

RESOLUTION NO. 09-17

A RESOLUTION TO PROVIDE FOR THE ENLARGEMENT OF THE CORPORATE BOUNDARIES OF THE CITY OF FREDERICK BY EXTENDING THE CORPORATE LIMITS OF THE CITY AND IN SO DOING AMEND ARTICLE 1, ENTITLED "INCORPORATION AND GENERAL GOVERNMENT", SECTION 2, ENTITLED "BOUNDARIES", OF THE CHARTER OF THE CITY OF FREDERICK TO PROVIDE FOR THE ANNEXATION OF 100.93482 ACRES OF LAND, MORE OR LESS.

BE IT RESOLVED, that the corporate limits of The City of Frederick shall include all property lying within the following boundaries:

See attached entitled "**EXHIBIT I**".

BE IT RESOLVED, ENACTED AND ORDAINED, by the Mayor and Board of Aldermen of The City of Frederick, that the boundaries of the City as provided in the Charter of The City of Frederick, as the same was enacted by the General Assembly of Maryland in Chapter 557, of the Laws of 1953, be amended to include the above-described Property (hereinafter "Property"), and the City Engineer shall so amend the description of the corporate limits to include all the Property more particularly described in **EXHIBIT I**.

BE IT FURTHER RESOLVED, ENACTED AND ORDAINED, that the Property and the persons residing on the Property are included for all purposes and subject to the Charter and Ordinances of said municipal corporation in said area as if the Property had been originally or subsequently included within the boundaries of said municipal corporation, EXCEPT as set forth to the contrary in the conditions applying to this annexation, as hereinafter set forth.

The conditions of this annexation are as follows:

1. Petitioner, Summers Family, LLLP, a Maryland limited liability limited partnership, its successors and assigns (hereinafter referred to as the "Petitioner"), shall pay the costs of any required advertising of this Annexation Resolution.
2. The Property shall be added to the corporate boundaries of the City and the Property and any persons residing on the Property shall be generally subject to the provisions of the Charter of the City, EXCEPT as set forth to the contrary in the following paragraphs of this Annexation Resolution.
3. Municipal ad valorem real estate taxes (hereinafter referred to as "City taxes") shall not be imposed on the Property until the earlier to occur of the following:

(a) Petitioner requests that the City provide to the Property public water or sanitary sewer ("public utilities") not available to the Property as of the Effective Date of this Annexation Resolution, such request to be evidenced by Petitioner requesting of the City and being granted a Building Permit to begin construction of improvements to the Property; or

(b) Seven (7) years from the Effective Date of this Annexation Resolution except in the event of a moratorium imposed by any applicable governmental, authority which has the effect of denying public utilities or services to any or all of the Property (which moratorium shall include, by way of example and not of limitation, any period during which the Board of County Commissioners of Frederick County have not given express approval of the zoning of the Property imposed by this Resolution), in which case, the moratorium shall delay the running of the seven (7) year period, to the extent of the time of the moratorium, as to any of the Property which cannot be provided public utilities as a result of the moratorium.

4. Extension of sanitary sewer, water and storm drain lines, streets, curbs, gutters, and all other public improvements typically provided by the City to and within the Property to the extent allowed by law and unless provided otherwise by this Annexation Resolution or by written agreement, shall be at the expense of the owner(s) or developer(s) requesting same and shall be at no cost to the City; provided, however, that extensions of all such services beyond the boundaries of the Property owned by the Petitioner, including, but not limited to, the lateral connection to public water and sanitary sewer from the trunk lines installed by Petitioner, and connection or tap fees, shall be at the expense of the owner desiring such services.
5. Provided such extensions are requested under the terms outlined in paragraphs 3 and 4 above, and provided such Property is within the municipal boundaries of the City, the City will allow Petitioner, at its expense, to extend sanitary sewer and water service to the Property and, in accordance with and subject to City law and regulations governing the allocation of public water and sewer, will allocate water and sewer taps to the Property at the time the extensions are completed and inspected by the City, and such taps are requested by the owner(s) or developer(s). Allocation of water and sewer taps to the Property shall be in accordance with City laws, rules and regulations, as may be amended, in effect at the time such taps are allocated. All water taps fees will be paid to the City by the owners or developers requesting the same. All water engineering plans will be submitted to the City Engineer for review and approval. All sewer taps fees will be paid to the City by the owners or developers requesting the same. All sewer engineering plans will be submitted to the City Engineer for review and approval.

6. Subject to all appropriate laws and administrative requirements, the Property is hereby zoned by the adoption of this Resolution, and simultaneously with its annexation into the corporate boundaries of the City, as MU-1, Mixed Use. The City hereby finds that the MU-1, Mixed Use zoning classification for the Property does permit a land use substantially different from the use for the Property as currently zoned by Frederick County and the City will cooperate with Petitioner in all regards and make all reasonable efforts to seek the express consent and approval by the Board of County Commissioners of Frederick County, Maryland, to such zoning classification for the Property. The Highway Noise Overlay Zone will also apply to a portion of the Property pursuant to the Land Management Code provisions applicable to the Highway Noise Overlay Zone.
7. Except as set forth below, the City will not require the Petitioner, the owners(s) or developer(s) of the Property, individually or collectively, to provide any additional off-site improvements as a condition of this Annexation, unless otherwise provided herein or required or permitted by the Land Management Code, other provisions of the City Code (including, but not limited to, the City's Adequate Public Facilities Ordinance ("APFO")), or required by written agreement between the City and the Petitioner, the owner(s) or developers(s) of the Property and only to the extent allowed by law. The Petitioner acknowledges that the all future development will be required to pay its proportionate share of improvements necessitated by reason of such future development as required by the City's APFO, which may or may not be included herein. The City of Frederick will require the Petitioner, the owner(s) or developers(s) of the Property, individually or collectively, at the time of being granted a Building Permit to begin construction of improvements to the Property (if the proffer is for a monetary contribution related to that improvement, or such physical improvement itself) or Site Plan review (if the proffer is for a non-monetary matter or for planning review and approval) to:
 - a) Extend Old Camp Road at US 40A to Butterfly Lane, with the alignment to be determined by the Planning Commission, to accommodate four (4) lanes of traffic with a divided median (City Urban Primary Arterial Standards), with appropriate landscaping as determined by the Planning Commission;
 - b) Extend and improve the portion of Butterfly Lane from Mt. Philip Road toward US 40A within the Property in order to serve the development of the Property;
 - c) Provide, at no cost to the City, right of way dedication along US 40A road frontage to facilitate its future widening as an Urban Minor Arterial;
 - d) Extend Public Sewer Line approximately 1,200 l.f. through VFW Country Club property to the Property;
 - e) Extend Public Water Line through Property from the existing 16" water lines in Mt. Philip Road and US 40A;

f) Limit Residential development of the Property to not more than Two Hundred Seventy-five (275) dwelling units (plus any required Moderately Priced Dwelling Units) and limit Non-Residential development of the Property to not more than Fifteen Percent (15%) of the Property, the minimum permitted in the MU-1 Zoning District;

g) Contribute to the City a total of Three Thousand Dollars (\$3,000) per approved single family detached dwelling unit and One Thousand Five Hundred Dollars (\$1,500.00) per approved attached or multi-family dwelling unit, but not less than Six Hundred Thousand Dollars (\$600,000), in lieu of dedicating a school site on the Property;

h) Prior to development of the Property and in consultation with the City of Frederick Historic Planning Staff, provide adequate documentation of, and maximize the salvage and re-use of materials from any historic buildings located on the Property;

i) Development of the Property along the eastern property line fronting along Mt. Philip Road shall be restricted to single family detached residential houses. The Petitioner or the owner or developer of the Property shall also provide an eight (8) acre section of the development on the Property, in the area of the existing entrance driveway and running east thereof, which shall be limited to single family detached residential houses, with a range of 8,000 square foot to 10,000 square foot lots, with not less than one-half of such lots exceeding 9,200 square feet in size; and

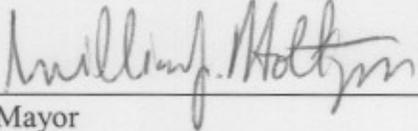
j) The Petitioner shall use energy efficient and environmentally sensitive design and construction standards in the design and construction of the site and buildings to be developed on the Property.

BE IT FURTHER RESOLVED, ENACTED AND ORDAINED, that the Mayor of The City of Frederick shall give public notice of the introduction of this Annexation Resolution at least four (4) times at weekly intervals in the Frederick News-Post, a newspaper of general circulation in Frederick City and Frederick County, Maryland, briefly and accurately describing the proposed change and the conditions and circumstances applicable, and shall provide for a public hearing to be held on Thursday, September 3, 2009 at the City Hall, Frederick, Maryland, at the hour of 7:00 p.m., which hearing shall be held not less than fifteen (15) days after the fourth (4th) publication of this notice.

BE IT FURTHER RESOLVED, ENACTED AND ORDAINED, that this annexation shall become effective forty-five (45) days after the passage of this Annexation Resolution unless a proper petition for referendum pursuant to Article 23A, Section 19, of the Annotated Code of Maryland, be presented to the Mayor within said forty-five (45)-day period.

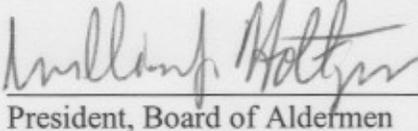
INTRODUCED at a regular meeting of the Mayor and Board of Aldermen of the City of Frederick on April 2, 2009.

APPROVED: September 3, 2009



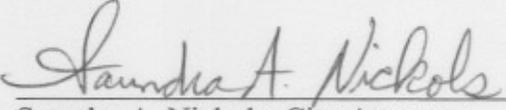
Mayor

PASSED: September 3, 2009



President, Board of Aldermen

REVIEWED AND APPROVED FOR LEGAL SUFFICIENCY:



Sandra A. Nickols, City Attorney

EXHIBIT I

February 19, 2009

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**Description of a
PARCEL TO BE ANNEXED
INTO THE CITY OF FREDERICK
Frederick (2ND) and Braddock (24TH) Election Districts
Frederick County, Maryland**

Being all or part of the land described in the following conveyances:

1. Part of Parcel 1 and all of Parcel 3 of the land conveyed to Summers Family, LLLP, a Maryland limited liability limited partnership (formerly known as Summers Family Limited Partnership, a Maryland limited partnership, pursuant to Certificate of Amendment filed September 12, 2006 among the Charter Records of the Maryland State Department of Assessments and Taxation, in Film B01007, Folio 550), from John A. Summers by a deed dated December 27, 1985 and recorded among the Land Records of Frederick County, Maryland in Liber 1316 at folio 426;
2. All of the land shown on a plat entitled "Addition Plat and Boundary Survey (Public Taking) Summers Addition to Summers and Part of John A. Summers Land" recorded among the Land Records of Frederick County, Maryland in Plat Book 19 at Page 140; being all of the land conveyed to Marcia J. Summers from Carol Linda Summers, formerly known of record as Linda R. Summers, surviving. Tenant by the Entirety of R. Clarke Summers, also known as Roy Clarke Summers, who died on or about 8/15/08 per Estate No. 29337, by a deed dated July 25, 2007 and recorded among the Land Records of Frederick County, Maryland in Liber 6928 at folio 752;
3. Part of the right of way of Butterfly Lane (30 foot wide right of way) as described in a conveyance from the Potomac Edison Company, a body corporate of the State of Maryland (successor to the Frederick and Middletown Railway Company), to the County Commissioners of Frederick County, State of Maryland, a body corporate and politic, dated May 12, 1953 and recorded among the Land Records of Frederick County, Maryland in Liber 516 at folio 538;
4. All of the land conveyed to The Frederick and Middletown Railway Company from Samuel M. Summers and Sarah A. Summers by deed dated September 24, 1904 and recorded among the Land Records of Frederick County, Maryland in Liber STH 267 at folio 386;

5. Part of the right of way of Mt. Phillip Road (variable width right of way) as shown on State Roads Commission of Maryland Right of Way Plat 32375 and conveyed to the State Roads Commission of Maryland from Carl Franzen and Julia Franzen by deed dated July 12, 1966 and recorded among the Land Records of Frederick County, Maryland in Liber 749 at folio 539; also conveyed to the State Roads Commission of Maryland from Ruth N. Smith, et al., by deed dated October 9, 1967 and recorded among the Land Records of Frederick County, Maryland in Liber 773 at folio 647;
6. Part of the land conveyed to Wilbur C. Hargett and Grace L. Hargett from Julia M. Smith by a deed dated July 10, 1951 and recorded among the Land Records of Frederick County, Maryland in Liber 494 at folio 340;
7. Part of the land conveyed to John R. Webb Post, No. 3285, Veterans of Foreign Wars, Inc., a body corporate of the State of Maryland from Herman M. Brown and Anna M. Brown by a deed dated August 13, 1951 and recorded among the Land Records of Frederick County, Maryland in Liber 494 at folio 564;

Beginning for the same at a rebar and cap set on the southerly right of way line of U.S. Route 40 Alt., 70 feet south of and opposite base line of right of way station 12+35 as shown on the State Roads Commission of Maryland Right of Way Plat 34112; said point also being City Point No. W-56-N at the northerly end of the North $24^{\circ} 41' 52''$ East, 915.36 foot line as shown on an annexation survey entitled "Resolution 16-88 adopted 7-14-1988"; thence running with part of said annexation line along the easterly side of Mt. Phillip Road the following course and distance:

1. South $24^{\circ} 36' 06''$ West, 338.54 feet to a rebar and cap set; thence leaving said annexation line, crossing said Mt. Phillip Road and running across the aforesaid lands of John R. Webb Post, No. 3285, Veterans of Foreign Wars, Inc. recorded in Liber 494 at folio 564, and binding on the 2nd or North $82^{\circ} 33' 50''$ West, 199.91 foot line of Parcel 1 and the 4th or South $82^{\circ} 33' 50''$ East, 80.00 foot line of Parcel 2 described in a deed from James D. Ketcher and Linda A. Ketcher, to Troy F. Monroe, Sr. and Judy L. Monroe dated July 31, 2002 and recorded among the Land Records of Frederick County, Maryland in Liber 3245 at folio 155 the following course and distance
2. North $78^{\circ} 52' 45''$ West, 324.59 feet to a rebar and cap set, passing over t-bars found at 45.11 feet and 244.52 feet, to a rebar and cap set at the southerly end of the 3rd or South $19^{\circ} 49' 38''$ West, 154.89 foot line of

Parcel 2 as described in the aforesaid deed recorded in Liber 3245 at folio 155; thence running with all of the 2nd and 3rd lines of said Parcel 2, reversed, and with all of the 4th line of Parcel 1 as described in the aforesaid deed recorded in Liber 3245 at folio 155 the following 2 courses and distances:

3. North 23° 30' 41" East, 154.89 feet to a rebar and cap set, thence
4. South 74° 18' 19" East, 289.96 feet to a rebar and cap set, passing over an iron pipe found at 279.88 feet, to a rebar and cap set on the westerly side of Mt. Phillip Road on the easterly line of Parcel No. 3 as described in the aforesaid deed recorded in Liber 1316 at folio 426; thence running with part of said deed line and along the westerly side of Mt. Phillip Road the following course and distance
5. North 26° 04' 25" East, 207.44 feet to a rebar and cap set on the southerly right of way line of U.S. Route 40 Alt., 70 feet south of and opposite base line of right of way station 12+65 as shown on the aforesaid State Roads Commission of Maryland Right of Way Plat 34112; thence running with part of said right of way line the following course and distance
6. North 46° 41' 22" West, 50.80 feet to a rebar and cap set on the southerly right of way line of U.S. Route 40 Alt., 40 feet south of and opposite base line of right of way station 13+06 as shown on the aforesaid State Roads Commission of Maryland Right of Way Plat 34112; thence running with the northerly line of Parcel No. 3 as described in the aforesaid deed recorded in Liber 1316 at folio 426 and binding on the southerly right of way line of U.S. Route 40 Alt. as shown on the State Roads Commission of Maryland Right of Way Plats 8937, 34112 and 34113 the following course and distance
7. North 82° 52' 57" West, 1042.40 feet to a rebar and cap set; thence leaving said southerly right of way line and running with the westerly line of Parcel No. 3 as described in the aforesaid deed recorded in Liber 1316 at

folio 426 and binding on the last or North 17° 16' 33" East, 238.68 foot line as described in a deed from Richard E. Summers and John A. Summers, Executors of the Last Will and Testament of Grace R. B. Summers to John D. White and Irene G. White, dated October 7, 1964 and recorded among the Land Records of Frederick County, Maryland in Liber 712 at folio 169 the following course and distance

8. South 17° 20' 50" West, 237.59 feet to a t-bar found on the 1st or South 73° 30' East, 96.65 perch line of Parcel 1 as described in the aforesaid deed recorded in Liber 1316 at folio 426, distant 532.90 feet from the beginning thereof; thence running with part of said 1st line of Parcel 1, reversed, and binding on the South 79° 04' 12" East, 533.13 foot line described in the aforesaid deed recorded in Liber 712 at folio 169 the following course and distance
9. North 79° 04' 01" West, 532.90 feet to a t-bar found at the end of the 16th or North 36° 1' East, 9.3 perch line of Parcel 1 as described in the aforesaid deed recorded in Liber 1316 at folio 426; thence running with all of said 16th line of Parcel 1, reversed, and binding on part of the 4th or South 30° 51' 58" West, 422.58 foot line described in a deed from Michelle M. Martz to Michelle Martz Bowles and William Thomas Bowles, dated December 14, 2004 and recorded among the Land Records of Frederick County, Maryland in Liber 5022 at folio 198 the following course and distance
10. South 30° 38' 57" West, 152.52 feet to a stone marked XXXIV at the end of the 15th or North 81° 5' East, 32.35 perch line of Parcel 1 as described in the aforesaid deed recorded in Liber 1316 at folio 426; thence running with part of said 15th line of Parcel 1, reversed, and binding on all of the 1st or South 75° 55' 58" West, 191.44 foot line described in the aforesaid deed recorded in Liber 5022 at folio 198 and binding on the southerly line of Lot 2 as shown on a plat entitled "Combined Preliminary/Final Plat, Mercer Property, Lots 1 & 2 Section 1" and recorded among the Land

Records of Frederick County, Maryland in Plat Book 56 at Page 167 the following course and distance

11. South 75° 14' 11" West, 288.85 feet to a corner fence post found at the beginning of the 3rd or South 11° 15' 44" East, 379.03 foot line of Parcel Two described in a deed from Richard C. Reba and Diane E. Reba to Richard C. Reba and Diane E. Reba, Trustees, dated November 25, 2003 and recorded among the Land Records of Frederick County, Maryland in Liber 4304 at folio 65; thence running with all of the 3rd through 5th lines of Parcel Two described in said deed the following 3 courses and distances
12. South 16° 23' 37" East, 379.01 feet to a corner fence post found; thence
13. South 64° 46' 39" West, 257.02 feet to a t-bar found; thence
14. North 86° 51' 22" West, 307.50 feet to a rebar and cap set at the beginning of the 6th or North 06° 45' 42" West, 345.77 foot line of Parcel Two described in the aforesaid deed recorded in Liber 4304 at folio 65; thence running with part of said 6th line the following course and distance
15. North 11° 44' 32" West, 43.44 feet to a rebar and cap set at the end of the 12th or North 87° 52' East, 47.8 perch line of Parcel 1 as described in the aforesaid deed recorded in Liber 1316 at folio 426; thence running with all of the 12th and 11th and part of the 10th lines of Parcel 1, reversed, and binding on the southerly lines of the property conveyed from Nancy Lee Little, to Nancy L. Little, Trustee of Nancy L. Little Revocable Trust, by deed dated November 5, 2007 and recorded among the Land Records of Frederick County, Maryland in Liber 6816 at folio 348, said southerly lines being all of the 3rd and 4th lines and part of the 2nd line described in a deed from John S. Renn and Elmira E. Renn to J. Thomas Wiles and Clara S. Wiles, dated February 16, 1931 and recorded among the Land Records of Frederick County, Maryland in Liber 378 at folio 46, the following 3 courses and distances

16. South 82° 18' 40" West, 788.62 feet to a rebar and cap set; thence
17. South 76° 29' 40" West, 115.50 feet to a rebar and cap set; thence
18. South 54° 43' 40" West, 117.18 feet to a rebar and cap set on the
northeasterly right of way line of Interstate
Route 70 (variable width right of way) as shown
on the State Roads Commission of Maryland
Right of Way Plat 32338; thence running with
said northeasterly right of way line of Interstate
Route 70 as shown on State Roads Commission
of Maryland Right of Way Plats 32337 and
32338 the following 3 courses and distances
19. South 47° 24' 55" East, 36.23 feet to a rebar and cap set; thence
20. South 23° 19' 16" East, 113.21 feet to a rebar and cap set; thence nontangent
21. 1231.79 feet along the arc of a curve deflecting to the right, having a radius of
5929.58 feet (chord: South 40° 17' 26" East,
1229.58 feet) to a rebar and cap set, passing
over a t-bar found at an arc length of 1181.65
feet to a rebar and cap set on the southerly
right of way line of Butterfly Lane (30 foot wide
right of way), said point being on the 3rd or
North 83° 30' West, 730 foot line as described in
a deed from The Potomac Edison Company, a
body corporate of the State of Maryland
(successor to the Frederick and Middletown
Railway Company), to the County
Commissioners of Frederick County, State of
Maryland, a body corporate and politic, dated
May 12, 1953 and recorded among the Land
Records of Frederick County, Maryland in Liber
516 at folio 538; thence running with the
southerly right of way line of Butterfly Lane and
with said 3rd line, reversed, described in the
aforesaid deed recorded in Liber 516 at folio 538
and binding on the north line of the land
acquired by Michael S. Sincevich and Rose Marie
Sincevich from Elicia W. Beebe, for herself and
attorney-in-fact for James M. Beebe, by deed
dated January 10, 1991 and recorded among
the Land Records of Frederick County, Maryland
in Liber 1688 at folio 566 and binding on the

northerly lines of the land acquired by William Ethan Gordon and Rhea Edith Irvine from William Ethan Gordon by deed dated January 31, 1997 and recorded among the Land Records of Frederick County, Maryland in Liber 2336 at folio 541 and binding on the northerly line of the land acquired by John M. Gordon and Jenny Lauren Jones-Gordon from John M. Gordon by deed dated September 23, 1997 and recorded among the Land Records of Frederick County, Maryland in Liber 2336 at folio 544 the following course and distance nontangent

22. South $87^{\circ} 17' 59''$ East, 327.40 feet to a rebar and cap set; thence running with the 3rd or 322.7 foot arc course described in a deed from Samuel M. Summers and Sarah A. Summers to The Frederick and Middletown Railway Company dated September 24, 1904 and recorded among the Land Records of Frederick County, Maryland in Liber STH 267 at folio 386 and binding on the aforesaid northerly line of the land described in Liber 2336 at folio 541 and Liber 2336 at folio 544 and binding on the northerly lines of the land acquired by Vernon G. Ritter and Kathleen E. Ritter from Mary F. Riordan by deed dated June 29, 1966 and recorded among the Land Records of Frederick County, Maryland in Liber 749 at folio 321 the following course and distance nontangent

23. 322.82 feet along the arc of a curve deflecting to the right, having a radius of 1041.74 feet (chord: South $78^{\circ} 32' 59''$ East, 321.53 feet) to a rebar and cap set; thence running with part of the 2nd or North 66° West, 855 foot line, reversed, described in the aforesaid deed recorded in Liber 516 at folio 538 and binding on the aforesaid northerly line of Liber 749 at folio 321, also binding on the 1st or South $70^{\circ} 17' 40''$ East, 255.20 foot line described in a deed from Andrew C. Brown and Charlotte D. Brown to Gary W. Fisher and Deborah L. Fisher dated May 1, 1989 and recorded among the Land Records of Frederick County, Maryland in Liber 1560 at folio 830; also binding on the northerly line of the land

acquired by Ronald B. Evans and Grace M. Evans from Roger D. Surber and Cynthia M. Surber by deed dated March 10, 2008 and recorded among the Land Records of Frederick County, Maryland in Liber 6917 at folio 691; also binding on the 1st or South 70° 01' 24" East, 145.75 foot line described in a deed from Edward G. Puddy and Ruth Puddy to Paul Thomas Doody and Rita Mae Doody dated June 7, 1993 and recorded among the Land Records of Frederick County, Maryland in Liber 1899 at folio 191; also binding on part of the 1st line described in a deed from Mary L. R. Baublitz to Alan Wesley Robertson and Carol A. Robertson, dated September 30, 1976 and recorded among the Land Records of Frederick County, Maryland in Liber 1001 at folio 19 the following course and distance, nontangent

24. South 69° 47' 59" East, 676.41 feet to a rebar and cap set, passing over iron pipes found at 293.32 feet, 348.28 feet, 494.01 feet and 670.47 feet, to a point on the westerly right of way line of Mt. Phillip Road as shown on State Roads Commission of Maryland (SHA) Right of Way Plat 32375; thence running with said right of way line the following course and distance
25. South 37° 55' 33" West, 44.38 feet to a rebar and cap set; thence crossing the right of way of Mt. Phillip Road as shown on the aforesaid SHA Plat 32375 the following course and distance
26. South 52° 04' 27" East, 69.41 feet to a rebar and cap set on the easterly right of way of Mt. Phillip Road as shown on the aforesaid SHA Plat 32375; said point also being on the North 29° 17' 20" East, 148.55 plat line as shown on a plat entitled "Final Plat, Lots 1-7 & 13-39, Section One, Plat One, Monarch Ridge" and recorded among the Land Records of Frederick County, Maryland in Plat Book 42 at Page 4, distant 17.04 feet from the northerly end thereof; said point also being on the South 29° 04' 11" West, 148.55 foot line as shown on a plat of annexation prepared by Harris, Smariga & Associates, Inc. and entitled "Plat of

Annexation by Frederick City, Maryland, situated off Butterfly Lane and Mt. Phillip Road" dated November, 1987 (Revised July 27, 1990), distant 17.04 feet from the northerly end thereof or City Point No. W-65-W; thence running with said right of way line and plat lines the following course and distance

- 27. South 29° 00' 43" West, 131.51 feet to a City Point No. W-65-X as shown on the aforesaid annexation plat dated November, 1987 (Revised July 27, 1990).

This description is based on a recent boundary survey by Rodgers Consulting, Inc., and is in the datum of the Maryland Coordinate System.

The undersigned, being a licensed surveyor, personally prepared or was in responsible charge of the preparation and the survey work reflected in this metes and bounds description, in compliance with the requirements set forth in "COMAR" Title 09, Subtitle 13, Chapter 06, Regulation .12.



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