

**COUNTY COUNCIL
OF
TALBOT COUNTY**

2016 Legislative Session, Legislative Day No.: December 6, 2016

Resolution No.: 237

Introduced by: Mr. Bartlett, Mr. Callahan, Mr. Pack, Ms. Price, Ms. Williams

A RESOLUTION TO APPROVE THE TRANSFER OF CERTAIN COUNTY-OWNED AND MAINTAINED PUBLIC ROADS KNOWN AS MARYS COURT, MISTLETOE DRIVE, BRYAN DRIVE, AND A PORTION OF PORT STREET TO THE TOWN OF EASTON, MARYLAND IN ACCORDANCE WITH THE ANNEXATION PLANS ADOPTED BY THE TOWN FOR THE TALBOT COMMERCE PARK ANNEXATION AND THE EASTON POINT ANNEXATION RESPECTIVELY

By the Council: December 6, 2016

Introduced, read the first time, and ordered posted, with Public Hearing scheduled on Tuesday, January 10, 2017 at 6:30 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 APPROVE THE TRANSFER OF CERTAIN COUNTY-OWNED AND MAINTAINED PUBLIC ROADS KNOWN AS MARYS COURT, MISTLETOE DRIVE, BRYAN DRIVE, AND A PORTION OF PORT STREET TO THE TOWN OF EASTON, MARYLAND IN ACCORDANCE WITH THE ANNEXATION PLANS ADOPTED BY THE TOWN FOR THE TALBOT COMMERCE PARK ANNEXATION AND THE EASTON POINT ANNEXATION RESPECTIVELY

WHEREAS, Talbot County, Maryland (the “County”) is the owner of certain public roads located in Talbot Commerce Park known as Marys Court, Mistletoe Drive, and Bryan Drive;

WHEREAS, the Town of Easton (the “Town”) annexed Talbot Commerce Park pursuant to Town Resolution No. 6033 in 2014. The Town incorporated an “Annexation Plan” into Resolution No. 6033, which authorizes the Town to take ownership of the County-owned and maintained roads located in the newly annexed areas; and

WHEREAS, in accordance with the Talbot Commerce Park Annexation Plan, the County desires to convey, and the Town desires to take ownership of, Mary’s Court, Mistletoe Drive, and Bryan Drive, as shown or depicted on a plat entitled “Annexation 2014 Town of Easton on the Lands Known as Talbot Commerce Park in the First Election District Talbot County, Maryland”, dated May 28, 2014, and recorded among the Plat Records of Talbot County, Maryland, in Plat Book 83, folio 404, a copy of which is attached hereto as Exhibit “A” and incorporated by reference herein; and

WHEREAS, the County owns a portion of Port Street beginning at the MD Rte. 322 State right-of-way and running West approximately 0.42 miles, more or less, to the County-owned landing on the Tred Avon River at Easton Point; and

WHEREAS, the Town is in the process of annexing part of the area known as Easton Point pursuant to Town Resolution No. 6071, currently pending. The Town has incorporated an “Annexation Plan” into Resolution No. 6071, which authorizes the Town to take ownership of that portion of Port Street “beginning at the end of the State ownership near the intersection of MD Rte. 322, thence running by and with the existing road or roadway to the newly established municipal boundary as shown on the Annexation Plat”. *See* Annexation Plan at Paragraph IV B.; and

WHEREAS, provided the Easton Point annexation becomes final and complete in accordance with Maryland law, the County desires to convey, and the Town desires to take ownership of, that portion of Port Street described in the Easton Point Annexation Plan above and shown in part on a plat entitled “2016 Annexation Town of Easton of the Lands of 930 Port Street, Inc.; The Boathouse at Easton Point, LLC; Port Street Ventures, LLC; Timothy Miller and Amy Miller; Jason Webb and Maria Webb; and a Portion of Port Street; First Election

District, Talbot County, Maryland,” dated August 16, 2016, a copy of which is attached hereto as Exhibit “B” and incorporated by reference herein; and,

WHEREAS, § 134-4.2 of the Talbot County Code (Roads and Bridges) authorizes the disposition of County-owned roads and rights-of-way following advertisement, a public hearing, and a finding that the property is no longer needed for public use; and,

WHEREAS, § 10-312 of the Local Government Article (“LG”), Md. Code Ann., likewise authorizes the County to dispose of public property if it is no longer needed for public use, provided that before the County makes any such disposition, the County publishes notice of the proposed disposition once a week for three (3) successive weeks in at least one newspaper of general circulation including the terms and the compensation to be received and giving an opportunity for objections.

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

1. **Recitals.** The above recitals are incorporated as if fully set forth herein.
2. **Marys Court, Mistletoe Drive, and Bryan Drive (Talbot Commerce Park).** The County Council, having duly advertised the proposed transfer and given opportunity for public comment pursuant to LG § 10-312, hereby finds that Marys Court, Mistletoe Drive, and Bryan Drive are no longer needed by the County for its use and should be transferred to the Town for continued public use, ownership, and maintenance by the Town in accordance with the Talbot Commerce Park Annexation Plan, and the County Council hereby authorizes the transfer of said roads by Quitclaim Deed substantially in the form attached hereto as Exhibit “C” and incorporated by reference herein.
3. **Port Street (Easton Point).** Provided the Easton Point annexation becomes final and complete in accordance with Maryland law, the County Council, having duly advertised the proposed transfer and given opportunity for public comment pursuant to LG § 10-312, hereby finds that the portion of Port Street to be conveyed to the Town of Easton pursuant to the Easton Point Annexation Plan is no longer needed by the County for its use and should be transferred to the Town for continued public use, ownership, and maintenance by the Town, and the County Council hereby authorizes the transfer of said portion of Port Street by Quitclaim Deed substantially in the form attached hereto as Exhibit “D” and incorporated by reference herein.

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

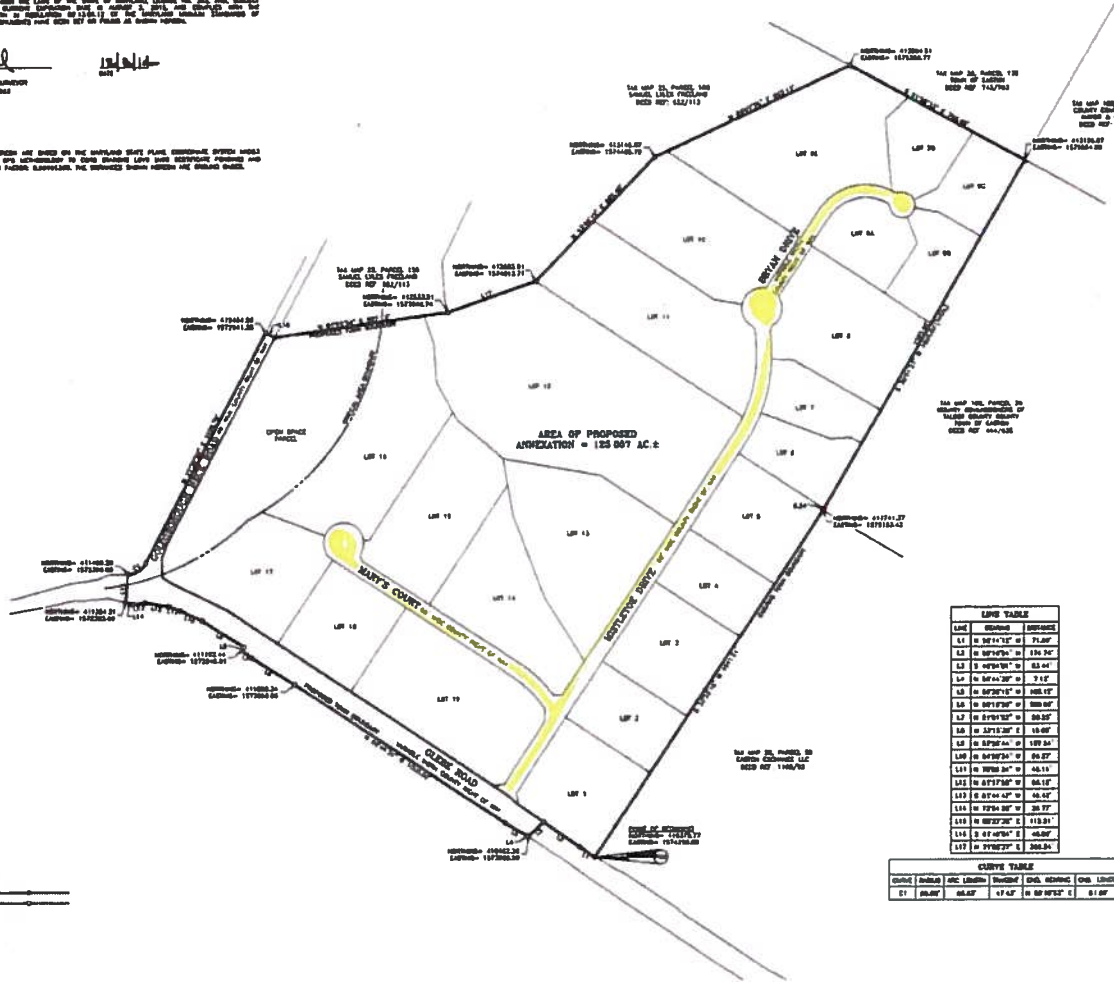
PROPOSED ANNEXATION

I, the undersigned, being a duly qualified and sworn Surveyor, do hereby certify that the foregoing is a true and correct copy of the original plat as the same appears on the records of the Clerk of the Superior Court of the County of Talbot, Maryland, and that the same is a true and correct copy of the original plat as the same appears on the records of the Clerk of the Superior Court of the County of Talbot, Maryland, and that the same is a true and correct copy of the original plat as the same appears on the records of the Clerk of the Superior Court of the County of Talbot, Maryland.

M. J. Smith
 M. J. Smith
 Licensed Professional Land Surveyor
 License No. 1500
 Lane Engineering, LLC
 117 W. Street
 Easton, Maryland 21821

The Commissioner of the State Department of the Environment and General Services certifies that this plat complies with the provisions of the State Department of the Environment and General Services Act of 1986, Chapter 293, Section 2-101, and that the same is a true and correct copy of the original plat as the same appears on the records of the Clerk of the Superior Court of the County of Talbot, Maryland.

14.00' 13.00' 12.00' 11.00' 10.00' 9.00' 8.00' 7.00' 6.00' 5.00' 4.00' 3.00' 2.00' 1.00' 0.00' 1.00' 2.00' 3.00' 4.00' 5.00' 6.00' 7.00' 8.00' 9.00' 10.00' 11.00' 12.00' 13.00' 14.00'



NO.	DATE	REVISIONS FOR THE DRAWINGS
1	12/1/2014	

MAS
8/3/14

STATE OF MARYLAND
 Talbot County, MD
 Notary Public for the County of Talbot
Mary Ann Stewart
 My Commission Expires
 October 31st, 2016

Lane Engineering, LLC
 Civil Engineers • Land Planning • Land Surveys
 117 W. Street
 Easton, Maryland 21821
 Phone: 410-326-1177
 Fax: 410-326-1178
 Website: www.lane-engineering.com



ANNEXATION 2014
TOWN OF EASTON
ON THE LANDS KNOWN AS
TALBOT COMMERCE PARK
 BY THE TOWN ENGINEER
 TALBOT COUNTY, MARYLAND
 DR. W. J. SMITH, P.E.
 ASSESSOR
 COUNTY OF TALBOT
 12/1/2014
 SCALE: 1" = 2000'
 SHEET 1 OF 1
 AS NOTED
 12/1/2014

LINE TABLE

LINE	BEGINNING	TERMINATION
1.1	TO BEYOND 12" ±	71.20'
1.2	TO BEYOND 12" ±	234.24'
2.1	TO BEYOND 12" ±	53.41'
2.2	TO BEYOND 12" ±	71.12'
2.3	TO BEYOND 12" ±	408.12'
2.4	TO BEYOND 12" ±	800.84'
2.5	TO BEYOND 12" ±	300.52'
2.6	TO BEYOND 12" ±	180.62'
2.7	TO BEYOND 12" ±	189.54'
2.8	TO BEYOND 12" ±	60.27'
2.9	TO BEYOND 12" ±	56.11'
2.10	TO BEYOND 12" ±	56.15'
2.11	TO BEYOND 12" ±	46.42'
2.12	TO BEYOND 12" ±	39.37'
2.13	TO BEYOND 12" ±	113.21'
2.14	TO BEYOND 12" ±	46.82'
2.15	TO BEYOND 12" ±	500.24'

CURVE TABLE

CHORD BEARING	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1: S84W	68.87'	A7: 47.47'	69.8922' ± S1.89'

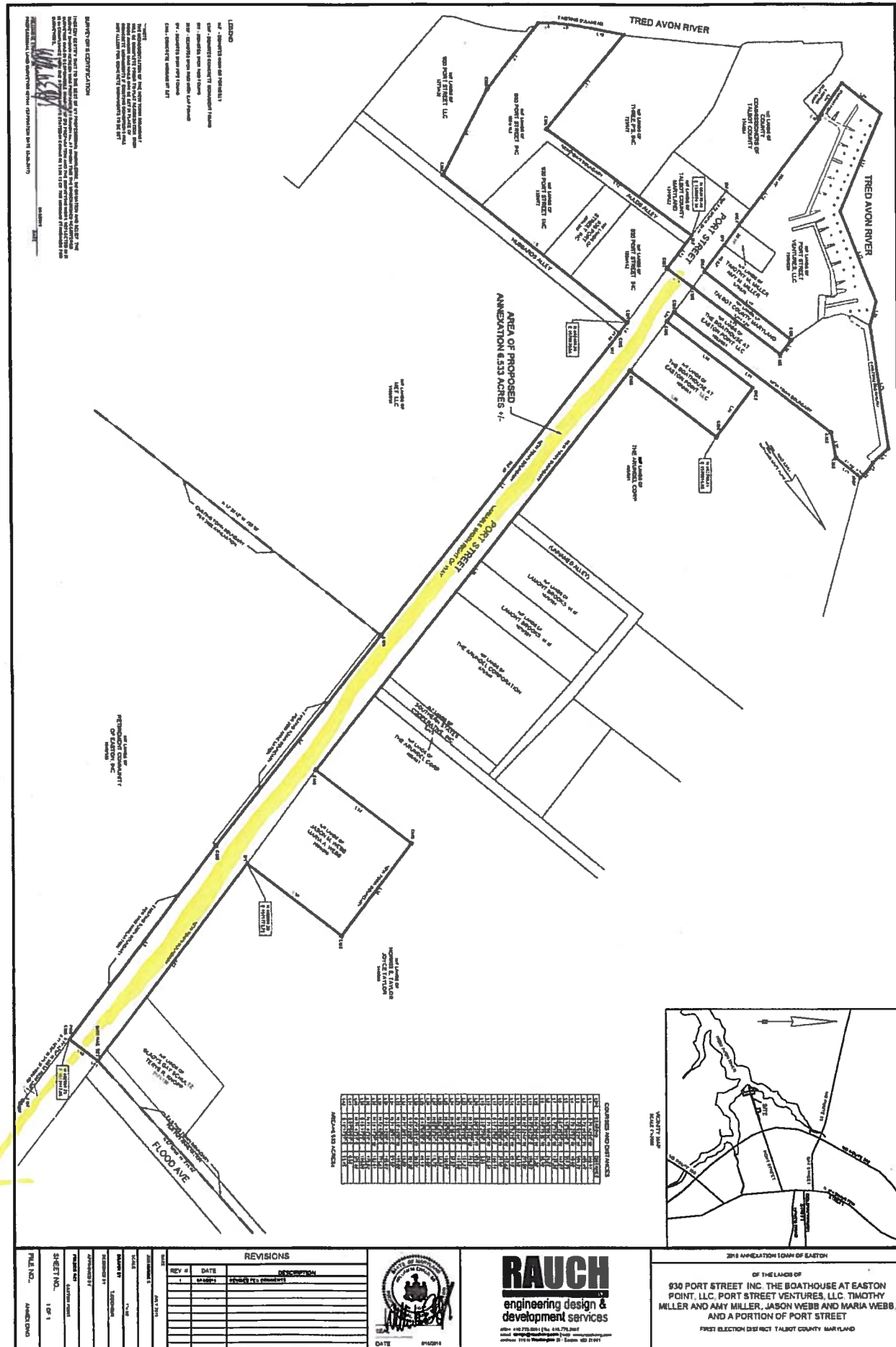
LEGEND

IRON NAIL FOUND
 COMPUTED POINT



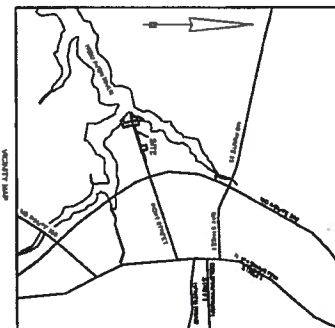
P. 2077144 HSA 81254-4982

EXHIBIT "A"



LEGEND

1 - ADJACENT PARCELS TO BE ACQUIRED
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 100 - ADJACENT PARCELS TO BE ACQUIRED



REVISIONS

REV #	DATE	DESCRIPTION
1	6/20/21	ISSUED FOR PERMIT



RAUCH
 engineering design & development services

410-775-9911 (Fax) 410-775-2007
 10000 Greenleaf Road, Suite 200
 Annapolis, MD 21406-3000

2018 ANNEXATION TOWN OF EASTON

OF THE LANDS OF
 930 PORT STREET INC. THE BOATHOUSE AT EASTON
 POINT, LLC, PORT STREET VENTURES, LLC, TIMOTHY
 MILLER AND AMY MILLER, JASON WEBB AND MARIA WEBB,
 AND A PORTION OF PORT STREET

FIRST ELECTION DISTRICT TALBOT COUNTY MARYLAND

QUITCLAIM DEED

THIS QUITCLAIM DEED, dated the ____ of _____ 2017, by and between **TALBOT COUNTY, MARYLAND**, a political subdivision of the State of Maryland, ("Grantor"); and **TOWN OF EASTON**, a municipal corporation of the State of Maryland, ("Grantee").

WHEREAS, certain roads, roadways, or rights-of-way identified as Mary's Court and Mistletoe Drive were dedicated to Grantor as part of the subdivision of lands comprising Talbot Commerce Park shown or depicted on a plat entitled "Final Plat for Talbot Commerce Park in the First Election District Tax Map 25 Grid 16 Parcels 48 & 100 Talbot County, Maryland", dated September 1997 and recorded in the Plat Records of Talbot County, Maryland, in Plat Book 4, folio 35G, which contains a plat note dedicating said rights-of-way to Grantor;

WHEREAS, a certain road, roadway, or right-of-way identified as Bryan Drive was dedicated to Grantor as part of a further subdivision of the lands comprising Talbot Commerce Park shown or depicted on a plat entitled "Final Plat Showing a Division of Lot No. 9 'Talbot Commerce Park' in the First Election District Tax Map 25 Grid 16 Parcel 46 Talbot County, Maryland", dated September 26, 2001, and recorded among the Plat Records of Talbot County, Maryland in Plat Book 81, folio 111, which contains a plat note dedicating said right-of-way to Grantor;

WHEREAS, Grantor accepted the developer's offer of dedication for the above mentioned roads after they were constructed to County standards, and Grantor currently maintains the roads;

WHEREAS, Grantee has annexed Talbot Commerce Park into the Town of Easton pursuant to the Town of Easton Ordinance No. 642 and Resolution No. 6033, which were adopted by the Easton Town Council on October 20, 2014, approved by the Mayor and effective as of December 5, 2014; and,

WHEREAS, Paragraph IV. B of Exhibit "C" to Resolution 6033, the "Annexation Plan," provides in pertinent part that Talbot County will execute a quitclaim deed to the Town of any right, title, or interest the County may have in the existing roads, roadways, or rights-of-way known as Mary's Court, Mistletoe Drive, and Bryan Drive, shown on the Annexation Property, depicted on Exhibit "A" to Resolution 6033.

NOW, THEREFORE, WITNESSETH, that for NO MONETARY CONSIDERATION, the Grantor hereby grants, conveys, releases, assigns and quitclaims unto the Grantee, its successors and assigns, all of Grantor's right, title, and interest in and to the following described real property situate within the Town of Easton, First Election District, in Talbot County, Maryland, and more particularly described as follows:

ALL right, title, or interest the County may have in the existing roads, roadways, or rights-of-way shown on the following described Plat as Mary's Court, Mistletoe Drive, and Bryan Drive, being part of the lands annexed into the Town of Easton pursuant to Resolution No. 6033, described therein and shown or depicted on a certain plat entitled, "Annexation 2014 Town

of Easton on the lands known as Talbot Commerce Park,” dated May 28, 2014, and recorded December 10, 2014 at Plat Book 83, folio 404, among the Plat Records of Talbot County, Maryland.

BEING a part of the same property conveyed unto Glebe Venture, LLC, by Samuel Lyles Freeland pursuant to a Deed recorded among the Land Records of Talbot County, Maryland, in Liber 865, folio 177.

TOGETHER with all improvements thereupon and the rights, alleys, ways, water, easements, privileges, appurtenances and advantages belonging or appertaining thereto, forever.

WITNESS the hand and seal of the Grantor.

ATTEST:

Talbot County, Maryland

Susan W. Moran, Secretary

By: _____
Jennifer L. Williams
President, Talbot County Council

STATE OF MARYLAND, COUNTY OF TALBOT, TO WIT:

I HEREBY CERTIFY, that on this _____ day of _____, 2017, before me, the subscriber, a Notary Public of the State of Maryland, County of Talbot, personally appeared **JENNIFER L. WILLIAMS**, who acknowledged herself to be the President of the Talbot County Council of Talbot County, Maryland, a Maryland political subdivision, and that she as such President, being authorized so to do, acknowledged that she executed the foregoing instrument for the purposes therein contained, by signing the name of Talbot County by herself as President of the Talbot County Council, and further made oath, under the penalties of perjury, that the consideration as recited herein is true and correct, and further certified that this conveyance is not part of a transaction in which there is a sale, lease, exchange or other transfer of all or substantially all of the property and assets of the Grantor.

AS WITNESS my hand and Notarial seal.

My commission expires:

Notary Public

CERTIFICATION

This is to certify that the within instrument was prepared by or under the supervision of the undersigned, an Attorney duly admitted to practice before the Court of Appeals of Maryland.

Michael L. Pullen, County Attorney

QUITCLAIM DEED

THIS QUITCLAIM DEED, dated the ____ of _____ 2017, by and between **TALBOT COUNTY, MARYLAND**, a political subdivision of the State of Maryland, ("Grantor"); and **TOWN OF EASTON**, a municipal corporation of the State of Maryland, ("Grantee").

WHEREAS, Grantee has annexed a portion of the area known as Easton Point into the Town of Easton pursuant to the Town of Easton Ordinance No. 690 and Resolution No. 6071, which were adopted by the Easton Town Council on _____, approved by the Mayor and effective as of _____; and,

WHEREAS, Paragraph IV. B. of Exhibit "C" to Resolution No. 6071, the "Annexation Plan," provides in pertinent part that Talbot County will execute a quitclaim deed to the Town of any right, title, or interest the County may have in Port Street beginning at the end of the State ownership near the intersection of MD Rte. 322 and running to the newly established municipal boundary as shown on Exhibit "A" to Resolution 6071, the "Annexation Plat."

NOW, THEREFORE, WITNESSETH, that for NO MONETARY CONSIDERATION, the Grantor hereby grants, conveys, releases, assigns and quitclaims unto the Grantee, its successors and assigns, all of Grantor's right, title, and interest in and to the following described real property situate within the Town of Easton, First Election District, in Talbot County, Maryland, and more particularly described as follows:

ALL right, title, or interest the County may have in the existing roads, roadways, or rights-of-way known as Port Street beginning at the State right-of-way where it ends on the West side of the intersection of Port Street and MD Rte. 322, thence running West towards the Tred Avon River by and with the existing road or roadway up to and through the lands annexed into the Town of Easton pursuant to Resolution No. 6071, described therein and shown or depicted on a certain plat entitled, "2016 Annexation Town of Easton of the Lands of 930 Port Street, Inc.; The Boathouse at Easton Point, LLC; Port Street Ventures, LLC; Timothy Miller and Amy Miller; Jason Webb and Maria Webb; and a Portion of Port Street; First Election District, Talbot County, Maryland," dated August 16, 2016, and recorded among the Plat Records of Talbot County, Maryland in Plat Book ____, folio ____.

BEING a portion of the road described as "MD RTE. 334 (Easton Point Road) – From road end M.P. 0.00 east to MD 322 (Easton Bypass) M.P. 0.42, a total distance of 0.42± mile" and conveyed to Talbot County pursuant to a Road Transfer Agreement dated November 24, 1998, by and between the State Highway Administration of the Maryland Department of Transportation and Talbot County, Maryland, a copy of which is attached hereto as Exhibit "1" and incorporated by reference herein.

TOGETHER with all improvements thereupon and the rights, alleys, ways, water, easements, privileges, appurtenances and advantages belonging or appertaining thereto, forever.

WITNESS the hand and seal of the Grantor.

ATTEST:

Talbot County, Maryland

Susan W. Moran, Secretary

By: _____
Jennifer L. Williams
President, Talbot County Council

STATE OF MARYLAND, COUNTY OF TALBOT, TO WIT:

I HEREBY CERTIFY, that on this _____ day of _____, 2017, before me, the subscriber, a Notary Public of the State of Maryland, County of Talbot, personally appeared **JENNIFER L. WILLIAMS**, who acknowledged herself to be the President of the Talbot County Council of Talbot County, Maryland, a Maryland political subdivision, and that she as such President, being authorized so to do, acknowledged that she executed the foregoing instrument for the purposes therein contained, by signing the name of Talbot County by herself as President of the Talbot County Council, and further made oath, under the penalties of perjury, that the consideration as recited herein is true and correct, and further certified that this conveyance is not part of a transaction in which there is a sale, lease, exchange or other transfer of all or substantially all of the property and assets of the Grantor.

AS WITNESS my hand and Notarial seal.

My commission expires:

Notary Public

CERTIFICATION

This is to certify that the within instrument was prepared by or under the supervision of the undersigned, an Attorney duly admitted to practice before the Court of Appeals of Maryland.

Michael L. Pullen, County Attorney

PUBLIC HEARING

Having been posted and Notice, Time and Place of Hearing, and Title of Resolution No. 237 having been published, a public hearing was held on Tuesday, January 10, 2017 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland.

BY THE COUNCIL

Read the second time:

Enacted: **January 24, 2017**

By Order: *Susan W. Moran*
Secretary

Williams - Aye

Price - Aye

Bartlett - Aye

Pack - Aye

Callahan - Aye

Effective: **January 24, 2017**