

**COUNTY COUNCIL
OF
TALBOT COUNTY**

2017 Legislative Session, Legislative Day No.: January 24, 2017

Resolution No.: 239

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

A RESOLUTION AUTHORIZING THE TRANSFER OF A PORTION OF MAY PORT ROAD IN BOZMAN, MARYLAND, TO THE FAMILY AND FRIENDS OF ASBURY AND GREEN CHAPPEL, INC., AND AUTHORIZING THE EXECUTION OF A QUITCLAIM DEED TO EFFECT THE TRANSFER

By the Council: January 24, 2017

Introduced, read the first time, and ordered posted, with Public Hearing scheduled on Tuesday, February 28, 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 AUTHORIZING THE TRANSFER OF A PORTION OF MAY PORT ROAD IN BOZMAN, MARYLAND, TO THE FAMILY AND FRIENDS OF ASBURY AND GREEN CHAPPEL, INC., AND AUTHORIZING THE EXECUTION OF A QUITCLAIM DEED TO EFFECT THE TRANSFER

WHEREAS, by a Road Transfer Agreement dated November 24, 1998, between the Maryland State Highway Administration (“SHA”) and Talbot County, Maryland, (the “County”), SHA transferred the following section of State highway and mileage to the County as part of the County’s highway system (the “May Port Right-of-Way”):

MD Rte. 841 – From MD 579 (Bozman Neavitt Road) M.P. 0.00 north to C0148 (May Port Road) M.P. 0.17, a total distance of 0.17± mile . . .;

WHEREAS, when the State of Maryland constructed MD 579, replacing the old County road to Neavitt, May Port Road was re-routed to create a 90° intersection with 579. This resulted in discontinuing the use of a portion of May Port Road that ran directly in front of a parcel of land now owned by The Family and Friends of Asbury and Green Chappel, Inc. pursuant to a Deed recorded among the Land Records of Talbot County, Maryland in Liber 1576, folio 648 (the “Property”); and,

WHEREAS, The Family and Friends of Asbury and Green Chappel, Inc., a 501 (c) (3) non-profit organization dedicated to restoring a historical African American cemetery located on the Property, has requested that the County transfer part of the unused portion of May Port Road to the organization so that it can be maintained in conjunction with the cemetery revitalization project; and,

WHEREAS, Local Government Article (“LG”) § 10-312, Md. Code Ann., states that the County “may provide for . . . the disposal of any real or leasehold county property, if the county property is no longer needed for public use . . .”, provided that “before the county makes any disposition, grant, or lease of county property, the county shall publish notice of the disposition, grant, or lease once a week for 3 successive weeks in at least one newspaper of general circulation in the county and shall include the terms of compensation to be received and give opportunity for objections.”;

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

1. The recitals above are hereby incorporated as if fully set forth herein.
2. The County Council, having duly advertised the proposed transfer and given opportunity for public comment pursuant to LG § 10-312, hereby finds that the following land is no longer needed for a public use:

ALL of that portion of the May Port Road Right-of-Way as shown and described by reference to the “Relocated Lot Lines Hereby Created” and corresponding

courses and distances on a plat entitled "PLAT SHOWING MAJOR REVISION OF BOUNDARY LINES ON THE LANDS OF THE FAMILY AND FRIENDS OF ASBURY AND GREEN CHAPPEL, INC. AND TALBOT COUNTY, MARYLAND, TAX MAP 31 – GRID 15 – PARCEL 160, IN THE SECOND ELECTION DISTRICT, TALBOT COUNTY, MARYLAND," dated July 14, 2016, consisting of approximately 0.13 acres±, which plat, attached hereto as Exhibit "A" and incorporated by reference herein, has received Planning Commission approval and will be executed and recorded following final CRM review pursuant to Talbot County Code § 190-195.

3. The County Council hereby authorizes the Council President to transfer that portion of the May Port Right-of-Way described above by Quitclaim Deed, substantially in the form attached hereto as Exhibit "A", to The Family and Friends of Asbury and Green Chappel, Inc. for no monetary consideration.

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

QUITCLAIM DEED

THIS QUITCLAIM DEED, dated the 13th of October 2017, from TALBOT COUNTY, MARYLAND, a political subdivision of the State of Maryland ("Grantor"), to THE FAMILY AND FRIENDS OF ASBURY AND GREEN CHAPPEL, INC., a Maryland non-profit corporation with its principal office at 8505 Tilghman Island Rd., Wittman, Maryland 21676 ("Grantee").

The Grantor, for no monetary consideration, grants, conveys, releases, assigns and quitclaims to the Grantee and its successors and assigns, all of the Grantor's right, title, interest and estate in a certain lot of ground located in the Second Election District of Talbot County Maryland, further described as follows:

ALL of that portion of the May Port Road Right-of-Way, defined below, as shown and described by reference to the "Relocated Lot Lines Hereby Created" and corresponding courses and distances on a plat entitled "PLAT SHOWING MAJOR REVISION OF BOUNDARY LINES ON THE LANDS OF THE FAMILY AND FRIENDS OF ASBURY AND GREEN CHAPPEL, INC. AND TALBOT COUNTY, MARYLAND, TAX MAP 31 - GRID 15 - PARCEL 160, IN THE SECOND ELECTION DISTRICT, TALBOT COUNTY, MARYLAND," dated July 14, 2016, consisting of approximately 0.13 acres±, which plat is recorded simultaneously herewith among the Plat Records of Talbot County, Maryland.

FURTHER DESCRIBED on a drawing entitled "EXHIBIT DRAWING ON THE LANDS OF THE FAMILY AND FRIENDS OF THE FAMILY AND FRIENDS OF ASBURY AND GREEN CHAPPEL, INC., AND TALBOT COUNTY, MARYLAND, TAX MAP 31 - GRID 15 - PARCEL 160, IN THE SECOND ELECTION DISTRICT, TALBOT COUNTY, MARYLAND", dated June 8, 2017, prepared by Davis Bowen & Friedel, Inc. ("DBF"), Architects, Engineers, Surveyors, which drawing is attached hereto as Exhibit "A" and incorporated by reference herein, and in a legal description of the 0.13 acres± of land conveyed hereby, also prepared by DBF, attached hereto as Exhibit "B" and incorporated by reference herein.

BEING a part of the same lands described as "MD Rte. 841 - From MD 579 (Bozman Neavitt Road) M.P. 0.00 north to C0148 (May Port Road) M.P. 0.17, a total distance of 0.17± mile" (the "May Port Road Right-of-Way") conveyed unto Talbot County, Maryland by the State Highway Administration of the Department of Transportation of Maryland, by a Road Transfer Agreement dated November 24, 1998, a copy of which is on record with the County Attorney.

TOGETHER with all improvements thereupon, and the rights, alleys, ways, waters, easements, privileges, appurtenances and advantages belonging or appertaining thereto. Subject to, however, any rights of access of adjoining property owners over any of said alleys or ways, easements of record, and plat notes applicable to the property hereby conveyed.

TALBOT COUNTY FINANCE OFFICE
RECORDATION TAX
AMT: \$0
DATE: 10/17/2017
INITIALS: R. Pierce
Prop ID: _____

CERTIFICATION IS MADE THAT ALL TAXES
DUE ON THE PROPERTY INDICATED IN
THIS DEED HAVE BEEN PAID.
FINANCE OFFICER OF TALBOT COUNTY
R. ANDREW HOLLIS, FIN. OFFICER
DATE 10/17/2017

WITNESS the hand and seal of the Grantor.

ATTEST:

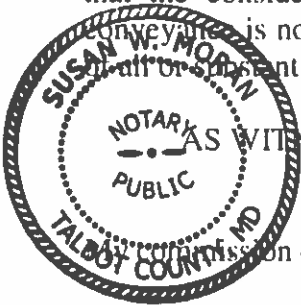
Talbot County, Maryland

Susan W. Moran
Susan Moran, Secretary

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

STATE OF MARYLAND, COUNTY OF TALBOT, TO WIT:

I HEREBY CERTIFY, That on this 13th day of October, 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.



WITNESS my hand and Notarial seal.

My commission expires: 3/6/2021

Susan W. Moran
Notary Public

RELEASE, WAIVER AND INDEMNIFICATION AGREEMENT

Grantee, on behalf of itself and its successors and assigns, hereby agrees to indemnify, defend, and hold Talbot County, Maryland, harmless from and against any and all claims, actions, demands, damages, liabilities, losses, expenses, suits, costs, or judgments of every kind, nature, or description whatsoever arising from or related to Resolution No. 239 of the Talbot County Council and the transfer of land to Grantee pursuant to this Quitclaim Deed. Grantee's obligation to indemnify and defend shall include Talbot County, Maryland, its elected and appointed officials, officers, boards, commissions, agencies, department heads, employees, servants, and agents and shall run with and bind the land, and shall be binding upon the Grantee and its successors and assigns, in perpetuity.

WITNESS:

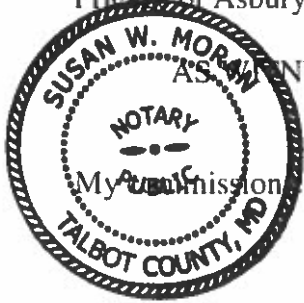
The Family and Friends of Asbury & Green
Chappel, Inc., a Maryland nonprofit corporation

Susan W. Moran

Chellean R. Brooks (SEAL)
By:

STATE OF MARYLAND, COUNTY OF TALBOT, TO WIT:

I HEREBY CERTIFY, that on this 13th day of October 2017, before me, the subscriber, a Notary Public of the State of Maryland, County of Talbot, personally appeared Childlene K. Brooks who acknowledged himself/herself to be the President of The Family and Friends of Asbury & Green Chappel, Inc., a Maryland corporation, and that he/she as such President, being authorized so to do, acknowledged that he/she executed the foregoing instrument for the purposes therein contained, by signing the name of The Family and Friends of Asbury & Green Chappel, Inc. by himself/herself as such President.



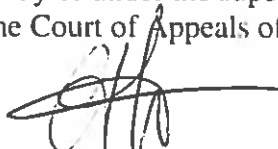
WITNESS my hand and Notarial seal.

My Public Commission Expires: 3/6/2021

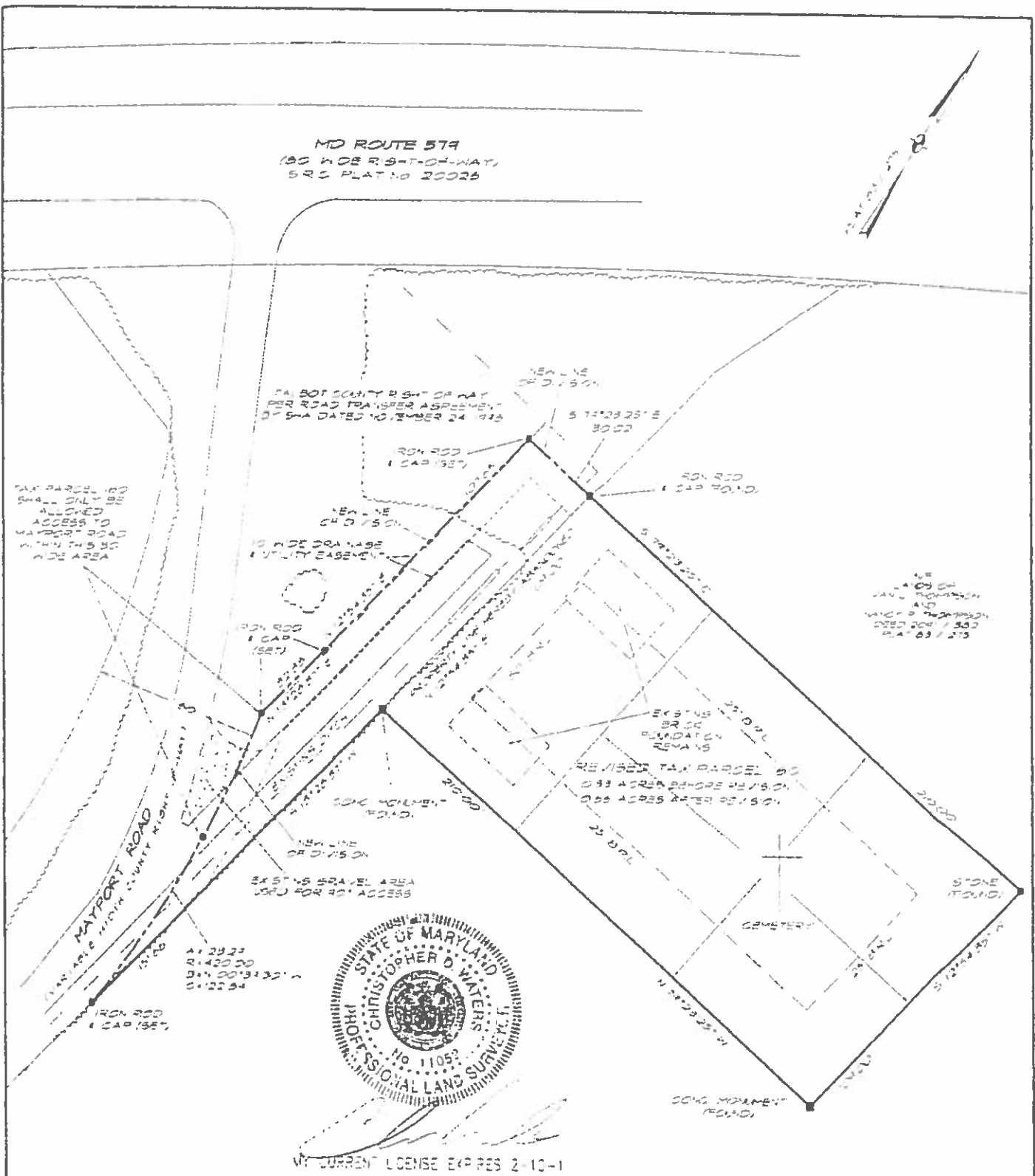
Susan W. Moran
Notary Public

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.



Anthony P. Kupersmith
Acting County Attorney



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

EASTON, MARYLAND (410) 770-4744
BALSBURY, MARYLAND (410) 343-9097
MILFORD, DELAWARE (302) 424-1441

EXHIBIT DRAWINGS
ON THE LANDS OF
THE FAMILY AND FRIENDS OF ASBURY AND GREEN CHAPPEL, INC.
AND
TALBOT COUNTY, MARYLAND
TAX MAP 3 - GRID 15 - PARCEL 160
IN THE SECOND ELEC'D. DISTRICT, TALBOT COUNTY, MARYLAND

Date: 6-8-17 Scale: 1" = 50' Proj. No: 16173



DAVIS
BOWEN &
FRIEDEL, INC.

ARCHITECTS ENGINEERS SURVEYORS

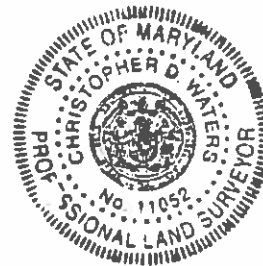
LEGAL DESCRIPTION
LANDS OF
TALBOT COUNTY, MARYLAND
MAYPORT ROADWAY

BEGINNING at an iron rod with cap found at the northwesterly corner of the lands of The Family and Friends of Asbury and Green Chappel, Inc. (Deed 1576 / 648) and the northwesterly corner of the lands of Van L. Thompson and Nancy P. Thompson (Deed 2091 / 382) as shown on a plat prepared by Waters Professional Land Surveying, dated July 14, 2016, entitled "MAJOR REVISION OF BOUNDARY LINES ON THE LANDS OF THE FAMILY AND FRIENDS OF ASBURY AND GREEN CHAPPEL, INC. AND TALBOT COUNTY, MARYLAND TAX MAP 31 GRID 15 PARCEL 160 IN THE SECOND ELECTION DISTRICT, TALBOT COUNTY, MARYLAND"; THENCE, leaving said point and running with the said Asbury and Green Chappel lands and the property line hereby abandoned (1) S $12^{\circ}54'35''$ W a distance of 109.00' to concrete monument found at the corner on the westerly line of the aforementioned Thompson lands; THENCE, with said Thompson lands (2) S $13^{\circ}28'37''$ W a distance of 151.66' to an iron rod with cap set on the easterly right of way line of Mayport Road; THENCE, with the new line of division through the Mayport roadway area the following four courses (3) with a non-tangent curve deflecting to the left having an arc length of 123.29' and a radius of 420.00' along a chord bearing of N $00^{\circ}39'30''$ W and a chord length of 122.84' to an iron cap with cap set; THENCE, (4) N $13^{\circ}28'37''$ E a distance of 32.38' to an iron rod with cap set; THENCE, (5) N $12^{\circ}54'35''$ E a distance of 107.65' to an iron rod with cap set; THENCE, (6) S $79^{\circ}23'25''$ E a distance of 30.02' to an iron rod with cap found and the place of beginning.

CONTAINING an area of 0.13 acres of land more or less.

Christopher D. Waters

Reg. Prof. Land Surveyor MD No. 11052



PUBLIC HEARING

Having been posted and Notice, Time and Place of Hearing, and Title of Resolution No. 239 having been published, a public hearing was held on Tuesday, February 28, 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: February 28, 2017

By Order: *Susan W. Moran*
Secretary

Williams - Aye

Price - Aye

Bartlett - Aye

Pack - Aye

Callahan - Aye