

COUNTY COUNCIL

OF

TALBOT COUNTY

2010 Legislative Session, Legislative Day No.: August 24, 2010

Resolution No.: 174

Introduced by: Mr. Bartlett, Mr. Duncan, Mr. Harrison, Mr. Pack

A RESOLUTION TO INTRODUCE, CONSIDER, AND DETERMINE WHETHER TO FORMALLY DECLINE TO ACCEPT THE OFFER OF DEDICATION FOR A PORTION OF THE PAPER STREET KNOWN AS *MILES HAVEN AVENUE* LOCATED BETWEEN 25848 AND 25840 ST. MICHAELS ROAD, EASTON, MARYLAND; AND 7488 BEACH AVENUE, EASTON, MARYLAND SHOWN ON A SUBDIVISION PLAT ENTITLED "*MILES HAVEN*" DATED JULY 12, 1923, RECORDED AMONG THE LAND RECORDS OF TALBOT COUNTY, MARYLAND AT C.B.L. LIBER 195/FOLIO 433, LOCATED GENERALLY NEAR THE COMMUNITY OF NEWCOMB. THE PROPERTIES ON WHICH THIS PAPER STREET IS LOCATED ARE CURRENTLY OWNED BY JOHN D. JR. & LYNNE A. JARRELL, 25848 ST. MICHAELS ROAD; ROBERT T. MAY, 25840 ST. MICHAELS ROAD; AND JOHN J. & JUDY K. MISTRETTA, 7488 BEACH AVENUE

By the Council: August 24, 2010

Introduced, read the first time, and ordered posted, with Public Hearing scheduled on Tuesday, September 28, 2010 at 2:00 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

By order: _____
Susan W. Moran, Secretary

A RESOLUTION TO INTRODUCE, CONSIDER, AND DETERMINE WHETHER TO FORMALLY DECLINE TO ACCEPT THE OFFER OF DEDICATION FOR A PORTION OF THE PAPER STREET KNOWN AS MILES HAVEN AVENUE LOCATED BETWEEN 25848 AND 25840 ST. MICHAELS ROAD, EASTON, MARYLAND; AND 7488 BEACH AVENUE, EASTON, MARYLAND SHOWN ON A SUBDIVISION PLAT ENTITLED "MILES HAVEN" DATED JULY 12, 1923, RECORDED AMONG THE LAND RECORDS OF TALBOT COUNTY, MARYLAND AT C.B.L. LIBER 195/FOLIO 433, LOCATED GENERALLY NEAR THE COMMUNITY OF NEWCOMB. THE PROPERTIES ON WHICH THIS PAPER STREET IS LOCATED ARE CURRENTLY OWNED BY JOHN D. JR. & LYNNE A. JARRELL, 25848 ST. MICHAELS ROAD; ROBERT T. MAY, 25840 ST. MICHAELS ROAD; AND JOHN J. & JUDY K. MISTRETТА, 7488 BEACH AVENUE

1 **WHEREAS**, Robert T. May and John J. Mistretta and Judy K. Mistretta, (collectively, the
2 "Applicant") the current owners of 25840 St. Michaels Road, Easton, Maryland, Tax Map
3 40A, Parcel 772, second election district, Talbot County; and 7488 Beach Avenue, Easton,
4 Maryland, Tax Map 40A, Parcel 770, second election district, Talbot County, respectively
5 (the "Property"), have requested the County to formally decline to accept an offer of
6 dedication and formally abandon a portion of the paper street described as follows located
7 on, over, or adjacent to the Property:
8

9 That portion of "*Miles Haven Avenue*" fronting on Lots 29 through 35 of Section
10 "B," and Lots 1 through 8, Section "D", shown on a subdivision plat entitled "Miles
11 Haven" dated July 12, 1923, recorded among the Land Records of Talbot County,
12 Maryland at C.B.L. liber 195/ folio 433, located generally adjacent to the community
13 of Newcomb (the "Paper Street").
14

15 **WHEREAS**, the Talbot County Department of Public Works and the Talbot County Roads
16 Department have conducted an investigation of existing adjacent public and private roads,
17 and existing drainage and utility easements, and have submitted written recommendations to
18 the County Council.
19

20 **NOW, THEREFORE**, be it resolved by the County Council of Talbot County, Maryland as
21 follows:
22

23 **Section 1.** Upon introduction of this Resolution, a public hearing shall be scheduled, and the
24 date, time, place, and purpose of the public hearing shall be advertised once a week for three
25 successive weeks in a newspaper of general circulation in the County in accordance with the
26 requirements of Article 25A § 5 (B), Md. Ann. Code, at which time this request will be open
27 for receipt and consideration of public comment. The advertisement shall state the terms of

28 any proposed disposition, the compensation, if any, to be received therefor, and shall give the
29 public an opportunity to be heard and to make any objections thereto.

30

31 **Section 2.** Upon conclusion of the public hearing and closing of the public record, the
32 County Council will discuss the merits of the application, and decide to approve or
33 disapprove the proposed disposition.

34

35 **Section 3.** The proposed disposition is as follows:

36

37 1. The County finds that that there would be no public purpose served by construction,
38 operation or maintenance of a public road at this location and hereby declines to
39 accept the offer of dedication of the Paper Street.

40 2. Upon satisfaction of the contingencies and conditions set forth in Paragraph 3, below,
41 the President of the County Council is authorized to execute the Quitclaim Deed,
42 attached hereto as Exhibit "A". The Secretary shall attach a certified copy of this
43 Resolution to the above referenced Quitclaim Deed, to be recorded at the Applicant's
44 expense among the land records of Talbot County, Maryland.

45 3. This disposition is contingent upon the following conditions:

46 a. There are no existing drainage easements, facilities or public utilities currently
47 located in, upon, under, or through the Paper Street, and, if there are any, they
48 shall continue in place;

49 b. The Applicant has granted a perpetual easement to the County, in content and
50 form acceptable to the County, for drainage and utility easements adjacent to all
51 public roads and roadways abutting the Property, and in, upon, under, or through
52 the Property as necessary to serve the Property or other properties in the area;

53 c. The Applicant has, or will, prepare all deeds, surveys, plats, or other documents in
54 a form satisfactory to the County, and pay the cost thereof the recording,
55 duplication, and other costs associated with all instruments authorized and
56 prepared pursuant to this Resolution;

57 d. The Applicant shall pay all advertising costs for the public hearing;

58 e. The Applicant shall execute the *"Release, Waiver, and Indemnification*
59 *Agreement"* attached hereto as Exhibit "B".

60

61

62 BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon its
63 date of passage.

PUBLIC HEARING

Resolution No.

Having been posted and Notice, Time and Place of Hearing, and Title of Resolution No. _____ having been published, a public hearing was held on in the Bradley Meeting Room, Courthouse, 11 North Washington Street, Easton, Maryland on _____.

BY THE COUNCIL

Read the second time:

Enacted: _____

By Order: _____
Secretary

Harrison -
Pack -
Duncan -
Foster -
Bartlett -