

Discussed- March 7, and April 10 and 22, 2019
Public Hearing- April 22, 2019
Introduced- April 10, 2019 Boos, Harrod, Windon
Adopted- April 22, 2019
Effective - May 13, 2019

ORDINANCE NO. 501

AN ORDINANCE TO DECLARE AS SURPLUS PROPERTY CERTAIN REAL PROPERTY OWNED BY THE TOWN OF ST. MICHAELS, LYING AND BEING ON THE WESTERLY SIDE OF CHESAPEAKE AVENUE LOCATED IN THE TOWN OF ST. MICHAELS, TALBOT COUNTY, MARYLAND

WHEREAS, The Commissioners of St. Michaels (the "Town"), is a Maryland municipal corporation; and

WHEREAS, the elected legislative and executive body of the Town is known as the Commissioners of St. Michaels (the "Town Commissioners"); and

WHEREAS, the Town Commissioners are empowered to enact legislation applicable to the Town by, and within the scope of, the Maryland Constitution, Art. XI-E (Municipal Corporations); the Maryland Annotated Code, Local Government Article, Section 5-204 (Legislative Authority); and the Charter of the Town of St. Michaels (1980), as amended (the "Town Charter"); and

WHEREAS, by Maryland Code, Local Government Article, Section 5-204 (c)(3), Maryland municipalities are authorized to sell, at public or private sale after twenty (20) days' public notice, and convey to the purchaser any real or leasehold property belonging to the municipality if the legislative body determines that the property is no longer needed for public use; and

WHEREAS, Chapter 63 (Town Property, Sale of) of the Code of the Town of St. Michaels (the "Town Code"), describes the circumstances and manner in which Town may dispose of real property; and

WHEREAS, The Town is the owner of all that lot or parcel of ground situate, lying and beginning in the Town of St. Michaels, Talbot County, Maryland and being on the westerly side of Chesapeake Avenue, as shown on a plat entitled "MAP OF WILLEY'S TERRACE MADE FOR DIXIE REALTY CO., SOUTH BOSTON, VA" recorded on December 22, 1913 among the Plat Records of Talbot County, Maryland in Liber F.G.W. No. 166, folio 370 and among the Land Records of Talbot County, Maryland in Liber F.G.W. No. 166, 370 (the "1913 Plat"), which 1913 Plat is attached hereto and incorporated herein by reference as Exhibit A, and more particularly described in the legal description entitled "LEGAL DESCRIPTION ON PART OF

A 10' ALLEY ON THE LANDS OF THE TOWN OF ST. MICHAELS ST. MICHAELS, MARYLAND", prepared by Davis Bowen & Friedel, Inc. (the "Legal Description"), as follows:

"BEGINNING at the southeasterly most corner of the hereon described 10' Alley, said point being on the westerly side of Chesapeake Avenue and being the northeast corner of Lot Six as being represented on recorded plat of "MAP OF WILLEY'S TERRACE MADE FOR DIXIE REALTY CO., SOUTH BOSTON, VA", recorded among the Plat records of Talbot County, Maryland in Liber 166, folio 370 and being shown on a plat prepared by Davis Bowen & Friedel, Inc., dated March 11, 2019, entitled "EXHIBIT DRAWING SHOWING PART OF THE LANDS OF THE TOWN OF ST. MICHAELS IN THE TOWN OF ST. MICHAELS, TALBOT COUNTY MARYLAND" (the "DBF Plat"); thence,

- 1) North 89 degrees 50 minutes 00 seconds West 120.00 feet to a point, thence running
- 2) South 02 degrees 24 minutes 00 seconds East 300.00 feet to a point, thence running
- 3) North 89 degrees 50 minutes 00 seconds West 10.01 feet to a point, thence running
- 4) North 02 degrees 24 minutes 00 seconds West 300.00 feet to a point, thence running
- 5) North 89 degrees 50 minutes 00 seconds West 120.00 feet to a point, thence running
- 6) North 02 degrees 24 minutes 00 seconds West 10.01 feet to a point, thence running
- 7) South 89 degrees 50 minutes 00 seconds East 250.01 feet to a point, thence running
- 8) South 02 degrees 24 minutes 00 seconds East 10.01 feet point on the easterly side of the aforementioned Chesapeake Avenue and the place of beginning.

CONTAINING 5,500 square feet of land, more or less" (the "Alley"): and

WHEREAS, the Legal Description and the DBF Plat are attached hereto and incorporated herein by reference as Exhibits B and C, respectively; and

WHEREAS, the Alley exists solely as a paper alley that the Town has never cut out and opened and has no present or future intention of so doing; therefore, the Town Commissioners have determined that the Alley has no utility to the Town and is no longer needed for any public

purpose and, as such, are willing to declare this property as surplus.

WHEREAS, the Town Commissioners hereby declare that this Ordinance establishes the Alley as surplus property; and

WHEREAS, the Town Commissioners deem it in the interest of the public health, welfare and safety of the citizens of the Town, and for the good government of the Town, to enact this Ordinance and to take the actions as described herein.

NOW, THEREFORE, THE COMMISSIONERS OF ST. MICHAELS HEREBY ORDAIN as follows:

Section 1. The foregoing Recitals are incorporated by reference herein and made a substantive part of the findings of fact set forth below.

Section 2. The Town Commissioners hereby find that the Alley, which exists solely as a paper alley and has never been cut out and opened, is unusable as a public alley due to its location and size.

Section 3. The configuration of the Alley is such that it is not a buildable lot, it otherwise has no utility or value to anyone other than an adjacent property owner, and the owner of certain real property on both sides of the Alley is interested in purchasing it from the Town.

Section 4. The Town Commissioners hereby find that the Alley is of no use to the Town or its citizens and, as such, is no longer needed for any public purpose.

Section 5. The Town Commissioners hereby find that it would be fiscally responsible and in the best interest of the Town to put the Alley back on the tax rolls.


Section 6. The Town Commissioners hereby declare that all that lot or parcel of ground situate, lying and beginning in the Town of St. Michaels, Talbot County, Maryland and being on the westerly side of Chesapeake Avenue, as shown on the 1913 Plat and the DBF Plat and more particularly described in the Legal Description, containing 5,500 square feet of land, more or less, is surplus property in accordance with the provisions set out in Chapter 63 of the Town Code.

Section 7. The Town Manager is hereby directed to promptly cause a notice of the passage of this Ordinance to be published in a local newspaper once each week of three (3) consecutive weeks. Said public notice shall include a fair summary of this Ordinance, including a description of the Alley, the Town Commissioners' intention to convey or dispose of the Town's interest in the Alley, and the manner by which the Town Commissioners intend to so convey or dispose of the Alley.

Section 8. Upon the passage of at least twenty-one (21) days following the first publication of the notice of the passage of this Ordinance, and upon the passage of at least seven (7) days following the third publication of the notice of the adoption of this Ordinance, and provided that a proper petition for referendum has not been timely filed with the Town, the President of the Town Commissioners and the Town Manager, or such other officers of the Town as may be appropriate under the circumstances on behalf of the Town, shall be authorized to execute a deed, contract of sale, and/or other binding document for the private sale of the Alley.

AND BE IT FURTHER ORDAINED AND ENACTED, that this Ordinance is not intended to become a part of the Town Code, and shall take effect twenty (20) days from the date of its enactment, having been read at two (2) meetings of The Commissioners of St. Michaels and having been passed by a yea and nay vote of The Commissioners of St. Michaels.

HAVING BEEN INTRODUCED, read for the first time and ordered posted on the Town bulletin board at the Public Meeting of The Commissioners of St. Michaels held on this 10th day of April, 2019, at 6:00 o'clock p.m., in the meeting room at the Edgar M. Bosley, Jr. Municipal Building (Town Office), St. Michaels, Maryland.

 (SEAL)

Jean R. Weisman
Town Clerk\Manager

HAVING BEEN READ for the second time and passed by a yea and nay vote of The Commissioners of St. Michaels at a Public Hearing of The Commissioners of St. Michaels held on this 22nd day of April, 2019, at 6:00 o'clock p.m., in the meeting room of the Town Office, St. Michaels, Maryland.

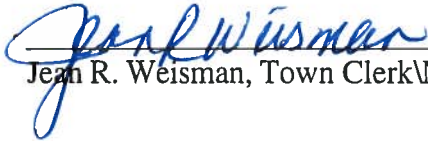
| | | |
|--------|---|-------------|
| Bibb | - | ___yea_____ |
| Boos | - | ___yea_____ |
| Harrod | - | ___yea_____ |
| Gorman | - | ___yea_____ |
| Windon | - | ___yea_____ |

I HEREBY CERTIFY that this Ordinance was passed by a yea and nay vote of The

Commissioners of St. Michaels on the 22nd day of April, 2019 , and that the Exhibits attached hereto are true copies of the Exhibits referred to in this Ordinance.

ATTEST:

THE COMMISSIONERS OF ST. MICHAELS


Jean R. Weisman, Town Clerk\Manager

BY:  (SEAL)
William E. Boos, President

I HEREBY CERTIFY that an exact copy of the above Ordinance was posted from the 23rd day of April, 2019, at 8:30 o'clock a.m. to the 13th day of May, 2019, at 8:30 o'clock p.m., on the bulletin board at the Town Office in St. Michaels, Maryland, and that a summary of the above Ordinance, the date of its passage, its effective date and the fact that the entire text of the Ordinance may be read on the bulletin board of the Town Office, St. Michaels, Maryland, for at least twenty (20) days following the passage, has been published at least once each week for three (3) consecutive weeks following the passage of said Ordinance in a newspaper having general circulation in the Town of St. Michaels.

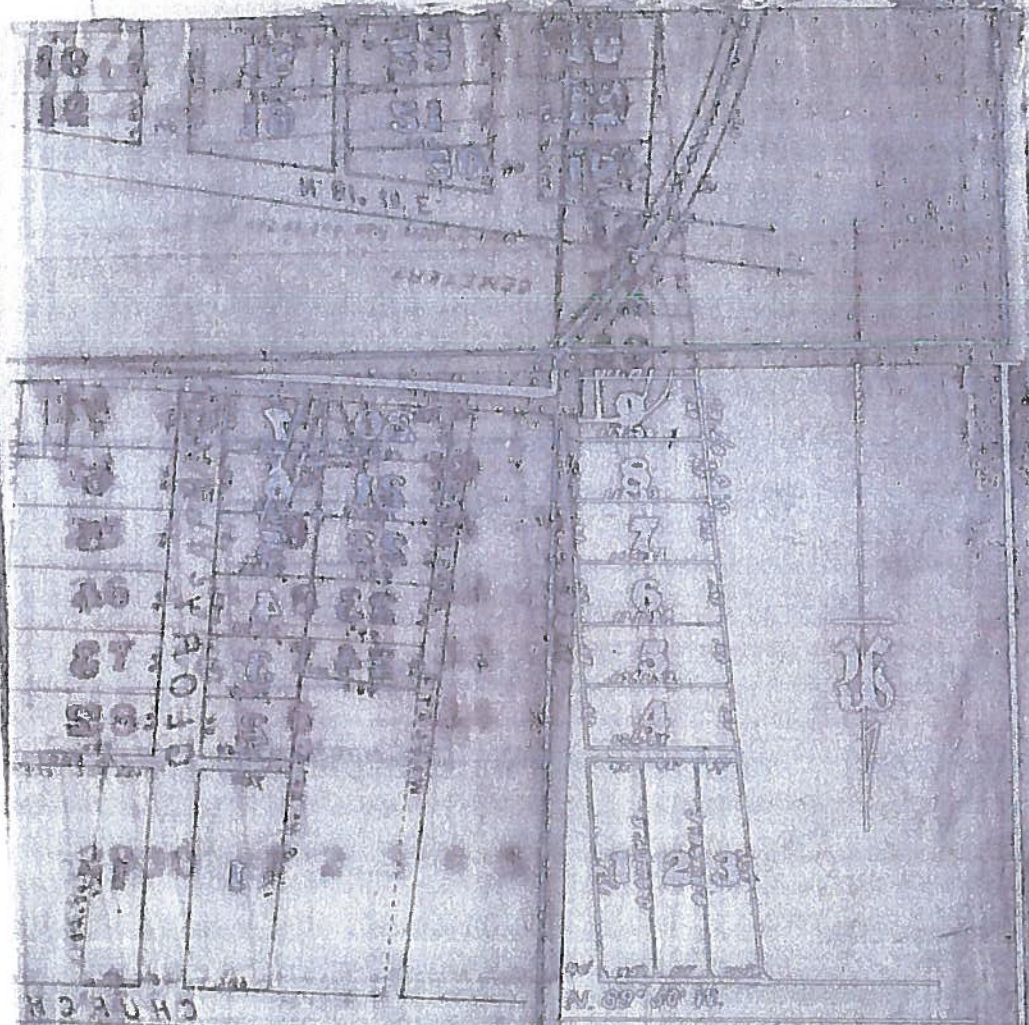
Date: May 28, 2019

 (SEAL)
Jean R. Weisman, Town Clerk\Manager

370

Plat of Willey's Terrace, Saint Michaels, Talbot County, Md.

Received & Recorded
December 22nd 1913
at 2 o'clock P.M.



EXPLANATION
 RED LETTERS DENOTE BLOCK
 ALL BEARINGS ARE REPRODUCED
 NOT MAGNETIC.



*Michael R. Wigley, AIA, LEED AP
Randy B. Duplechain, P.E.
W. Zachary Crouch, P.E.
Michael E. Wheelleton, AIA
Jason P. Loar, P.E.
Ring W. Lardner, P.E.*

**LEGAL DESCRIPTION
ON PART OF A 10' ALLEY
ON THE LANDS OF
THE TOWN OF ST. MICHAELS
ST. MICHAELS, MARYLAND**

All that piece or parcel of land, hereinafter described, situate, lying and being on the westerly side of Chesapeake Avenue and located in the Town of St. Michaels, Talbot County, Maryland; said piece or parcel of land being more particularly described as follows:

BEGINNING at the southeasterly most corner of the hereon described 10' Alley, said point being on the westerly side of Chesapeake Avenue and being the northeast corner of Lot Six as being represented on recorded plat of "MAP OF WILLEY'S TERRACE MADE FOR DIXIE REALTY CO., SOUTH BOSTON, VA", recorded among the Plat records of Talbot County, Maryland in Liber 166, folio 370 and being shown on a plat prepared by Davis Bowen & Friedel, Inc., dated March 11, 2019, entitled "EXHIBIT DRAWING SHOWING PART OF THE LANDS OF THE TOWN OF ST. MICHAELS IN THE TOWN OF ST. MICHAELS, TALBOT COUNTY MARYLAND"; thence,

- 1) North 89 degrees 50 minutes 00 seconds West 120.00 feet to a point, thence running
- 2) South 02 degrees 24 minutes 00 seconds East 300.00 feet to a point, thence running,
- 3) North 89 degrees 50 minutes 00 seconds West 10.01 feet to a point, thence running
- 4) North 02 degrees 24 minutes 00 seconds West 300.00 feet to a point, thence running,
- 5) North 89 degrees 50 minutes 00 seconds West 120.00 feet to a point, thence running
- 6) North 02 degrees 24 minutes 00 seconds West 10.01 feet to a point, thence running,
- 7) South 89 degrees 50 minutes 00 seconds East 250.01 feet to a point, thence running
- 8) South 02 degrees 24 minutes 00 seconds East 10.01 feet point on the easterly side of the aforementioned Chesapeake Avenue and the place of beginning.

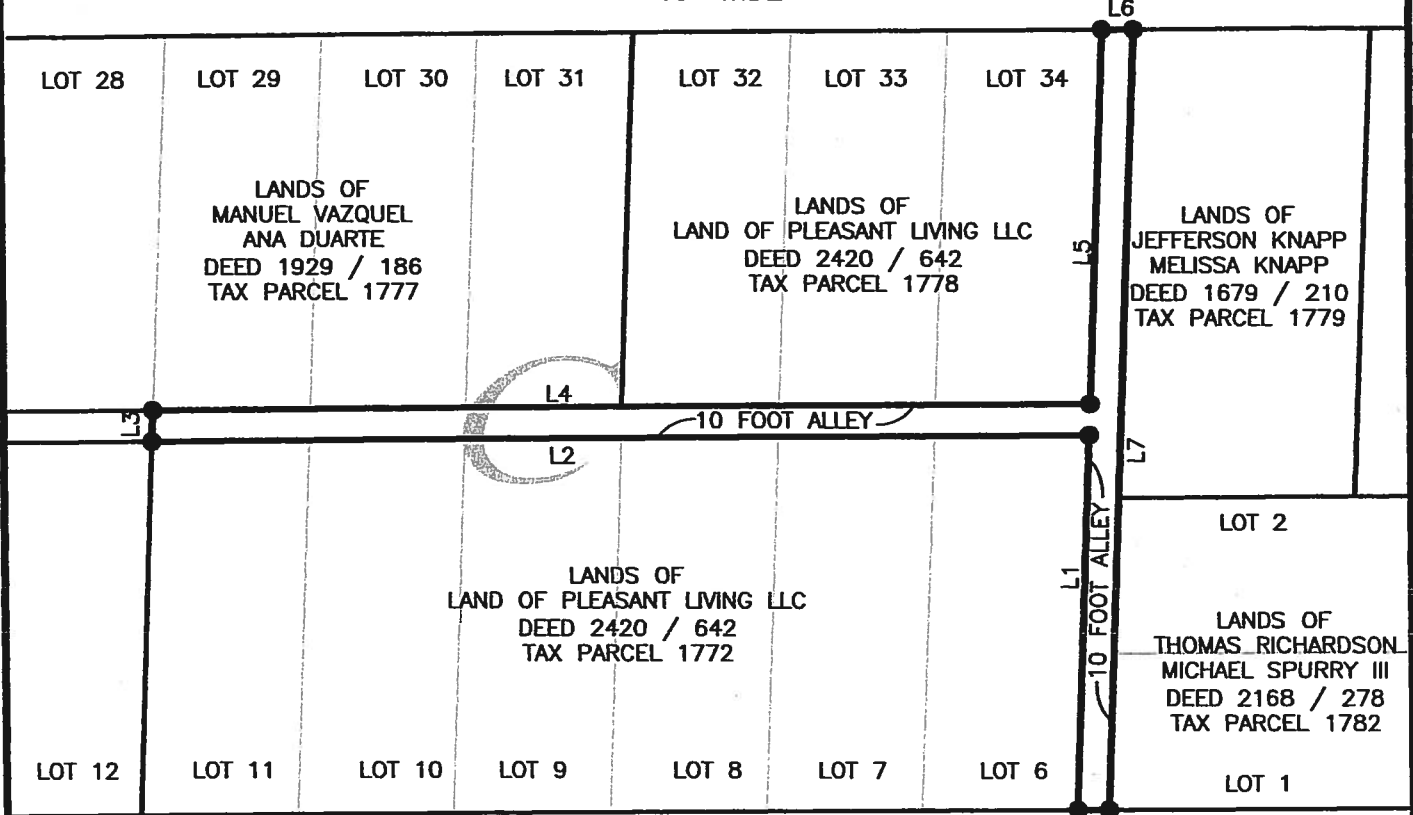
CONTAINING 5,500 square feet of land, more or less.

Christopher D. Waters
Reg. Prof. Land Surveyor MD No. 11052

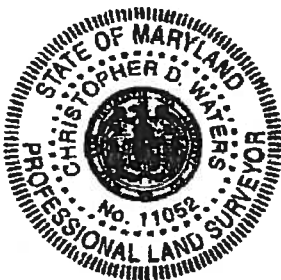
PLAT 166/370



MILES AVENUE
40' WIDE



CHESAPEAKE AVENUE
40' WIDE



Christopher D. Waters

MY CURRENT LICENSE EXPIRES 2-10-21

LINE TABLE

| LINE | BEARING | DISTANCE |
|------|---------------|----------|
| L1 | N 89°50'00" W | 120.00' |
| L2 | S 02°24'00" E | 300.00' |
| L3 | N 89°50'00" W | 10.01' |
| L4 | N 02°24'00" W | 300.00' |
| L5 | N 89°50'00" W | 120.00' |
| L6 | N 02°24'00" W | 10.01' |
| L7 | S 89°50'00" E | 250.01' |
| L8 | S 02°24'00" E | 10.01' |

 **DAVIS,
BOWEN &
FRIEDEL, INC.** ARCHITECTS ENGINEERS SURVEYORS

EASTON, MARYLAND (410) 770-4744
SALISBURY, MARYLAND (410) 543-9091
MILFORD, DELAWARE (302) 424-1441

EXHIBIT DRAWING
SHOWING PART OF THE LANDS OF
TOWN OF ST. MICHAELS

IN THE TOWN OF ST. MICHAELS, TALBOT COUNTY, MARYLAND

Date: 3-11-19 Scale: 1" = 60' Proj.No.: 2628