

**Introduced by:** The Council President

**At the request of:** The Administration (Department of Transportation)

**Prepared by:** Department of Legislative Reference

**Date:** March 15, 2017

**Referred to:** JUDICIARY AND LEGISLATIVE INVESTIGATIONS Committee

Also referred for recommendation and report to municipal agencies listed on reverse.

CITY COUNCIL 17-0034

A BILL ENTITLED

AN ORDINANCE concerning

**Metropolitan District of Baltimore County --  
Extension 165**

FOR the purpose of consenting to and approving a petition to extend the Metropolitan District of Baltimore County to a certain tract of land; and providing for a special effective date.

BY direction of

Article 3 – Baltimore County  
Section(s) 498 through 528  
Code of Public Local Laws of Maryland  
(1955 Everstine Edition)

**\*\*The introduction of an Ordinance or Resolution by Councilmembers at the request of any person, firm or organization is a courtesy extended by the Councilmembers and not an indication of their position.**

**Agencies**

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Department of Public Works    | <input type="checkbox"/> Baltimore City Public School System             |
| <input type="checkbox"/> Department of Real Estate                | <input type="checkbox"/> Baltimore Development Corporation               |
| <input type="checkbox"/> Department of Recreation and Parks       | <input checked="" type="checkbox"/> City Solicitor                       |
| <input checked="" type="checkbox"/> Department of Transportation  | <input type="checkbox"/> Comptroller's Office                            |
| <input type="checkbox"/> Fire Department                          | <input type="checkbox"/> Department of Audits                            |
| <input type="checkbox"/> Health Department                        | <input checked="" type="checkbox"/> Department of Finance                |
| <input type="checkbox"/> Mayor's Office of Employment Development | <input type="checkbox"/> Department of General Services                  |
| <input type="checkbox"/> Mayor's Office of Human Services         | <input type="checkbox"/> Department of Housing and Community Development |
| <input type="checkbox"/> Mayor's Office of Information Technology | <input type="checkbox"/> Department of Human Resources                   |
| <input type="checkbox"/> Office of the Mayor                      | <input checked="" type="checkbox"/> Department of Planning               |
| <input type="checkbox"/> Police Department                        | <input type="checkbox"/> Other: _____                                    |
| <input type="checkbox"/> Other: _____                             | <input type="checkbox"/> Other: _____                                    |
| <input type="checkbox"/> Other: _____                             | <input type="checkbox"/> Other: _____                                    |

**Boards and Commissions**

- |   |  |
|---|--|
| <input type="checkbox"/> Environmental Control Board                | <input type="checkbox"/> Board of Estimates                                  |
| <input type="checkbox"/> Fire & Police Employees' Retirement System | <input type="checkbox"/> Board of Ethics                                     |
| <input type="checkbox"/> Labor Commissioner                         | <input type="checkbox"/> Board of Municipal and Zoning Appeals               |
| <input type="checkbox"/> Parking Authority Board                    | <input type="checkbox"/> Comm. for Historical and Architectural Preservation |
| <input type="checkbox"/> Planning Commission                        | <input type="checkbox"/> Commission on Sustainability                        |
| <input type="checkbox"/> Wage Commission                            | <input type="checkbox"/> Employees' Retirement System                        |
| <input type="checkbox"/> Other: _____                               | <input type="checkbox"/> Other: _____  |
| <input type="checkbox"/> Other: _____                               | <input type="checkbox"/> Other: _____  |
| <input type="checkbox"/> Other: _____                               | <input type="checkbox"/> Other: _____  |

CITY OF BALTIMORE  
ORDINANCE **17-042**  
Council Bill 17-0034

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Introduced by: The Council President  
At the request of: The Administration (Department of Transportation)  
Introduced and read first time: March 20, 2017  
Assigned to: Judiciary and Legislative Investigations Committee

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Committee Report: Favorable  
Council action: Adopted  
Read second time: July 17, 2017

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AN ORDINANCE CONCERNING

1 Metropolitan District of Baltimore County –  
2 Extension 165

3 FOR the purpose of consenting to and approving a petition to extend the Metropolitan District of  
4 Baltimore County to a certain tract of land; and providing for a special effective date.

5 BY direction of  
6 Article 3 – Baltimore County  
7 Section(s) 498 through 528  
8 Code of Public Local Laws of Maryland  
9 (1955 Everstine Edition)

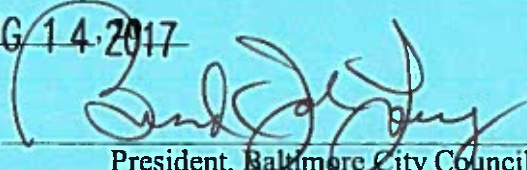
10 SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the  
11 Mayor and City Council of Baltimore consents to and approves the petition to extend the  
12 Metropolitan District of Baltimore County to a tract of land, consisting of approximately 27.7932  
13 acres, located in the 4<sup>th</sup> Election District of Baltimore County in the vicinity of the north side of  
14 Berrymans Lane, as more particularly shown on the plat labeled Extension 165 and filed with the  
15 Department of Public Works of Baltimore County.

16 SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is  
17 enacted.

EXPLANATION: CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.  
Underlining indicates matter added to the bill by amendment.  
~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from existing law by amendment.

Council Bill 17-0034

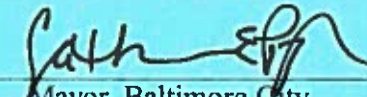
Certified as duly passed this \_\_\_\_\_ day of AUG 14 2017

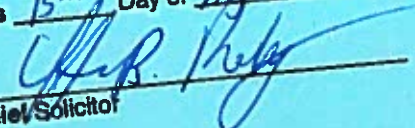
  
\_\_\_\_\_  
President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,  
this \_\_\_\_\_ day of AUG 14 2017

  
\_\_\_\_\_  
Chief Clerk

Approved this 23 day of August, 2017

  
\_\_\_\_\_  
Mayor, Baltimore City

Approved For Form and Legal Sufficiency  
This 15<sup>th</sup> Day of August 2017  
  
\_\_\_\_\_  
Chief Solicitor

**BALTIMORE CITY COUNCIL  
JUDICIARY AND LEGISLATIVE INVESTIGATIONS  
COMMITTEE  
VOTING RECORD**

DATE: June 26, 2017

BILL #: 17-0034

BILL TITLE: Metropolitan District of Baltimore County – Extension 165

MOTION BY: Scott      SECONDED BY: Clarke

- FAVORABLE                       FAVORABLE WITH AMENDMENTS  
 UNFAVORABLE                       WITHOUT RECOMMENDATION

NAME	YEAS	NAYS	ABSENT	ABSTAIN
Costello, E., Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Clarke, M., Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bullock, J.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pinkett, L.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reisinger, E.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott, B.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stokes, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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<b>TOTALS</b>	<u>7</u>	<u>—</u>	<u>—</u>	<u>—</u>

CHAIRPERSON: E.V. Curry

COMMITTEE STAFF: Marguerite M. Currin, Initials: M.M.C.



CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



DEPARTMENT OF LAW

101 City Hall  
Baltimore, Maryland 21202

June 20, 2017

The Honorable President and Members  
of the Baltimore City Council  
Attn: Natawna B. Austin, Executive Secretary  
Room 409, City Hall  
100 N. Holliday Street  
Baltimore, Maryland 21202

Re: City Council Bill 17-0034 – Metropolitan District of Baltimore County –  
Extension 165

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 17-0034 for form and legal sufficiency. The bill provides that the Mayor and City Council consent to and approve the petition to extend the Metropolitan District of Baltimore County to a tract of land consisting of approximately 27.7932 acres in the 4<sup>th</sup> Election District of Baltimore County. The bill provides that the ordinance takes effect on the date it is enacted.

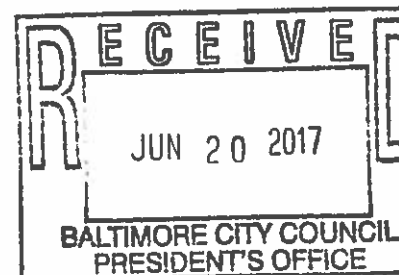
The Metropolitan District of Baltimore County was established by the Metropolitan District Act (hereinafter the "Act"), Chapter 539 of the Acts of 1924 as amended by Chapter 1017 of the Acts of 1945, and Chapter 515 of the Acts of 1955. Under the Act, the City is "required to supply water to consumers in the metropolitan district of Baltimore County at cost and entirely without profit or loss." *Baltimore County v. Mayor and City Council of Baltimore*, 329 Md. 692, 696 (1993) (internal quotations omitted). See also Public Local Law §§ 25-22 through 25-30. The initial boundaries of the Metropolitan District were set in the Act, but inhabitants in any locality adjoining, but outside of, the Metropolitan District can make a written petition to the County to join the District. See 1924 Laws of Md., Ch. 539 § 14; 1955 Laws of Md., Ch.515, § 1. The petition has to be approved by the Mayor and City Council of Baltimore. *Id.*; see also Baltimore County Code, Art. 20, §§ 1-101(b), 1-102 (Mayor and City Council must approve any Metropolitan District Extensions); *Home Owners' Loan Corp. v. Baltimore City*, 175 Md. 676, 680-81 (1939) (City has no duty to supply water outside of its boundaries unless provided by ordinance).

This ordinance is the appropriate legal authorization for the extension of the Metropolitan District of Baltimore County. Subject to confirmation by the Baltimore City Department of Public Works that the applicable requirements have been met to extend the Metropolitan District of Baltimore County, the Law Department approves the bill for form and legal sufficiency.

Sincerely,


Jennifer Landis  
Assistant Solicitor

- cc: David Ralph, Interim City Solicitor
- Karen Stokes, Director, Mayor's Office of Government Relations
- Kyron Banks, Mayor's Legislative Liaison
- Elena DiPietro, Chief Solicitor, General Counsel Division
- Hilary Ruley, Chief Solicitor
- Victor Terval, Chief Solicitor







<b>F R O M</b>	<b>NAME &amp; TITLE</b>	Frank J. Murphy, Acting Director	<b>CITY of BALTIMORE  M E M O</b>	
	<b>AGENCY NAME &amp; ADDRESS</b>	Department of Transportation (DOT) 417 East Fayette Street, Room 527		
	<b>SUBJECT</b>	City Council Bill 17-0034		

**TO** The Honorable President and  
Members of the City Council  
c/o Natawna Austin  
Room 400 City Hall

May 2, 2017

I am herein reporting on City Council Bill 17-0034 for the purpose of consenting to approving a petition to extend the Metropolitan District of Baltimore County to a certain tract of land; and providing for a special effective date.

This extension request is for a parcel of land approximately 27.7932 acres in size and located south of Nicodemus Road and northeasterly of and adjacent to Berryman's Lane, in the 4<sup>th</sup> Councilmanic Election District of Baltimore County, Maryland. It is contiguous to the Metropolitan District and is within the County's Urban Rural Demarcation Line.

The Department of Public Works has determined that the request for extension can be accommodated with existing resources.

The Department of Transportation supports this bill.

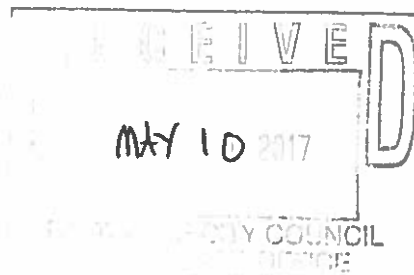
Thank you for this opportunity to comment.

Respectfully,

*Luisa Wines* For  
Frank J. Murphy  
Acting Director

FJM/PAF

Cc: Karen Stokes, Mayor's Office  
Kyron Banks, Mayor's Office





<b>FROM</b>	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 <sup>TH</sup> FLOOR, 417 EAST FAYETTE STREET
	SUBJECT	CITY COUNCIL BILL #17-0034/METROPOLITAN DISTRICT OF BALTIMORE COUNTY- EXTENSION 165

CITY of  
BALTIMORE  
**MEMO**



DATE:

TO

The Honorable President and  
Members of the City Council  
City Hall, Room 400  
100 North Holliday Street

April 28, 2017

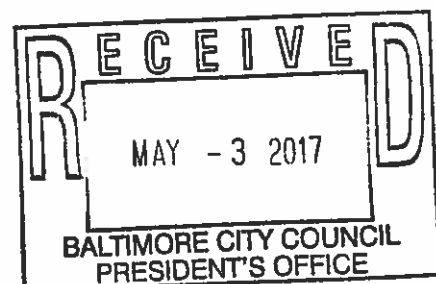
The Department of Planning is in receipt of City Council Bill #17-0034, which is for the purpose of consenting to and approving a petition to extend the Metropolitan District of Baltimore County to a certain tract of land; and providing for a special effective date. The request is for the consent and approval of a petition to extend the Metropolitan District of Baltimore County to a tract of land, consisting of approximately 27.7932 acres, located in the 4th Election District of Baltimore County in the vicinity of the north side of Berrymans Lane, as more particularly shown on the plat labeled Extension 165 and filed with the Department of Public Works of Baltimore County.

The Department of Planning does not object to City Council Bill #17-0034 and defers to the Department of Public Works, as the extension of this utility is under the direct purview of the Department of Public Works and the application is located within Baltimore County.

If you have any questions, please contact Mr. Wolde Ararsa, Division Chief, Land Use and Urban Design Division at 410-396-4488.

TJS/WA

cc: Mr. Pete Hammen, Chief Operating Officer  
Mr. Jim Smith, Chief of Strategic Alliances  
Ms. Karen Stokes, Mayor's Office  
Mr. Colin Tarbert, Mayor's Office  
Mr. Kyron Banks, Mayor's Office  
The Honorable Edward Reisinger, Council Rep. to Planning Commission  
Mr. David Tanner, BMZA  
Mr. Geoffrey Veale, Zoning Administration  
Ms. Sharon Daboin, DHCD  
Mr. Patrick Fleming, DOT  
Ms. Elena DiPietro, Law Dept.  
Ms. Natawna Austin, Council Services  
Mr. Francis Burnszynski, PABC  
Ms. Marcia Collins, DPW



*Defer to DPW*



<b>FROM</b>	NAME & TITLE	Rudolph S. Chow, P.E., Director
	AGENCY NAME & ADDRESS	Department of Public Works 600 Abel Wolman Municipal Building
	SUBJECT	<b>CITY COUNCIL BILL 17-0034</b>

CITY of  
BALTIMORE  
**MEMO**



DATE:

April 18, 2017

TO

The Honorable President and Members  
of the Baltimore City Council  
c/o Natawna Austin  
Room 400 – City Hall

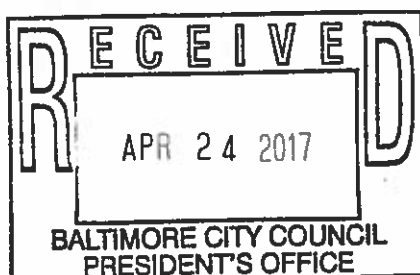
I am herein reporting on City Council Bill 17-0034 introduced by the Administration (Department of Transportation).

The purpose of the Bill is to consent to and approve a petition to extend the Metropolitan District of Baltimore County to a certain tract of land; and providing for a special effective date.

This extension request is for a parcel of land approximately 27.7932 acres in size and located south of Nicodemus Road and northeasterly of and adjacent to Berryman's Lane, in the 4<sup>th</sup> Election District of Baltimore County, Maryland. It is contiguous to the Metropolitan District and is within the County's Urban Rural Demarcation Line.

Resolution 70-16 approved by the Baltimore County Council on July 5, 2016 found District Extension 165 to meet the requirements for requesting an extension of water service from Baltimore City. The request conforms with the Baltimore County Master Water Supply and Sewerage Plan, the Baltimore County Land Use Master Plan, and the Comprehensive Zoning Map. The property is zoned DR-1, a low density residential zoning classification that permits the development of one residential unit per acre. The development plan approved by Baltimore County for this parcel allows for 24 residential lots to be developed and served by public water and sewer.

A petition for an extension of the Baltimore County Metropolitan District to be valid under Maryland Law must be approved by the Mayor and City Council of Baltimore. This Department has confirmed that the petition request can be adequately served with water from the existing water distribution system. Based on these findings, the Department of Public Works supports passage of City Council Bill 17-0034.



Sincerely,

Rudolph S. Chow, P.E.  
Director

RSC/MMC:ela



**METROPOLITAN DISTRICT EXTENSION  
FACT SHEET**

**Extension Number: 165**

**City Council Bill Number: 17-0034**

**Brief Description of Extension Area:** This request would extend the Metropolitan District to a tract of land of approximately 27.7932 acres, located in the vicinity of the northeasterly side of Berryman's Lane, south of Nicodemus Road. The requested expansion is located within the County's Urban-Rural Demarcation Line (URDL).

**Purpose of the Request:** The petitioner is the owner of the property who is requesting the extension for a low density housing development. Existing zoning allows for this use. The area requested to be served with public water abuts the Metropolitan District along the southerly boundary of the property.

**County Action:** Resolution 70-16 approved by the County Council on July 5, 2016 found District Extension 165 to meet the requirements for requesting an extension of water service from Baltimore City. The request conforms with the Baltimore County Master Water Supply and Sewerage Plan and the Baltimore County Land Use Master Plan and zoning. The property is zoned DR-1. DR-1 requires public water and sewer utility service and would permit a maximum of one residential unit per acre. The County approved development plan for this parcel permits 24 residential lots to be developed. The affected property owner is the petitioner.

**Adequate Service:** The proposed extension can be adequately served with water from the Reisterstown 5<sup>th</sup> Zone.


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The Metropolitan District Act (1924), jointly supported by Baltimore City and Baltimore County before the State Legislature, defined geographic limits within Baltimore County whereby the City would develop a water system and supply water to the County, at cost. The Act further allowed for expansion of the District provided 3/5 of the property owners in an area contiguous to the District request it. The Act places no limits on expansion requests. The City's responsibility to supply water to District Extensions was upheld in the Maryland Court of Appeals decision in *Dinneen v. Rider*, 152 Md. 343 (1927). The Court stated the City is "... directed to make installation of water supply service pipes to be connected to its water mains, whenever and wherever requested..."





*AKA*, Deputy, for:

<b>FROM</b>	NAME & TITLE	Andrew Kleine, Chief	CITY of BALTIMORE <b>MEMO</b>	
	AGENCY NAME & ADDRESS	Bureau of the Budget and Management Research Room 432, City Hall (410) 396-4941		
	SUBJECT	City Council Bill #17-0034		

DATE:

**TO**

The Honorable President and  
Members of the City Council  
Room 400, City Hall

April 20<sup>th</sup>, 2017

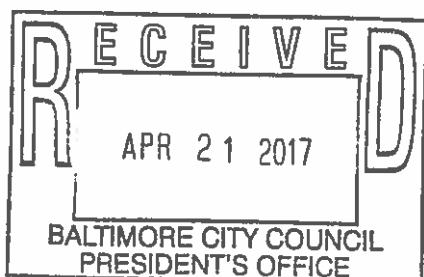
Attention: Ms. Natawna Austin

City Council Bill #17-0034 has been introduced for the purpose of consenting to and approving of a petition to extend the Metropolitan District of Baltimore County to 24 residential lots to be developed and served by the City's public water and sewer system.

The Metropolitan District Act (1924), jointly supported by Baltimore City and Baltimore County before the State Legislature, defined geographic limits within Baltimore County whereby the City would develop a water system and supply water to the County, at cost. This Bill requests an extension to that District.

The Finance Department has reviewed this bill and does not anticipate a fiscal impact.

cc: Henry Raymond  
Kyron Banks



*No*  
*obj*



CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



OFFICE OF COUNCIL SERVICES

LARRY E. GREENE, Director  
415 City Hall, 100 N. Holliday Street  
Baltimore, Maryland 21202  
410-396-7215 / Fax: 410-545-7596  
email: larry.greene@baltimorecity.gov

**HEARING NOTES**

**Bill: 17-0034**

**Metropolitan District of Baltimore County – Extension 165**

**Committee:** Judiciary and Legislative Investigations

**Chaired By:** Councilmember Eric Costello

**Hearing Date:** Tuesday, June 26, 2017

**Time (Beginning):** 11:05 AM

**Time (Ending):** 11:10 AM

**Location:** Clarence "Du" Burns Chamber

**Total Attendance:** Approximately 35

**Committee Members in Attendance:**

Eric Costello                      John Bullock  
Brandon Scott                     Edward Reisinger  
Leon Pinkett                     Robert Stokes  
Mary Pat Clarke

Bill Synopsis in the file? .....	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Attendance sheet in the file? .....	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Agency reports read? .....	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Hearing televised or audio-digitally recorded? .....	<input type="checkbox"/> yes	<input checked="" type="checkbox"/> no	<input type="checkbox"/> n/a
Certification of advertising/posting notices in the file?.....	<input type="checkbox"/> yes	<input type="checkbox"/> no	<input checked="" type="checkbox"/> n/a
Evidence of notification to property owners? .....	<input type="checkbox"/> yes	<input type="checkbox"/> no	<input checked="" type="checkbox"/> n/a
Final vote taken at this hearing? .....	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Motioned by: .....	Councilmember Scott		
Seconded by: .....	Councilmember Clarke		
Final Vote: .....	Favorable		

**Major Speakers**

*(This is not an attendance record.)*

- None



**Major Issues Discussed**

1. The Chairman read the purpose clause and stated which agency reports were received and then he asked the agency representatives if he/she had any additional information to add other than what was already the report. Vote taken.

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**Further Study**

Was further study requested?

Yes  No

If yes, describe.

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**Committee Vote:**

E. Costello: ..... Yea  
L. Pinkett: ..... Yea  
M. Clarke..... Yea  
R. Stokes..... Yea  
E. Reisinger: ..... Yea  
B. Scott: ..... Yea  
J. Bullock:..... Yea

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*Marguerite M. Currin*

Marguerite M. Currin, Committee Staff

Date: June 27, 2017

cc: Bill File  
OCS Chrono File











**BALTIMORE CITY COUNCIL  
JUDICIARY AND LEGISLATIVE INVESTIGATIONS  
COMMITTEE**

**Mission Statement**

*On behalf of the Citizens of Baltimore City, the mission of the Judiciary and Legislative Investigations Committee is to investigate and study the continuing operations, efficiency, and functions of Baltimore City government in accordance with the laws of Baltimore City, the State of Maryland, and the United States.*

*As a result of its investigations and studies, the Committee will recommend and oversee reforms to improve the operations of Baltimore City's government through legislative, administrative, and/or budgetary processes.*

**The Honorable Eric T. Costello  
Chairman**

**PUBLIC HEARING**

**Monday, June 26, 2017  
10:45 AM**

**CLARENCE "DU" BURNS COUNCIL CHAMBERS**

***Council Bill 17-0034  
Metropolitan District Of Baltimore County - Extension 165***

## CITY COUNCIL COMMITTEES

### BUDGET AND APPROPRIATIONS

Eric Costello – Chair  
Leon Pinkett – Vice Chair  
Bill Henry  
Sharon Green Middleton  
Brandon M. Scott  
Isaac "Yitzy" Schleifer  
Shannon Sneed  
*Staff: Marguerite Murray*

### EDUCATION AND YOUTH

Zeke Cohen – Chair  
Mary Pat Clarke – Vice Chair  
John Bullock  
Kristerfer Burnett  
Ryan Dorsey  
*Staff: D'Paul Nibber*

### EXECUTIVE APPOINTMENTS

Robert Stokes – Chair  
Kristerfer Burnett – Vice Chair  
Mary Pat Clarke  
Zeke Cohen  
Isaac "Yitzy" Schleifer  
*Staff: Jennifer Coates*

### HOUSING AND URBAN AFFAIRS

John Bullock – Chair  
Isaac "Yitzy" Schleifer – Vice Chair  
Kristerfer Burnett  
Bill Henry  
Shannon Sneed  
Zeke Cohen  
Ryan Dorsey  
*Staff: Richard Krummerich*

### JUDICIARY AND LEGISLATIVE INVESTIGATIONS

Eric Costello – Chair  
Mary Pat Clarke – Vice Chair  
John Bullock  
Leon Pinkett  
Ed Reisinger  
Brandon Scott  
Robert Stokes  
*Staff: D'Paul Nibber*

### LABOR

Shannon Sneed – Chair  
Robert Stokes – Vice Chair  
Eric Costello  
Bill Henry  
Mary Pat Clarke  
*Staff: Marguerite Murray*

### LAND USE AND TRANSPORTATION

Edward Reisinger - Chair  
Sharon Green Middleton – Vice Chair  
Mary Pat Clarke  
Eric Costello  
Ryan Dorsey  
Leon Pinkett  
Robert Stokes  
*Staff: Marshall Bell*

### PUBLIC SAFETY

Brandon Scott – Chair  
Ryan Dorsey – Vice Chair  
Kristerfer Burnett  
Shannon Sneed  
Zeke Cohen  
Leon Pinkett  
Isaac "Yitzy" Schleifer  
*Staff: Marshall Bell*

### TAXATION, FINANCE AND ECONOMIC DEVELOPMENT

Sharon Green Middleton – Chair  
Leon Pinkett – Vice Chair  
Eric Costello  
Edward Reisinger  
Robert Stokes  
*Staff: Jennifer Coates*  
- Larry Greene (*pension only*)

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



OFFICE OF COUNCIL SERVICES

LARRY E. GREENE, Director  
415 City Hall, 100 N. Holliday Street  
Baltimore, Maryland 21202  
410-396-7215 / Fax: 410-545-7596  
email: larry.greene@baltimorecity.gov

## BILL SYNOPSIS

**Committee:** Judiciary and Legislative Investigations

**Bill 17-0034**

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**Metropolitan District Of Baltimore County - Extension 165**

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**Sponsor:** *President Young (Administration), et al*  
**Introduced:** *March 20, 2017*

**Purpose:**

**For the purpose of consenting to and approving a petition to extend the Metropolitan District of Baltimore County to a certain tract of land; and providing for a special effective date.**

**Effective:** On the date it is enacted.

**Hearing Date/Time/Location:** June 26, 2017/10:45 a.m./Clarence "Du" Burns Chamber

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**Agency Reports**

Law Department	Favorable
Department of Planning	No Objections
Department of Public Works	Favorable
Department of Finance	Comments
Department of Transportation	Favorable

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## **ANALYSIS**

### **Current Law**

The Metropolitan District Act requires that Baltimore City provide sewer and water services to areas contiguous to its borders in Baltimore County, known as the Metropolitan District of Baltimore County. 1924 Laws of Md., Ch. 539; 1945 Laws of Md., Ch. 1017; 1955 Laws of Md., Ch. 515.

### **Background**

Council Bill 17-0034 allows 27.7932 acres of land to enter the Metropolitan District of Baltimore County. This land is "in the vicinity of the north side of Berrymans Lane" and is better seen "on the plat labeled Extension 165." The Department of Finance provided comments on the Bill, and stated that it does not predict any fiscal impact for the City. Additionally, the Agency noted that 17-0034 was "introduced for the purpose of consenting to and approving of a petition to extend the Metropolitan District of Baltimore County to 24 residential lots to be developed and served by the City's public water and sewer system."

Similarly, the Department of Public Works ("DPW") provided a favorable report, stating that 17-0034 is needed so that a developer in Baltimore County can construct single family homes, which require public sewer and water infrastructure by law. This infrastructure, through the Metropolitan District Act, is provided by Baltimore City along areas contiguous to its borders. DPW "has confirmed that the petition request can be adequately served with water from the existing water distribution system."

The Department of Transportation provided a favorable report, stating that the land in question is "contiguous to the Metropolitan District and is within the County's Urban Rural Demarcation Line." The Department of Planning has no objections to the Bill and defers to the Department of Public Works on the question of the City's utilities. The Law Department provided a favorable report, approving 17-0034 for form and legal sufficiency.

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**Additional Information**

**Fiscal Note:** Not Available

**Information Source(s):** Law Department; Department of Planning; Department of Public Works; Department of Finance; Department of Transportation

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Analysis by: *D'Paul S. Nibber*  
Analysis Date: June 19, 2017

Direct Inquiries to: (410) 396-1268

**CITY OF BALTIMORE  
COUNCIL BILL 17-0034  
(First Reader)**

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Introduced by: The Council President

At the request of: The Administration (Department of Transportation)

Introduced and read first time: March 20, 2017

Assigned to: Judiciary and Legislative Investigations Committee

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REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Planning, Department of Public Works, Department of Finance, Department of Transportation

---

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Metropolitan District of Baltimore County –**  
3 **Extension 165**

4 FOR the purpose of consenting to and approving a petition to extend the Metropolitan District of  
5 Baltimore County to a certain tract of land; and providing for a special effective date.

6 BY direction of

7 Article 3 – Baltimore County  
8 Section(s) 498 through 528  
9 Code of Public Local Laws of Maryland  
10 (1955 Everstine Edition)

11 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the  
12 Mayor and City Council of Baltimore consents to and approves the petition to extend the  
13 Metropolitan District of Baltimore County to a tract of land, consisting of approximately 27.7932  
14 acres, located in the 4<sup>th</sup> Election District of Baltimore County in the vicinity of the north side of  
15 Berrymans Lane, as more particularly shown on the plat labeled Extension 165 and filed with the  
16 Department of Public Works of Baltimore County.

17 **SECTION 2. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it is  
18 enacted.

EXPLANATION: CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.

# **JUDICIARY AND LEGISLATIVE INVESTIGATIONS COMMITTEE**

## **Council Bill 17-0034**

**Hearing Date: June 26, 2017**

### **Agency Reports:**

- **Law Department**
  - **Favorable**
- **Department of Planning**
  - **No Objections**
- **Department of Public Works**
  - **Favorable**
- **Department of Finance**
  - **Comments**
- **Department of Transportation**
  - **Favorable**

CITY OF BALTIMORE

CATHERINE E. PUGIL, Mayor



DEPARTMENT OF LAW

101 City Hall  
Baltimore, Maryland 21202

June 20, 2017

The Honorable President and Members  
of the Baltimore City Council  
Attn: Natawna B. Austin, Executive Secretary  
Room 409, City Hall  
100 N. Holliday Street  
Baltimore, Maryland 21202

Re: City Council Bill 17-0034 – Metropolitan District of Baltimore County –  
Extension 165

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 17-0034 for form and legal sufficiency. The bill provides that the Mayor and City Council consent to and approve the petition to extend the Metropolitan District of Baltimore County to a tract of land consisting of approximately 27.7932 acres in the 4<sup>th</sup> Election District of Baltimore County. The bill provides that the ordinance takes effect on the date it is enacted.

The Metropolitan District of Baltimore County was established by the Metropolitan District Act (hereinafter the "Act"), Chapter 539 of the Acts of 1924 as amended by Chapter 1017 of the Acts of 1945, and Chapter 515 of the Acts of 1955. Under the Act, the City is "required to supply water to consumers in the metropolitan district of Baltimore County at cost and entirely without profit or loss." *Baltimore County v. Mayor and City Council of Baltimore*, 329 Md. 692, 696 (1993) (internal quotations omitted). See also Public Local Law §§ 25-22 through 25-30. The initial boundaries of the Metropolitan District were set in the Act, but inhabitants in any locality adjoining, but outside of, the Metropolitan District can make a written petition to the County to join the District. See 1924 Laws of Md., Ch. 539 § 14; 1955 Laws of Md., Ch.515, § 1. The petition has to be approved by the Mayor and City Council of Baltimore. *Id.*; see also Baltimore County Code, Art. 20, §§ 1-101(b), 1-102 (Mayor and City Council must approve any Metropolitan District Extensions); *Home Owners' Loan Corp. v. Baltimore City*, 175 Md. 676, 680-81 (1939) (City has no duty to supply water outside of its boundaries unless provided by ordinance).

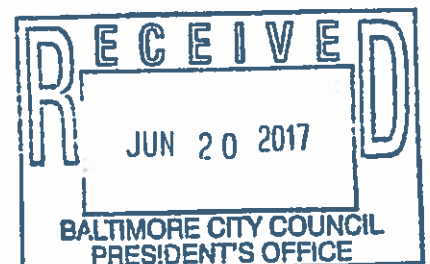
This ordinance is the appropriate legal authorization for the extension of the Metropolitan District of Baltimore County. Subject to confirmation by the Baltimore City Department of Public Works that the applicable requirements have been met to extend the Metropolitan District of Baltimore County, the Law Department approves the bill for form and legal sufficiency.

Sincerely,

Jennifer Landis  
Assistant Solicitor

- cc: David Ralph, Interim City Solicitor
- Karen Stokes, Director, Mayor's Office of Government Relations
- Kyron Banks, Mayor's Legislative Liaison
- Elena DiPietro, Chief Solicitor, General Counsel Division
- Hilary Ruley, Chief Solicitor
- Victor Tervalá, Chief Solicitor

F





<b>FROM</b>	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 <sup>TH</sup> FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #17-0034/METROPOLITAN DISTRICT OF BALTIMORE COUNTY- EXTENSION 165		

DATE:

**TO**

The Honorable President and  
 Members of the City Council  
 City Hall, Room 400  
 100 North Holliday Street

April 28, 2017

The Department of Planning is in receipt of City Council Bill #17-0034, which is for the purpose of consenting to and approving a petition to extend the Metropolitan District of Baltimore County to a certain tract of land; and providing for a special effective date. The request is for the consent and approval of a petition to extend the Metropolitan District of Baltimore County to a tract of land, consisting of approximately 27.7932 acres, located in the 4th Election District of Baltimore County in the vicinity of the north side of Berryman's Lane, as more particularly shown on the plat labeled Extension 165 and filed with the Department of Public Works of Baltimore County.

The Department of Planning does not object to City Council Bill #17-0034 and defers to the Department of Public Works, as the extension of this utility is under the direct purview of the Department of Public Works and the application is located within Baltimore County.

If you have any questions, please contact Mr. Wolde Ararsa, Division Chief, Land Use and Urban Design Division at 410-396-4488.

TJS/WA

- cc: Mr. Pete Hammen, Chief Operating Officer  
 Mr. Jim Smith, Chief of Strategic Alliances  
 Ms. Karen Stokes, Mayor's Office  
 Mr. Colin Tarbert, Mayor's Office  
 Mr. Kyron Banks, Mayor's Office  
 The Honorable Edward Reisinger, Council Rep. to Planning Commission  
 Mr. David Tanner, BMZA  
 Mr. Geoffrey Veale, Zoning Administration  
 Ms. Sharon Daboin, DHCD  
 Mr. Patrick Fleming, DOT  
 Ms. Elena DiPietro, Law Dept.  
 Ms. Natawna Austin, Council Services  
 Mr. Francis Burnszynski, PABC  
 Ms. Marcia Collins, DPW

<b>FROM</b>	NAME & TITLE	Rudolph S. Chow, P.E., Director	CITY of BALTIMORE  <b>MEMO</b>	
	AGENCY NAME & ADDRESS	Department of Public Works 600 Abel Wolman Municipal Building		
	SUBJECT	<b>CITY COUNCIL BILL 17-0034</b>		

DATE: April 18, 2017

**TO**

The Honorable President and Members  
of the Baltimore City Council  
c/o Natawna Austin  
Room 400 – City Hall

I am herein reporting on City Council Bill 17-0034 introduced by the Administration (Department of Transportation).

The purpose of the Bill is to consent to and approve a petition to extend the Metropolitan District of Baltimore County to a certain tract of land; and providing for a special effective date.

This extension request is for a parcel of land approximately 27.7932 acres in size and located south of Nicodemus Road and northeasterly of and adjacent to Berryman’s Lane, in the 4<sup>th</sup> Election District of Baltimore County, Maryland. It is contiguous to the Metropolitan District and is within the County’s Urban Rural Demarcation Line.

Resolution 70-16 approved by the Baltimore County Council on July 5, 2016 found District Extension 165 to meet the requirements for requesting an extension of water service from Baltimore City. The request conforms with the Baltimore County Master Water Supply and Sewerage Plan, the Baltimore County Land Use Master Plan, and the Comprehensive Zoning Map. The property is zoned DR-1, a low density residential zoning classification that permits the development of one residential unit per acre. The development plan approved by Baltimore County for this parcel allows for 24 residential lots to be developed and served by public water and sewer.

A petition for an extension of the Baltimore County Metropolitan District to be valid under Maryland Law must be approved by the Mayor and City Council of Baltimore. This Department has confirmed that the petition request can be adequately served with water from the existing water distribution system. Based on these findings, the Department of Public Works supports passage of City Council Bill 17-0034.

Sincerely,

  
Rudolph S. Chow, P.E.  
Director

RSC/MMC:ela

## **METROPOLITAN DISTRICT EXTENSION FACT SHEET**

**Extension Number: 165**

**City Council Bill Number: 17-0034**

**Brief Description of Extension Area:** This request would extend the Metropolitan District to a tract of land of approximately 27.7932 acres, located in the vicinity of the northeasterly side of Berryman's Lane, south of Nicodemus Road. The requested expansion is located within the County's Urban-Rural Demarcation Line (URDL).

**Purpose of the Request:** The petitioner is the owner of the property who is requesting the extension for a low density housing development. Existing zoning allows for this use. The area requested to be served with public water abuts the Metropolitan District along the southerly boundary of the property.

**County Action:** Resolution 70-16 approved by the County Council on July 5, 2016 found District Extension 165 to meet the requirements for requesting an extension of water service from Baltimore City. The request conforms with the Baltimore County Master Water Supply and Sewerage Plan and the Baltimore County Land Use Master Plan and zoning. The property is zoned DR-1. DR-1 requires public water and sewer utility service and would permit a maximum of one residential unit per acre. The County approved development plan for this parcel permits 24 residential lots to be developed. The affected property owner is the petitioner.

**Adequate Service:** The proposed extension can be adequately served with water from the Reisterstown 5<sup>th</sup> Zone.

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The Metropolitan District Act (1924), jointly supported by Baltimore City and Baltimore County before the State Legislature, defined geographic limits within Baltimore County whereby the City would develop a water system and supply water to the County, at cost. The Act further allowed for expansion of the District provided 3/5 of the property owners in an area contiguous to the District request it. The Act places no limits on expansion requests. The City's responsibility to supply water to District Extensions was upheld in the Maryland Court of Appeals decision in *Dinneen v. Rider*, 152 Md. 343 (1927). The Court stated the City is "... directed to make installation of water supply service pipes to be connected to its water mains, whenever and wherever requested..."

*AK*, Deputy, for:

11

<b>FROM</b>	NAME & TITLE	Andrew Kleine, Chief	CITY of BALTIMORE <b>MEMO</b>	
	AGENCY NAME & ADDRESS	Bureau of the Budget and Management Research Room 432, City Hall (410) 396-4941		
	SUBJECT	City Council Bill #17-0034		

DATE:

**TO**

The Honorable President and  
Members of the City Council  
Room 400, City Hall

April 20<sup>th</sup>, 2017

Attention: Ms. Natawna Austin

City Council Bill #17-0034 has been introduced for the purpose of consenting to and approving of a petition to extend the Metropolitan District of Baltimore County to 24 residential lots to be developed and served by the City's public water and sewer system.

The Metropolitan District Act (1924), jointly supported by Baltimore City and Baltimore County before the State Legislature, defined geographic limits within Baltimore County whereby the City would develop a water system and supply water to the County, at cost. This Bill requests an extension to that District.

The Finance Department has reviewed this bill and does not anticipate a fiscal impact.

cc: Henry Raymond  
Kyron Banks

<b>F R O M</b>	<b>NAME &amp; TITLE</b>	Frank J. Murphy, Acting Director	<b>CITY of BALTIMORE</b>	
	<b>AGENCY NAME &amp; ADDRESS</b>	Department of Transportation (DOT) 417 East Fayette Street, Room 527		
	<b>SUBJECT</b>	City Council Bill 17-0034		
			<b>M E M O</b>	

**TO** The Honorable President and  
Members of the City Council  
c/o Natawna Austin  
Room 400 City Hall

May 2, 2017

I am herein reporting on City Council Bill 17-0034 for the purpose of consenting to approving a petition to extend the Metropolitan District of Baltimore County to a certain tract of land; and providing for a special effective date.

This extension request is for a parcel of land approximately 27.7932 acres in size and located south of Nicodemus Road and northeasterly of and adjacent to Berryman's Lane, in the 4<sup>th</sup> Councilmanic Election District of Baltimore County, Maryland. It is contiguous to the Metropolitan District and is within the County's Urban Rural Demarcation Line.

The Department of Public Works has determined that the request for extension can be accommodated with existing resources.

The Department of Transportation supports this bill.

Thank you for this opportunity to comment.

Respectfully,

*Frank J. Murphy*  
Frank J. Murphy  
Acting Director

FJM/PAF

Cc: Karen Stokes, Mayor's Office  
Kyron Banks, Mayor's Office



**CITY OF BALTIMORE  
COUNCIL BILL 17-0034  
(First Reader)**

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Introduced by: The Council President

At the request of: The Administration (Department of Transportation)

Introduced and read first time: March 20, 2017

Assigned to: Judiciary and Legislative Investigations Committee

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REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Planning, Department of Public Works, Department of Finance, Department of Transportation

---

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Metropolitan District of Baltimore County –**  
3 **Extension 165**

4 FOR the purpose of consenting to and approving a petition to extend the Metropolitan District of  
5 Baltimore County to a certain tract of land; and providing for a special effective date.

6 BY direction of

7 Article 3 – Baltimore County  
8 Section(s) 498 through 528  
9 Code of Public Local Laws of Maryland  
10 (1955 Everstine Edition)

11 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE**, That the  
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15 Berrymans Lane, as more particularly shown on the plat labeled Extension 165 and filed with the  
16 Department of Public Works of Baltimore County.


17 **SECTION 2. AND BE IT FURTHER ORDAINED**, That this Ordinance takes effect on the date it is  
18 enacted.

EXPLANATION: CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.





Avery

FROM	NAME & TITLE	Kyron Banks, Legislative Liaison <i>KBS</i>	CITY of BALTIMORE <b>MEMO</b>	
	AGENCY NAME & ADDRESS	Mayor's Office of Government Relations City Hall, Room 340A		
	SUBJECT	Bill Introduction for the Administration		

DATE: March 15, 2017

TO Avery Aisenstark, Director  
Department of Legislative Reference

**An Ordinance Concerning:**

**Metropolitan District of Baltimore County – Extension No. 165**

Please prepare the attached for introduction at the City Council meeting scheduled for Monday, March 20, 2017. This bill is introduced at the request of the Administration (Department of Transportation). Please return legislation to this office when completed.

If you have any questions regarding this legislation, please contact Patrick Fleming at 443.865.4492.

cc: Karen Stokes, Director



**INTRODUCTORY\***  
**CITY OF BALTIMORE**  
**COUNCIL BILL \_\_\_\_\_**

APPROVED FOR FORM STYLE AND TEXTUAL EFFICIENCY
3-15-17
DATE OF RELATIVE REFERENCE

---

Introduced by: The Council President  
At the request of: The Administration (Department of Transportation)

---

A BILL ENTITLED

AN ORDINANCE concerning

**Metropolitan District of Baltimore County –  
Extension 165**

FOR the purpose of consenting to and approving a petition to extend the Metropolitan District of Baltimore County to a certain tract of land; and providing for a special effective date.

BY direction of

Article 3 – Baltimore County  
Section(s) 498 through 528  
Code of Public Local Laws of Maryland  
(1955 Everstine Edition)

**SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the Mayor and City Council of Baltimore consents to and approves the petition to extend the Metropolitan District of Baltimore County to a tract of land, consisting of approximately 27.7932 acres, located in the 4<sup>th</sup> Election District of Baltimore County in the vicinity of the north side of Berrymans Lane, as more particularly shown on the plat labeled Extension 165 and filed with the Department of Public Works of Baltimore County.

**SECTION 2. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it is enacted.

\* WARNING: THIS IS AN UNOFFICIAL, INTRODUCTORY COPY OF THE BILL.  
THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.

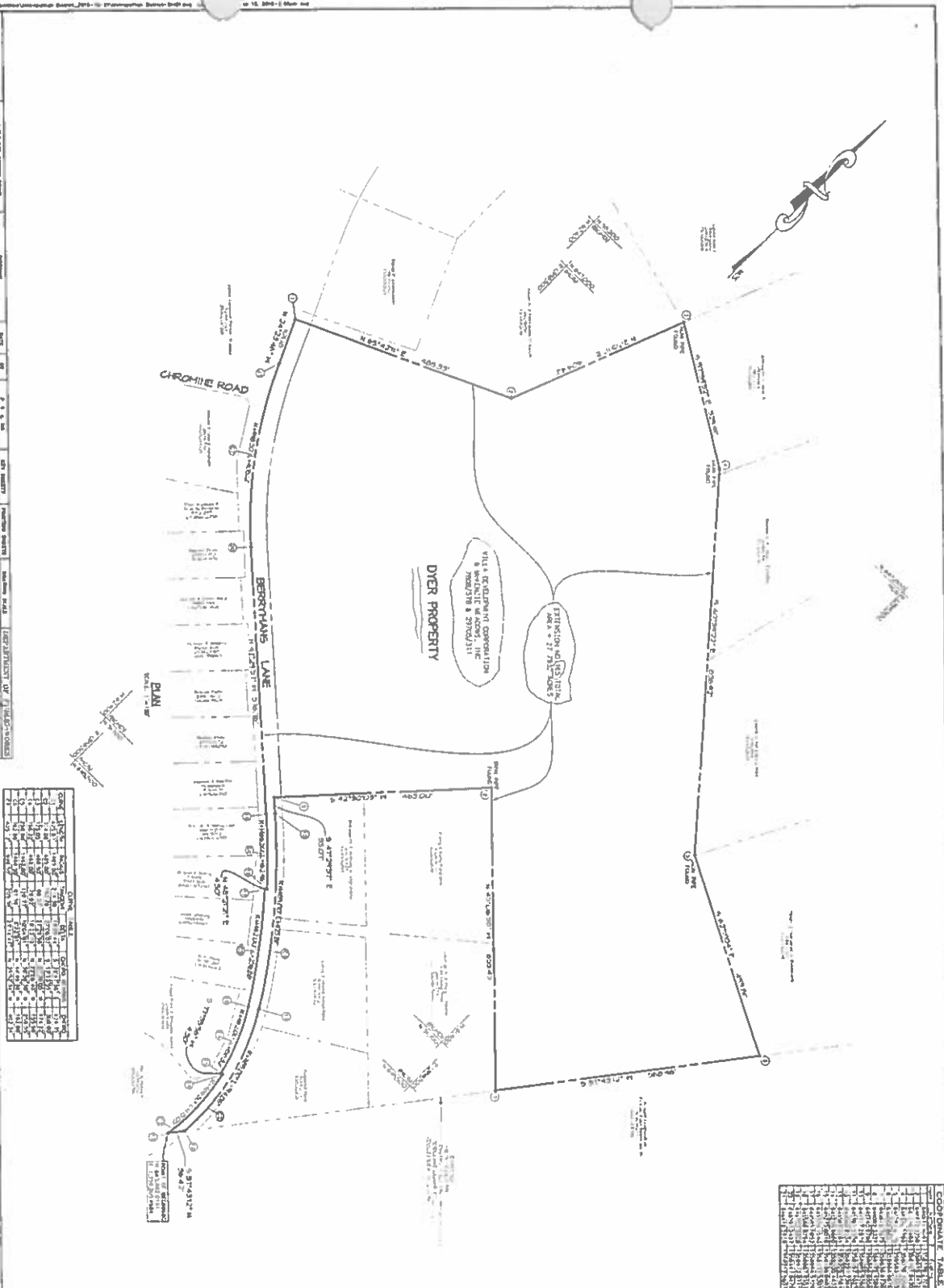




Licensed Professional Engineer  
 State of Maryland  
 No. 165  
 Name: **DAVID J. SIMMONSON**  
 Address: **10000 BELT ROAD, SUITE 100, BETHESDA, MD 20814**  
 Telephone: **(301) 414-1100**  
 Date of Issue: **11/15/00**  
 Expiration Date: **11/15/05**

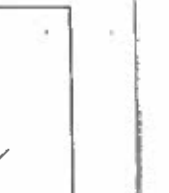
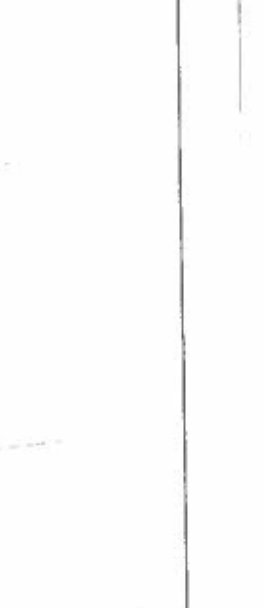
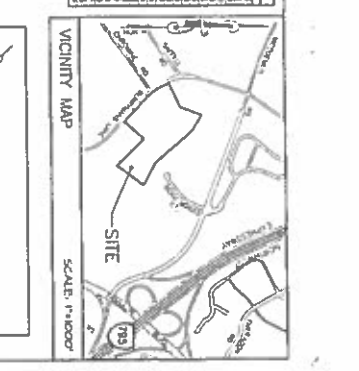
**METROPOLITAN DISTRICT EXTENSION NO. 165**  
**EXIST DISTRICT NO. 4, C1**  
**DAWSON COUNTY DEPARTMENT OF PUBLIC WORKS BUREAU OF ENGINEERING & CONSTRUCTION**  
**SIMMONSON DYER PROPERTY**

Project Description: \_\_\_\_\_  
 Contract No.: \_\_\_\_\_  
 Job Order No.: \_\_\_\_\_  
 Sheet 1 of 1  
**Exp. 7/05**  
 Fee No.: \_\_\_\_\_



**COORDINATE TABLE**

Station	N. Coordinate	E. Coordinate
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**ACTION BY THE CITY COUNCIL**

MAR 20 2017

FIRST READING (INTRODUCTION) \_\_\_\_\_ 20 \_\_\_\_\_

PUBLIC HEARING HELD ON June 20 + 26, 2017 \_\_\_\_\_ 20 \_\_\_\_\_

COMMITTEE REPORT AS OF July 17, 2017 \_\_\_\_\_ 20 \_\_\_\_\_

FAVORABLE \_\_\_\_\_ UNFAVORABLE \_\_\_\_\_ FAVORABLE AS AMENDED \_\_\_\_\_ WITHOUT RECOMMENDATION

[Signature]  
Chair

COMMITTEE MEMBERS:

COMMITTEE MEMBERS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SECOND READING: The Council's action being favorable (unfavorable), this City Council bill was (was not) ordered printed for  
Third Reading on:

JUL 17 2017

\_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING \_\_\_\_\_ AUG 14 2017

\_\_\_\_\_ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (ENROLLED) \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (RE-ENROLLED) \_\_\_\_\_ 20 \_\_\_\_\_

WITHDRAWAL \_\_\_\_\_ 20 \_\_\_\_\_

There being no objections to the request for withdrawal, it was so ordered that this City Council Ordinance be withdrawn from the files of the City Council.

[Signature]  
President

[Signature]  
Chief Clerk



CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



June 20, 2017

DEPARTMENT OF LAW

101 City Hall  
Baltimore, Maryland 21202

The Honorable President and Members  
of the Baltimore City Council  
Attn: Natawna B. Austin, Executive Secretary  
Room 409, City Hall  
100 N. Holliday Street  
Baltimore, Maryland 21202

Re: City Council Bill 17-0034 – Metropolitan District of Baltimore County –  
Extension 165


Dear President and City Council Members:

The Law Department has reviewed City Council Bill 17-0034 for form and legal sufficiency. The bill provides that the Mayor and City Council consent to and approve the petition to extend the Metropolitan District of Baltimore County to a tract of land consisting of approximately 27.7932 acres in the 4<sup>th</sup> Election District of Baltimore County. The bill provides that the ordinance takes effect on the date it is enacted.

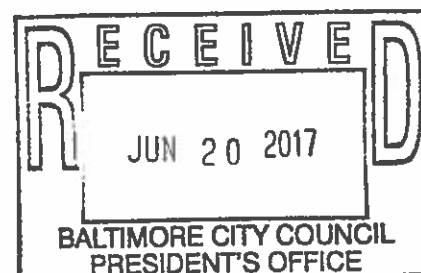
The Metropolitan District of Baltimore County was established by the Metropolitan District Act (hereinafter the "Act"), Chapter 539 of the Acts of 1924 as amended by Chapter 1017 of the Acts of 1945, and Chapter 515 of the Acts of 1955. Under the Act, the City is "required to supply water to consumers in the metropolitan district of Baltimore County at cost and entirely without profit or loss." *Baltimore County v. Mayor and City Council of Baltimore*, 329 Md. 692, 696 (1993) (internal quotations omitted). See also Public Local Law §§ 25-22 through 25-30. The initial boundaries of the Metropolitan District were set in the Act, but inhabitants in any locality adjoining, but outside of, the Metropolitan District can make a written petition to the County to join the District. See 1924 Laws of Md., Ch. 539 § 14; 1955 Laws of Md., Ch. 515, § 1. The petition has to be approved by the Mayor and City Council of Baltimore. *Id.*; see also Baltimore County Code, Art. 20, §§ 1-101(b), 1-102 (Mayor and City Council must approve any Metropolitan District Extensions); *Home Owners' Loan Corp. v. Baltimore City*, 175 Md. 676, 680-81 (1939) (City has no duty to supply water outside of its boundaries unless provided by ordinance).

This ordinance is the appropriate legal authorization for the extension of the Metropolitan District of Baltimore County. Subject to confirmation by the Baltimore City Department of Public Works that the applicable requirements have been met to extend the Metropolitan District of Baltimore County, the Law Department approves the bill for form and legal sufficiency.


Sincerely,

  
Jennifer Landis  
Assistant Solicitor

cc: David Ralph, Interim City Solicitor  
Karen Stokes, Director, Mayor's Office of Government Relations  
Kyron Banks, Mayor's Legislative Liaison  
Elena DiPietro, Chief Solicitor, General Counsel Division  
Hilary Ruley, Chief Solicitor  
Victor Tervalá, Chief Solicitor





FROM	NAME & TITLE	Frank J. Murphy, Acting Director	CITY of <b>BALTIMORE</b>  M E M O	
	AGENCY NAME & ADDRESS	Department of Transportation (DOT) 417 East Fayette Street, Room 527		
	SUBJECT	City Council Bill 17-0034		

TO The Honorable President and  
Members of the City Council  
c/o Natawna Austin  
Room 400 City Hall

May 2, 2017

I am herein reporting on City Council Bill 17-0034 for the purpose of consenting to approving a petition to extend the Metropolitan District of Baltimore County to a certain tract of land; and providing for a special effective date.

This extension request is for a parcel of land approximately 27.7932 acres in size and located south of Nicodemus Road and northeasterly of and adjacent to Berryman's Lane, in the 4<sup>th</sup> Councilmanic Election District of Baltimore County, Maryland. It is contiguous to the Metropolitan District and is within the County's Urban Rural Demarcation Line.

The Department of Public Works has determined that the request for extension can be accommodated with existing resources.

The Department of Transportation supports this bill.

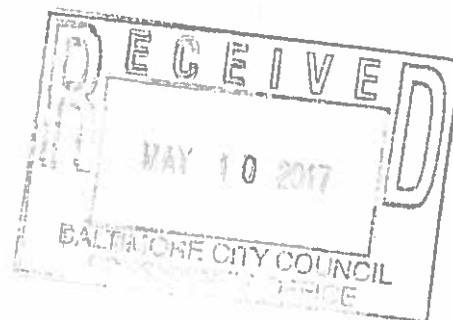
Thank you for this opportunity to comment.

Respectfully,

*Luisa Wines* For  
Frank J. Murphy  
Acting Director


FJM/PAF

Cc: Karen Stokes, Mayor's Office  
Kyron Banks, Mayor's Office



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<b>FROM</b>	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 <sup>TH</sup> FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #17-0034/METROPOLITAN DISTRICT OF BALTIMORE COUNTY- EXTENSION 165		

**TO**

DATE:

The Honorable President and  
Members of the City Council  
City Hall, Room 400  
100 North Holliday Street

April 28, 2017

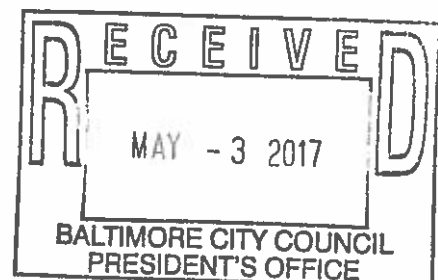
The Department of Planning is in receipt of City Council Bill #17-0034, which is for the purpose of consenting to and approving a petition to extend the Metropolitan District of Baltimore County to a certain tract of land; and providing for a special effective date. The request is for the consent and approval of a petition to extend the Metropolitan District of Baltimore County to a tract of land, consisting of approximately 27.7932 acres, located in the 4th Election District of Baltimore County in the vicinity of the north side of Berrymans Lane, as more particularly shown on the plat labeled Extension 165 and filed with the Department of Public Works of Baltimore County.

The Department of Planning does not object to City Council Bill #17-0034 and defers to the Department of Public Works, as the extension of this utility is under the direct purview of the Department of Public Works and the application is located within Baltimore County.

If you have any questions, please contact Mr. Wolde Ararsa, Division Chief, Land Use and Urban Design Division at 410-396-4488.


TJS/WA

- cc: Mr. Pete Hammen, Chief Operating Officer  
Mr. Jim Smith, Chief of Strategic Alliances  
Ms. Karen Stokes, Mayor's Office  
Mr. Colin Tarbert, Mayor's Office  
Mr. Kyron Banks, Mayor's Office  
The Honorable Edward Reisinger, Council Rep. to Planning Commission  
Mr. David Tanner, BMZA  
Mr. Geoffrey Veale, Zoning Administration  
Ms. Sharon Daboin, DHCD  
Mr. Patrick Fleming, DOT  
Ms. Elena DiPietro, Law Dept.  
Ms. Natawna Austin, Council Services  
Mr. Francis Burnsyzynski, PABC  
Ms. Marcia Collins, DPW



*Defer to DPW*



<b>FROM</b>	NAME & TITLE	Rudolph S. Chow, P.E., Director	CITY of BALTIMORE  <b>MEMO</b>	
	AGENCY NAME & ADDRESS	Department of Public Works 600 Abel Wolman Municipal Building		
	SUBJECT	<b>CITY COUNCIL BILL 17-0034</b>		

DATE: April 18, 2017

TO

The Honorable President and Members  
of the Baltimore City Council  
c/o Natawna Austin  
Room 400 – City Hall

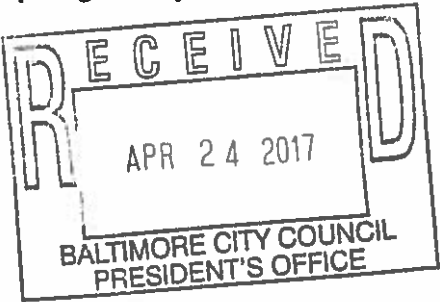
I am herein reporting on City Council Bill 17-0034 introduced by the Administration (Department of Transportation).

The purpose of the Bill is to consent to and approve a petition to extend the Metropolitan District of Baltimore County to a certain tract of land; and providing for a special effective date.

This extension request is for a parcel of land approximately 27.7932 acres in size and located south of Nicodemus Road and northeasterly of and adjacent to Berryman's Lane, in the 4<sup>th</sup> Election District of Baltimore County, Maryland. It is contiguous to the Metropolitan District and is within the County's Urban Rural Demarcation Line.

Resolution 70-16 approved by the Baltimore County Council on July 5, 2016 found District Extension 165 to meet the requirements for requesting an extension of water service from Baltimore City. The request conforms with the Baltimore County Master Water Supply and Sewerage Plan, the Baltimore County Land Use Master Plan, and the Comprehensive Zoning Map. The property is zoned DR-1, a low density residential zoning classification that permits the development of one residential unit per acre. The development plan approved by Baltimore County for this parcel allows for 24 residential lots to be developed and served by public water and sewer.

A petition for an extension of the Baltimore County Metropolitan District to be valid under Maryland Law must be approved by the Mayor and City Council of Baltimore. This Department has confirmed that the petition request can be adequately served with water from the existing water distribution system. Based on these findings, the Department of Public Works supports passage of City Council Bill 17-0034.



Sincerely,

*Rudolph S. Chow*  
Rudolph S. Chow, P.E.  
Director

RSC/MMC:ela

✓





**METROPOLITAN DISTRICT EXTENSION  
FACT SHEET**

**Extension Number: 165**

**City Council Bill Number: 17-0034**

**Brief Description of Extension Area:** This request would extend the Metropolitan District to a tract of land of approximately 27.7932 acres, located in the vicinity of the northeasterly side of Berryman's Lane, south of Nicodemus Road. The requested expansion is located within the County's Urban-Rural Demarcation Line (URDL).

**Purpose of the Request:** The petitioner is the owner of the property who is requesting the extension for a low density housing development. Existing zoning allows for this use. The area requested to be served with public water abuts the Metropolitan District along the southerly boundary of the property.

**County Action:** Resolution 70-16 approved by the County Council on July 5, 2016 found District Extension 165 to meet the requirements for requesting an extension of water service from Baltimore City. The request conforms with the Baltimore County Master Water Supply and Sewerage Plan and the Baltimore County Land Use Master Plan and zoning. The property is zoned DR-1. DR-1 requires public water and sewer utility service and would permit a maximum of one residential unit per acre. The County approved development plan for this parcel permits 24 residential lots to be developed. The affected property owner is the petitioner.


**Adequate Service:** The proposed extension can be adequately served with water from the Reisterstown 5<sup>th</sup> Zone.

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The Metropolitan District Act (1924), jointly supported by Baltimore City and Baltimore County before the State Legislature, defined geographic limits within Baltimore County whereby the City would develop a water system and supply water to the County, at cost. The Act further allowed for expansion of the District provided 3/5 of the property owners in an area contiguous to the District request it. The Act places no limits on expansion requests. The City's responsibility to supply water to District Extensions was upheld in the Maryland Court of Appeals decision in *Dinneen v. Rider*, 152 Md. 343 (1927). The Court stated the City is "... directed to make installation of water supply service pipes to be connected to its water mains, whenever and wherever requested..."



*AKA*, Deputy, for:

<b>FROM</b>	NAME & TITLE	Andrew Kleine, Chief	CITY of BALTIMORE <b>MEMO</b>	
	AGENCY NAME & ADDRESS	Bureau of the Budget and Management Research Room 432, City Hall (410) 396-4941		
	SUBJECT	City Council Bill #17-0034		

DATE:

**TO**

The Honorable President and  
Members of the City Council  
Room 400, City Hall

April 20<sup>th</sup>, 2017

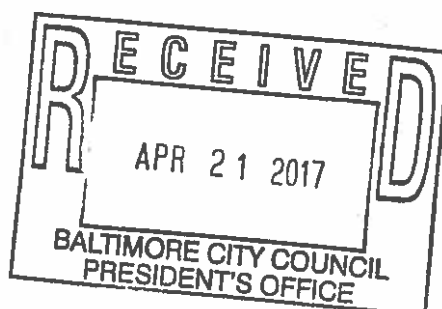
Attention: Ms. Natawna Austin

City Council Bill #17-0034 has been introduced for the purpose of consenting to and approving of a petition to extend the Metropolitan District of Baltimore County to 24 residential lots to be developed and served by the City's public water and sewer system.

The Metropolitan District Act (1924), jointly supported by Baltimore City and Baltimore County before the State Legislature, defined geographic limits within Baltimore County whereby the City would develop a water system and supply water to the County, at cost. This Bill requests an extension to that District.

The Finance Department has reviewed this bill and does not anticipate a fiscal impact.

cc: Henry Raymond  
Kyron Banks



*no obj*



**CITY OF BALTIMORE  
COUNCIL BILL 17-0034  
(First Reader)**

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Introduced by: The Council President

At the request of: The Administration (Department of Transportation)

Introduced and read first time: March 20, 2017

Assigned to: Judiciary and Legislative Investigations Committee

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REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Planning, Department of Public Works, Department of Finance, Department of Transportation

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A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Metropolitan District of Baltimore County –**  
3 **Extension 165**

4 FOR the purpose of consenting to and approving a petition to extend the Metropolitan District of  
5 Baltimore County to a certain tract of land; and providing for a special effective date.

6 BY direction of

7 Article 3 – Baltimore County  
8 Section(s) 498 through 528  
9 Code of Public Local Laws of Maryland  
10 (1955 Everstine Edition)

11 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the  
12 Mayor and City Council of Baltimore consents to and approves the petition to extend the  
13 Metropolitan District of Baltimore County to a tract of land, consisting of approximately 27.7932  
14 acres, located in the 4<sup>th</sup> Election District of Baltimore County in the vicinity of the north side of  
15 Berrymans Lane, as more particularly shown on the plat labeled Extension 165 and filed with the  
16 Department of Public Works of Baltimore County.

17 **SECTION 2. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it is  
18 enacted.

EXPLANATION: CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.



**INTRODUCTORY\***

**CITY OF BALTIMORE**  
**COUNCIL BILL 17-0034**

APPROVED FOR FORM STYLE AND CONTENTAL EFFICIENCY
3-15-17
DEPT. OF LEGISLATIVE REFERENCE

Introduced by: The Council President  
At the request of: The Administration (Department of Transportation)

**A BILL ENTITLED**

AN ORDINANCE concerning

**Metropolitan District of Baltimore County -  
Extension 165**

*JLI*  
*Law*  
*Dept. Planning*  
*DPW*  
*Finance*  
*DOT*

FOR the purpose of consenting to and approving a petition to extend the Metropolitan District of Baltimore County to a certain tract of land; and providing for a special effective date.

BY direction of

Article 3 – Baltimore County  
Section(s) 498 through 528  
Code of Public Local Laws of Maryland  
(1955 Everstine Edition)

**SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the Mayor and City Council of Baltimore consents to and approves the petition to extend the Metropolitan District of Baltimore County to a tract of land, consisting of approximately 27.7932 acres, located in the 4<sup>th</sup> Election District of Baltimore County in the vicinity of the north side of Berrymans Lane, as more particularly shown on the plat labeled Extension 165 and filed with the Department of Public Works of Baltimore County.

**SECTION 2. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it is enacted.

\* WARNING: THIS IS AN UNOFFICIAL, INTRODUCTORY COPY OF THE BILL.  
THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.





**CITY OF BALTIMORE**  
**ORDINANCE \_\_\_\_\_**  
**Council Bill 17-0034**

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Introduced by: The Council President  
At the request of: The Administration (Department of Transportation)  
Introduced and read first time: March 20, 2017  
Assigned to: Judiciary and Legislative Investigations Committee  
Committee Report: Favorable  
Council action: Adopted  
Read second time: July 17, 2017

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**AN ORDINANCE CONCERNING**

**Metropolitan District of Baltimore County –  
Extension 165**

FOR the purpose of consenting to and approving a petition to extend the Metropolitan District of Baltimore County to a certain tract of land; and providing for a special effective date.

BY direction of  
Article 3 – Baltimore County  
Section(s) 498 through 528  
Code of Public Local Laws of Maryland  
(1955 Everstine Edition)

**SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the Mayor and City Council of Baltimore consents to and approves the petition to extend the Metropolitan District of Baltimore County to a tract of land, consisting of approximately 27.7932 acres, located in the 4<sup>th</sup> Election District of Baltimore County in the vicinity of the north side of Berrymans Lane, as more particularly shown on the plat labeled Extension 165 and filed with the Department of Public Works of Baltimore County.

**SECTION 2. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it is enacted.

**EXPLANATION: CAPITALS** indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.  
Underlining indicates matter added to the bill by amendment.  
~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from existing law by amendment.

**Council Bill 17-0034**

Certified as duly passed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Chief Clerk

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Mayor, Baltimore City