

Mayor and Council Executive Session and Work Session February 17, 2026 Agenda

"The City of Hagerstown will inspire an inclusive, business-friendly, and sustainable community with clean, safe, and vibrant neighborhoods."

"The City of Hagerstown shall be a community focused municipality"

The agenda and meeting packet is available at www.hagerstownmd.org/government/agenda

"We do not learn from experience we learn from reflecting on experience." John Dewey

EXECUTIVE SESSION

3:00 PM 1. The Mayor and Council will meet in Open Session only for the purpose of voting to close its meeting to discuss matters that the Open Meetings Act permits it to discuss in Executive/Closed Session.

3:00 PM 2. EXECUTIVE SESSION – Council Chamber, 2nd floor, City Hall

4:00 PM WORK SESSION

4:00 PM 1. City Park Fall Fest Non-Alcoholic Beer Garden Request for 2026 - *Amy Riley, Recreation Supervisor*

4:05 PM 2. ICE Facility in Washington County, Maryland – *Mayor and Council*

4:30 PM 3. Preliminary Agenda Review

4:40 PM 4. Choice Implementation Grant Update - *Margi Joe, Community Development Manager; Rachel Paul, Planning & Outreach Coordinator; Woo Kim, Principal, WRT; Sean Griffith, Executive Director, Hagerstown Housing Authority; and Esther Shin, President/CEO Urban Strategies, Inc.*

5:00 PM 5. Route 40 Pedestrian Safety Action Plan - *Jim Bender, City Engineer*

5:10 PM 6. 2025 Pavement Condition Survey - *Jim Bender, City Engineer*

5:25 PM 7. Acceptance of Alleys #4-59 and #4-76 – *Jim Bender, City Engineer*

5:30 PM 8. License Agreement – Alley #2-35 – *Jim Bender, City Engineer*

5:35 PM 9. Removal of Mill Street Traffic Beacon – *Jim Bender, City Engineer*

5:40 PM 10. License Agreement - Kilpatrick Woods Monument Sign - *Jim Bender, City Engineer*

CITY ADMINISTRATOR'S COMMENTS

MAYOR AND COUNCIL COMMENTS

ADJOURN

**REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND**

Topic:

The Mayor and Council will meet in Open Session only for the purpose of voting to close its meeting to discuss matters that the Open Meetings Act permits it to discuss in Executive/Closed Session.

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

**REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND**

Topic:

EXECUTIVE SESSION – Council Chamber, 2nd floor, City Hall

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

February_17__2026_Executive_Session.pdf

Description

Executive Session Agenda



**MAYOR AND CITY COUNCIL
EXECUTIVE SESSION
FEBRUARY 17, 2026
AGENDA**

Vision Statement:

The City of Hagerstown will inspire an inclusive, business-friendly, and sustainable community with clean, safe and vibrant neighborhoods.”

Mission Statement:

“The City of Hagerstown shall be a community focused municipality.”

The agenda and meeting packet is available at www.hagerstownmd.org/government/agenda

3:00 p.m. EXECUTIVE SESSION

1. To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State; (#4)

** Business Proposal*

2. To conduct collective bargaining negotiations or consider matters that relate to the negotiations (#9)

** AFSCME 1540 Contract*

***AUTHORITY: Annotated Code of Maryland, General Provisions Article: Section 3-305(b)
(Subsection is noted in parentheses)**

CITY OF HAGERSTOWN, MARYLAND

PUBLIC BODY : Mayor & City Council

DATE : February 17, 2026

PLACE : Council Chamber, 2nd floor, City Hall

TIME : 3:00 p.m.

AUTHORITY : ANNOTATED CODE OF MARYLAND, GENERAL PROVISIONS ARTICLE: Section 3-305 (b) :

1. To discuss:
 - (i) the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or
 - (ii) any other personnel matter that affects one or more specific individuals;
2. To protect the privacy or reputation of individuals with respect to a matter that is not related to public business;
3. To consider the acquisition of real property for a public purpose and matters directly related thereto;
4. To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State;
5. To consider the investment of public funds;
6. To consider the marketing of public securities;
7. To consult with counsel to obtain legal advice;
8. To consult with staff, consultants, or other individuals about pending or potential litigation;
9. To conduct collective bargaining negotiations or consider matters that relate to the negotiations;
10. To discuss public security, if the public body determines that public discussions would constitute a risk to the public or public security, including:
 - (i) the deployment of fire and police services and staff; and
 - (ii) the development and implementation of emergency plans;
11. To prepare, administer or grade a scholastic, licensing, or qualifying examination;
12. To conduct or discuss an investigative proceeding on actual or possible criminal conduct; or
13. To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter; or
14. Before a contract is awarded or bids are opened, discuss a matter directly related to a negotiation strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.
15. Administrative Function

EXECUTIVE SESSION AGENDA

City Hall • Council Chamber • 1 East Franklin Street • Hagerstown, MD 21740
301.739.8577, Ext. 113 • Telephone for the Hearing Impaired 301.797.6617

**REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND**

Topic:

City Park Fall Fest Non-Alcoholic Beer Garden Request for 2026 - *Amy Riley, Recreation Supervisor*

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

Non-Alcoholic_Beer_Garden_Request_Fall_Fest_2026_Council_Packet.doc

Description

City Park Fall Fest
Non-Alcoholic Beer
Garden Request for
2026



CITY OF HAGERSTOWN, MARYLAND

Public Works Department
Parks & Recreation Division
www.hagerstownmd.org/parksandrec



February 11, 2026

TO: Scott Nicewarner, City Administrator

FROM: Amy Riley, Recreation Supervisor

SUBJECT: City Park Fall Fest
Non-Alcoholic Beer Garden Request for 2026

In 2021, we celebrated the 100th Anniversary of City Park Lake with fireworks on the lake. The show was so spectacular that City staff decided to continue fireworks on the lake each year with our annual Fall Fest event in September.

The main activities of City Park Fall Fest occur from 11am – 4pm to coincide with the operating hours of our City Park museums. After 4pm, we continue activities near the lake with music, kids’ activities, food and craft vendors until the fireworks launch at 7:45pm. Although activities continue, event attendance is low between 4-7pm. Recreation staff has an idea to bridge the gap.

We are considering new programming at the Hager House during Fall Fest. Instead of focusing on 18th century living history, the Hager House is looking to highlight and celebrate German history and culture. One idea is to build on the concept of Oktoberfest/Augustoberfest and bring more German culture, food and drink, and music to the Hager House. A potential title for this program is Herbstfest, which literally translates to “fall festival” from German. “Herbstfest at the Hager House” as part of the overall City Park Fall Fest activities.

This presents the opportunity to book German bands on the porch, offer German/Bavarian dancing demonstrations, and provide a family-friendly “Beer Garden” experience in our alcohol-free City Park.

I am seeking Council approval to provide a family-friendly non-alcoholic (NA) beer garden in 2026. We would partner with a local brewer or business to serve non-alcoholic beer or mocktails, along with other non-alcoholic refreshments (soda, water, etc).

Non-alcoholic (NA) beer gardens are surging in popularity at events, offering a vibrant, inclusive atmosphere with alcohol-free craft beverages. Festivals and public events are incorporating NA beer gardens to cater to younger generations.

Cc: Eric Deike, Director of Public Works
Mark Haddock, Parks & Recreation Manager

Public Works Department
51 West Memorial Blvd.
Hagerstown, MD 21740
Ph: 301.739.8577 Ext. 178

Parks and Recreation Division
351 North Cleveland Ave.
Hagerstown, MD 21740
Ext. 169

Parking Division
25 East Franklin St.
Hagerstown, MD 21740
Ext. 479

**REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND**

Topic:

ICE Facility in Washington County, Maryland – *Mayor and Council*

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

ICE_Facility_in_Washington_County__Maryland.pdf

Description

Memo - ICE In Washington
County



CITY OF HAGERSTOWN, MARYLAND

Donna Spickler
City Clerk

One East Franklin Street • Hagerstown, MD 21740

E-mail: dspickler@hagerstownmd.org

Telephone: 301.766.4183 • TDD: 301.797.6617 • Website: www.hagerstownmd.org

TO: Mayor McIntire and City Councilmembers
Scott Nicewarner, City Administrator

FROM: Donna K. Spickler, City Clerk

DATE: February 10, 2026

SUBJECT: ICE Facility in Washington County, Maryland

The February 10, 2026 Work Session includes time for the Mayor and City Council to consider the questions Councilmember Anderson raised during the February 3, 2026 meeting regarding the ICE Facility in Washington County, Maryland.

The questions are as follows:

- Whether the Commissioners individually and collectively support the establishment of an ICE detention facility in Washington County;
- Whether the Board will consider adopting a formal resolution opposing the facility;
- The anticipated loss of county tax revenue resulting from federal ownership of the property;
- The county's authority and role in the approval of water, sewer, and infrastructure capacity for a facility of this scale, including responsibility for any required off-site improvements;
- Whether existing water, wastewater, and treatment infrastructure can accommodate a facility of approximately 1,500 beds without adverse impact on current residents or future development;
- Whether any on-site wells or related utilities are subject to county and Health Department approval.

Thank you



**REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND**

Topic:

Preliminary Agenda Review

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

February_24__2026_Preliminary_Agenda.pdf

Description

Preliminary Agenda -
February 24, 2026



**MAYOR AND CITY COUNCIL
REGULAR SESSION
(32ND VOTING SESSION)
FEBRUARY 24, 2026
AGENDA**

Vision Statement:

The City of Hagerstown will inspire an inclusive, business-friendly, and sustainable community with clean, safe and vibrant neighborhoods.”

Mission Statement:

“We are dedicated to creating a thriving community where diversity is celebrated, economic development flourishes, and the quality of life is enhanced through collaborative and consistent representation.”

PRELIMINARY AGENDA

The agenda and meeting packet is available at www.hagerstownmd.org/government/agenda

7:00 p.m. REGULAR SESSION – Council Chamber, 2nd floor, City Hall

I. CALL TO ORDER - Mayor William B. McIntire

II. INVOCATION

III. PLEDGE TO THE FLAG

IV. ANNOUNCEMENTS

- A. Rules of Procedure – *Effective November 18, 2025*
- B. Use of cell phones during meetings is restricted.
- C. All correspondence for distribution to Elected Officials should be provided to the City Clerk and should include a copy for the City Clerk for inclusion in the official record.
- D. Meeting Schedule:
 - 1. Tuesday, March 3, 2026 – State of the City at 7:00 a.m.
 - 2. Tuesday, March 3, 2026 – Work Session at 4:00 p.m.
 - 3. Tuesday, March 10, 2026 – Work Session at 4:00 p.m.
 - 4. Tuesday, March 17, 2026 – Work Session at 4:00 p.m.
 - 5. Tuesday, March 24, 2026 – Regular Session at 7:00 p.m.
 - 6. Tuesday, March 31, 2026 – No Meeting Scheduled

V. GUESTS

Recognition of City of Hagerstown Retirees

VI. CITIZEN COMMENTS

Thirty minutes (30) are allotted for Citizen Comments for items germane to City of Hagerstown business.

Anyone wishing to speak during a Regular Session must pre-register using the form found on the City's website: www.hagerstownmd.org no later than twenty-four (24) hours prior to the scheduled start of the meeting. Failing to pre-register accurately may result in a speaker not being permitted to speak. Speakers will be called in the order they pre-registered. Each speaker will be permitted to speak for three (3) minutes.

VII. PUBLIC HEARING

Testimony for Public Hearings will be accepted in person at the scheduled meeting. Anyone wishing to speak during the public hearing must sign in at City Hall prior to the hearing. Each speaker will be permitted to speak for three (3) minutes.

Rezoning Application: Trolley Drive/Emmert Road
Rezoning Application: Evergreen Property – Eastern Blvd.

VIII. MINUTES

January 13, 2026 and January 20, 2026

IX. CONSENT AGENDA

A. Administration:

1. Cable Franchise Contract Change Order – River Oaks Communications Corporation (Parker, CO)
\$ 20,000.00

B. Community Engagement:

1. Open Container Exemptions for 2026

C. Police:

1. Ammunition – The Gun Shop (Vincentown, NJ) \$ 22,522.87
2. 250th Badges – Maryland Police Supply (Essex, MD) \$ 12,458.25
3. Flock Safety Platform Renewal – Flock Group, Inc. (Atlanta, GA) \$ 15,000.00
4. Monthly Red Light Camera Charges – American Traffic Solutions (Mesa, AZ) \$ 210,000.00

D. Utilities:

1. Water: R.C. Willson WTP Camera System Upgrade – Glessner Technologies (Hagerstown, MD)
\$19,633.15
2. Water: Cold Mix for Water and Wastewater Temporary Street Repair – New Enterprise Stone & Lime Co., Inc. (New Enterprise, PA) \$25,120.00
3. Water: Water Pump Station Cyber Security Upgrade – EAI Security Systems, Inc. (Rockville, MD)
\$53,798.94
4. Water: R.C. Willson WTP Fluoride Remediation – Clean Harbors (Baltimore, MD) \$192,829.91
5. Water: Meter Transceiver Units – LB Water Service, Inc. (Frederick, MD) \$510,000.00
6. Wastewater: Engineering Design Services – Environmental Laboratory – Buchart Horn (York, PA)
\$177,600.00
7. Wastewater: Wastewater Treatment Plant Rebuild ENR Mixer – AR&E, Inc. (Hagerstown, MD)
\$11,144.59
8. Wastewater: Cyber Security Improvements – AutomaTech Inc. (Plymouth, MA) \$157,974.48

Continued on Page 3

Consent Agenda continued

9. Wastewater: Wastewater Treatment Plant Electrical Upgrades – Diamond Electric (Boonsboro, MD) \$43,218.00
10. Wastewater: Phone System Improvements – Glessner Technologies (Hagerstown, MD) \$11,377.90

X. UNFINISHED BUSINESS

There is no Unfinished Business

XI. NEW BUSINESS

- A. Approval of a Resolution: License Agreement with 2023 Summit, LLC to Install and Maintain Murals
- B. Approval of a Resolution: Accepting Offer of Dedication of Alley #4-76 and Portion of Alley #4-59
- C. Approval of a License Agreement with MAGIS Properties, LLC for Right-of-Way in Alley #2-35
- D. Approval to Not Re-Install Traffic Beacon at E. Baltimore Street and Mill Street
- E. Approval to add 441 S. Potomac Street Property to the City’s Competitive Negotiated Sale (CNS) Process
- F. Approval of City-Wide Mowing Contract
- G. Approval of City-Wide Dumpster Contract

XII. CITY ADMINISTRATOR COMMENTS

XIII. MAYOR & COUNCIL COMMENTS

XIV. ADJOURN

Some items that have been discussed and reviewed previously, or are of a routine nature, may not have additional information attached to this agenda.

**REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND**

Topic:

Choice Implementation Grant Update - *Margi Joe, Community Development Manager; Rachel Paul, Planning & Outreach Coordinator; Woo Kim, Principal, WRT; Sean Griffith, Executive Director, Hagerstown Housing Authority; and Esther Shin, President/CEO Urban Strategies, Inc.*

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

021726_WS_Packet_Choice_Imp_Application_Update.pdf

Description

Choice Memo, Map,
PowerPoint



CITY OF HAGERSTOWN, MARYLAND

Department of Housing & Community Development

One East Franklin Street • Hagerstown, MD 21740

E-mail: codecompliance@hagerstownmd.org

Telephone: 301-739-8577, ext. 103 • Website: www.hagerstownmd.org

To: Scott Nicewarner, City Administrator

From: Margi Joe, Community Development Manager
Rachel Paul, Planning & Outreach Coordinator

Date: February 13, 2026

RE: Choice Neighborhoods Implementation Grant Application Update – Presentation by Woo Kim, Principal with WRT Design and others

Staff will be joined by Woo Kim, Principal with WRT Design; Sean Griffith, Executive Director of the Hagerstown Housing Authority (HHA); and Esther Shin, President and CEO of Urban Strategies, Inc. (USI) to provide an update on the HUD Choice Neighborhoods Implementation Grant application at the February 17, 2026 Work Session.

Mr. Kim and Mr. Griffith will provide an update of the proposed Housing Plan strategy and approach, with illustrated plans for each of the housing sites. Staff will briefly discuss commitments for the Neighborhood strategy, and Ms. Shin will expand on USI's role in the People component of the Plan and beyond should the application be successful.

Background

The Hagerstown Housing Authority and the City of Hagerstown successfully completed the HUD Choice Neighborhoods Planning Grant in the fall of 2025, having submitted a proposed Transformation Plan that was accepted and approved by HUD. This Plan focuses on revitalization goals and strategies for the defined Choice Neighborhoods boundary, which incorporates the following HHA housing sites:

- Douglass Court
- Parkside Homes
- Frederick Manor

Downtown Hagerstown is also included in the geographic area as it functions as a major employment center and socio-economic opportunity area located near the targeted public housing sites.

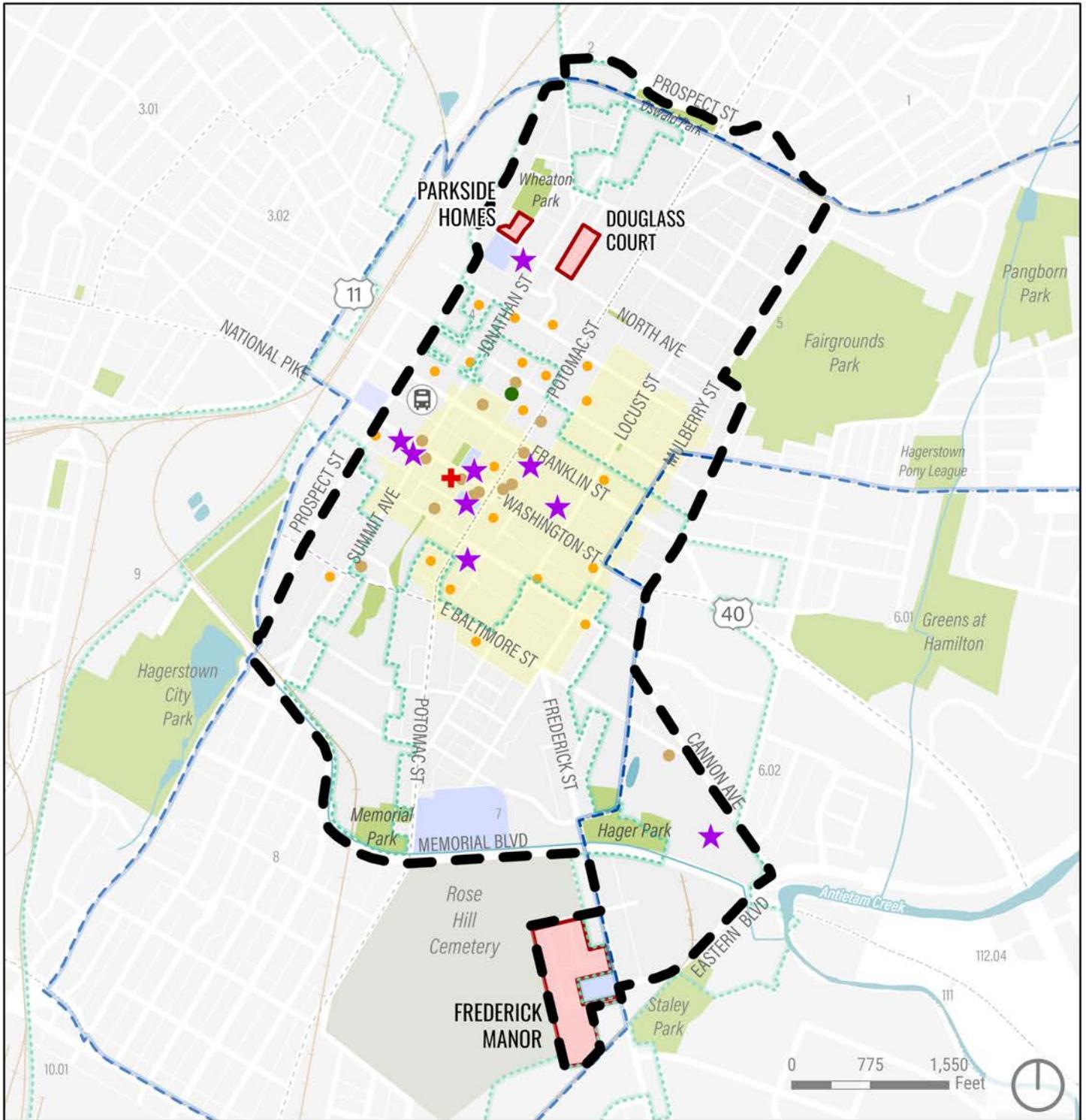
Outcome – A Community-Based Housing Plan and Roadmap for Implementation

The Transformation Plan is a Community-Based Housing Plan outlining strategies to strengthen the Targeted Neighborhoods through a holistic approach focused on:

- People – health, wellness, education, childcare, employment/job training
- Neighborhood – transportation, open space, infrastructure
- Housing – housing products, quality, affordability, and assisting those interested in moving into homeownership

Attachment: Choice Neighborhoods Boundary Map
Choice Neighborhoods PowerPoint Presentation

c: Amanda Gregg, Chief Housing & Community Development Officer



-  Hagerstown Choice Neighborhood
-  Target Housing Sites
-  School
-  Cemetery
-  Park /Open Space
-  2022 Census Tract
-  Downtown
-  Enterprise Zone
-  Opportunity Zone
-  Medical
-  Place of Interest
-  Farmers Market
-  Place of Worship
-  Government
-  Transit Hub

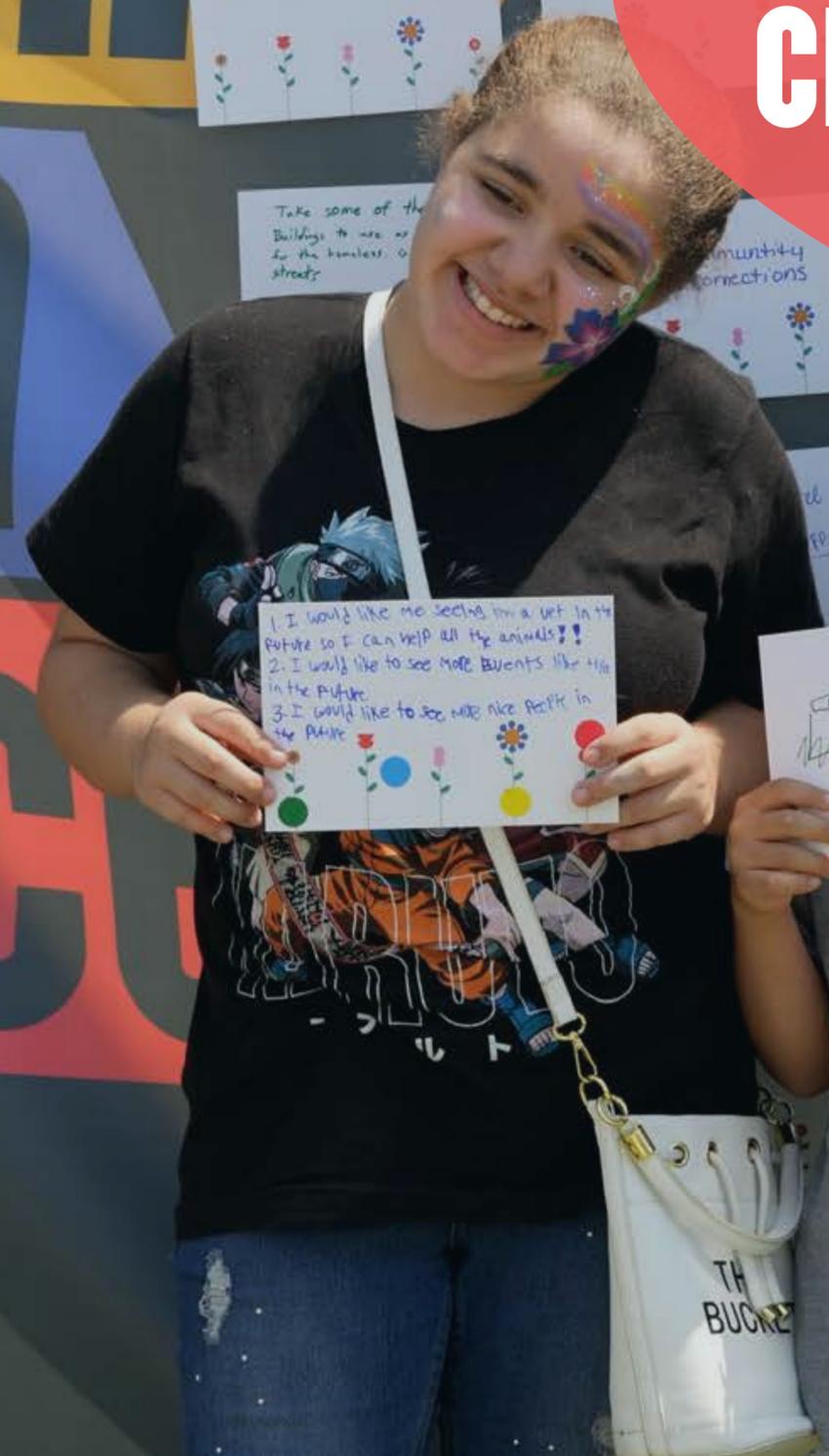
HAGERSTOWN

TOWN

CHOICE

HAGERSTOWN CHOICE IMPLEMENTATION

FEBRUARY 17, 2026



More Homeless shelters

Drug Free

Take some of the buildings to use as for the homeless in streets

I want to see more banking

Community connections

Drug free

Cheaper

Community Wellness + Partnership

alcohol free zones
id for ebt
smoking areas

Rules for those not working
help for those who are working
and helping themselves
Bigger Budget

More United Community

More Unit Services
Free Co

A safe & welcoming
community!

ZOO

going to the zoo and play with the animals and my friends

Homeless shelters
More car present

TH BUCKE

CHOICE IMPLEMENTATION OVERVIEW

OUR CHOICE IMPLEMENTATION TEAM

LEAD APPLICANT
HAGERSTOWN HOUSING AUTHORITY

DEVELOPMENT PARTNER
DELAWARE VALLEY DEVELOPMENT CORPORATION

PEOPLE PARTNER
URBAN STRATEGIES INC.

NEIGHBORHOOD PARTNER
CITY OF HAGERSTOWN

CONSULTANT
WRT



A map of USI communities



- Choice Neighborhood Initiative Sites (10)
- ◌ Choice Neighborhood Planning Sites (1)
- Human Capital Sites (6)
- ◌ Both Choice Neighborhood Initiative and Human Capital Sites (4)

WHO IS USI?

- Over **48** Years of Experience Nationwide
- Supporting More Than **30,000+** Families
- Connected to Over **15,000** Units of Housing
- Human Capital Planning in **28** Cities
- **12** HOPE VI Communities
- **25** Choice Neighborhood Implementation Grants = **\$750,000,000** Awarded Funds
- **20** Housing Redevelopment (Mixed Income) Communities
- **2** Choice Planning Grants
- Over **\$4 billion** in Public and Private Resources Leveraged for Innovative Programs and Initiatives
- Creating liberation through **CDFI** financial solutions for Low Wealth communities
- Cradle-to-College/Career Partnerships in **21** School Systems
- Elderly Services in **21** Senior Living Communities



USI | URBAN STRATEGIES, INC.

HOUSING STRATEGY

PHASES

MIXED-INCOME APPROACHES

	Replacement Housing	Non-Replacement Housing		Total
		LIHTC	Market	
1 Moller Building	30	33	2	65
2 Parkside Homes	39	12	20	71
3 Frederick Manor North	100	33	42	175
4 Frederick Manor South	25	14	11	50
TOTAL	194	92	75	361

MOLLER BUILDING

ILLUSTRATIVE SITE PLAN



THE MOLLER

403 N. PROSPECT ST
HAGERSTOWN, MD 21740

CO-OWNER
DELAWARE VALLEY DEVELOPMENT COMPANY
5718 KENNETT PKE
WILMINGTON, DE 19807
302.235.2500

CO-OWNER
HAGERSTOWN HOUSING AUTHORITY
35 W. BALTIMORE STREET
HAGERSTOWN, MD 21740
301.733.6911

ARCHITECT
WALLACE ROBERTS & TODD, LLC
123 SOUTH BROAD STREET, SUITE 1400
PHILADELPHIA, PA 19109
215.752.5215
WRDESIGN.COM

STRUCTURAL ENGINEER
CARROLL ENGINEERING, INC.
215 SCHILLING CIRCLE, SUITE 102
HART VALLEY, MD 21031
410.785.7423

MEP ENGINEER
ALLEN + SHARIF
2 ALLEGHENY CENTER, NOVA TOWER 2, SUITE 1001
PITTSBURGH, PA 15212
412.322.9280

CIVIL ENGINEER/OWNER'S CONSULTANT
FREDERICK, SEIBERT & ASSOCIATES, INC.
128 SOUTH POTOMAC STREET
HAGERSTOWN, MD 21740
301.791.3609

KEY PLAN



REV #	DATE	DESCRIPTION
1	5/16/2025	TAX CREDIT SUBMISSION

SEAL

NOT FOR CONSTRUCTION

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TAX CREDIT SUBMISSION

WRT PROJECT # 8834-03

ISSUE DATE 05.16.2025

DRAWN BY Author

CHECKED BY Checker

SCALE

SITE PLAN

C-101

PARKSIDE HOMES

ILLUSTRATIVE SITE PLAN



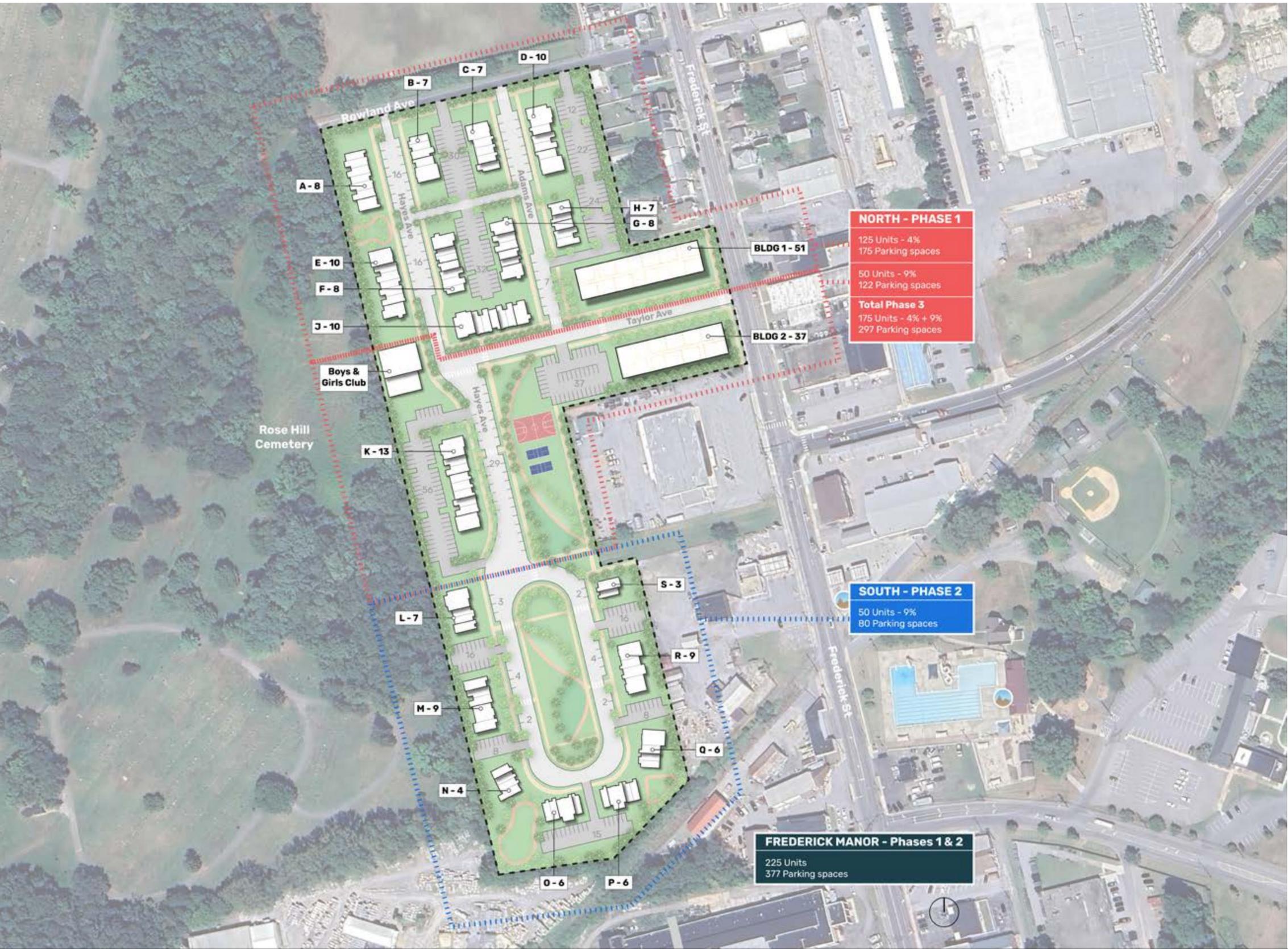
JONATHAN ST.

RENDERING



FREDERICK MANOR

ILLUSTRATIVE SITE PLAN



NEIGHBORHOOD STRATEGY

GOALS

- 1** Enhancing public safety
- 2** Creating welcoming spaces for neighbors to gather
- 3** Strengthening connections to community amenities
- 4** Improving pedestrian safety
- 5** Supporting long-term housing stability

CRITICAL COMMUNITY INVESTMENTS (CCI)

- 1** Wheaton Park Improvements
 - Installing the stage
- 2** HOME Investment Partnerships
 - Funding assistance for down payment or or construction costs for LMI homeowners
- 3** Multi-Use Trail
 - Extending the pedestrian trail in the south end



PEOPLE STRATEGY

INCOME AND EMPLOYMENT

- 1** Working-age, able adults are employed & retain work
- 2** Households can afford their daily needs
- 3** People are connected to training & job opportunities

TRAINING AND EDUCATION

- 1** Young children are enrolled in quality early learning
- 2** School-aged children are proficient in math & reading
- 3** Young people graduate from HS college/career ready

MAINTAINING INDEPENDENCE

- 1** Senior and disabled residents are enrolled and actively connected to comprehensive service coordination
- 2** Senior and disabled residents receive support to improve and maintain medication adherence
- 3** Improved resident outcomes demonstrated by reduced ER and hospital utilization



THANK YOU!



**REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND**

Topic:

Route 40 Pedestrian Safety Action Plan - *Jim Bender, City Engineer*

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

Route_40_Pedestrian_Safety_Action_Plan.pdf

Description

Route 40 Pedestrian Safety
Action Plan



CITY OF HAGERSTOWN, MARYLAND

Department of Engineering & Permits

February 17, 2026

TO: Scott Nicewarner, City Administrator

FROM: Jim Bender, City Engineer JIM

RE: Route 40 Pedestrian Safety Action Plan

1. Background

In 2025, the City adopted a Safe Streets for All Action Plan, which identified strategies to decrease vehicular, pedestrian, and bicycle accidents on City streets. The State Highway Administration (SHA) is now beginning work on a Route 40 Pedestrian Safety Action Plan (PSAP) that will study safety along the whole road corridor from Interstate 70 in the east to Garland Groh Blvd. in the west, including downtown Hagerstown. The PSAP is only in its early conceptual stages at this point, but staff feels the need to make the Council aware of some proposed changes to Franklin and Washington Streets that would have a significant impact on parking in downtown Hagerstown.

2. Mayor & Council Action Requested

Review this information, and determine whether or to notify SHA of any concerns that the Council has over the proposed changes. Staff will be present at the work session to discuss.

3. Discussion

Over the past few years, SHA has made some significant improvements on the section of Route 40 east of downtown (Dual Highway). New sidewalks have been installed on both sides of the road from Eastern Blvd. to All Star Court, improving pedestrian safety. A new signalized crosswalk was installed near Mount Aetna Road, and the traffic signals in the corridor have been modified to automatically alter their timing in response to actual traffic conditions. There are also plans to install pedestrian lights at four existing traffic signals in the downtown area. In January 2025, SHA hosted an initial public meeting to introduce the idea of a PSAP plan, and a flyer from that meeting is attached.

The concept plan (portions of which are attached) shows a number of improvements throughout the corridor. Pavement markings will be upgraded at various intersections to enhance pedestrian crosswalks. At least one new signalized crosswalk will be added on Franklin Street. Also, sidewalks or multi-use trails will be extended along the western portion of the road between Nottingham Road and Garland Groh Blvd. Some of these improvements were identified as recommended projects in the City's Safety Action, and they should generally improve pedestrian safety along the corridor.

However, there is one element of the conceptual PSAP that would have a major impact on downtown Hagerstown. As shown on the proposed street cross-sections (attached), the PSAP calls for the elimination of parking on one side of Franklin and Washington Streets to allow for the installation of a bicycle lane. The existing parking lane on one side of the street would be converted to a bicycle lane, and a pavement marking buffer strip would separate the bicycle lane from the nearest travel lane. An exhibit is also attached showing the current street cross-section, with parking lanes on both sides of the street.

Implementation of this plan would create multiple issues. The most obvious issue is the loss of on-street parking spaces. In the downtown area, these spaces are heavily parked during the day as drivers use them when patronizing businesses, government offices, and restaurants, and the spaces on the east side of downtown (Cannon Avenue to Potomac Street) are heavily used by residents living in units along those blocks. As you head west out of downtown, the neighborhoods along Franklin and Washington Street become more residential, and those residents rely on the on-street parking spaces as many of them do not have off-street parking areas available to them. Those residents are also far removed from public parking decks and parking lots, which would lead them to use on-street spaces on various side streets where parking is already in high demand. Although only a percentage of these existing on-street spaces are metered, the loss of these spaces would result in a reduction in parking revenue that the City receives. There are also physical constraints such as existing curb bump-outs that would make it difficult to install a bicycle lane as proposed.

The goal of the PSAP is to enhance pedestrian and bicycle safety, and the conceptual plans for the Route 40 corridor appear to help to achieve that goal. However, staff feels that the benefit of the addition of a bicycle lane through downtown Hagerstown has to be weighed against the impact that the loss of a significant number of parking spaces will have on the City and its residents. Staff are aware of at least one study in another city that found the removal of parking from one side of a street actually increased the number of crashes. Through the adoption of our Safety Action Plan, the City has shown its commitment to addressing safety concerns on its streets; however, that plan did not recommend the removal of parking on Franklin or Washington Streets.

SHA has tentatively scheduled a public meeting to review their conceptual plans at Eastern Elementary School on April 16th, and Councilmembers would be welcome to attend that meeting and offer comments. However, given the potential impact that implementation of this plan would have on the City, staff feels that any Council concerns should be communicated to SHA immediately while the plans are in the conceptual stage. While Route 40 is under SHA's jurisdiction and they can ultimately implement any plan that they desire, SHA should be aware of the Council's position on the proposed plan

attachments: typical existing street cross-section
conceptual street cross-sections proposed in PSAP
2025 PSAP meeting flyer
selected segments of the conceptual plans

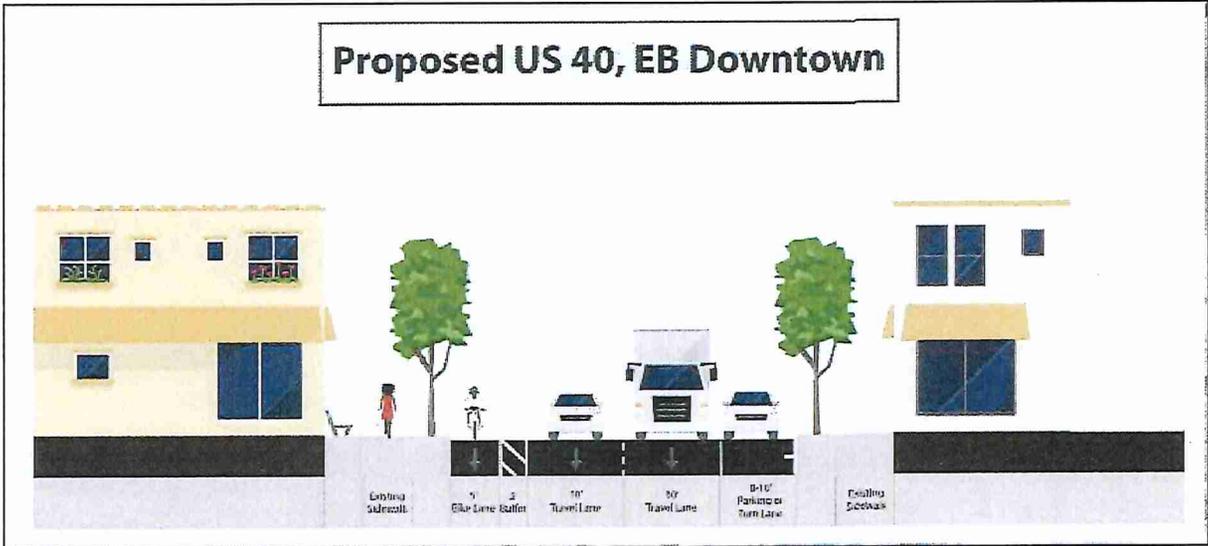
cc: Bill Killinger
Board of Traffic & Parking
Matt Mullenax, HEPMPO



CURRENT TYPICAL STREET CROSS-SECTION

Conceptual Street Cross-sections proposed in the Route 40 PSAP

Washington Street



Franklin Street





US 40 - Hagerstown Pedestrian Safety Action Plan (PSAP) Project Update

SHA is Moving Forward with Safety Improvements

The Maryland Department of Transportation State Highway Administration (SHA) would like to update the community on the status of the Pedestrian Safety Action Plan (PSAP) project along a 5.5-mile stretch of US 40 (Dual Highway) from Garland Groh Boulevard to All Star Court in Hagerstown.

In January 2025, SHA held a public informational workshop on this project at Eastern Elementary School. At the workshop, attendees helped the project team identify challenges for pedestrians, bicyclists and other roadway users. Since that time, the team has used that input to begin design of potential safety improvements.

What We Heard from You

- Many attendees mentioned concerns about high motor vehicle speeds, visibility of pedestrians on roadway shoulders at night and challenging intersections.
- Some attendees noted a request to complete the sidewalk network to address crosswalk needs throughout the corridor.
- Some attendees were in favor of installing dedicated bicycle facilities while others were concerned about the potential for increased congestion if bike lanes were to be installed.

Next Steps:

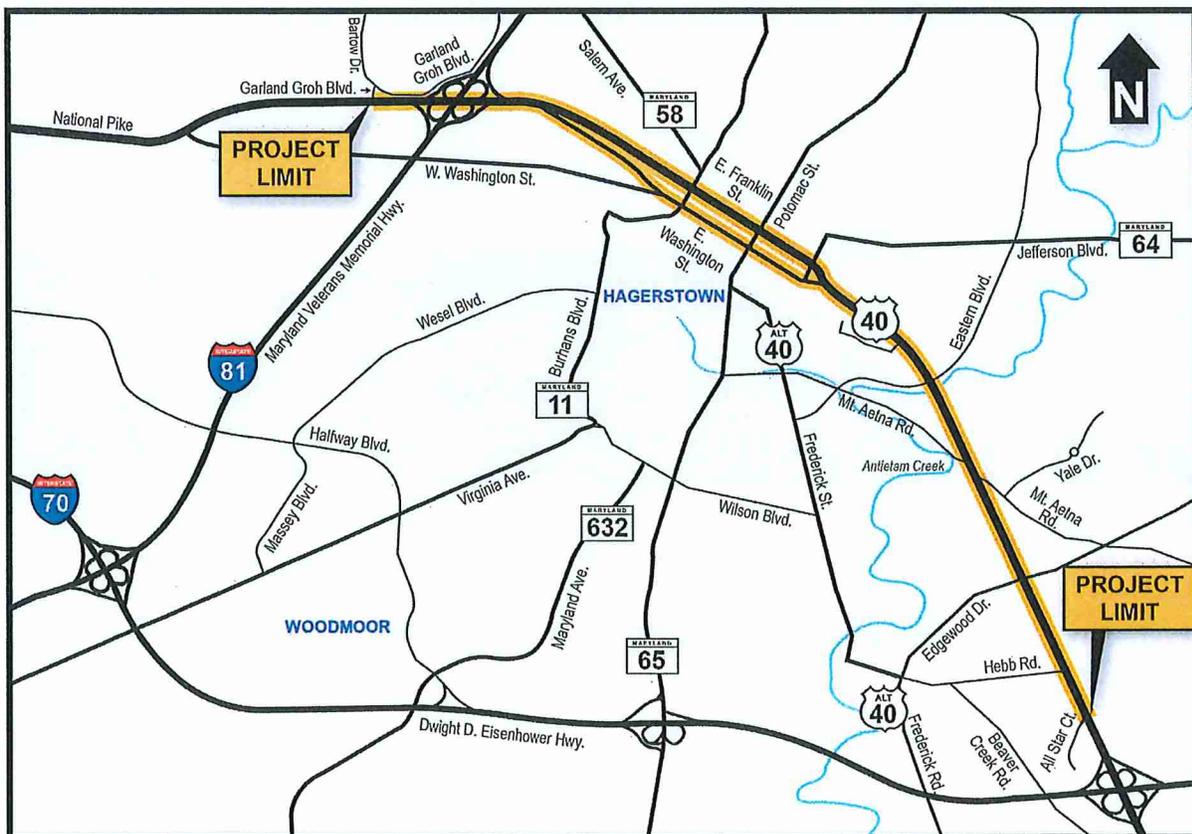
1. The project team will continue to consider all public comments received to date while developing the design for the project.
2. SHA will present improvement concepts for public input during an upcoming public informational workshop anticipated for early 2026.
3. Feedback from the next workshop will be considered as the project advances to final design.

Stay Updated on the US 40 Hagerstown PSAP Project

Additional information about the project, including public comment opportunities, will be shared on the [Project Portal page](#):



The Maryland Department of Transportation is Serious About Safety, pursuing a department-wide commitment to advance improvements and initiatives that drive safety goals and save lives.



For More Information

John Delaney, Project Manager
Phone: 410-545-8053
Toll-Free: 1-888-228-6971
Email: JDelaney@mdot.maryland.gov

Holly Pearl, Community Relations Manager
Phone: 443-202-0934
Toll-Free: 1-800-548-5026
Email: Hpearl@mdot.maryland.gov

Maryland Department of Transportation
State Highway Administration
707 N. Calvert St.
Baltimore, MD 21202

Find Us on Social Media

-  @MDOTSHA
-  @MDSHA
-  MarylandStateHighwayAdmin
-  MDStateHighwayAdmin



Scan Here

Request for Assistance

The Maryland Relay Service can assist teletype users at 7-1-1. Persons requiring translation assistance should send an email to: SHATitleVI@mdot.maryland.gov. Please indicate the desired language in the subject line.



MDOT MARYLAND DEPARTMENT OF TRANSPORTATION
STATE HIGHWAY ADMINISTRATION
OFFICE OF HIGHWAY DEVELOPMENT
707 NORTH CALVERT ST.
BALTIMORE, MD 21202



US 40 - Hagerstown Pedestrian Safety Action Plan (PSAP) Project Update

SHA is Moving Forward with Safety Improvements

See inside for details.

 printed on recycled paper



WES
SIDE A

ALEXANDER

WINTER

WISE ST

ALL LPI

INSTALL LPI

SPLIT PHASE FOR
SIDE STREETS

L LPI

40

WEST SIDE AVE

TER ST

PT STA. 327+78.19
PC STA. 327+52.73

PT STA. 336+50.86
PT STA. 337+01.00

PT STA. 523+05.50

PT STA. 327+00.00

TURNING VEHICLES
NO TURN ON RED

WISE ST

HIGH ST



WESTERN MD
RAILWAY
STATION



PT STA. 336+50.86

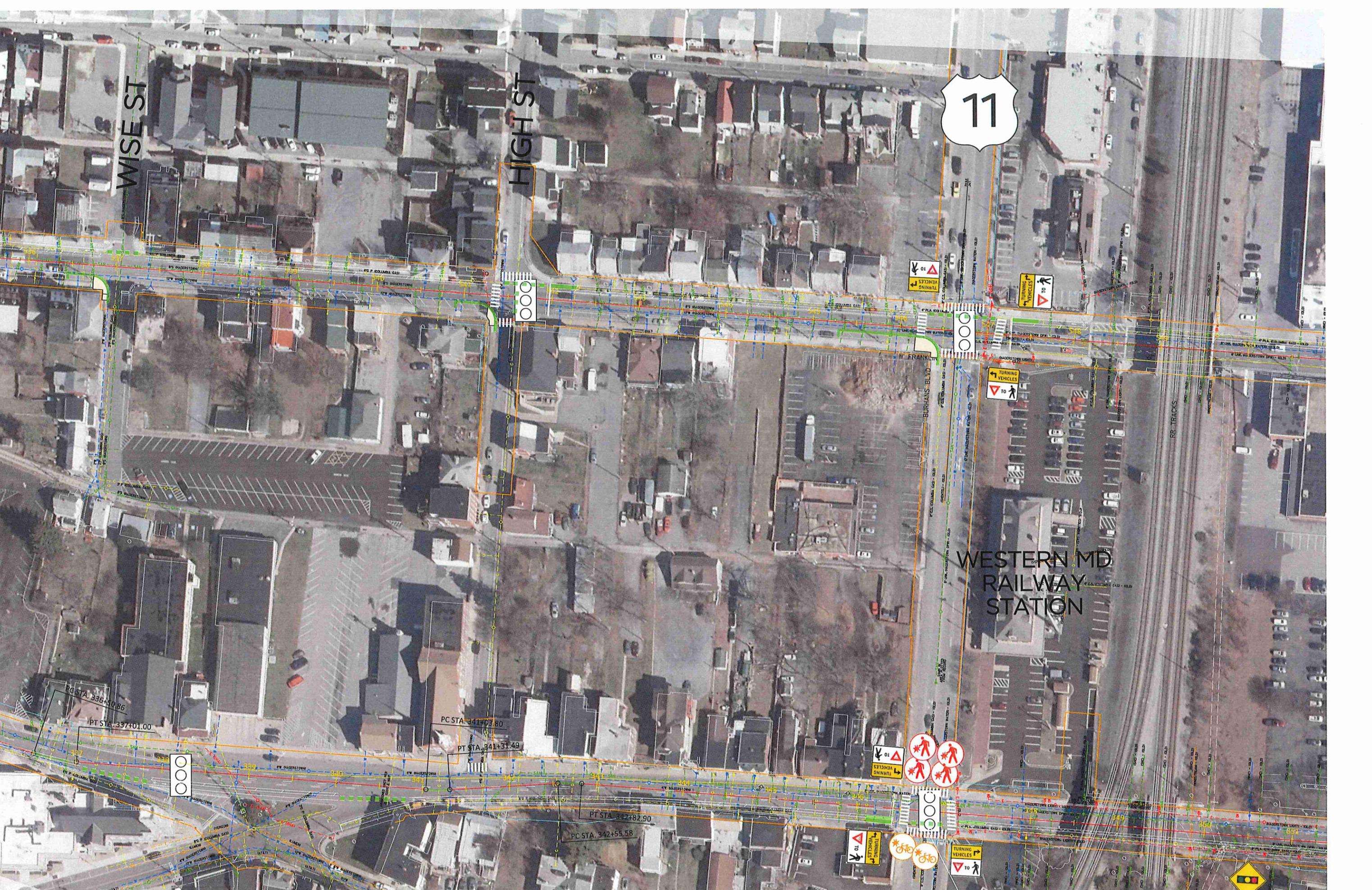
PT STA. 337+01.00

PC STA. 341+03.80

PT STA. 341+31.49

PT STA. 342+82.90

PC STA. 342+55.58



11

N WALNUT

N PROSPECT ST

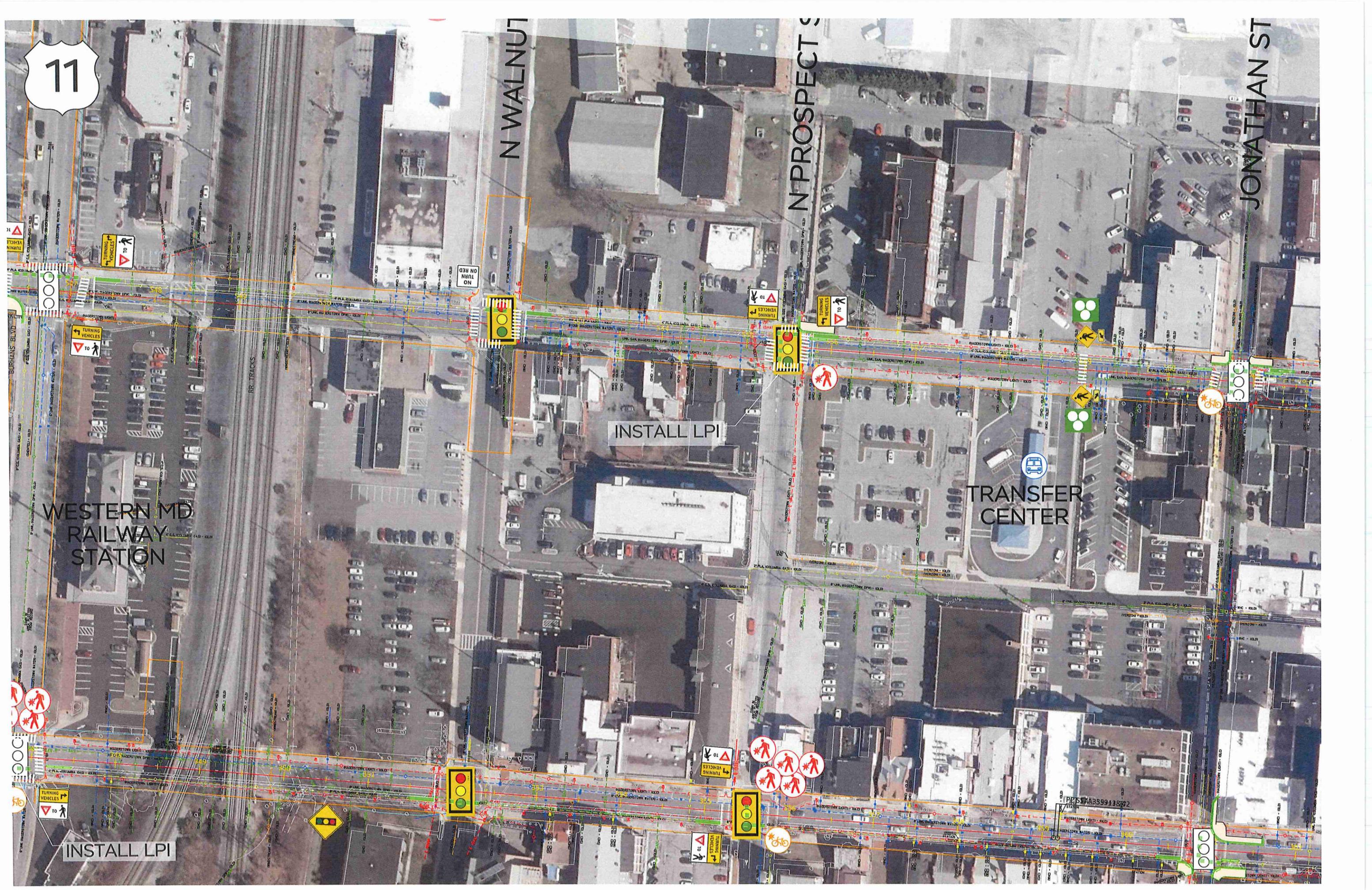
JONATHAN ST

WESTERN MD RAILWAY STATION

TRANSFER CENTER

INSTALL LPI

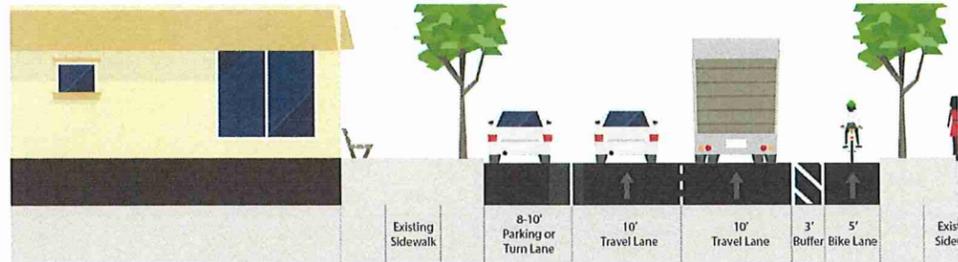
INSTALL LPI



PPS#A899943822

JONATHAN

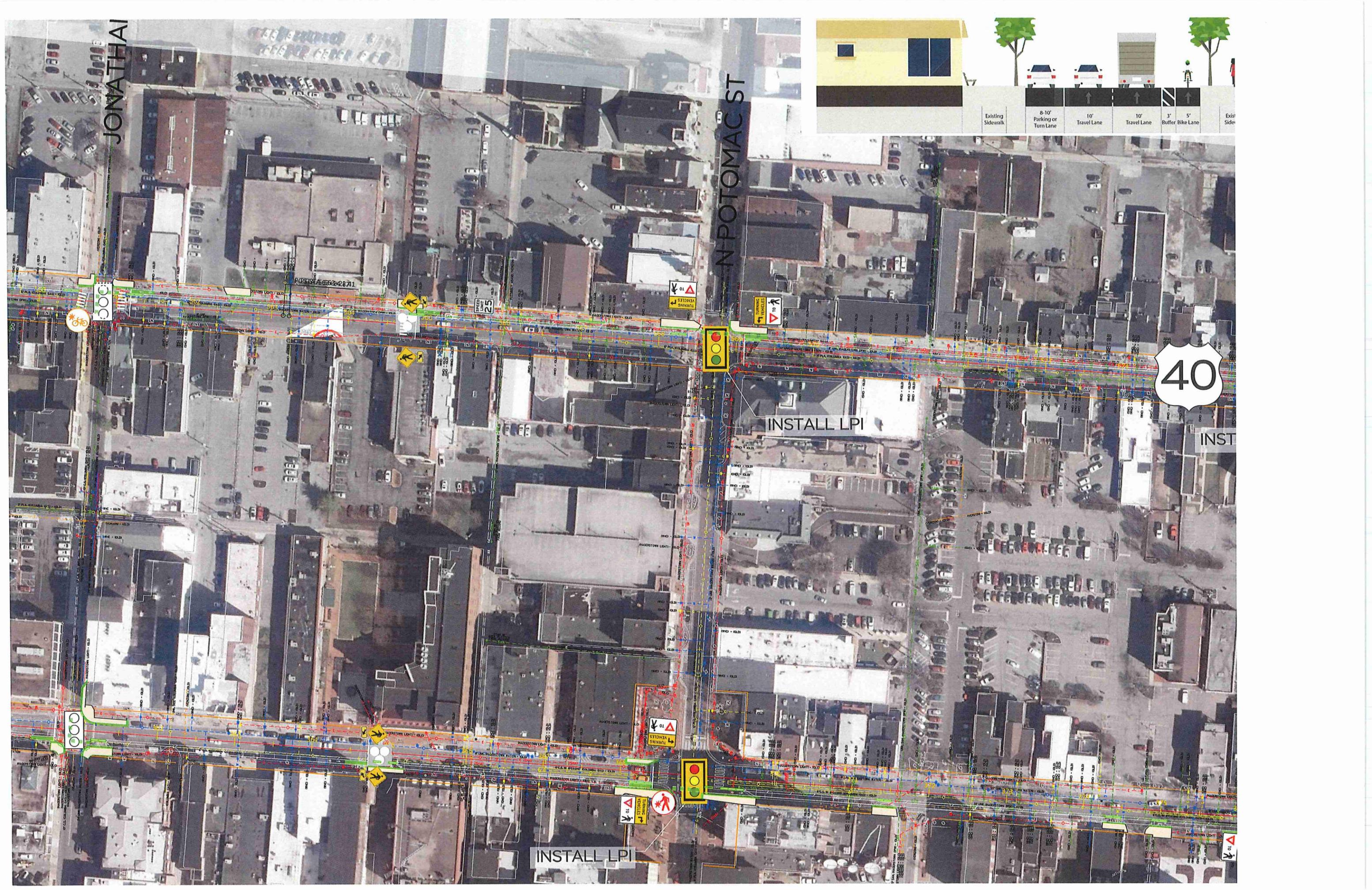
N POTOMAC ST



40

INSTALL LPI

INSTALL LPI



40

N LOCUST ST

NN

INSTALL LPI

40

MATCH LINE - MAP 3



**REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND**

Topic:

2025 Pavement Condition Survey - *Jim Bender, City Engineer*

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

2025_Pavement_Condition_Survey.pdf

Description

Memo - Pavement Condition Survey



CITY OF HAGERSTOWN, MARYLAND

Department of Engineering & Permits

February 17, 2026

TO: Scott Nicewarner, City Administrator

FROM: Jim Bender, City Engineer JIM

RE: 2025 Pavement Condition Survey

1. Background

Every three to four years since 2012, staff have commissioned pavement condition surveys of the entire City street system. This survey, which is completed using vehicle-mounted cameras and sensors, captures data on the condition of the pavement on each street, and assigns a numerical score to it. The scores for all the streets are then aggregated to obtain a Pavement Condition Index (PCI) rating. While the individual street scores identify specific streets that need maintenance, the overall PCI rating gives the Engineering & Permits Department a view into how well our pavement preservation program is maintaining the street system as a whole.

2. Mayor & Council Action Requested

No action is requested; this presentation is just for the Council's information. Staff will be present at the work session to discuss.

3. Discussion

The 2025 survey was conducted in late September/early October. The consultant spent two to three days driving their survey vehicle over all of the streets in the City. That data was then processed and analyzed to develop the individual street segment scores, and was compiled to calculate the overall PCI rating for the City.

The survey identifies defects in the pavement such as potholes, different types of cracking, rutting, and overall pavement smoothness. Using criteria originally developed by the Army Corps of Engineers for evaluating runway pavements at airfields, each segment of the street is scored based upon how many defects are present. The PCI index is a numerical scale running from 100 (perfect pavement conditions) to 0 (completely failed pavement); each street segment's score falls into one of the performance ranges on the index (e.g. "excellent", "satisfactory", "fair", etc.), which gives a general indication of the pavement's condition.

Most municipalities strive to keep their overall PCI rating in the "fair" to "satisfactory" ranges, which correlates to a PCI rating of 55 to 85. The 2025 survey calculated Hagerstown's overall PCI rating as 75, which is classified as "satisfactory". The PCI ratings from previous condition surveys (2012 – PCI 75.9, 2015 – PCI 69.5, 2018 – PCI

76) indicate that the condition of the City's street system has held relatively steady over the past fourteen years. For comparison, based upon their published 2024 data, Montgomery County had an overall PCI rating of 67.

The biggest factor in maintaining a "satisfactory" PCI rating is the amount of money that is spent on pavement preservation. The City uses Highway User Revenue (HUR) to fund the paving program; in both FY 26 and FY 27, \$1.3 million of HUR funds were budgeted for the program. If the City receives less HUR from the State, we defer repaving certain streets until funding is available. It's important to note that any decrease in HUR funding has a measurable impact on PCI ratings. From FY 10 to FY 14, the State cut HUR funding to the City by approximately 66% each fiscal year; as a result, many more streets went without maintenance, and the City's PCI rating fell from 75.9 in 2012 to 69.5 in 2015. In FY 14, the State restored HUR distributions to a more normal level, and the PCI rating rebounded to 76 in 2018. The key point is that preventative maintenance is a key factor in maintaining a satisfactory PCI rating – if funding is decreased, more pavement deterioration occurs, and it takes longer to regain a higher rating.

Staff is analyzing the results of the pavement condition survey, and is using it to develop the Street Pavement Overlay lists for FY 27 – FY 30. Staff plan to bring those lists for future pavement preservation work to the Council in March 2026 for their approval.

attachment: Powerpoint presentation

cc: Bill Killinger
Austin Allman

Pavement Management Program

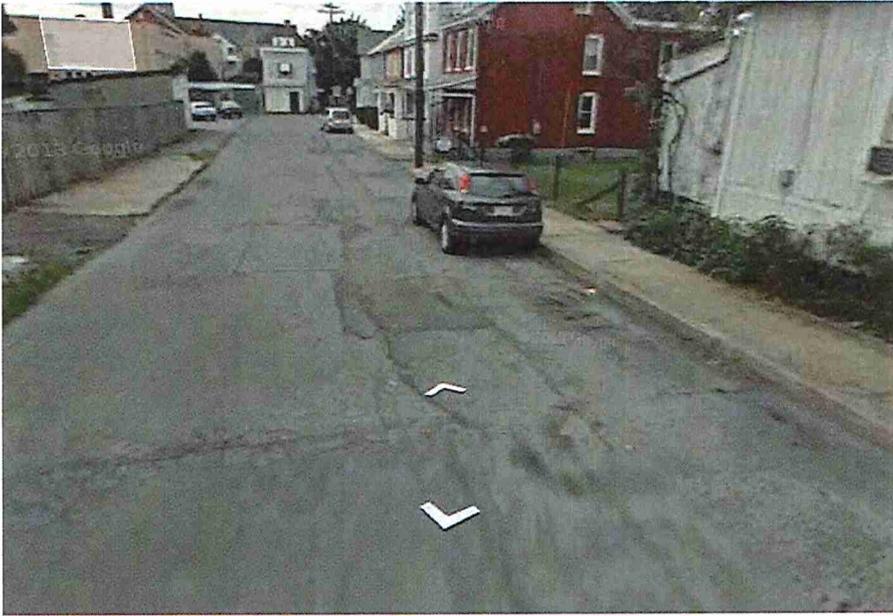
Department of Engineering & Permits
February 17, 2026



In the old days....

- Prior to 1995, selected streets were paved with asphalt, maybe a dozen a year, based on the “worst-first” approach.
- Around 1995 we began to mill prior to repaving.
- In 2000, the cost of a ton of ‘installed’ asphalt was about \$30. The City spent about \$225,000 annually while our Highway User Revenue (HUR) far exceeded that.
- Today, that same ton of installed asphalt is \$79.
- For FY 27, staff have budgeted \$1,300,000 in HUR for pavement preservation.

Research shows that exclusively doing a “worst first” approach is misplaced, actually causing the *overall* street system condition to worsen.



Rehabilitating a road that has fallen into disrepair costs substantially more than keeping the road in good condition in the first place. **The cost of keeping a mile of road in good condition is less than half over time of letting a road deteriorate and then making major repairs.**

What is “Pavement Preservation”

- There are never enough resources to rebuild roadways and bridges. With constrained resources causing roadways to deteriorate to the point of no return, we need to include preserving and maintaining this fundamental investment.
- Pavement preservation fills that gap.
- The essence of pavement preservation is the application of the ***right treatment, to the right pavement, at the right time.***

Preservation is Proactive

- **Preservation is proactive, not reactive.**
- We're not talking pothole filling, but pothole prevention.
- As roads worsen, reconstruction becomes the only option, but the cost is unaffordable.



Pavement Preservation Techniques



← Patching & crackfilling



Milling →



← Slurry Seal

Thin lift overlay →



Pavement Condition Survey

- First ever survey conducted in December 2012. Updates conducted in September 2015, October 2018, and September 2021.
- Identifies surface distress (various cracks, potholes, rutting, failures) and rates the condition of the pavement



Sample Pavement Distress



Block Cracking



Rutting



Longitudinal Crack

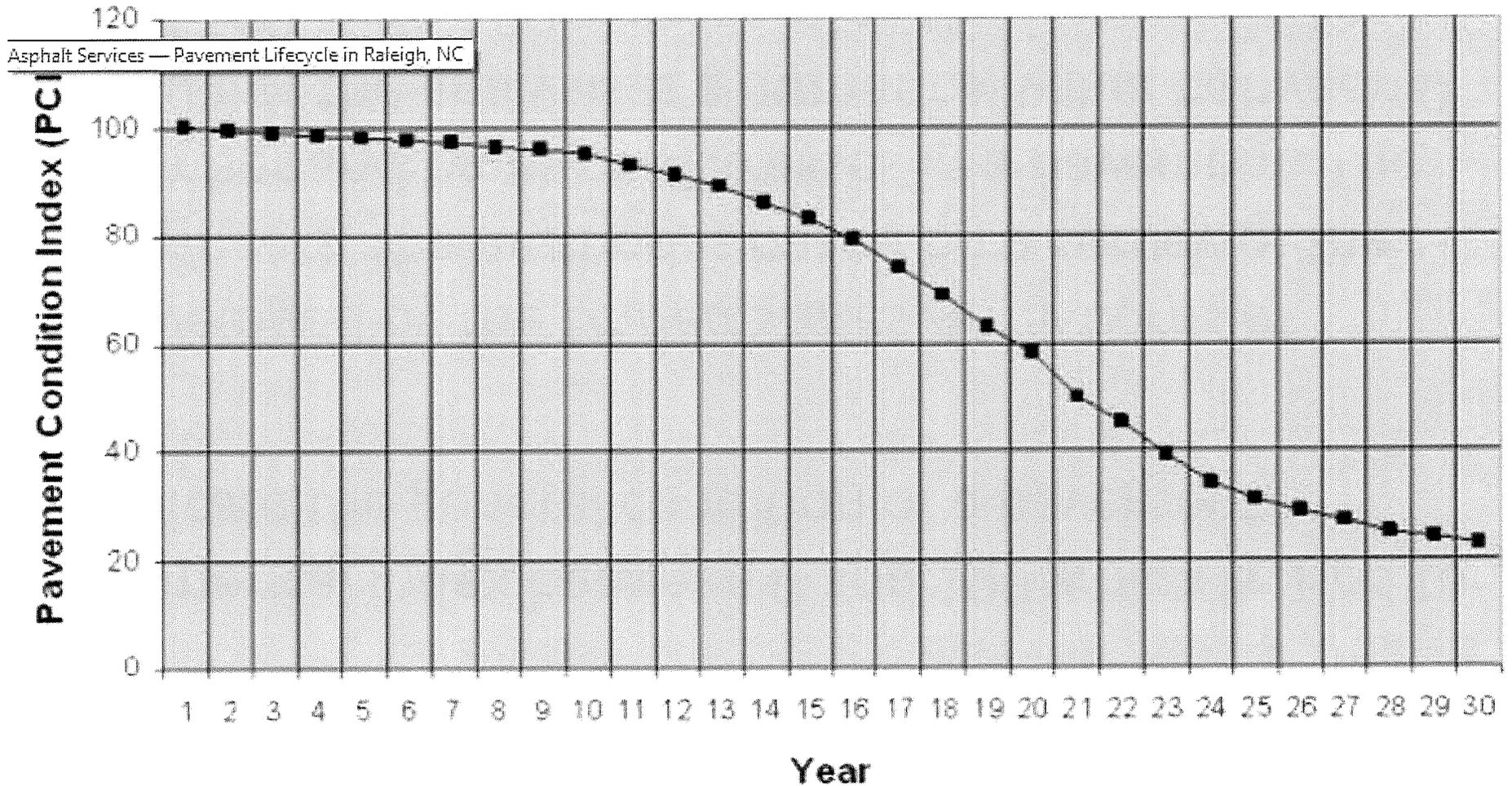


Patches



Transverse Crack

Typical Life Cycle of Pavement



Pavement Condition Index (PCI)

- Numerical index between 0 and 100 which is used to indicate the general condition of a pavement.
- Developed by the *United States Army Corps of Engineers*, the method is based on a survey of the number and types of distresses in a pavement. The result of the analysis is a numerical value between 0 and 100, with 100 representing the best possible condition (new pavement) and 0 representing the worst possible condition.

PCI CONDITION INDEX

PCI

100

85

70

55

40

25

10

0

GOOD

SATISFACTORY

FAIR

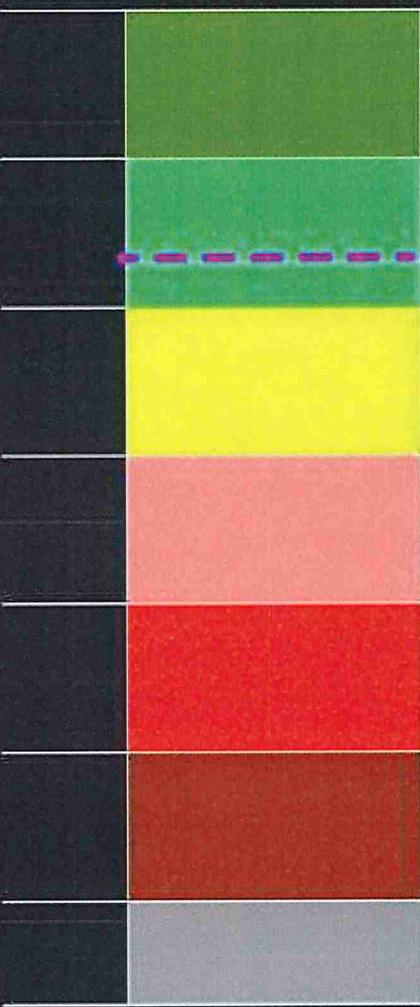
POOR

VERY POOR

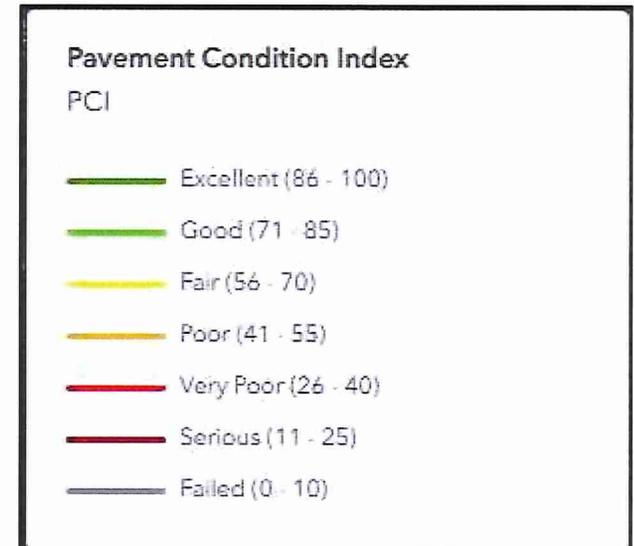
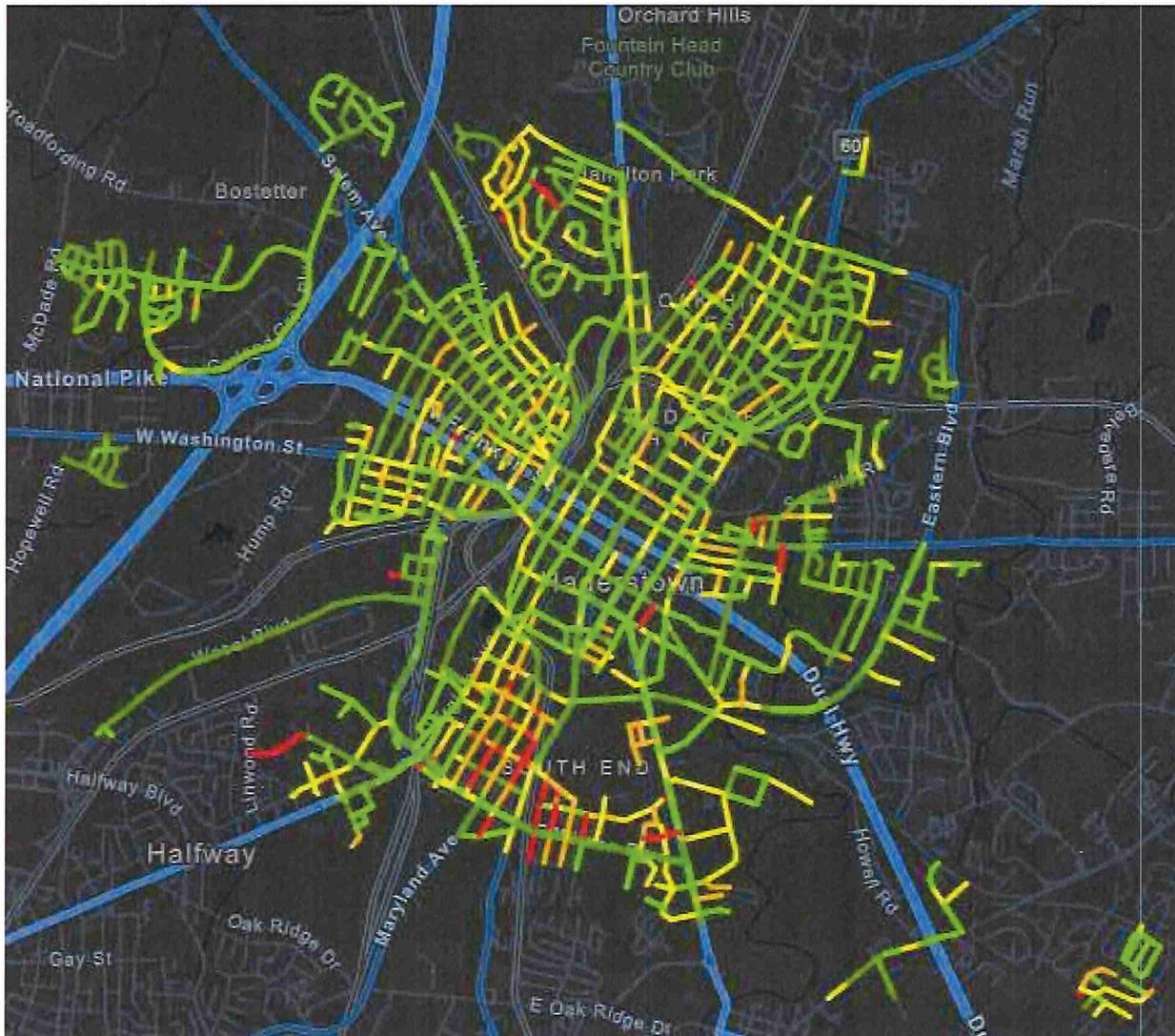
SERIOUS

FAILED

CITY'S SYSTEM-WIDE PCI AVERAGE = 75
(BASED UPON SEPTEMBER 2025 SURVEY)

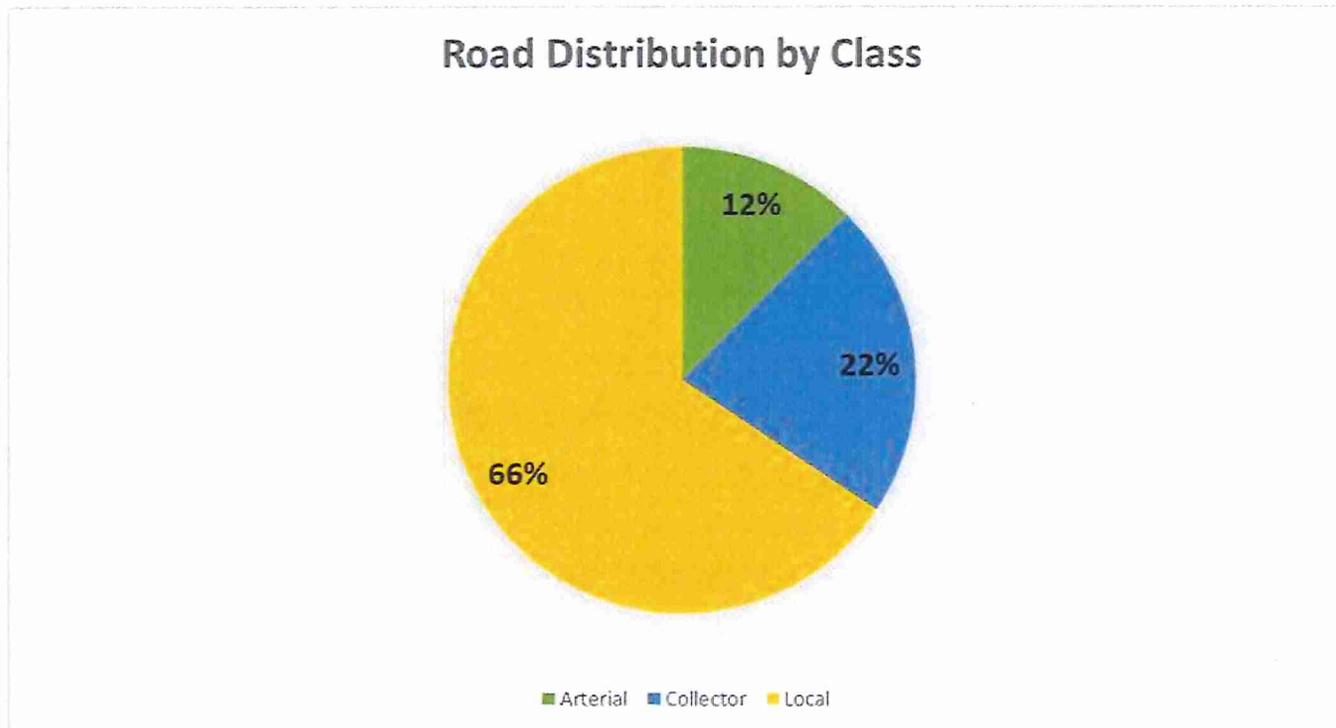


PCI By Streets – 2025 survey

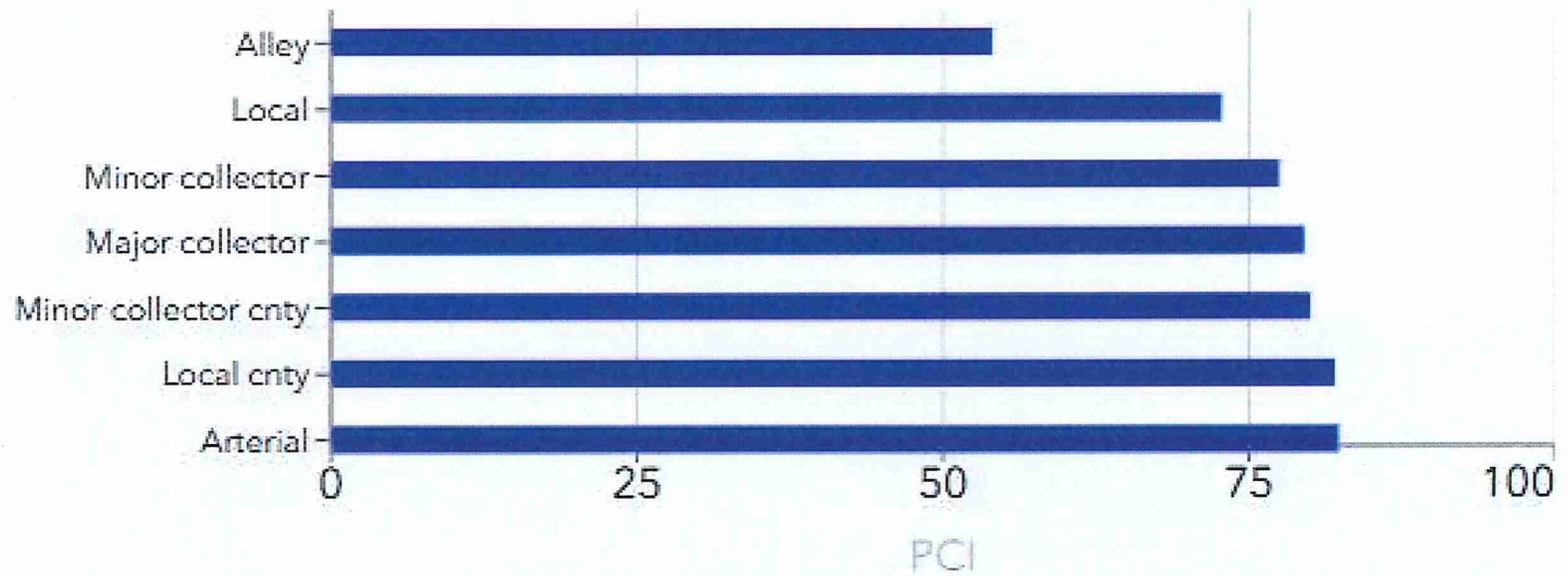


Current Pavement Condition

Road distribution by class



PCI Distribution

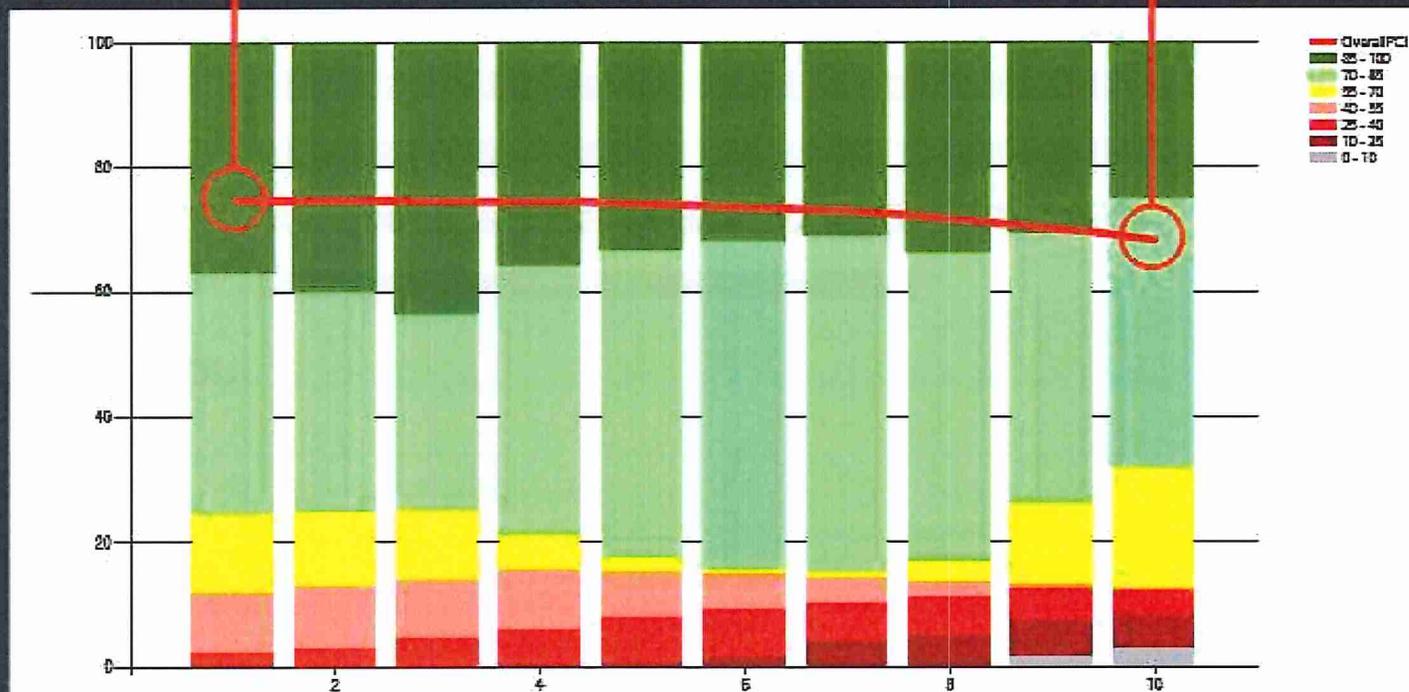


Anticipated PCI decline if HUR funding is decreased

What if...
Pavement Preservation, \$650,000 budget
over 10 years

STARTING
PCI = 75.0

ENDING
PCI = 69.6



**REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND**

Topic:

Acceptance of Alleys #4-59 and #4-76 – *Jim Bender, City Engineer*

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

Acceptance_of_Alleys_4-59_and_4-76.pdf

Description

Acceptance of Alleys 4-59
and 4-76



CITY OF HAGERSTOWN, MARYLAND

Department of Engineering & Permits

February 17, 2026

TO: Scott Nicewarner, City Administrator

FROM: Jim Bender, City Engineer JIM

RE: Acceptance of Alleys #4-59 and #4-76

1. Background

In 2004, a developer re-subdivided existing property parcels between Vale Street and Fridinger Avenue so that new dwellings could be built. As part of the approval process, the City required the developer to dedicate portions of two alleys (Alley #4-59 and Alley #4-76) to the City. The approved subdivision plat was recorded in the land records of Washington County; however, there is no record that the City formally accepted the dedication of these alleys. This uncertainty has led to questions about the City's responsibility for maintenance and snow removal. Staff feel that the best way to resolve this issue is for the City to formally accept the alleys into the City's street system.

2. Mayor & Council Action Requested

Review this information, and determine whether or not to accept these alleys. If the Council is in agreement, staff will work with the City Attorney to prepare a resolution to accept the alleys at the Regular Session meeting on February 24th. Staff will be present at the work session to discuss.

3. Discussion

When this development was approved, the intent was that the alleys would be dedicated to the City, and that the City would accept them into our street system. The alleys were constructed in accordance with City standards, and are in good condition. Formally accepting the alleys will eliminate any questions regarding alley maintenance, snow removal, and other issues. If the alleys are not accepted, they will remain in a "gray" area where there is uncertainty over the City's responsibilities.

Normally when a development project is approved and constructed, the developer must post bonds to cover the cost of constructing public improvements (e.g. streets, sidewalks, utilities, etc.). Those bonds aren't released until the City formally accepts the streets, which provides impetus to make sure that formal acceptance occurs. It is unclear whether the City required a bond for the construction of these alleys in 2004, but there isn't a clear record that the alleys were ever accepted.



EXHIBIT SHOWING ALLEYS #4-59 & #4-76

CITY OF HAGERSTOWN, MARYLAND

**RESOLUTION TO ACCEPT THE OFFER OF AN OFFER
DEDICATION OF ALLEY 4-76 AND A PORTION OF ALLEY 4-59
BY OLD TRAIL PARTNERSHIP
TO THE CITY OF HAGERSTOWN**

RECITALS

The City of Hagerstown (“the City”) is a municipal corporation existing under and by virtue of the laws of the State of Maryland.

WHEREAS, offers of dedication have been made by OLD TRAIL PARTNERSHIP, a Pennsylvania General Partnership, of the entirety of Alley 4-76 and a portion of Alley 4-59 to the City pursuant to plats filed among the Land Records of the Clerk of the Circuit Court for Washington County, Maryland as more particularly set forth on the cross-hatched areas the *REPLAT LOTS 9-13; 16-18; 20-23; 32-46 ARMSTRONG AND SCOTT’S FRINDINGER ADDITION TO HAGERSTOWN*, dated July 26, 2004, situate in Hagerstown, Maryland, said plat recorded among the Land Records of Washington County, Maryland as Plat Nos. 7974 – 7975, said plats and descriptions being incorporated herein by reference and true and accurate copies of which are attached hereto;

WHEREAS, the dedication for the purpose of accepting said alleys into the City’s street system.

WHEREAS, the exact location of the alleys is depicted in the cross-hatched areas on Plat Nos. 7974 – 7975.

WHEREAS, the Mayor and Council, as the duly constituted legislative body of the City of Hagerstown, has determined that it is in the best interest of the citizenry in general to accept this right of way into the street system for the City of Hagerstown.

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 Mayor and Council do hereby approve and accept the offer of dedication of Alley 4-76 and a portion of Alley 4-59 made by the Grantor, and as set forth on the cross-hatched areas in the *REPLAT LOTS 9-13; 16-18; 20-23; 32-46 ARMSTRONG AND SCOTT’S FRINDINGER ADDITION TO HAGERSTOWN*, dated July 26, 2004, situate in Hagerstown, Maryland, said plat recorded among the Land Records of Washington County, Maryland as Plat Nos. 7974 – 7975.

3. That this Resolution shall constitute the formal acceptance required by law as set forth in Plat Nos. 7974 – 7975.

4. That the Mayor, City Clerk, and Staff be and are hereby authorized to execute and the attached Resolution, and to take any additional steps necessary to effectuate the purpose of this Resolution.

WITNESS AND ATTEST
AS TO CORPORATE SEAL

MAYOR AND COUNCIL OF THE
CITY OF HAGERSTOWN, MARYLAND

Donna K. Spickler, City Clerk

By: _____
William B. McIntire, Mayor

Date of Introduction: March 24, 2026
Date of Passage: March 24, 2026
Effective Date: March 24, 2026

PREPARED BY:
Salvatore & Morton, LLC
City Attorneys

MINIMUM BUILDING SETBACKS

FRONT 25'
 REAR 35'
 SIDE 4'

MINIMUM SETBACKS, MINIMUM LOT AREA AND WIDTH COPIED AS SHOWN ON THE VARIANCE CHART BELOW BY THE HAGERSTOWN BOARD OF ZONING APPEALS AT THEIR SEPTEMBER 22, 2004 MEETING. CASE 2-2004-50.

VARIANCE

LOT NUMBER	LOT AREA (SF)	LOT WIDTH (FT)	FRONT YARD DEPTH (FT)	REAR YARD DEPTH (FT)	MIN. AGGREGATE OF SIDE YARD DEPTH (FT)	SIDE YARD DEPTH (FT)	2ND FRONT YARD DEPTH (FT)
9	4924	42.4		30	1 @ 5'		7
10	4850	42.4		28	10		
11	4271	42.4		25	10		
12	4839	42.4		25	10		
13	4933	42.4		25	1 @ 5'		7
16			10		7	2	
17			10		10		
18	3594	39	10		9		
20			10		10		
21			10		10		
22			10		10		
23			10		10		
32			10	28	12		
33			10	28	10		
34			10	26	10		
35			10	26	10		
36			10	26	10		
37			10	25	10		
38			10	25	10		
39			10	26	10		
40	4719	42.1	10	28	12		
41	4178	47	10	28	12		
42			10	26	10		
43			10	26	10		
44			10	25	10		
45			10	25	10		
46	2878	30	10	30	8		

ADDITIONAL OWNER'S STATEMENT

THE UNDERSIGNED GRANT TO THE CITY OF HAGERSTOWN, MARYLAND (HEREINAFTER CALLED CITY) A PERPETUAL EASEMENT FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, OPERATING, MAINTAINING, REPAIRING, ALTERING, AND REMOVING ELECTRIC AND COMMUNICATION LINES INCLUDING ALL NECESSARY POLES, WIRES, ANCHORS, CABLES, CONDUITS, METERS, AND OTHER FACILITIES OVER, UNDER, UPON, AND ALONG ANY AND ALL PARCELS TOGETHER WITH THE PERPETUAL RIGHT OF INGRESS AND EGRESS AT ALL TIMES OVER ANY AND ALL PARCELS, FOR PEDESTRIAN, VEHICLE, AND EQUIPMENT TRAFFIC TO AND FROM SAID FACILITIES.

SAID ELECTRIC AND COMMUNICATION LINES MAY BE LOCATED AS FOLLOWS:

1. FACILITIES MAY BE LOCATED AS INDICATED ON THE PLAT.
2. FACILITIES MAY ALSO BE LOCATED ALONG, IN, AND ADJACENT TO PUBLIC DEDICATED ROADWAYS, STREETS, ALLEYS, AND SIMILAR RESERVATIONS. WIRES MAY BE STRUNG BETWEEN ANY POLES, AND ANCHORS, WHERE NECESSARY, MAY BE PLACED NOT MORE THAN FIFTEEN (15) FEET INSIDE OF BOUNDARY LINES OF LOTS.
3. SERVICE LINES MAY ALSO BE EXTENDED BY THE MOST DIRECT PRACTICAL ROUTE TO ANY BUILDINGS ON THE HEREIN DESCRIBED PROPERTY OR PROPERTIES ADJACENT THERE TO.

THE CITY SHALL HAVE THE RIGHT TO PERMIT THE JOINT OCCUPANCY AND INSTALLATION OF WIRES, CABLES, CONDUITS, OR OTHER FACILITIES OF ANY COMPANY OR PERSONS.

THE CITY SHALL HAVE THE RIGHT AT ALL TIMES TO CUT, TRIM, REMOVE, OR BY ANY OTHER MEANS CLEAR AND KEEP CLEAR TREES, SHRUBS, FENCES, STRUCTURES, OR ANY OTHER OBSTRUCTIONS OVER, UNDER, AND ALONGSIDE THE CITY'S FACILITIES SUFFICIENTLY FOR THE SAFE AND PROPER OPERATION, MAINTENANCE, AND USE THEREOF.

TREES, STRUCTURES, BUILDINGS, AND OTHER OBSTRUCTIONS SHALL NOT BE PLACED UNDER OR OVER SAID FACILITIES, AND ADEQUATE HORIZONTAL CLEARANCES, WITH A FIVE (5) FOOT MINIMUM, MUST BE MAINTAINED. GARDENS, SHRUBBERY, AND THE USUAL FENCES MAY BE PLACED BELOW OVERHEAD SERVICE LINES, PROVIDED SUCH OBSTRUCTIONS DO NOT INTERFERE WITH SAFE AND PROPER OPERATION AND MAINTENANCE OF THE CITY'S FACILITIES.

THE PROVISIONS HEREOF INURE TO THE BENEFIT OF AND BIND THE SUCCESSORS, HEIRS, LICENSEES, AND/OR ASSIGNS OF THE RESPECTIVE PARTIES HERETO, AND ALL COVENANTS SHALL APPLY TO AND RUN WITH THE LAND.

WITNESS OUR HANDS AND SEALS THIS 16 DAY OF SEPTEMBER, 2004.

9/16/04 Norman Rosen
 DATE OLD TRAIL PARTNERSHIP, A PENNSYLVANIA GENERAL PARTNERSHIP
 NORMAN ROSEN, GENERAL PARTNER

CERTIFICATE OF OWNERSHIP AND DEDICATION

I (WE) DO HEREBY CERTIFY THAT I (WE) ARE THE LEGAL AND TRUE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I (WE) ADOPT THE PLAN OF SUBDIVISION AND ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES.

I (WE) DO HEREBY DEDICATE ALL UTILITY EASEMENTS AND DRAINAGE AREAS UNDER THE MAYOR AND CITY COUNCIL OF HAGERSTOWN, MARYLAND AND RESERVE THE FEZ SIMPLE TITLE TO ALL RIGHTS-OF-WAY, STREETS, ALLEYS, OPEN SPACES AND OTHER PUBLIC SITES.

I (WE) DO HEREBY OFFER TO DEDICATE SAID AREAS AND ALL PUBLIC UTILITY SYSTEMS THEREIN TO THE MAYOR AND CITY COUNCIL OF HAGERSTOWN, MARYLAND, FOR USE OF THE PUBLIC IN GENERAL. SAID OFFER SHALL NOT BE DEEMED TO BE ACCEPTED BY THE CITY UNTIL SAID OFFER IS FORMALLY ACCEPTED IN THE MANNER PRESCRIBED BY LAW.

THIS DEED AND AGREEMENT OF DEDICATION SHALL BE BINDING UPON MY (OUR) GRANTEES, ASSIGNS, SUCCESSORS, HEIRS, AND PERSONAL REPRESENTATIVES AND ALL PARTIES AND INTERESTS THERE TO HEREUNTO AFFIXED THEIR SIGNATURES INDICATING THEIR ASSENT TO THIS PLAN OF SUBDIVISION.

WITNESS OUR HANDS AND SEALS THIS 16 DAY OF SEPTEMBER, 2004.

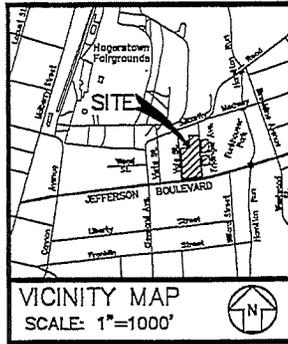
9/16/04 Norman Rosen
 DATE OLD TRAIL PARTNERSHIP, A PENNSYLVANIA GENERAL PARTNERSHIP
 NORMAN ROSEN, GENERAL PARTNER

CERTIFICATE OF INTENT OF REPLAT

I DO HEREBY CERTIFY THAT THE INTENT OF THE REPLAT SHOWN HEREON IS FOR ACQUISITION OF ADDITIONAL ACREAGE FOR PROPERTY ENLARGEMENT/ READJUSTMENT OF PROPERTY LINES, DEDICATION OF ALLEYS TO THE CITY OF HAGERSTOWN.

WITNESS OUR HANDS AND SEALS THIS 16 DAY OF SEPTEMBER, 2004.

9/16/04 Norman Rosen
 DATE OLD TRAIL PARTNERSHIP, A PENNSYLVANIA GENERAL PARTNERSHIP
 NORMAN ROSEN, GENERAL PARTNER



CITY UNIQUE PROPERTY ID # 056-04-001
 COUNTY TAX MAP 304 PARCEL 1273, 1276, 1278
 CITY TAX MAP 98: BLOCK 04 P. 9-13, 32-46
 BLOCK 05, P. 16-18, 20-23
 ELECTION DISTRICT 22.

PLAT NO. 1975
 DATE OCT 0 5 2004
 WASHINGTON COUNTY

REPLAT
LOTS 9-13; 16-18; 20-23; 32-46
ARMSTRONG AND SCOTT'S FRIDINGER ADDITION TO HAGERSTOWN
 WASHINGTON COUNTY PLAT L97/F700
 SITUATE ALONG NORTH SIDE OF JEFFERSON STREET
 HAGERSTOWN, WASHINGTON COUNTY, MARYLAND

DATE: 7/28/04
 SCALE: AS NOTED
 DRAWN BY: CPS
 CHECKED BY: BLB
 REV. 1 - 8/2/04
 REV. 2 - 9/9/04

Antietam Design
 Civil Structural Traffic
 Engineering
 136 N. Jonathan Street
 Hagerstown, MD 21740 (301)739-2400
 Myersville-(301)416-8299 Fax-(301)766-0001
 E-Mail AntietamDesign@aol.com

DISTRICT: 22
 TAX MAP No: 304
 JOB NUMBER: 04-145
SHEET NO
 2 OF 2

CERTIFICATE OF APPROVAL

I DO HEREBY CERTIFY THAT THE PLAN FOR SUBDIVISION SHOWN HEREON COMPLIES WITH THE SUBDIVISION ORDINANCE FOR THE CITY OF HAGERSTOWN, MARYLAND, WITH THE EXCEPTION OF SUCH VARIANCES, IF ANY, AS NOTED ON THIS PLAT AND IN THE MINUTES OF THE HAGERSTOWN PLANNING COMMISSION, AND IS APPROVED FOR RECORDING IN THE OFFICES OF THE REGISTER OF DEEDS.

HAGERSTOWN PLANNING COMMISSION

10/10/04 D. B. [Signature]
 DATE BY

CERTIFICATE OF ACCURACY

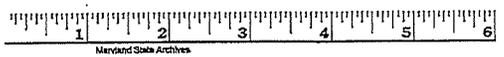
TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE PLAN SHOWN AND DESCRIBED HEREON IS A TRUE AND CORRECT SURVEY TO THE ACCURACY REQUIRED BY THE HAGERSTOWN PLANNING COMMISSION, AND THAT THE MONUMENTS HAVE BEEN FOUND OR PLACED AS SHOWN HEREON TO THE SPECIFICATIONS OF THE HAGERSTOWN SUBDIVISION ORDINANCE AND THAT IT IS A REPLAT OF LANDS CONVEYED BY LIGHTNING TRANSPORTATION, INC TO OLD TRAIL PARTNERSHIP BY DEED DATED MAY 20, 1999, AND RECORDED IN LIBER 1486, FOLIO 957 AMONG THE LAND RECORDS OF WASHINGTON COUNTY, MARYLAND; BEING A SECTION OF ARMSTRONG AND SCOTT'S FRIDINGER ADDITION TO HAGERSTOWN RECORDED JANUARY 14, 1992 AT LIBER 97, FOLIO 700 AMONG THE LAND RECORDS OF WASHINGTON COUNTY, MARYLAND.

9-22-04 Joseph H. [Signature] #20,010
 DATE JOSEPH KRGOOTH III
 PROFESSIONAL LAND SURVEYOR # 20010



NOTES

1. THIS REPLAT HAS BEEN RECORDED FOR THE PURPOSE OF READJUSTMENT OF PROPERTY LINES OF LOTS 9-13, 40, 41, 46 AND DEDICATING ALLEY R.O.W. AREAS TO THE CITY OF HAGERSTOWN.
2. LOTS 9-13, 16-18, 20-23, AND 32-46 ARE EXISTING LOTS OF RECORD BEING A SECTION OF ARMSTRONG AND SCOTT'S FRIDINGER ADDITION TO HAGERSTOWN AS RECORDED AT LIBER 97, FOLIO 700 AND DATED JANUARY 14, 1992 AMONG THE LAND RECORDS OF WASHINGTON COUNTY, MARYLAND.
3. SITE IS ZONED R-2.
4. THESE LOTS ARE SERVED BY PUBLIC WATER AND SEWER.
5. NO 100 YEAR FLOODPLAIN ON THIS SITE, PER FIRMA COMMUNITY PANEL NO. 240074-0025 DATED FEBRUARY 15, 1994.
6. THERE ARE NO STEEP SLOPES, STREAMS, STREAM BUFFERS, ENVIRONMENTALLY SENSITIVE AREAS OR HABITAT OF THREATENED OR ENDANGERED SPECIES IDENTIFIED BY THE U.S. FISH AND WILDLIFE SERVICE PER SO OFR 17 AS REQUIRED TO BE SHOWN BY SECTION 68-23 OF THE ZONING ORDINANCE.
7. COORDINATES WERE TIED TO THE CITY OF HAGERSTOWN CONTROL POINTS #214 AND #215.
8. A 12' WIDE AREA BEHIND THE REAR OF LOTS 9 THROUGH 13 IS HEREBY DEDICATED FOR PUBLIC USE. PLAT FEE-# 2,500
 RECORDING FEE 1,500
 TOTAL 4,000
9. A 12' WIDE AREA BEHIND THE REAR OF LOTS 41 THROUGH 46 (ALLEY 4-59) IS HEREBY DEDICATED FOR PUBLIC USE. DIST. # 22
 DIST. # 22
 DIST. # 22
 DIST. # 22



**REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND**

Topic:

License Agreement – Alley #2-35 – *Jim Bender, City Engineer*

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

License_Agreement_-_Alley_2-35.pdf

Description

License Agreement - Alley
2-35



CITY OF HAGERSTOWN, MARYLAND

Department of Engineering & Permits

February 17, 2026

TO: Scott Nicewarner, City Administrator

FROM: Jim Bender, City Engineer Jim

RE: License Agreement – Alley #2-35

1. Background

Alley #2-35 is a zigzag-shaped right-of-way near 20 Summer Street, a property owned by MAGIS Properties, LLC (MAGIS). The western end of the alley is paved; the remainder of the alley is an unimproved right-of-way. In 1981 the City issued a Building Permit to construct a shed on the property; that shed (apparently) was partially constructed in the unimproved alley right-of-way. MAGIS approached the City to request a quit claim of the unimproved right-of-way of Alley #2-35, but the City's quit claim policy requires the agreement of the other landowner(s) who have property that adjoins the right-of-way, and MAGIS has been unsuccessful in obtaining that agreement. MAGIS is now requesting a license agreement to use the unimproved alley right-of-way instead of a quit claim.

2. Mayor & Council Action Requested

Review this information, and determine whether or not to approve a license agreement with MAGIS. If the Council is in agreement, staff will work with the City Attorney to prepare an agreement for consideration at the Regular Session meeting on February 24th. Staff will be present at the work session to discuss.

3. Discussion

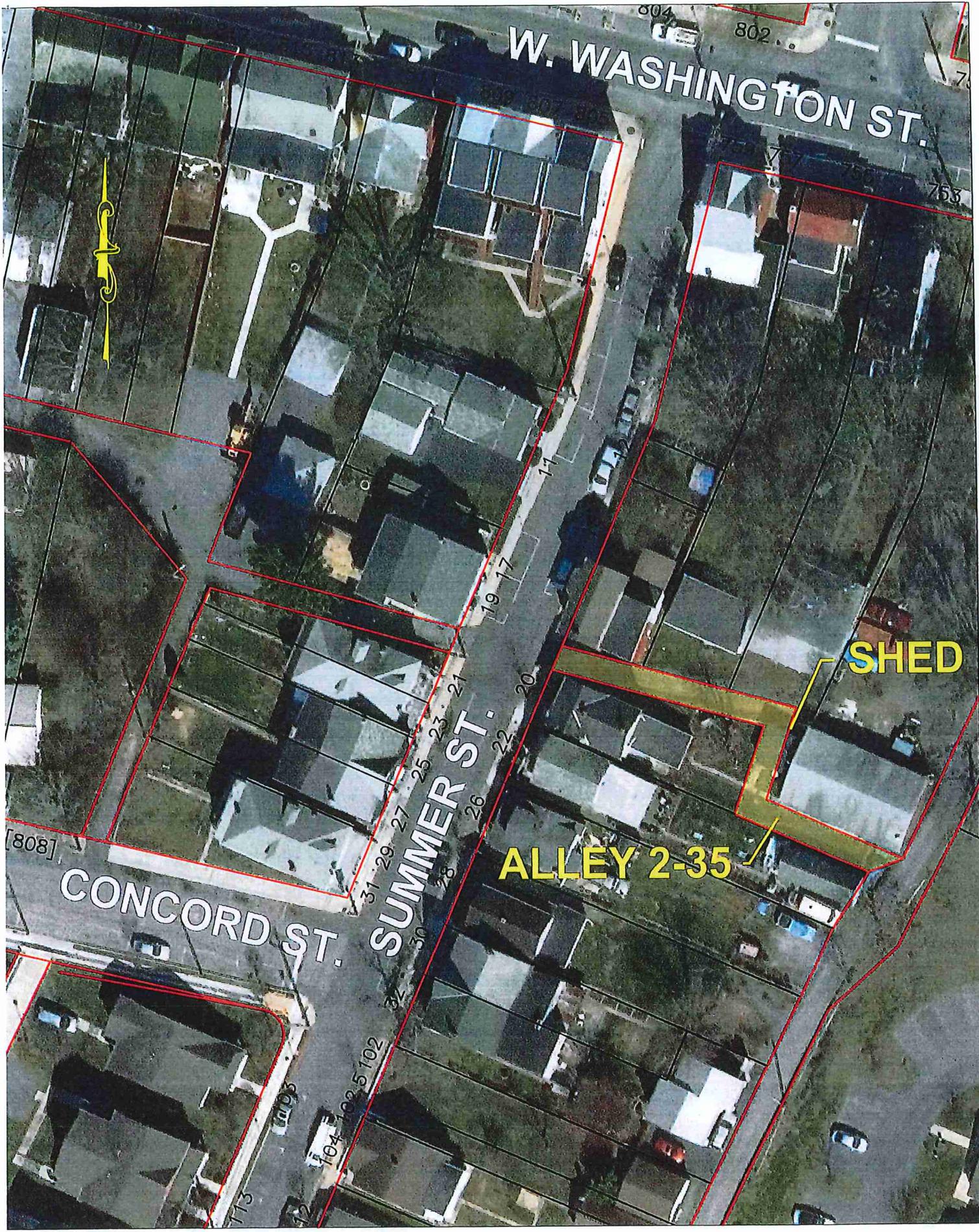
The unimproved right-of-way of Alley #2-35 has no apparent public value. It's zigzag configuration could not be traversed by a motor vehicle even if the alley was paved, and the existing shed blocks the right-of-way. From that standpoint, staff would normally recommend a quit claim of the right-of-way.

The City's current quit claim policy (attached) requires all landowners who have property touching the right-of-way to agree to the quit claim. In this case, one of these property owners, Howard-Thomsen LLC, has objected to MAGIS obtaining the right-of-way via quit claim. Typically, if two property owners agree to a quit claim, one-half of the width of the right-of-way is given to each owner. Since part of the shed that is on MAGIS' property is on the half of the alley that Howard-Thomsen LLC could claim, MAGIS does not want to pursue a quit claim.

Instead, MAGIS is requesting a License Agreement with the City to (a) allow the shed to remain in place as it exists today, and (b) to use the eastern end of the alley right-of-way to access their property from the rear.

A License Agreement does not provide as much protection to MAGIS as a quit claim would; the License Agreement can be terminated by the City with a 90-day notice to MAGIS, which would not be the case with a quit claim. However, in this case, a License Agreement will allow MAGIS to use the right-of-way without bringing the encroachment of the shed into consideration.

attachments: Exhibit A showing configuration of Alley #2-35
Draft License Agreement
Copy of Building Permit issued in 1981
City Quit Claim Policy



W. WASHINGTON ST.

SHED

ALLEY 2-35

CONCORD ST.

SUMMER ST.

LICENSE AGREEMENT - ALLEY #2-35

CITY OF HAGERSTOWN, MARYLAND

DEPARTMENT OF BUILDING & ZONING

CITY HALL, 1 EAST FRANK STREET, HAGERSTOWN, MARYLAND, 21740

BUILDING PERMIT & ZONING CERTIFICATE

PERMIT NO.

RM81-240

DATE ISSUED

5/21/81

GRID NO.

CENSUS TRACT NO.

LOCATION INFORMATION

JOB LOCATION 20 Summer Street								CENSUS TRACT NO.		
SUBDIVISION NAME				LOT NO.	SEC. NO.	PLAT. NO.	TAX MAP	BLOCK NO.	PARCEL NO.	ZONING DIST.
							27			R2
ACCOUNT NO.	LAND	IMPROVEMENT	ELECTION DIST.	LIBER/FOLIO		ACREAGE/LOT SIZE				
0017760		shed	3	565/31		21' x 105' IMP				

OWNER/CONTRACTOR INFORMATION

PROPERTY OWNER(S) Dixie L. Blair				PHONE NO. 797-9201			
PROPERTY OWNER(S) ADDRESS 20 Summer Street, Hagerstown, Maryland 21740				CITY	STATE	ZIP	PHONE NO.
CONTRACTOR'S NAME AND TRADE NAME Ray Reedy Home Improvement, 217 South Mont Valla Avenue,				PHONE NO.			
CONTRACTOR'S ADDRESS Hagerstown, Maryland 21740				CITY LICENSE NO.	MD. HOME IMPRV. NO. 397		

JOB DESCRIPTION INFORMATION

DESCRIPTION OF WORK Replacing existing wooden shed with concrete block one - same size											
13' x 18' on existing foundation.											
FOUNDATIONSIZE	1ST FLOOR SIZE	2ND FLOOR SIZE	3RD FLOOR SIZE	GARAGE SIZE	CARPORT SIZE	EST. COST \$800.00					
EXTERIOR FIN.	BREEZEWAY SIZE	DECK SIZE	FRONT PORCH SIZE	SIDE PORCH SIZE	BACK PORCH SIZE	PERMIT FEE \$4.00					
NO. PLANS SUBMIT.	NO. BEDROOMS	NO. FULL BATHS	NO. HALF BATHS	NO. DENS	GAS	ELEC.	TYPE HEAT	AIR COND.	OTHER	BASE/REC. RM. SIZE	RECEIPT NO. 2104
APT. UNITS INFORMATION		NO. EFFICIENCY APTS.	NO. ONE BEDROOM APTS.	NO. TWO BEDROOM APTS.	NO. THREE BEDROOM APTS.	DESCRIPTION <input type="checkbox"/> HIGH RISE <input type="checkbox"/> TOWN HOUSE <input type="checkbox"/> CONDO-MINIUM			OTHER	COMMERCIAL FLOOR SQUARE FEET	

CAUTION: I have carefully examined and read this application and know the same is true and correct, and that in doing this work, all provisions of City of Hagerstown Regulations and State Laws will be complied with, whether herein specified or not. I further understand that to begin construction before a building permit placard has been issued and displayed on the job is a violation of the law. A Use and Occupancy permit must be received before permitting occupancy.

Miss Dixie Blair

May 21, 1981

APPLICANT'S SIGNATURE

DATE

ZONING & SITE PLAN INFORMATION

<input type="checkbox"/> REQUIRED PLOT PLAN ATTACHED AND COMPLETE										ZONING DISTRICT R2	ZONING ORD. SECTION REF.	ZONING CASE NO.	AGENCY APPROVALS	NAMES	DATE
NEW BUILDING	ADDITION	ALTERATION	ONE FAMILY	TWO FAMILY	MULTI FAMILY	NO. UNITS	OTHER					D.A. Everhart		5/21	
NON-RESIDENTIAL (DESCRIPTION)						ACCESSORY (DESCRIPTION)						SITE PLAN REVIEW			
LOT/TRACT AREA PROPOSED			MIN. BY ORD.			OFF STREET PARKING PROPOSED			MIN. BY ORD.			PLUMBING DEPT.			
LOT AREA PER FAMILY PROPOSED			MIN. BY ORD.			LOT WIDTH PROPOSED			MIN. BY ORD.			ENGINEERING DEPT.			
*FRONT YARD SETBACK PROPOSED			MIN. BY ORD.			*REAR YARD PROPOSED			MIN. BY ORD.			LIGHT DEPT.			
*LEFT SIDE YARD PROPOSED			MIN. BY ORD.			*RIGHT SIDE YARD PROPOSED			MIN. BY ORD.			W.P.C.			
*YARD SETBACK BUILDING LINE VERIFICATION											BUREAU OF FIRE PROTECTION				
LOT SHOWN ON SUBDIVISION RECORD PLAT NOTED ABOVE AND APPROVED BY PLANNING COMMISSION, REQUIRES GREATER SETBACK OR YARD REQUIREMENTS THAN MINIMUMS PRESCRIBED BY ZONING ORDINANCE.											HEALTH DEPT.				
<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT APPLICABLE											INITIALS		COUNTY		
SPECIAL CONDITIONS											OTHER				
											BUILDING OFFICIAL	J.D. Wolfe		5/21/81	

BUILDING OFFICIAL

LICENSE AGREEMENT

This License Agreement is made this ____ day of _____, 2026 (“Agreement”), by and between MAGIS PROPERIES, LLC, a State of Maryland Limited Liability Company (“Magis”), and the CITY OF HAGERSTOWN, a municipal corporation existing under and by virtue of the laws of the State of Maryland (“City”), 1 East Franklin Street, Hagerstown, MD 21740.

1. Premises. Magis is the owner a improved real property located at 20 Summer Street, Hagerstown, Maryland (Liber 7803, folio 335) and has requested permission from the City to access, occupy and use a certain portion of real property known as Alley 2-35 within the City’s limits for the purpose of maintaining and accessing an Existing Shed as shown on the attached Exhibit A (the “Premises”). Alley 2-35 is a public right-of-way but the portion sought by Magis for a license is not used by the City as a public alley.

2. Existing Shed. As depicted on Exhibit A, a shed belonging to Magis is located partially on its own property and partially on Alley 2-35. The Shed was constructed on or about 1981 and pursuant to a permit issued by the City.

3. License. The City grants a revocable license to Magis, on a continuing basis, to access occupy, utilize, and maintain the Premises pursuant to the terms and conditions of this Agreement and for those limited purposes specified in Paragraph 1, above (“License”). The License does not “run with the land” and does not provide Magis with a leasehold or other property interest in the Premises. The License merely provides permission, solely to Magis, to occupy, use, and maintain the Premises for the purposes stated in this Agreement, at the Magis’s sole risk and at the City’s sufferance and convenience. The License includes the right to construct a driveway as depicted as “Proposed Driveway for #20 Summer Street” on Exhibit A.

4. Improvements. Magis will maintain the improvements on the Premises in compliance with all reviews, inspections, permits, and approvals required by applicable code, ordinance, law, rule, or regulation. **The Shed will continue to have the size, shape and appearance of the structure depicted in Exhibit A.**

5. City Right of Entry. The License granted under this Agreement is subject to and will in no way diminish the City’s right of entry to the Premises by the City’s employees, contractors, and agents in performance of their duties or exercise of the City’s rights or obligations at any time.

6. Maintenance. Magis shall be responsible, at its own expense, for maintaining the Premises in good order and repair, in a safe, clean, secure,

sanitary, and presentable condition, and in compliance with the provisions of all applicable codes, ordinances, laws, and regulations.

7. Hold Harmless. Magis shall hold harmless and defend the City and its employees, officers, and agents from all claims, suits, and actions arising from the Magis's maintenance of the Shed on the Premises.

8. Insurance. Magis will at all times during the term of the License and at Magis's expense, procure and maintain general liability insurance coverage against personal injury and property damages from an insurance company authorized to do business in the State of Maryland, providing protection for Magis and the City against any and all claims for damages to persons or property as a result of or arising out of the occupancy, use, or maintenance of the Premises or the improvements thereon. The insurance policy will be endorsed to include the City as an additional insured with limits of coverage not less than \$1,000,000 per occurrence combined single limit for bodily injury liability and property damage liability.

9. Termination. Both parties will have the right and discretion to terminate this Agreement and the License, with or without cause, pursuant to the following:

- (a) Except as provided otherwise in this Agreement, the terminating party will provide written notice of termination to the non-terminating party at least ninety (90) days prior to the effective date of termination.
- (b) If circumstances arise under which the public interest requires expedited termination of this Agreement and the License, the parties agree to endeavor to provide written notice of termination at least fourteen (14) days prior to the effective date of such expedited termination.
- (c) Except as otherwise agreed by the parties in writing, whenever termination of this Agreement and the License is noticed by either party, Magis shall, at its own cost and expense, remove or cause to be removed from the Premises the Shed, the driveway and any other improvements which have not been made a permanent fixture of the real estate constituting the Premises, and will repair, clean, and restore the Premises to a reasonably good condition acceptable to the City on or before the termination effective date.
- (d) Any notice of termination given under this Paragraph 9 is effective if given in accordance with the notice provisions in this Agreement.

10. Notices. Any notice or request required or permitted pursuant to this Agreement will be in writing and may be delivered personally, by courier such as FedEx, UPS, or U.S. Priority Mail, or by U.S. First Class registered or certified mail, return receipt requested. Such notices and requests may be provided to the respective party at the address given above. Any notice or request, the delivery of which is refused by the recipient, will be deemed given as of the date it was mailed or sent.

11. Entire Agreement. This Agreement and all related attachments set forth all the promises, agreements, conditions, and understandings between Magis and the City relative to the Premises and the License granted herein. No subsequent alteration, amendment, change, addition, or deletion to this Agreement will be binding on the City or Magis, unless in writing and authorized and signed by them and made a part of this Agreement by direct reference.

ATTEST:

MAGIS PROPERTIES, LLC

By: _____
Ioannis Arantopoulos, President

FOR THE CITY:

ATTEST:

**MAYOR AND COUNCIL OF THE
CITY OF HAGERSTOWN**

Donna K. Spickler, City Clerk

By: _____
William B. McIntire

Policy Title: Process to Quit-Claim Property No Longer Needed for Public Purpose

Policy and Procedure Number: E-260

Adoption Date: April 2002

Mayor and Council Approval Date:

Last Revised: October 30, 2020

In certain instances, the City may grant Quit-Claim deeds to paper alleys, rights of way or the like to adjacent property owners, with Mayor and Council approval. **Note that a quit claim makes no warranty of title. It only conveys any rights the City may have had in the land to the grantees.**

The steps to obtain such deeds are as follows:

- A. The adjacent property owner(s) shall submit a written request, signed by all property owners who abut the land to be quit-claimed, to the City Engineer. This should include a description of the land to be quit-claimed and the reason for the request. If this involves access to adjacent property owners, a property owner can ask that the quit-claim not be approved so that access is maintained. The City may proceed at the staff's discretion regardless of objections.
- B. The City Engineer will verify the owners and will then send this request to utility companies and other City departments to determine whether or not they have need of this land. A quit-claim could still be granted but with reserved easements or rights-of-way.
- C. Either the City surveyor or private surveyor working on behalf of the entity requesting the quit claim shall prepare an exhibit of the land in question. The City may prepare the exhibit if schedules permit, but that the requestor is ultimately responsible for providing the necessary documents.
- D. The Planning Commission shall review the request and make a determination if the land is no longer needed for a public purpose.
- E. The City Engineer will then submit this request to the Mayor and Council along with comments from the other City departments, his recommendation, and the Planning Commission's recommendation.

- F. The Mayor and Council have final determination. If they approve the request, an Ordinance shall be passed determining that the referenced land is not needed for a public purpose and authorizing the execution of a quit-claim deed.

- G. If the Mayor and Council do approve this quit-claim, the City Attorney will prepare and the Mayor will execute a "quit claim" deed. To give notice to the public and/or subsequent purchasers, the receiver of the land must record the quit claim deed in the land records of Washington County and be responsible for the cost to record.

Authorized and Approved By:



Rodney Tissue, City Engineer

10/30/2020

Date

**REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND**

Topic:

Removal of Mill Street Traffic Beacon – *Jim Bender, City Engineer*

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

Removal_of_Mill_St_Traffic_Beacon.pdf

Description

Removal of Mill Street
Traffic Beacon



CITY OF HAGERSTOWN, MARYLAND

Department of Engineering & Permits

February 17, 2026

TO: Scott Nicewarner, City Administrator

FROM: Jim Bender, City Engineer JMB

RE: Removal of Mill Street traffic beacon

1. Background

There was an overhead flashing traffic beacon at the intersection of E. Baltimore Street and Mill Street, near the former hospital site. The beacon was hit by a large vehicle in the summer of 2025 and severely damaged. Before reinstalling a new beacon, staff discussed the need for a beacon with the Board of Traffic and Parking; the Board recommended observing the intersection for a period of six months to see if the absence of the beacon led to an increase in accidents or other operational issues. At the end of that observation period, staff reported to the Board that no traffic accidents had occurred at the intersection; the Board then recommended that a replacement beacon not be installed.

2. Mayor & Council Action Requested

Review this information, and determine whether or to accept the Board of Traffic & Parking's recommendation to not reinstall a beacon at this intersection. If the Council is in agreement, staff will work with the City Attorney to prepare a motion to that effect for consideration at the Regular Session meeting on February 24th. Staff will be present at the work session to discuss.

3. Discussion

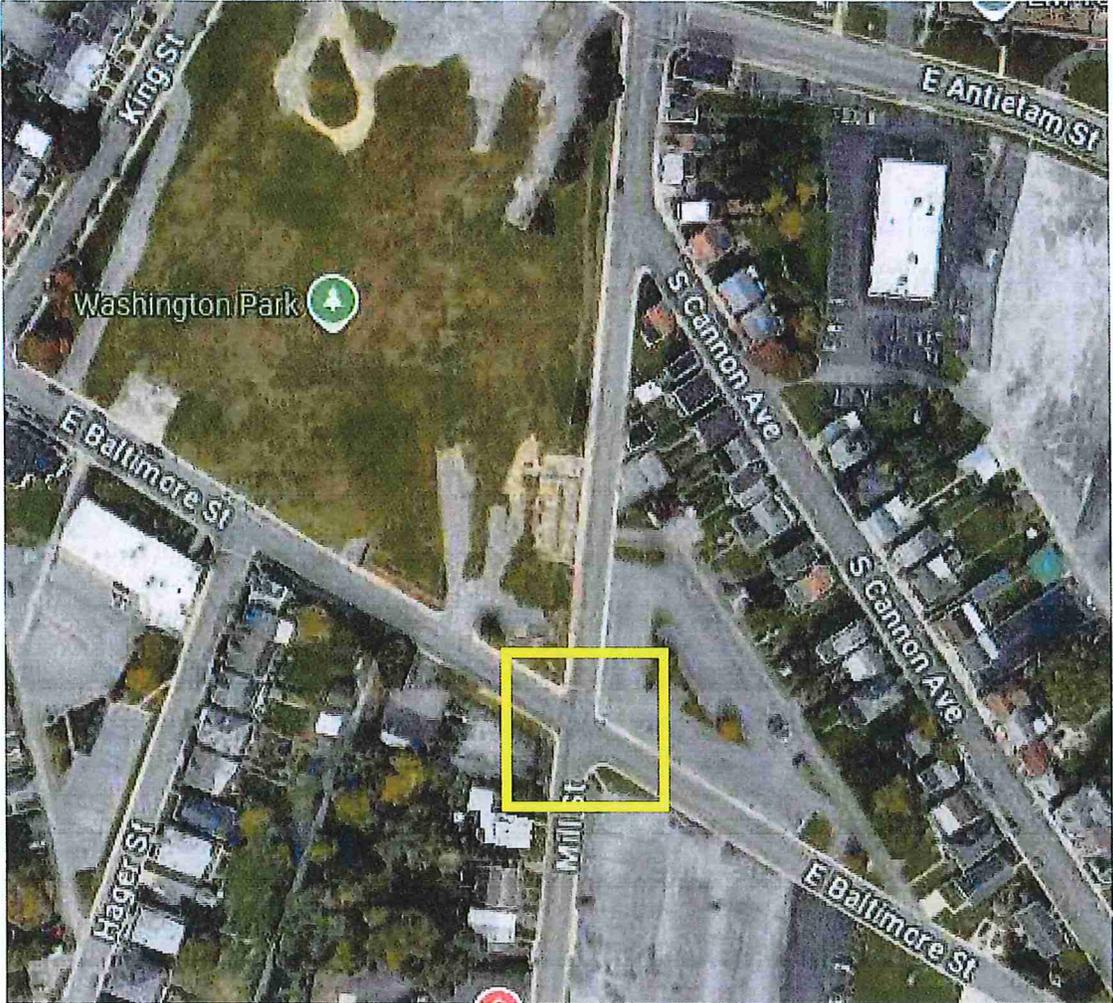
The beacon had yellow flashing lights facing Baltimore Street; the Mill Street approaches had red flashing lights as there are Stop signs on Mill Street to halt that traffic. Staff believes that the beacon was likely installed due to the increased amount of traffic through that intersection when the hospital was in operation, alerting traffic traveling on Baltimore Street to the possibility of cross traffic entering the intersection from Mill Street. Although staff has not performed traffic counts at that intersection, observation indicates that current traffic volumes are relatively low.

Staff contacted the Hagerstown Police Department and requested accident reports at the intersection during the six-month observation period; there were no reported accidents. Staff also reviewed accident data for the five years from 2020 through 2025; there were seven reported accidents during that time period, and all of them were caused by motorists' failure to stop at the Stop signs on Mill Street. Engineering judgement

indicates that this is a relatively low accident rate that, by itself, wouldn't warrant a traffic beacon.

Staff recommends that the beacon not be reinstalled at this time. Staff will continue to monitor accident reports at the intersection; if there is a significant rise in accidents, a new traffic beacon can be installed at a later date. Also, if the former hospital site is redeveloped and traffic volumes at the intersection increase, staff can evaluate the need for a beacon at that time.

Mill Street/Baltimore Street intersection



Mill Street/Baltimore Street traffic beacon



**REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND**

Topic:

License Agreement - Kilpatrick Woods Monument Sign - *Jim Bender, City Engineer*

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

License_Agreement_-_Kilpatrick_Woods_Monument_Sign.pdf

Description

License Agreement-
Kilpatrick Woods Monument
Sign



CITY OF HAGERSTOWN, MARYLAND

Department of Engineering & Permits

February 17, 2026

TO: Scott Nicewarner, City Administrator

FROM: Jim Bender, City Engineer JIM

RE: License Agreement – Kilpatrick Woods monument sign

1. Background

The Kilpatrick Woods development is located on the north side of Salem Avenue, between Salem Avenue and Marshall Street. The plans for Phase 1 of the development have been approved, and construction of streets and houses in the development is underway. The original development plans did not include a monument sign at the entrance into the development. However, NVR Inc. (the parent company of Ryan Homes) has now become involved with the development, and they would like to install a monument sign in the right-of-way of Admiral Fairfax Drive, the main entrance into the development. Because this sign would be in the public street right-of-way, a License Agreement would be required.

2. Mayor & Council Action Requested

Review this information, and determine whether or not to approve a License Agreement with NVR for the installation of . If the Council is in agreement, staff will work with the City Attorney to prepare an agreement for consideration at the Regular Session meeting on February 24th. Staff will be present at the work session to discuss.

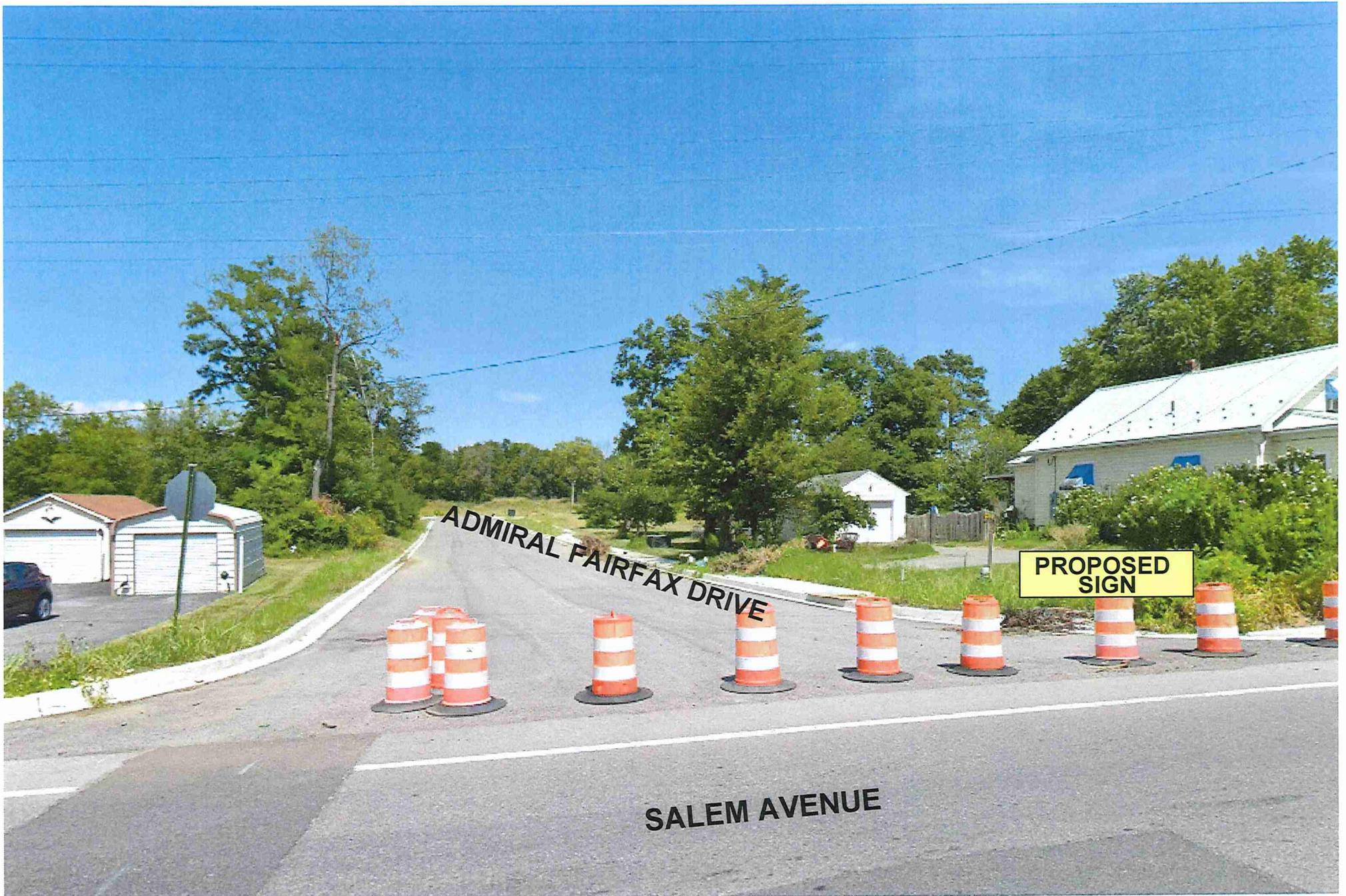
3. Discussion

Most larger residential developments have a monument sign at their main entrance, announcing the presence of the development to people driving by the site. While a monument sign was not proposed on the original development plans, it's not surprising to receive this request from NVR.

Staff forwarded the request to various City departments for their comments. The Fire Marshal did not object to the sign as long as it did not impede operation of the nearby fire hydrant. The Public Works Department had no objection to the sign as long as the License Agreement makes clear that all maintenance of the sign and any associated landscaping would be the responsibility of NVR. The Hagerstown Light Department also did not object, but will require the developer to install an electric service meter to power lights on the sign. No other departments had comments on the request.

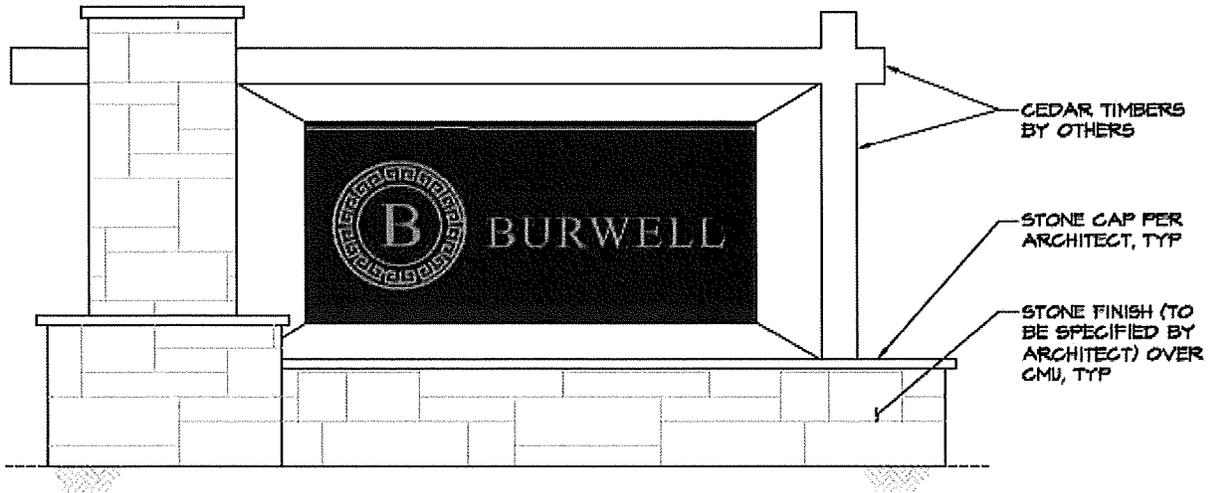
NVR would be required to obtain all of the necessary permits (e.g. sign permit, building permit, trade permits, etc.) before the installation of the sign could be completed.

attachments: exhibit showing proposed sign location
detail of proposed sign
draft License Agreement

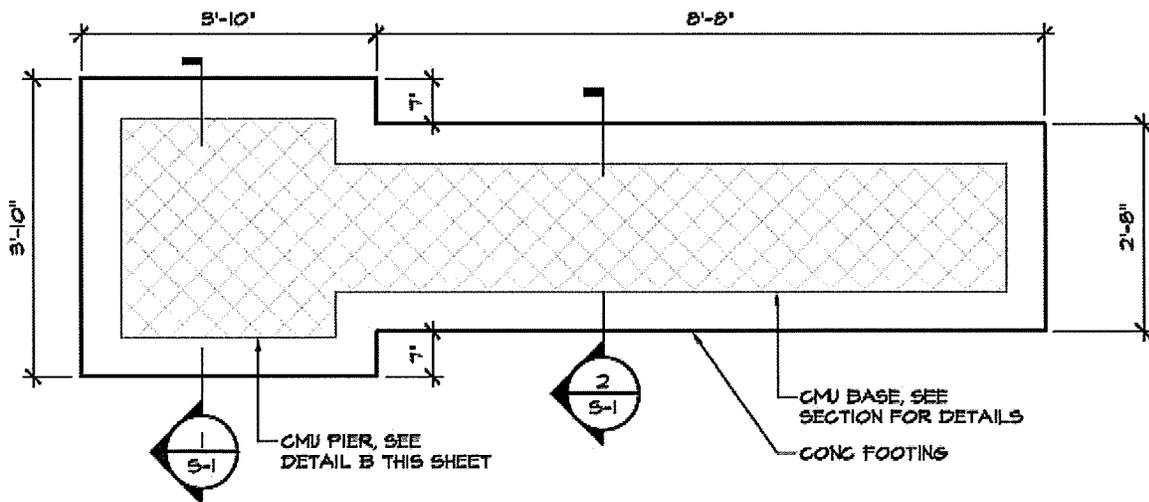


PROPOSED MONUMENT SIGN AT KILPATRICK WOODS

Detail of proposed Monument Sign at Kilpatrick Woods



A MONUMENT SIGN ELEVATION
SCALE: NTS



FOUNDATION PLAN
SCALE: 1/2" = 1'-0"

RIGHT-OF-WAY/EASEMENT LICENSE AGREEMENT

This Agreement entered into this ____ day of _____, 2026, by and between the City of Hagerstown, a Maryland municipal corporation, hereinafter called City and **NVR, Inc.**, hereinafter called Licensee.

WHEREAS, the City has had dedicated to it certain real estate located within the corporate boundaries of the City of Hagerstown and more particularly described on the attached Exhibit “B” as the right of way for Admiral Fairfax Drive, and

WHEREAS, Licensee desires to occupy or utilize a portion of the City’s right-of-way for purposes set forth on the attached Exhibit A, and

WHEREAS, the City is willing to grant a license to the Licensee to accomplish the purposes of the Licensee as set forth on Exhibit A subject to the following terms and conditions.

WITNESSETH, that for and in consideration of the mutual promises herein contained the City and the Licensee agree as follows:

1. The City of Hagerstown does hereby grant a non-exclusive license to the Licensee covering the property described as “PROPOSED SIGN LOCATION (WITH BOLLARDS)” in Exhibit B for the purposes set forth on the attached Exhibit A but subject to the terms of this Agreement.
2. The Licensee shall be responsible for all costs of construction, permits, and any other cost associated with the intended use of the Licensee and said use shall be in conformance with all of the requirements of the City and State Building Codes or any other applicable laws.
3. The Licensee shall be responsible for the repair and maintenance of any construction which it undertakes on the property of the City as described in Exhibit A,
4. The Licensee will indemnify and hold harmless the City from any actions, causes of actions, claims, damages, taxes, permit fees, or any other claims including but not limited to, attorney’s fees and costs of suit arising from any action brought against the City as a result of the Licensee’s use of City property as described herein not resulting from the affirmative negligence of the City or its employees or agents.

5. The Licensee shall construct a monument entrance sign in the right-of-way of Admiral Fairfax Drive near the entrance to the Kilpatrick Woods residential development. The following conditions are placed upon approval of this sign construction:
 - a. The Licensee shall be solely responsible for maintenance of the proposed monument sign and any lights or landscaping features around the sign.
 - b. The Licensee shall obtain all necessary City permits for the installation of the sign, including (but not limited to) a sign permit, a building permit, any required permits for electrical service at the sign, and any required permits for an irrigation system for the landscaping features around the sign (if such a system is installed).
 - c. The sign shall be located to provide a minimum of three (3) feet of clearance between the sign and an existing fire hydrant near the proposed sign location.
6. In the event of termination of this Agreement, and at the request of the City, the Licensee shall remove the sign and related appurtenances, and shall restore the area to existing conditions as of the date of this Agreement. Any damage to pavement, curb, sidewalk, fences, utilities, etc. in the public right-of-way shall be replaced by the Licensee. If the Licensee fails to remove the sign after termination of this Agreement and the City's request for its removal, the City may have the sign removed at the Licensee's expense.
7. This license shall terminate upon the earlier of any of the following:
 - (a) Ninety (90) days after notice to the Licensee from the City that it desires to terminate this license; or
 - (b) A transfer of ownership of the sign from the specific Licensee identified herein (this license shall not run with the land); or
 - (c) Destruction or removal of the improvements described on the attached Exhibit A
8. This Agreement shall be governed by, interpreted, and construed in accordance with the laws of the State of Maryland, without regard to its conflicts of law principles. This Agreement (including Exhibits A and B, which are incorporated herein) contains the

entire understanding of the parties; and there are no representations, warranties, covenants, or undertakings other than those expressly set forth in this Agreement.

Witness our hands and seals the day and year first above written.

WITNESS AND ATTEST
AS TO CORPORATE SEAL

CITY OF HAGERSTOWN, MARYLAND

Donna K. Spickler
City Clerk

William McIntire
Mayor

ATTEST:

NVR, INC.

Licensee

Name and title:

Attachments: Exhibits A, B

EXHIBIT A

LICENSE AGREEMENT FOR KILPATRICK WOODS MONUMENT SIGN ADMIRAL FAIRFAX DRIVE

The Licensee shall construct a monument entrance sign in the right-of-way of Admiral Fairfax Drive near the entrance to the Kilpatrick Woods residential development in the location depicted on Exhibit B. The following conditions are placed upon approval of this sign construction:

- a. The Licensee shall be solely responsible for maintenance of the proposed monument sign and any lights or landscaping features around the sign.
- b. The Licensee shall obtain all necessary City permits for the installation of the sign, including (but not limited to) a sign permit, a building permit, any required permits for electrical service at the sign, and any required permits for an irrigation system for the landscaping features around the sign (if such a system is installed).
- c. The sign shall be located to provide a minimum of three (3) feet of clearance between the sign and an existing fire hydrant near the proposed sign location.

