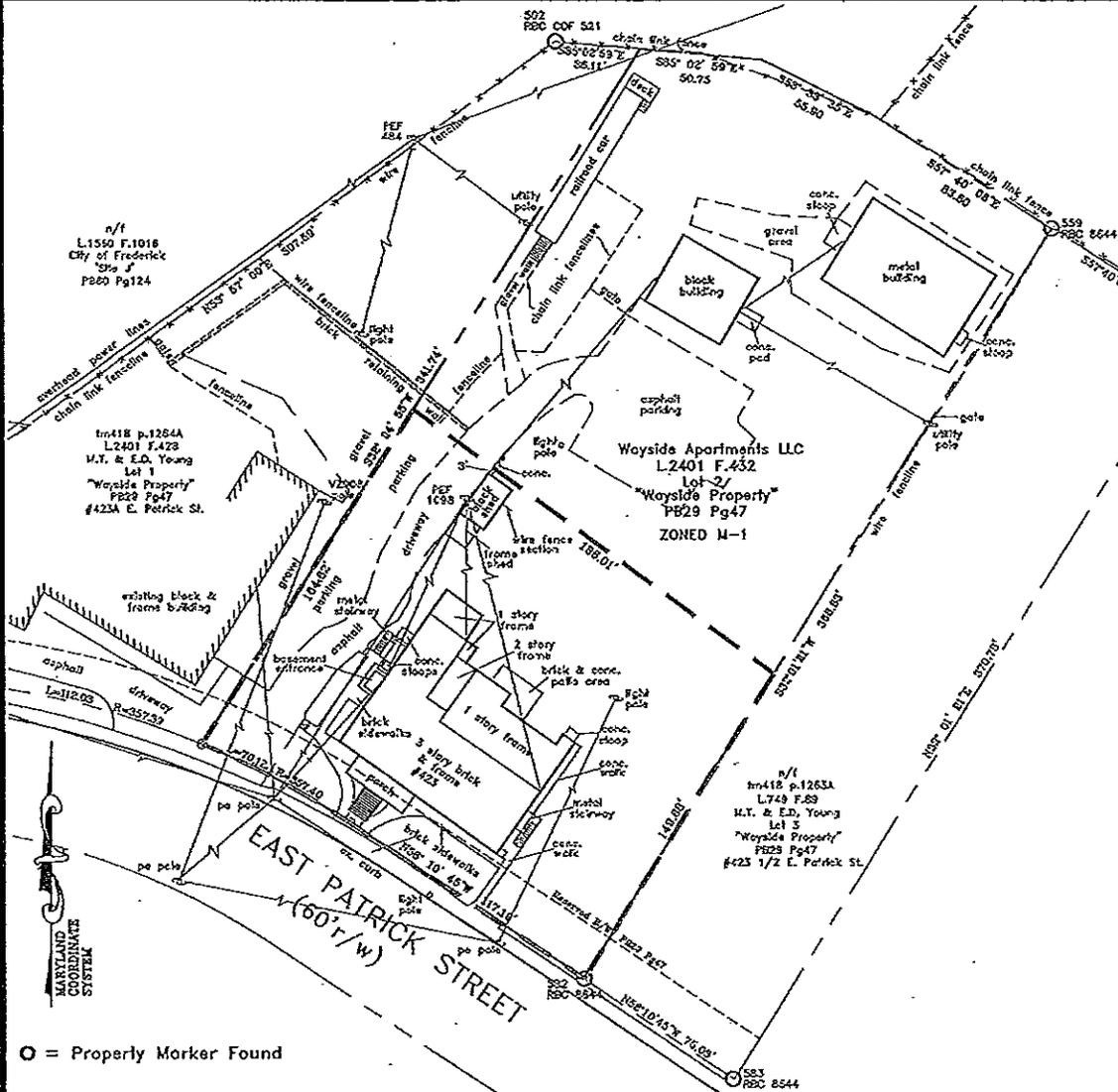
Date 2/24/16



Parcel No. 1264A
Tax Map No. 418

VICINITY MAP

Scale: 1" = 1,000'



○ = Property Marker Found

- NOTES:
1. Property is zoned M-1, Light Industrial
 2. Bearings and Distances shown are from a plat entitled "Wayside Property" PB29 Pg47.
 3. Existing features shown are from a field survey dated 2-12-16.

Historic Preservation Overlay
28,762sq.ft. or 0.66ac+-



140 WEST PATRICK STREET • FREDERICK, MARYLAND 21701
PHONE: (301) 600-1498

HISTORIC PRESERVATION OVERLAY

Of A Portion Of The Property Of
Wayside Apartments LLC
#423A East Patrick Street
City of Frederick

Fred. Elec. Dist. No. 2, Fred. Co., Md.

Drafted By: hjw Checked By: JR Scale: 1" = 60' Date: 2-19-16 Survey Project No. 16-004