

COUNTY COUNCIL
OF
TALBOT COUNTY, MARYLAND

2008 Legislative Session, Legislative Day No.: March 11, 2008

Resolution No.: 151

Introduced by: Mr. Harrison and Mr. Pack

**A RESOLUTION AUTHORIZING THE TRANSFER OF A PORTION OF PINEY
HILL ROAD TO THE TOWN OF TRAPPE AND AUTHORIZING THE
EXECUTION OF A DEED TO EFFECT THE TRANSFER**

By the Council, March 11, 2008

Introduced, read first time, ordered posted, and public hearing scheduled on Tuesday,
April 8, 2008 at 2:00 p.m. in the Bradley Meeting Room, South Wing, Talbot County
Courthouse, 11 North Washington Street, Easton, Maryland 21601.

By Order, _____
Secretary

A RESOLUTION AUTHORIZING THE TRANSFER OF A PORTION OF PINEY HILL ROAD TO THE TOWN OF TRAPPE AND AUTHORIZING THE EXECUTION OF A DEED TO EFFECT THE TRANSFER

WHEREAS, the Town of Trappe (the "Town") has annexed the area on both sides of a portion of Piney Hill Road, a County road lying on the east side of U.S. Route 50, which is now within the incorporated limits of the Town; and,

WHEREAS, the Town has requested the County to transfer that portion of Piney Hill Road to the Town, to be thereafter owned, maintained, and controlled by the Town; and,

WHEREAS, Article 25A, § 5 (B), Md. Ann. Code provides that the County has express power "...to dispose of any real or leasehold property belonging to the County, provided the same is no longer needed for public use....after such disposition [or] grant ...shall have been advertised once a week for three successive weeks in one or more newspapers of general circulation published in said County, stating the terms thereof and the compensation to be received therefor, and giving opportunity for objections thereto."; and,

WHEREAS, prior to adoption of this Resolution, the County advertised and held a public hearing to receive public comment on the proposed transfer in accordance with the requirements of Article 25A, § 5 (B), Md. Ann. Code; and,

WHEREAS, the County holds all public property in a fiduciary capacity, in trust for the benefit, use, and convenience of the general public. Whether to transfer a County road turns upon considerations of the public benefit, use, and convenience. *Inlet Associates v. Assateague House Condominium Association*, 313 Md. 413, 431; 514 A.2d 1296 (1998); *Sinclair v. Weber*, 204 Md. 324, 104 A.2d 561 (1954); *Townsend, Grace & Co. v. Epstein*, 93 Md. 537, 49 A. 629 (1901).

NOW, THEREFORE, BE IT RESOLVED by the County Council of Talbot County, Maryland that:

1. That portion of Piney Hill Road that has been annexed into the corporate limits of the Town of Trappe shall be transferred to the Town. A plat showing that portion of Piney Hill Road that is to be transferred pursuant to this Resolution is attached hereto and incorporated by reference herein as Exhibit "A".
2. The President of the Talbot County Council is authorized to execute a deed substantially in the form attached hereto as Exhibit "B" to effect the transfer.

ADOPTED

By the Council, _____, 20____

Certified _____, Secretary

PUBLIC HEARING

Having been posted and Notice of time and place of hearing and Title of _____ having been published, a public hearing was held on _____ at _____ p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

BY THE COUNCIL

ENACTED:

By Order _____
Secretary

Foster -
Pack -
Duncan -
Bartlett -
Harrison -