

COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND

2016 Legislative Session

Legislative Day No. 05

Resolution No. 36-2016

Introduced by: The President of the Council at the request of the County Executive

A RESOLUTION APPROVING AN AGREEMENT BETWEEN WICOMICO COUNTY, MARYLAND AND THE TOWN OF WILLARDS FOR REVIEW OF VARIOUS FLOODPLAIN PERMIT APPLICATIONS AND/OR VARIANCES, AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE THE AGREEMENT.

WHEREAS, The Town of Willards and the Floodplain Administrator for the Town of Willards have requested the assistance of Wicomico County in reviewing various floodplain permit applications and/or variances; and

WHEREAS, Wicomico County, Maryland has agreed to review the floodplain permit applications and/or variances forwarded to them by the Town of Willards and make recommendations for the approval or denial of such applications; and

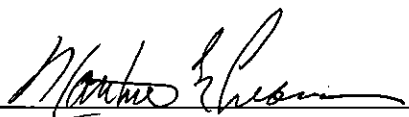
WHEREAS, The Town of Willards will remit to Wicomico County, Maryland a fee of One Hundred Twenty-Five Dollars (\$125.00) per application reviewed.

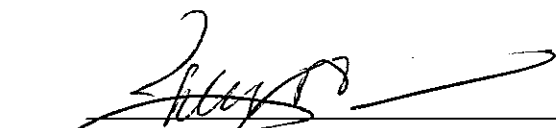
NOW, THEREFORE, BE IT RESOLVED by the County Council of Wicomico County, Maryland that the County Executive be, and is hereby, authorized to execute, on behalf of Wicomico County, Maryland, an Agreement, in substantially the form attached hereto as Exhibit A, with the Town of Willards for review of various Floodplain Permit Applications and/or variances.

Done at Salisbury, Maryland, this 1st day of March, 2016.

ATTEST:

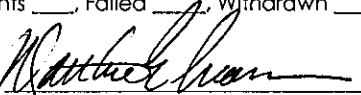
COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND

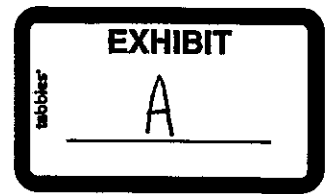

Matthew E. Creamer.
Council Administrator


John T. Cannon.
Council President

CERTIFICATION

This Resolution was Adopted , Adopted with Amendments , Failed , Withdrawn by the County Council on March 1, 2016

Certified by 
Matthew E. Creamer, Council Administrator



AGREEMENT

RETAINING WICOMICO COUNTY, MARYLAND TO ASSIST THE TOWN OF WILLARDS IN REVIEWING APPLICATIONS TO DEVELOP IN THE FLOODPLAIN AND APPLICATIONS FOR A VARIANCE TO DEVELOP IN THE FLOODPLAIN, AS WELL AS ANY OTHER VARIOUS FLOODPLAIN PERMIT APPLICATIONS AS MAY BE ADOPTED BY THE TOWN OF WILLARDS

THIS AGREEMENT RETAINING WICOMICO COUNTY, MARYLAND TO ASSIST THE TOWN OF WILLARDS IN REVIEWING APPLICATIONS TO DEVELOP IN THE FLOODPLAIN AND APPLICATIONS FOR A VARIANCE TO DEVELOP IN THE FLOODPLAIN, AS WELL AS ANY OTHER VARIOUS PERMIT APPLICATIONS AS MAY BE ADOPTED BY THE TOWN OF WILLARDS (“Agreement”), is entered into as of this 8th day of February, 2016, by and between The Town of Willards, a body corporate and politic of the State of Maryland (“The Town ”) and Wicomico County, Maryland, a body corporate and politic of the State of Maryland (“The County”), **WITNESSETH.**

WHEREAS, pursuant to Ordinance No. 2015-3, the Floodplain Administrator for The Town of Willards (“The Floodplain Administrator”) is responsible for reviewing all Applications to Develop in the Floodplain; and

WHEREAS, pursuant to Ordinance No. 2015-3, The Town of Willards Board of Zoning Appeals for The Town of Willards (“Board of Zoning Appeals”) is responsible for reviewing all Applications for a Variance to Develop in the Floodplain; and

WHEREAS, pursuant to Resolution No. 2016- 1, Steven E. Warren, President of the Town Council for The Town of Willards has the authority to enter into an agreement with Wicomico County, Maryland to secure The County’s assistance in reviewing The Town of Willards’ Applications to Develop in the Floodplain, Applications for a Variance to Develop in the Floodplain, as well as any other various Floodplain Permit Applications that may be adopted by The Town of Willards (collectively “Floodplain Permit Applications”); and

WHEREAS, The Town and the Floodplain Administrator for The Town of Willards desires to seek the assistance of The County in reviewing the aforesaid Floodplain Permit Applications; and

WHEREAS, the Floodplain Administrator desires to retain the authority to approve or deny Floodplain Permit Applications; and

WHEREAS, The County agrees to assist in reviewing the aforesaid Floodplain Permit Applications.

NOW, THEREFORE, That for and in consideration of the premises set forth above, the covenants and agreements hereinafter set forth, and other good and sufficient consideration, the receipt and sufficiency of which is hereby acknowledged, The Town of Willards and Wicomico County, Maryland hereby covenant and agree as follows:

1. The Town of Willards hereby retains Wicomico County, Maryland to assist in reviewing Floodplain Permit Applications.

2. Wicomico County, Maryland shall review the Floodplain Permit Applications forwarded to them by The Town of Willards and make recommendations to the Floodplain Administrator or Board of Zoning Appeals, as appropriate, for the approval or denial of such Applications. Wicomico County, Maryland shall have the authority to communicate directly with the applicant or other related party and conduct any inspection necessary to review the Applications.

3. The Floodplain Administrator or the Board of Zoning Appeals, whichever is appropriate under Ordinance No 2015-3, shall review the recommendations made by Wicomico County, Maryland and render a decision either approving or denying the Application.

4. It is fully understood and agreed that The Town of Willards shall remit to Wicomico County, Maryland a fee of \$125.00 per application reviewed.

5. Nothing in this Agreement shall be construed as limiting The Town of Willard's power, by and through the Floodplain Administrator and/or the Board of Zoning Appeals, to review Floodplain Permit Applications without the review of Wicomico County, Maryland.

6. The Town of Willards may terminate this Agreement by providing Wicomico County, Maryland with written notice at least thirty (30) calendar days in advance of the effective date of such termination.

7. No modification, waiver, amendment, discharge or change of this Agreement shall be valid unless the same is in writing and signed by the party against whom the enforcement thereof is sought.

8. Each person signing this Agreement represents and warrants that he or she is duly authorized and has legal capacity to execute and deliver this Agreement. Each party represents and warrants to the other that the execution and delivery of this Agreement and the performance of such party's obligations hereunder have been duly authorized and that the Agreement is valid and legally binding on such party and enforceable in accordance with its terms.

9. If the application of any term or provision of this Agreement, whether in whole or in part be held invalid or unenforceable in general or in any instance by a Court of competent jurisdiction, the remainder of this Agreement shall not be affected by such holding and shall be fully enforced.

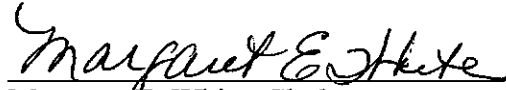
10. This Agreement may be executed in multiple counterparts or in duplicate, and when so executed by all parties shall constitute one agreement.

11. This Agreement shall be construed under the laws of the State of Maryland.

AS WITNESS, the hands and seals of the parties hereto the day and year first above written.

ATTEST:

THE TOWN OF WILLARDS:


Margaret E. White, Clerk

By: 
Steven E. Warren, President

COUNTY CONCURRENCE

Wicomico County, Maryland hereby agrees to accept the request of The Town of Willards to review Floodplain Permit Applications within the corporate boundaries of The Town of Willards, upon the terms and conditions hereinabove set forth.

ATTEST:

WICOMICO COUNTY, MARYLAND

R. Wayne Strausburg
County Administrator

By: _____
Bob Culver
County Executive

LAW OFFICES
HEARNE & BAILEY, P. A.

KENNETH L. HOOPER
MARIANNA BATIE

REENA J. PATEL
SENIOR ASSOCIATE

CHARLES R. DASHIELL, JR.
OF COUNSEL

CHARLES E. HEARNE, JR. (1909-1995)
JAMES P. BAILEY (1922-1987)

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February 9, 2016

VIA HAND DELIVERY

Rachel Harris, Esquire
Assistant County Attorney
125 N. Division Street, Room 101
Salisbury, Maryland 21801

Re: The Town of Willards/Floodplain Management
File No. 39056

Dear Rachel:

I am enclosing herewith an original Agreement for Wicomico County, Maryland, to assist The Town of Willards in reviewing applications relative to various floodplain applications and/or variances. Please have this Agreement executed by Mr. Culver, attested by Mr. Strausburg, retain a copy for your file and return the original to me. Should you have any questions, please feel free to contact me. Thank you and the County for your kind assistance in this matter.

Sincerely yours,



Kenneth L. Hooper

KLH/dbp
Enc.

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