

**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.

PUBLIC HEARING

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, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland.

BY THE COUNCIL

Read the second time:

Enacted: _____

By Order: _____

Secretary

Williams -

Price -

Bartlett -

Pack -

Callahan -