



Mayor & Council of Berlin

10 William Street, Berlin, Maryland 21811

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www.berlinmd.gov



**Town of Berlin
Planning Commission Agenda
August 8, 2018 6:30PM
Berlin Town Hall – Council Chambers**

1. Call to Order
2. Agenda Adoption
3. Approval of Minutes – June 13, 2018
4. Modifying the PUD to Purnell Crossing South
5. Addition to the Growth Area 3 of the Town of Berlin Comprehensive Plan
6. Comments from the Commissioners
7. Comments from the Chairman
8. Comments from the Public
9. Adjournment

Town of Berlin
Planning Commission Meeting
June 13, 2018

The Planning Commission Meeting for the June 13, 2018 was called to order at 6:03PM. In attendance were Chris Denny, Pete Cosby, Barb Stack, Phyllis Purnell and Ron Cascio. Absent members were John Barrett, Newt Chandler and D. J. Lockwood. Staff present were Planning Director Dave Engelhart and Permit Coordinator Carolyn Duffy.

Chairman Chris Denny called for a motion to adopt the agenda. Mr. Ron Cascio made the motion to adopt the June 13th 2018 agenda. Mrs. Barb Stack seconded the motion and it was unanimously accepted by the commission. Chairman Chris Denny then called for a motion to approve the minutes from the April 11th 2018 meeting. Mrs. Barb Stack made the motion to approve the minutes from the April 11th 2018 meeting. Mr. Ron Cascio seconded the motion and it was unamously accepted by the commission.

Chairman Chris Denny introduced the discussion that was on the agenda. The Preliminary Conceptual Site Plan Presentation from M & G Route 50 Land, LLC. For Worcester County Tax Map NO. 20, Parcel 47. Mr. Joseph Moore Attorney stated that his client Mr. Ernie Gerardi wanted to ask the Planning Commission for a favorable recommendation to go to Mayor & Council for this property to be put in the Growth Area No. 3 of the Town Comprehensive Plan. Mr. Moore stated the exhibits they had in their packets were submitted to Planning Director Dave Engelhart for the meeting. He stated the area on the map they were looking at was in the potential growth area. The property boundary is Route 50 & 346 known as the Elliott property. Mr. Moore stated that the State requires a public hearing for the addition of a new growth area. The town must notify the State Department of Planning and Worcester County Authorities of the request. Mr. Moore stated that Mr. Engelhart had sent the full package and had submitted to the commission. It had also been sent to Keith Lackie, State Planning Department and to Mr. Ed Tudor. Mr. Moore stated that Mr. Tudor said this area was already in the County's Growth Area. So it would be appropriate for the county to do a rezoning. He stated the Growth Area # 3 must be in a designated area before they can ask for an annexation.

Mr. Gerardi still has the intent of seeking an annexation in the town. Mr. Moore stated they considered this an ideal spot for the Gateway to Berlin. Mr. Moore stated the Growth Area #3 is within the Comprehensive Plan of the Town if that extension is made. Mr. Moore stated the exhibit #2 was from the county and must be contiguous to the existing municipal boundaries. In exhibit # 3 the property lines were highlighted. Mr. Moore told the commission that Mr. Gerardi had the power lines removed and cleaned up the property and removed the chicken houses. Exhibit #4 showing that the property had been cleared. Mr. Moore stated from Rout 50 make that right onto Route 346 which goes right to Main Street in Berlin. Mr. Moore stated you would see no signs leading into Berlin. Exhibit #5 showed no indication that the intersection leads to Berlin. Exhibit #6 he stated you would see a modest sign that states how to get to Berlin. He stated if people traveling on route 50 going 55 miles per hour this would not direct them into Berlin. Exhibit #7 showed 346 into town. Exhibit # 8 showed the last entrance into Berlin from Route 50 on 818 North Main Street. The Mayor & Council annexed the land into town the property is the only other access point from Route 50 until you get to Barrett. Exhibit #9 Mr.

Moore stated he took a photo on the shoulder of Route 50 showing the approach to 818 but no signs directing you towards Berlin. There are two generic State Highway signs after 346 and one is before the State Police Barracks saying Berlin Town Center next right. But when you get to 818 you would see it on the right. Exhibit #10 he stated is not the easiest to see coming from the West not a strong indication. Exhibit #11 is the Blue Crab Scenic Byway Lower Shore Heritage Plan Corridor Management Plan was stated by MDP in 2004. The intent was to draw people to the Lower Shore Heritage Area. Mr. Moore stated that Berlin is a very important part of the Blue Crab Scenic Byway, 346 is the approach to Berlin. Exhibit #12 Mr. Moore read a statement about the plan and the area. Exhibit #13 showed the Byway location map. He showed how the surrounding area connected with the Byway and how it connected with 346. They have focus on Berlin thru the Byway maps. He read Berlin is a small gem of traditional Eastern Shore life with gigantic magnolia trees and old homes and a downtown Main Street. It's Historic District and Antiques Shops along with great food and lodging. Berlin is home to the Atlantic Hotel, The Globe, Calvin B. Taylor Museum, Merry Sherwood and Stephen Decatur Park. Then the commission was shown a picture of the Berlin Historic District.

He stated the scenic byway has importance to Berlin. The next exhibit was # 17 access management. The approach from Route 50 to 386 already has the right turn lane and position off the Route 50 corridor. Mr. Moore stated this is the gateway to the cities, towns, and neighborhoods, and should be clearly identified with gateway treatments. The treatments must be visible with horizontal reflections such as a roundabout or an island. He then showed the Berlin Gateway which is Mr. Gerardi's property. This gateway has been made, it is the intersection at the West end of the property's edge. He showed the Conceptual Site Plan that had been done by Mr. Bob Hand who is a professional land planner. He has shown several mixed uses on the site plan. Mr. Moore stated they would come before the Board three more times with a formal hearing where you would tell them to move forward with a formal public hearing. Then after the recommendation to the Mayor & Council if accepted by them for growth area they would then ask Mayor & Council to annex the property. He stated they would come to the Planning Commission on the recommendation of the annexation as well. Mr. Moore stated they wanted to show the Commission all the steps in which you have to develop a property. The western area in the triangle where the Berlin sign is located now the yellow area would be an easement area granted to the town by Mr. Gerardi. For whatever information they would want. He would have a farmers market. Mr. Moore stated the gateway would have a convenience store. They thought inside would be an area available for tourist information to be placed in the store about Berlin.

Behind the convenience store would be a restaurant facility a potential auto dealership, retail, apartments and hotel. The zoning would be R-4 for apartments and he showed where the B-2 zoning would be located. Mr. Moore stated how much improvement had already been made. When Mr. Gerardi does a project and with this being a focal point the gateway into Berlin. Mr. Moore stated Mr. Gerardi wanted to start with the commission looking for a favorable recommendation to the Mayor & Council so they can began to do this. Mr. Moore stated that the plan does comport well with the comprehensive plan but before they could do anything they needed the consideration of having this in the growth area.

Chairman Denny asked where they would get water & sewer from. Mr. Moore stated Route 346 they had discussed with Ms. Jane Kreiter, Director of Public Works about the cost. He stated

they recognized that is needed for the property. Mr. Moore stated that didn't have to be discussed now, the extension of services and the providing of services is the meat the goes in the annexation between the property owner and the town. The map and annexation get recorded so that it's matter of public record. The potential is that the town would benefit somewhere around \$105,000.00 dollars in property taxes.

Mr. Gerardi stated he had been looking at that property for many years. Thought it was an ugly piece of property. He stated he began to focus on it and wondered what could be done with it. He thought coming down Route 50 as far as you could see you saw this property. He stated he thought this should be our gateway coming into Town. He stated he didn't know what would work there. He thought a permanent easement for the Town to use, farmer's market, convenience store, fast food. He thought people would get accustomed to stopping there before going into town filling up with gas and using the restrooms. Also wants to have a nice display of Berlin that would make them want to visit. He stated he had a discussion with the Mayor, then after the discussion he went to the Planning Commission meeting, he then purchased the property. He then worked with Delmarva Power to consolidate one of the poles. They were going to move lines just to get what he needed accomplished cost \$189,000.00. He stated he still has one line to move but wanted to get this part taken care of first before continuing with the lines. Mr. Gerardi told the commission he had approached the town about the signs that are out there now wanted something nice to let people know where Berlin was located, now it needs a little more out there for the gateway into town. He explained that's how it come about.

Mr. Cosby stated they had been looking at this for a long time three years ago. He feels that the town is almost out there a nature entrance. It is a gateway and an eventuality. Seems like they should recognize that things are going that way it is contiguous. Mr. Cosby stated annex it and get on with it. Mr. Moore stated you would determine whether they moved on to a public meeting. He asked Mr. Engelhart after the 60 days goes by they could schedule a meeting at the convenience of the Commission. Mr. Moore stated not asking for anything tonight just that it's ok to move forward. Mr. Engelhart told the Commission there was nothing to act on and the County would reserve comment because it's already in their growth area until there is a formal annexation request. Mr. Engelhart stated he had spoken with Mr. Keith Lackie from the State Planning Office to follow up with him, he didn't see a problem. The 30 days will be up he mailed it off to him he thought around May 4th. Should have something back shortly then like Mr. Moore stated then we can schedule a hearing. At that time you would make a recommendation to the Mayor & Council to add this to the Growth Area. Which is changing the Comprehensive Plan adding it to the Growth Area. Mr. Moore stated the County would weigh in at the annexation if they have no problem with the zoning. Then discuss the zoning that they would propose and the Commission would weigh in also. Then it would go into effect, if not they would have to wait five years. Mr. Moore stated that his job would be to have the County meet with Mr. Tudor and Mrs. Wimbrow. No commitment but they have not stated they had a problem.

Chairman Denny stated he would like to see Mr. Gerardi build out there. Mr. Moore stated there can't be anything to the West because it extends out to the service road. Any development would be to the other side of the road, Mr. Cascio stated that Mr. Moore had not convinced him that this would be good for the town. Mr. Cascio stated he thought of these things he had

brought out as things of why not. Mr. Cascio thought this would ruin the gateway into town. Mr. Moore stated the property is contiguous. The town cannot annex either of the properties between 818 and Mr. Gerardi without the consent of the people. He stated you cannot force an annexation on a single property owner. Mr. Moore stated he defeated the annexation of East Berlin. He represented the Barrett's and Croppers under Mayor Haley. He attempted an annexation on Mrs. Helen Felsett for the estate of Pete Richardson. He didn't want him to think it creates any kind of precedence for an annexation. They are in the Growth Area. Mr. Moore stated annexation is a carefully crafted agreement between property owners who wants to get into the town and only upon the agreed upon conditions does the annexation take place. Mr. Cascio thought some like the Growth Areas we have some think they were mistakes. He thought when they annexed to the east that was detrimental to the town. He stated he had not spoken to anyone that liked what went on, on the eastside and didn't think they would like it on the west side. Mr. Moore stated that if there is a problem with annexation it would be traffic and cost of services. He stated commercial properties benefits for the town there is not an increase of services. Discussion continued.

Mr. Moore stated they respectfully agreed to disagree. But not applicable to this property. Mr. Cosby said they needed to recognize that maybe one day the Abbott Farm will be a subdivision. Mr. Cascio didn't think they should work toward the development, by developing further out of town. Mr. Cascio stated that people have said they don't want the town to get any bigger. He said we have a small gem. Mr. Moore stated he didn't have to take cases that he didn't believe in or if he didn't think it would benefit the town. Where we are is in the Growth Area to maintain this area as A-1. A heavy traveled road it is capable of being developed in the county as well as the Town. We want this to be the gateway into town the planning you all will help with the planning of this land. He stated he did not think this compels anyone to put retail on 346. The owners out there are not requesting to come into Town. Mrs. Barb Stack said when you do something that is so far out of town it is perceived that it all will fill in. In between Main Street and Route 50. Mr. Moore stated in the infill for commercial downtown I would like someone to show me because you can't find parking right now. With the B-2 Zoning Ron called it up zoning. Mr. Moore told the commission that what they have planned he feels is a good thing. And that people have to find their way here to Berlin that's what they are trying to accomplish.

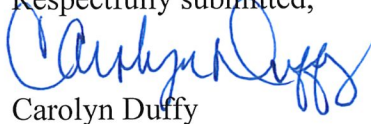
Mr. Cosby stated if the town does not annex it the County probably would if they could. Mr. Moore stated Mr. Gerardi owns the property and the next step would to be try and get it zoned through the County. Mr. Cascio stated it wouldn't happen without the Berlin sewer and water. Mr. Moore then replied then would the town benefit from running sewer to a property located in the C ounty and get paid. He stated the annexation happen on the other side of the road 10 to 13 years ago. There has not been one request for water & sewer so it is not a compellable consideration. Discussion continue.

Mr. Cascio referenced Oceans East 900 apartment and stated he didn't know how well the Mayor & Council were looking at annexations. He stated the apartments were not to have an impact on the town. Mr. Cascio stated he finds himself totally against this and would work against it. Mrs. Stack stated she had the same concerns as Ron, she said she has lived here maybe 35 years. She understands the need to have a gas station, very concerned about the apartment location near the transformer, knows there has been talk of a hotel or motel. Mr. Moore stated they wanted to

show the commission and the only thing that is firm would be the convenience store everything else you would approve. The commission will have more say so. Barb Stack stated she didn't want to see the town change drastically. Mr. Gerardi stated you have to have growth if you don't have growth you die. You control it he stated in his mind this is part of the town. He doesn't want to go to the County. Mr. Cascio told Mr. Gerardi that they all appreciate what he has done for the town. Mr. Cascio stated he felt the property was out of town and didn't share the same sentiment that if you don't grow you die. Mr. Gerardi stated you have to do smart growth. Chairman Denny asked if there were any comments from the public. Mr. Tom Gulyas stated that Mr. Gerardi had done a fabulous job in the town and thought this would benefit the town. Mr. Gerardi stated he had done this because there were houses in town that looked bad and looked bad for the town. He stated his objective was not just doing this for money but doing it for the Town making the town look good. He stated he came with the same concept with this location.

Mr. Moore thanked everyone for their time and if anyone had any question they could contact him. Chairman Denny called for a motion to adjourn. Mr. Cascio made the motion to adjourn. Meeting adjourned 7:12PM

Respectfully submitted,



Carolyn Duffy

Staff Report to the Berlin Planning Commission

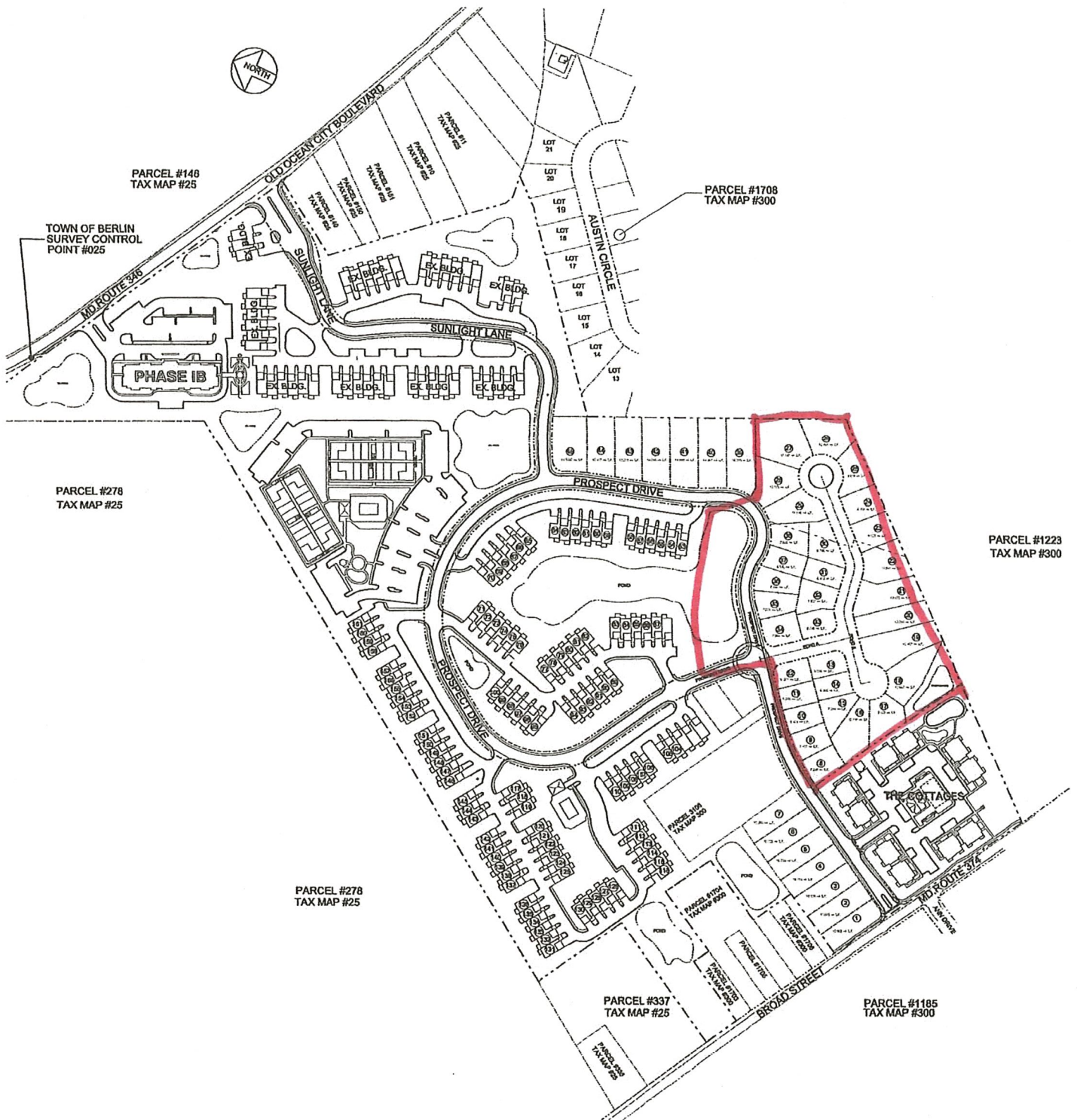
Meeting date: August 8, 2018

The first item for your consideration tonight is a request from TEEPEE Development, LLC, for a revision to the previously approved site plan for the Purnell Crossing Planned Unit Development.

The revision calls for the lands previously planned for the Coastal Hospice facilities to be replaced with 30 single family dwelling lots. This revision does not result in an increase in density from the previously approved Planned Unit Development, and remains in the R-2 Residence District

Tonight's second item is a Public Hearing to determine the Planning Commission's recommendation to the Berlin Mayor and Town Council on a request from M & G Route 50 Land, LLC to amend the Town of Berlin Comprehensive Plan by amending Growth Area Number 3 to include Worcester County Tax Map Number 20, Parcels 47 and 318, which are located at the intersection of MD Route 346 (Old Ocean City Blvd.) and U.S. Route 50. The addition of the parcels to the Growth Area is a necessary step before any request for annexation can be received by the Town and the Planning Commission.

You have previously reviewed the proposed commercial and retail uses for the property from conceptual site plans provided by the applicant. Should the parcels proceed to subsequent annexation, it is anticipated they would be zoned B-2 Shopping District.



REVISED P.U.D. SKETCH PLAN

SCALE : 1" = 100'

NOV. 22, 2017

TEEPEE DEVELOPMENT, LLC

410-726-8043 cell. troyburn@aol.com

Good Day Dave,

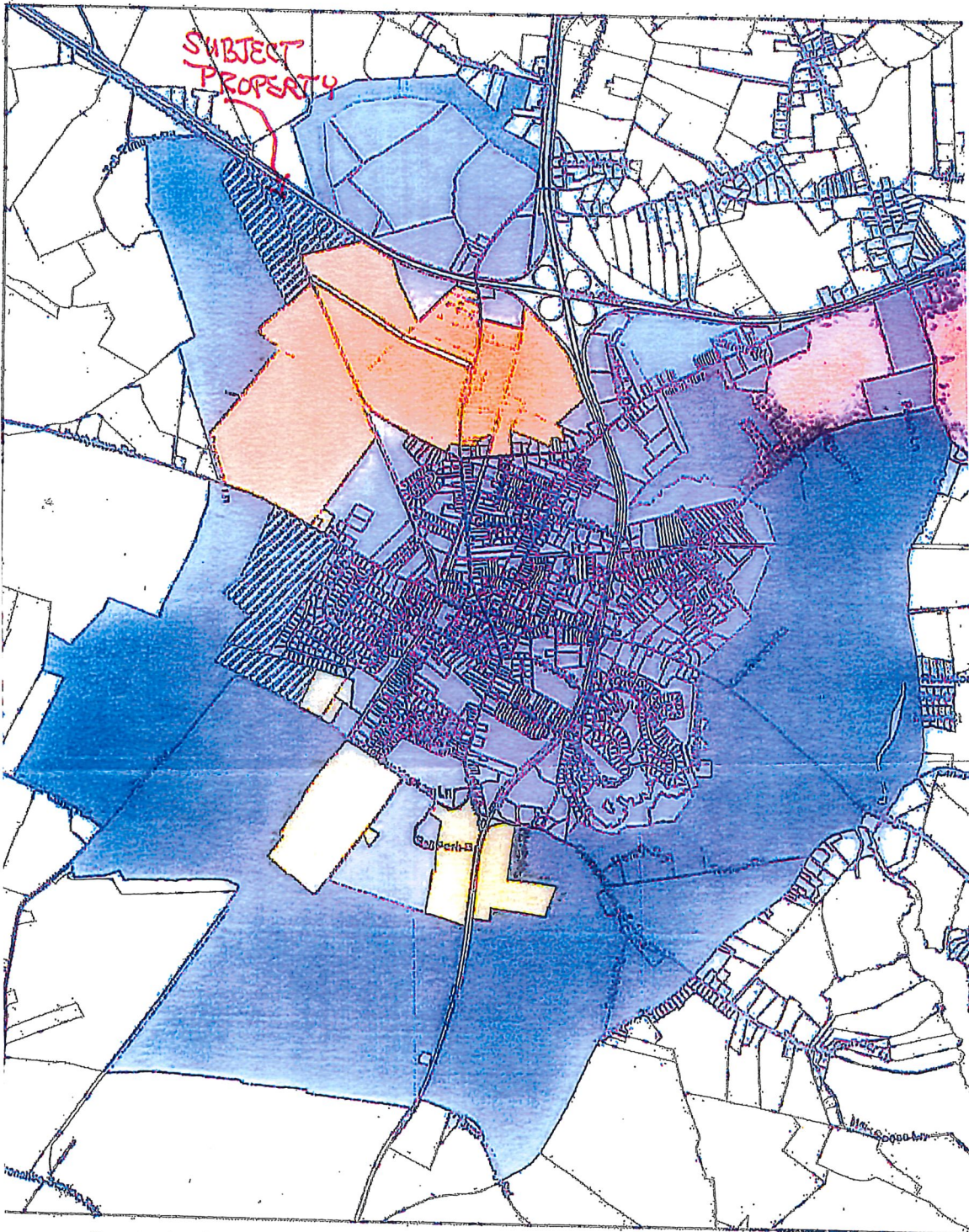
Please let this email serve as request to modify the Purnell Crossing PUD last modified on Feb 14th, 2018 to construct 7 sf lots. We are seeking planning commission approval to proceed with the purchase and assembly of lands owned by Windy Way Farm and Coastal Hospice. This approval is a contingency of bank financing. We propose to construct 30 sf lots as phases 4 and 5 of the Purnell Crossing South portion of the PUD as per submitted plans. Below is a table showing the difference we are proposing.

Purnell Crossing PUD			
Last approved plan Feb. 14, 2018		Proposed Plan requested Aug. 8, 2018	
North		North	
existing Multi family	27	existing Multi family	27
Approved Multifamily	19	Approved Multifamily	19
Approved Assisted Living	100	Approved Assisted Living	100
South		South	
existing senior Housing	40	existing senior Housing	40
Approved SF homes	9	Approved SF homes	46
Approved apts	144	Approved apts	127
Approved duplexes	20	Approved duplexes	0
Approved Multi family Tract 2	109	Approved Multi family	109
	468		468

If you have any questions please call me at 410-726-8043

Sincerely TEEPEE Development, LLC, Troy Purnell managing member

SUBJECT
PROPERTY



- Legend**
- Proposed Development Area
 - Growth Area 1
 - Growth Area 2
 - Growth Area 3
 - Growth Area 4
 - In Town
 - Permanent Boundary District
 - Future Land Use

Map 5
Town of Berlin, Maryland
Growth and Urban Growth Boundary
Draft

www.dbfinc.com

BERLIN, MARYLAND
SECOND DISTRICT
EASTON, MARYLAND

JOHN PAUL FAYOR, JR.
HARRY CLAYTON TAYLOR
WANGY D. TAYLOR
PARCEL # 45
TAX MAP # 20

BOUNDARY LINE TABLE ALONG ROUTE 246
(SEE PLAN CENTER OF PARCELS)

LINE	BEARING	DISTANCE
A-B	S 85°14'45" W	133.25
B-C	N 85°14'45" W	133.25
C-D	S 85°14'45" W	133.25
D-E	N 85°14'45" W	133.25
E-F	S 85°14'45" W	133.25
F-G	N 85°14'45" W	133.25
G-H	S 85°14'45" W	133.25
H-I	N 85°14'45" W	133.25
I-J	S 85°14'45" W	133.25
J-K	N 85°14'45" W	133.25
K-L	S 85°14'45" W	133.25
L-M	N 85°14'45" W	133.25
M-N	S 85°14'45" W	133.25
N-O	N 85°14'45" W	133.25
O-P	S 85°14'45" W	133.25
P-Q	N 85°14'45" W	133.25
Q-R	S 85°14'45" W	133.25
R-S	N 85°14'45" W	133.25
S-T	S 85°14'45" W	133.25
T-U	N 85°14'45" W	133.25
U-V	S 85°14'45" W	133.25
V-W	N 85°14'45" W	133.25
W-X	S 85°14'45" W	133.25
X-Y	N 85°14'45" W	133.25
Y-Z	S 85°14'45" W	133.25
Z-AA	N 85°14'45" W	133.25
AA-AB	S 85°14'45" W	133.25

CONVEYANCE TABLE

LINE	BEARING	DISTANCE	REMARKS
1	S 85°14'45" W	133.25	TO CENTER OF PARCELS
2	N 85°14'45" W	133.25	TO CENTER OF PARCELS
3	S 85°14'45" W	133.25	TO CENTER OF PARCELS
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100	N 85°14'45" W	133.25	TO CENTER OF PARCELS

BATHUP LLC
PARCEL # 602
TAX MAP # 20

DELMARVA POWER & LIGHT CO.
PARCEL # 602
TAX MAP # 20
SUBSTATION

M & G ROUTE 50 LAND LLC
PARCEL # 47
TAX MAP # 20

M & G ROUTE 50 LAND LLC
PARCEL # 43
TAX MAP # 20

M & G ROUTE 50 LAND LLC
PARCEL # 45
TAX MAP # 20

HARRY CLAYTON TAYLOR
PARCEL # 45
TAX MAP # 20

TO OCEAN CITY

U.S. ROUTE 50
CROWN AS OCEAN CAIRWAY
(SEE SUBC. PLAT NUMBERS 12867 & 12862)

EXISTING 150' WIDE EASEMENT
(PER RIGHT OF WAY AGREEMENT
RECORDED IN LIBER 519/253)

LINE	BEARING	DISTANCE
A-B	S 85°14'45" W	133.25
B-C	N 85°14'45" W	133.25
C-D	S 85°14'45" W	133.25
D-E	N 85°14'45" W	133.25
E-F	S 85°14'45" W	133.25
F-G	N 85°14'45" W	133.25
G-H	S 85°14'45" W	133.25
H-I	N 85°14'45" W	133.25
I-J	S 85°14'45" W	133.25
J-K	N 85°14'45" W	133.25
K-L	S 85°14'45" W	133.25
L-M	N 85°14'45" W	133.25
M-N	S 85°14'45" W	133.25
N-O	N 85°14'45" W	133.25
O-P	S 85°14'45" W	133.25
P-Q	N 85°14'45" W	133.25
Q-R	S 85°14'45" W	133.25
R-S	N 85°14'45" W	133.25
S-T	S 85°14'45" W	133.25
T-U	N 85°14'45" W	133.25
U-V	S 85°14'45" W	133.25
V-W	N 85°14'45" W	133.25
W-X	S 85°14'45" W	133.25
X-Y	N 85°14'45" W	133.25
Y-Z	S 85°14'45" W	133.25
Z-AA	N 85°14'45" W	133.25
AA-AB	S 85°14'45" W	133.25

AREA = ±42,673 SQ. FT.

NEW RIGHT OF WAY

LINE	BEARING	DISTANCE
A-B	S 85°14'45" W	133.25
B-C	N 85°14'45" W	133.25
C-D	S 85°14'45" W	133.25
D-E	N 85°14'45" W	133.25
E-F	S 85°14'45" W	133.25
F-G	N 85°14'45" W	133.25
G-H	S 85°14'45" W	133.25
H-I	N 85°14'45" W	133.25
I-J	S 85°14'45" W	133.25
J-K	N 85°14'45" W	133.25
K-L	S 85°14'45" W	133.25
L-M	N 85°14'45" W	133.25
M-N	S 85°14'45" W	133.25
N-O	N 85°14'45" W	133.25
O-P	S 85°14'45" W	133.25
P-Q	N 85°14'45" W	133.25
Q-R	S 85°14'45" W	133.25
R-S	N 85°14'45" W	133.25
S-T	S 85°14'45" W	133.25
T-U	N 85°14'45" W	133.25
U-V	S 85°14'45" W	133.25
V-W	N 85°14'45" W	133.25
W-X	S 85°14'45" W	133.25
X-Y	N 85°14'45" W	133.25
Y-Z	S 85°14'45" W	133.25
Z-AA	N 85°14'45" W	133.25
AA-AB	S 85°14'45" W	133.25

AREA = ±17,645 SQ. FT.

PLAT OF SURVEY
OF LANDS OF
M & G ROUTE 50 LAND LLC
TAX MAP #20, PARCEL 47 & 318
THIRD TAX DISTRICT
WORCESTER COUNTY, MARYLAND

TOTAL AREA OF SURVEY = ±18.65 ACF

DATE 12/28/2016
REV. 02/24/2017
SCALE: 1" = 100'



UNITING, JR. DATE

F. BUNTING SURVEYS, INC.
MARYLAND
LAND SURVEYING
24 BROAD STREET
BENLON, MARYLAND 21811

