

**CITY OF HAGERSTOWN, MARYLAND**

**A RESOLUTION TO APPROVE PROPERTY OWNER REIMBURSEMENT  
AGREEMENT WITH SURREY, LLC**

**RECITALS**

WHEREAS, as part of its overall Stormwater Protection Program, the City of Hagerstown, Maryland (“City”) offers reimbursement to property owners for qualifying large-scale stormwater management or impervious area reduction that improve the quality of stormwater runoff through its Large-Scale Incentive Program; and

WHEREAS, on or about September 12, 2022, Surrey, LLC (“Surrey”) applied to participate in the Large-Scale Incentive Program for stormwater and water quality facilities improvements at its property located at 535 Summit Avenue, Hagerstown, Maryland; and

WHEREAS, Surrey’s proposed stormwater and water quality facilities exceed the requirements of City’s Stormwater Ordinance; and

WHEREAS, the City will be able to take credit for Surrey’s proposed stormwater and water quality facilities in meeting the City’s MS4 permit requirements; and

WHEREAS, Surrey seeks reimbursement in the amount of Sixty-Five Thousand Three Hundred Fifty-Seven Dollars (\$65,357.00), which is one-half of the cost of Surrey’s proposed stormwater and water quality facilities that exceed the requirements of the City’s Stormwater Ordinance; and

WHEREAS the Mayor and Council believe it to be in the best interest of the citizens of the City of Hagerstown to enter into the Property Owner Reimbursement Agreement;

**NOW THEREFORE, BE IT RESOLVED** by the Mayor and Council of the City of Hagerstown, Maryland, as its duly constituted legislative body, as follows:

1. That the foregoing Recitals be and are hereby incorporated herein as if set forth verbatim.
2. That the reimbursement to Surrey in the amount of Sixty-Five Thousand Three Hundred Fifty-Seven Dollars (\$65,357.00) pursuant to the terms and conditions of the Property Owner Reimbursement Agreement be and is hereby approved.
3. That the Mayor be and is hereby authorized to execute and deliver the Property Owner Reimbursement Agreement, a copy of which is attached hereto and incorporated herein by reference.

4. That City Staff be and are hereby authorized to execute and deliver any additional documentation and take any additional steps necessary to effectuate the purpose of this Resolution and satisfy the terms of the Property Owner Reimbursement Agreement.

WITNESS AND ATTEST  
AS TO CORPORATE SEAL

MAYOR AND COUNCIL OF THE  
CITY OF HAGERSTOWN, MARYLAND

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Donna K. Spickler,  
City Clerk

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Emily N. Keller, Mayor

Date of Introduction: September 27, 2022  
Date of Passage: September 27, 2022  
Effective Date: September 27, 2022

PREPARED BY:  
SALVATORE & MORTON, LLC  
CITY ATTORNEYS



# CITY OF HAGERSTOWN, MARYLAND

Engineering Department

## Large Scale Stormwater Incentive Commercial/Industrial/Institutional Property Owner Reimbursement Agreement

This Agreement ("Agreement") is made on the 12th day of September, 2022, by Surrey LLC hereinafter referred to as the "Property Owner," and the City of Hagerstown, a body corporate and politic, hereinafter referred to as the "City," to and for the benefit of the City and its residents.

This Agreement establishes the understanding between the City and the Property Owner regarding the terms and conditions governing the Property Owner's participation in the City's Large-Scale Incentive Program ("Program"). This incentive program is part of the City's overall Stormwater Protection Program with the stated goal of improving the quality of stormwater runoff.

The Agreement covers a large-scale stormwater management or impervious area reduction project ("Project") located at the following address: 535 Summit Ave, Hagerstown, Maryland 21740. This property is owned by the Property Owner. The property is covered under tax account # 029735.

In consideration of their mutual promises and commitments, the City and the Property Owner hereby mutually agree as follows:

The Property Owner shall implement the following large-scale stormwater management techniques or impervious area reductions as part of the Project and described as follows:

Surrey Hill Hotel - Site Plan and related approved stormwater and water quality facilities.

The Project is more fully described in the attached Drainage Area Map and Design Plan prepared by Frederick, Seibert & Associates, Inc., both of which are attached hereto and incorporated herein. The Project is estimated to cost \$20,000,000 and to be completed by March 2024. Upon presentation of an As-Built Drawing of the Project by a licensed Maryland engineer and confirmation that the Project meets design specifications, the City shall reimburse the Property Owner in the amount of \$65,357.00.

The Property Owner has contracted with BLD.US Architects to implement and construct the Project.

The Property Owner is responsible for choosing an appropriate location for the Project with respect to utility conflicts and drainage paths. The Project should be designed based on relevant guidance and should adhere to the eligibility criteria as specified in the Program documentation. The Property Owner is responsible for obtaining all necessary permits and constructing the Project according to all appropriate regulations and standards.

The Property Owner will operate and maintain the Project in accordance with the operation and maintenance procedures identified in the Program and as more fully set forth in a maintenance agreement to be entered into by the parties.

The Property Owner grants the City access to the Project to place promotional signage on their property, take and use photographs, and do follow up evaluations. The City may make public the results of any evaluations or data collection, including photographs, images, or recordings undertaken by the City in connection with the Program.

The Property Owner assumes the risk and agrees to hold harmless the City for any claim relating to the installation and operation of the Project. The Property Owner, by participating in the Program, hereby releases the City and its agents, officers, directors, employees, or any other persons acting on its behalf from any liability for damages or injuries resulting from its participation in the Program. The Property Owner agrees to indemnify and hold the City harmless for any injuries, damages, or claims arising from the Program.

FOR PROPERTY OWNER	
Property Owner Signature: <i>Valerie Sanderlin, Managing Member</i>	
Print or Type Name: Surrey LLC	Date: 9/12/2022
Engineer's Representative Signature: <i>[Signature]</i>	
Print or Type Name: Fred Frederick w/ FSA	Date: 9-12-2022

FOR CITY OF HAGERSTOWN	
Mayor's Signature:	
Print or Type Name:	Date:

Return completed application by mail to: City Engineer, City Hall, 1 East Franklin Street, Hagerstown, Maryland 21740, or email to: [stormwaterfee@hagerstownmd.org](mailto:stormwaterfee@hagerstownmd.org).  
**For more information, call 301.739.8577 x125.**



