

ANNE
ARUNDEL
COUNTY

MARYLAND


DEPARTMENT OF HEALTH

J. Howard Beard Health Services Building
3 Harry S. Truman Parkway
Annapolis, Maryland 21401
Phone: 410-222-7095 Fax: 410-222-7294
Maryland Relay (TTY): 711
www.aahealth.org

Tonii Gedin, RN, DNP
Health Officer

MEMORANDUM

TO: Sumner Handy, Zoning Applications
Planning and Zoning Department, MS-6301

FROM: Brian Chew, Program Manager 
Bureau of Environmental Health

DATE: 9/19/2023

RE: Anthony & Angela Bertolini
1246 Rock Hill Road
Pasadena, MD 21122

CASE
NUMBER: 2023-0096-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has received the above referenced variance request to allow a pier addition with less setbacks than required. The Health Department offers the following comments:

The Health Department has reviewed the above referenced request. The property is served by public water and sewer facilities. The Health Department has no objection to the above referenced request.

If you have further questions or comments, please contact Jasmine Baldwin at 410-222-1348.

cc: Sterling Seay

Task Details OPZ Critical Area Team

Assigned Date

08/29/2023

Assigned to

Melanie Mathews

Current Status

Complete w/ Comments

Action By

Melanie Mathews

Comments

The application for variance was reviewed and a determination made that the point of cove and property line extensions are correct and agree with the aerial imagery (attached) used to make such determination and which was provided to the agent for permitting purposes. The property lines extend from boundaries determined in the signed and sealed surveyor certificate as executed in the Consent Order regarding disputed boundary lines (attached). The pier extension will not be any further out into the waterway than the existing piling positioned approximately 40' from the end of the existing pier. The critical area team has no objections to the requested variance.

End Time

Billable

No

Time Tracking Start Date

In Possession Time (hrs)

Estimated Hours

0.0

Comment Display in ACA

- All ACA Users
- Record Creator
- Licensed Professional
- Contact
- Owner

Due Date

09/19/2023

Assigned to Department

OPZ Critical Area

Status Date

08/31/2023

Overtime

No

Start Time

Hours Spent

0.0

Action by Department

OPZ Critical Area

Est. Completion Date

- Display E-mail Address in ACA
- Display Comment in ACA

ANTHONY C. BERTOLINI

Plaintiff,

v.

ROBERT L. HAND, et al

Defendants.

IN THE

CIRCUIT COURT

FOR

ANNE ARUNDEL COUNTY, MD

CIVIL CASE NO.: C-02-CV-18-002386

LR - Agreement
Recording Fee 20.00
Name: anne arundel co
Ref:
LR - Agreement
Surcharge 40.00
=====
SubTotal: 60.00
=====
Total: 60.00
10/04/2019 08:57
CC02-WO
#12804302 CC0501 -
Anne Arundel
County CC05.01.11 -
Register 11

CONSENT ORDER REGARDING DISPUTED BOUNDARY LINES

COME NOW, the Plaintiff, Anthony C. Bertolini ("Bertolini"); Defendants Robert L. Hand and Eileen C. Hand (collectively, the Hands); and Defendant Anne Arundel County (the "County"), pursuant to Rule 2-612, and file this Consent Order Regarding Disputed Boundary Lines, and state as follows:

WHEREAS, Plaintiff, Anthony C. Bertolini, is an individual who resides at and owns the real property known as 1246 Rock Hill Road, Pasadena, Maryland 21122, also known as Lots 14, 15, and 16 shown on the subdivision plat recorded in Plat Book 19, page 7, No. 773 among the plat records of Anne Arundel County Maryland (the "Bertolini Property");

WHEREAS, Eileen C. Hand is an individual who resides at and owns (as surviving tenant by the entirety) the real property known as 1248 Rock Hill Road, Pasadena, Maryland 21122, also known as Lot 17 shown on the subdivision plat recorded in Plat Book 19, page 7, No. 773 among the plat records of Anne Arundel County Maryland (the "Hand Property"); and

WHEREAS, Defendant Anne Arundel County is a unit or instrumentality of the Maryland State Government and owner of real property located at 1240 Rock Hill Road, Pasadena, Maryland 21122, also known as Lot 13 shown on the subdivision plat recorded in Plat Book 19, page 7, No. 773 among the plat records of Anne Arundel County Maryland (the "County Property"); and

No Taxes Necessary
9/25/19 HAT
Controller
Tax Division

ANNE ARUNDEL COUNTY CIRCUIT COURT (Land Records) SAP 33663, p. 0053, MSA_CE59_34105. Date available 10/18/2019. Printed 01/31/2023.

09/10/19 CS

09/25/19 12:40 PM C 0017 R 0001
Val #: 0001-028895 \$0.00
Misc. - Recordation Tax - Exempt - Mail
Inst Type: Miscellaneous

WHEREAS, the southern boundary line of the Bertolini Property is shared by the Hand Property; and

WHEREAS, the northern boundary line of the Bertolini Property is shared by the County Property; and

WHEREAS, at some point between 1945 and 1955, a cove bordering on the Bertolini Property, Hand Property, and County Property was filled in ("Fill Area"), leading to a dispute over the boundary lines extending over the Fill Area; and

WHEREAS, the Fill Area is shown on the attached Exhibit A (the "Survey"), and labeled "FILL AREA (PER 1955 MCCRONE SURVEY)"; and

WHEREAS, from 1955 or before, the owners of the Bertolini Property, Hand Property, and County Property have equitably apportioned and used portions of the Fill Area as if it were their own; and

WHEREAS, Bertolini filed a complaint ("Complaint") against the Hands and the County in the Circuit Court for Anne Arundel County, Maryland in the matter styled as *Bertolini v. Robert L. Hand, et al.*, case number C-02-CV-18-002386, in order to establish legal boundary lines over the Fill Area to the benefit of each property owner; and

WHEREAS, Bertolini, the County, and the Hands have entered into a Settlement Agreement whereby each party agrees to establish property lines over the Fill Area in accordance with historic usage of the Fill Area by each party and its predecessors in title; and

WHEREAS, pursuant to the Settlement Agreement the parties have agreed to seek a Court Order establishing two property lines over the Fill Area, known as and referred to as the "LOT 13/LOT14 LINE OF DIVISION OVER FILL AREA" and the "LOT 16/LOT17 LINE OF

CIVISION OVER FILL AREA”, as both of those lines are shown on the Survey attached hereto as Exhibit A.

Accordingly, upon consideration of the Plaintiff’s Verified Complaint for Quiet Title, Defendants Robert Hand and Eileen Hand’s Answer, and Defendant Anne Arundel County’s Answer, and any other pleadings filed in the above-captioned case, it is this 30th day of August 2019, by the Circuit Court for Anne Arundel County, Maryland, hereby

ORDERED, that the property lines over the Fill Area are established as depicted in the Survey Exhibit 1246 Rock Hill Road, 21122, Lots 14–16 Sec. “E,” drafted by Terrain Inc., dated April 17, 2019, as revised on June 4, 2019, June 11, 2019, June 25, 2019 and July 30, 2019 attached hereto as Exhibit A, thereby enjoining the parties from asserting any claim at law or equity relating to the use, possession, occupancy, or control of their respective properties differing from that shown on Exhibit A; and it is further

ORDERED, that the “LOT 13/LOT 14 LINE OF DIVISION OVER FILL AREA” as shown on the Survey shall serve as the division line between the County Property and the Bertolini Property as it relates to the Fill Area; and it is further

ORDERED, that the “LOT 16/LOT 17 LINE OF DIVISION OVER FILL AREA” as shown on the Survey shall serve as the division line between the Bertolini Property and the Hand Property as it relates to the Fill Area; and it is further

ORDERED, that the Complaint filed in this matter is dismissed with prejudice; and it is further;

ORDERED, that the Clerk of the Court shall transmit this Consent Order and the Survey Exhibit attached hereto as Exhibit A to the Land Records for Anne Arundel County, Maryland for recordation, and that the Land Records Office shall accept this Consent Order and Survey Exhibit for recordation; and it is further

ORDERED, that this Consent Order and Survey Exhibit shall be binding upon and inure to the benefit of all successors, assigns, survivors, personal representatives, and any subsequent interest holder in the Bertolini Property, Hand Property, or County Property.

8/30/2019 9:25:25 AM

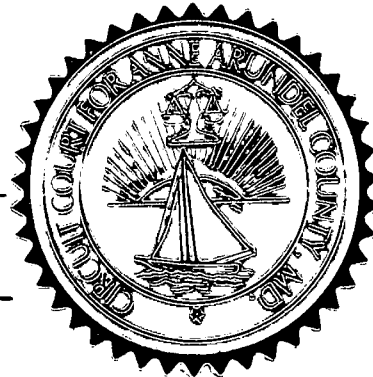
Judge William C. Mulford, II

Judge, Circuit Court for
Anne Arundel County

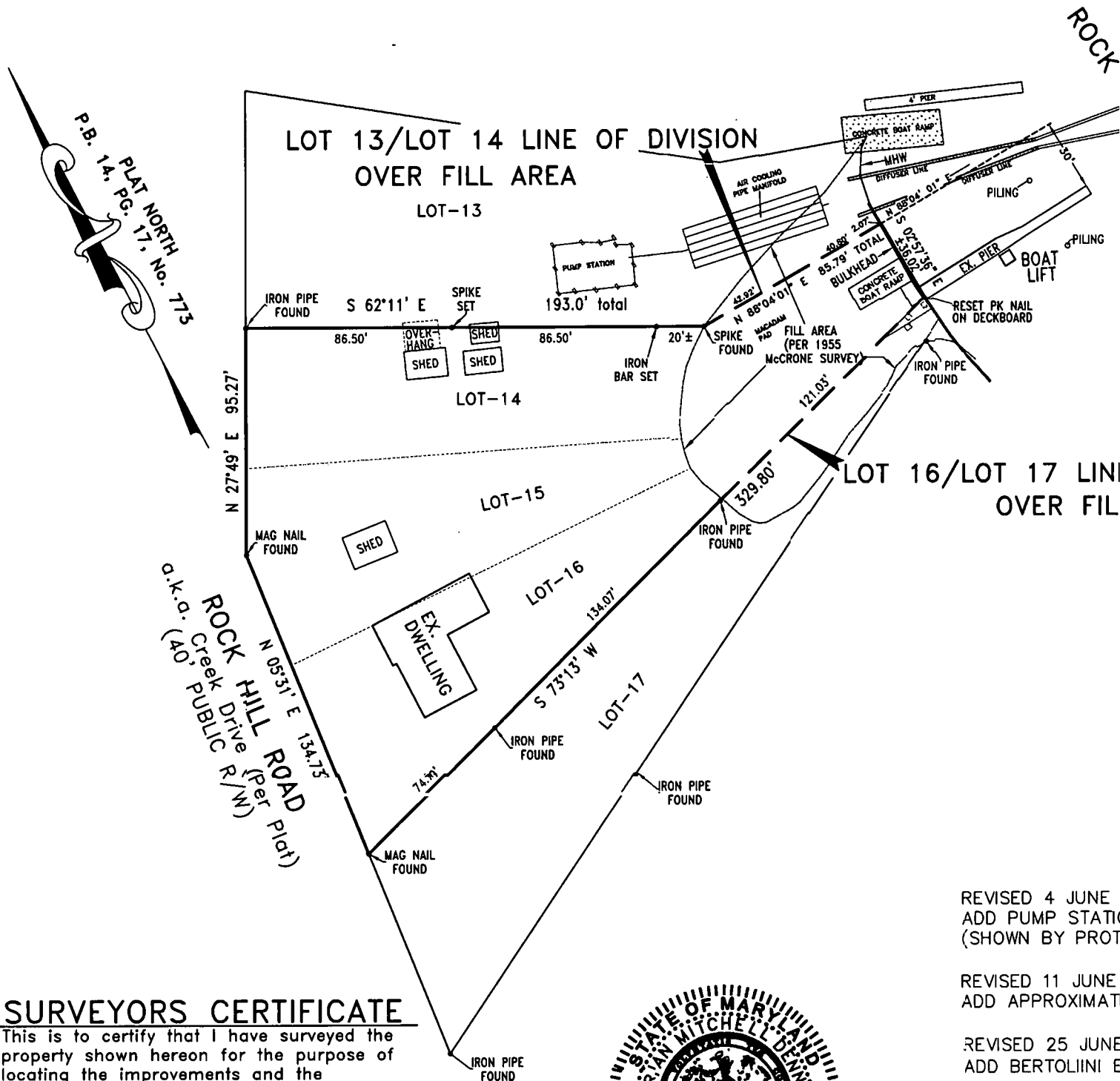
Copies to all counsel of record

I, Scott A. Poyer, Clerk of the Circuit Court for Anne Arundel County, hereby certify that this is a true copy from the record in this court. Witness the hand and act of the undersigned this 10th day of September 2019

Circuit Court for Anne Arundel County, Maryland



ANNE ARUNDEL COUNTY CIRCUIT COURT (Land Records) SAP 33663 p. 0057 MSA CE59 34105 Date available 10/18/2019. Printed 01/31/2023



SURVEYORS CERTIFICATE
 This is to certify that I have surveyed the property shown hereon for the purpose of locating the improvements and the improvements are located as shown.

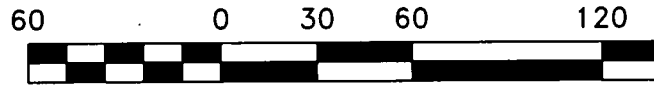
Brian M. Dennis 17 APRIL 2019
 BRIAN M. DENNIS NO. 527 DATE
 LICENSE EXPIRES 2/18/2021



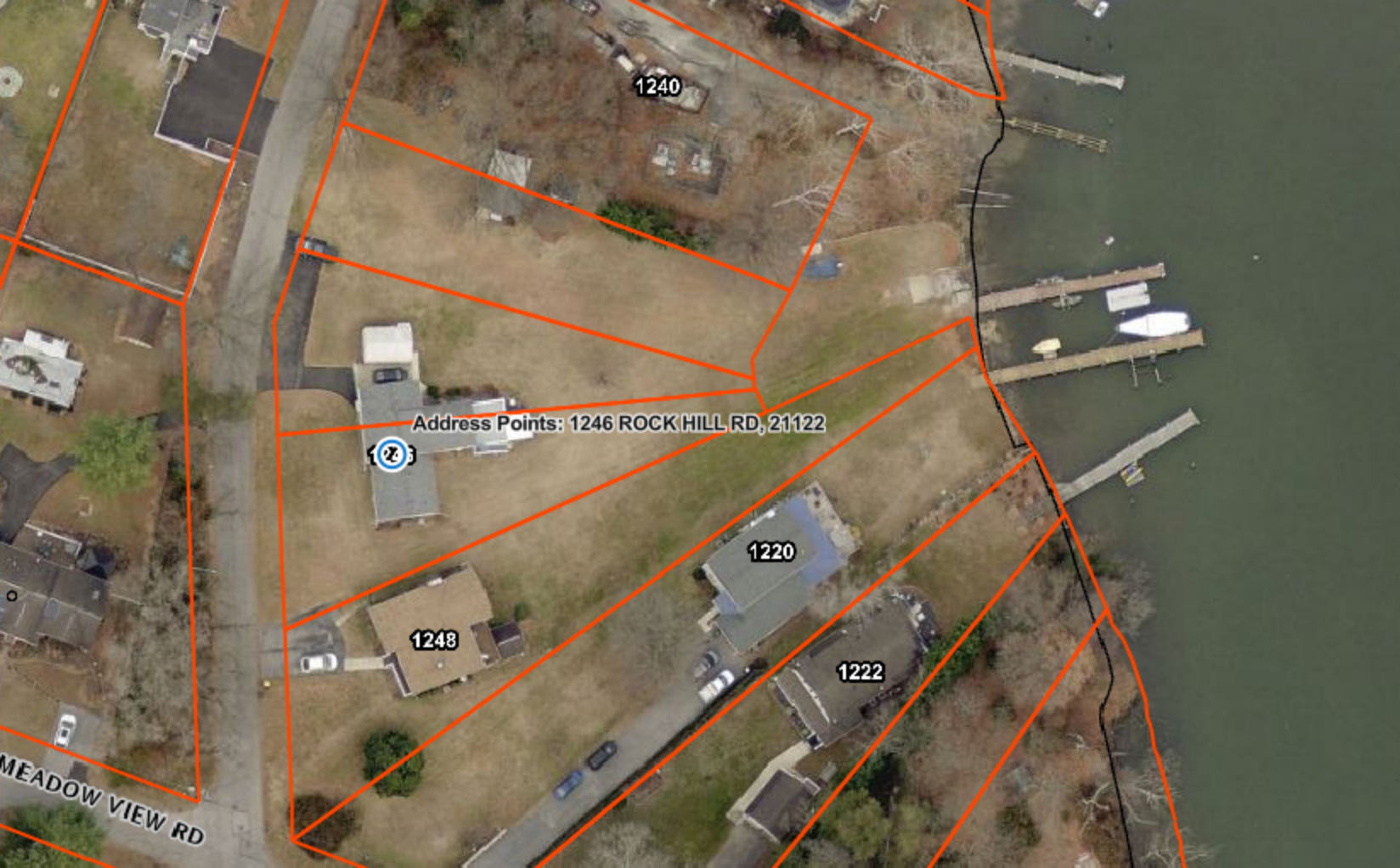
- REVISED 4 JUNE
ADD PUMP STATIC (SHOWN BY PROT
- REVISED 11 JUNE
ADD APPROXIMATI
- REVISED 25 JUNE
ADD BERTOLIINI E RELABEL PILING /
- REVISED 26 JUNE
REMOVE: STAR 1
- REVISED 30 JULY
ADD DIFFUSER LIN

TERRAIN INC.

CIVIL ENGINEERING & SURVEY COMPANY
 106 OLD SOLOMONS ISLAND ROAD PHN: (410) 266-1160
 ANNAPOLIS, MD 21401 FAX: (410) 266-6129



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1240

Address Points: 1246 ROCK HILL RD, 21122

126

1220

1248

1222

MEADOW VIEW RD



1238

1240

15

10

5

20

0

0

0

5

10

15

20