

**COUNTY COUNCIL
OF
TALBOT COUNTY**

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

Resolution No.: 242

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

A RESOLUTION AUTHORIZING THE TRANSFER OF A PORTION OF GLEBE ROAD AND ALL OF ELLIOTT ROAD TO THE TOWN OF EASTON 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 GLEBE ROAD AND ALL OF ELLIOTT ROAD TO THE TOWN OF EASTON AND AUTHORIZING THE EXECUTION OF A QUITCLAIM DEED TO EFFECT THE TRANSFER

WHEREAS, Talbot County, Maryland (the “County”) has agreed to transfer to the Town of Easton, Maryland (the “Town”) a certain portion of Glebe Road, and all of Elliott Road, roads or portions thereof which the County owns that are located in the Town, further described as follows:

That portion of Glebe Road beginning at Md. Rt. 322 (Easton Parkway) proceeding in a northwesterly direction to and including the northwesterly side of the intersection of Glebe Road with and beyond Mistletoe Drive, as shown on Exhibit “A” attached; and

All of Elliott Road (save and except the intersections owned by the State), a public road lying within the Town of Easton between Md. Rt. 329 (Denton Road) and Md. Rt. 331 (Preston Road), shown on Exhibit “B” attached.

WHEREAS, Local Government Article (“LG”) § 10-312, Md. Code Ann., provides that the County “may provide for . . . the disposal of any real or leasehold county property 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.”; and,

WHEREAS, transfer of the roads from the County to the Town will not eliminate their continued availability and use as public thoroughfares, ways, and streets for pedestrian and vehicular travel. Following the transfer the roads will continue in use for the benefit of the general public, but shall be owned by and subject to the jurisdiction and control of the Town rather than the County.

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 finds that:
 - (a) The County has duly advertised the proposed transfer and given opportunity for public comment pursuant to Local Government Article § 10-312, Md. Ann. Code;
 - (b) The requirements of Local Government Article § 10-312, Md. Ann. Code, have been fulfilled.
 - (c) Following their transfer, the above described roads will continue in use as public thoroughfares, ways, and streets for pedestrian and vehicular travel for the benefit of

the general public, subject to the ownership, jurisdiction, and control of the Town rather than the County.

(d) To the extent the County is required to find that the roads are no longer needed by the County for the County's public use, such a finding is hereby made, recognizing that said roads shall continue to be used for a public use upon being transferred to the Town, as stated in the preceding paragraph.

(e) The County is lawfully authorized to transfer the subject roads to the Town.

3. The County Council hereby authorizes the Council President to transfer to the Town of Easton the above described roads by quitclaim deed substantially in the form attached hereto as Exhibit "C".

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. 242 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*
Susan W. Moran, Secretary

Williams	-	Aye
Price	-	Aye
Bartlett	-	Aye
Pack	-	Aye
Callahan	-	Aye

EFFECTIVE: February 28, 2017



LEGEND
 RED LINE ARE PER TALSON COMMERCIAL PLAT
 GREEN LINE ARE PER TALSON COMMERCIAL PLAT
 YELLOW LINE ARE PER TALSON COMMERCIAL PLAT
 PINK LINE ARE PER TALSON COMMERCIAL PLAT

PORTION OF GLEBE ROAD TO BE TRANSFERRED TO TOWN OF EASTON

MISTLETOE DRIVE

BROOKS DRIVE

COMMERCE DRIVE

EASTON BYPASS ROUTE 322

W/ LANDS OF JOHNSON & BROOKS, LLC

W/ LANDS OF EASTONSHAWNE LLC

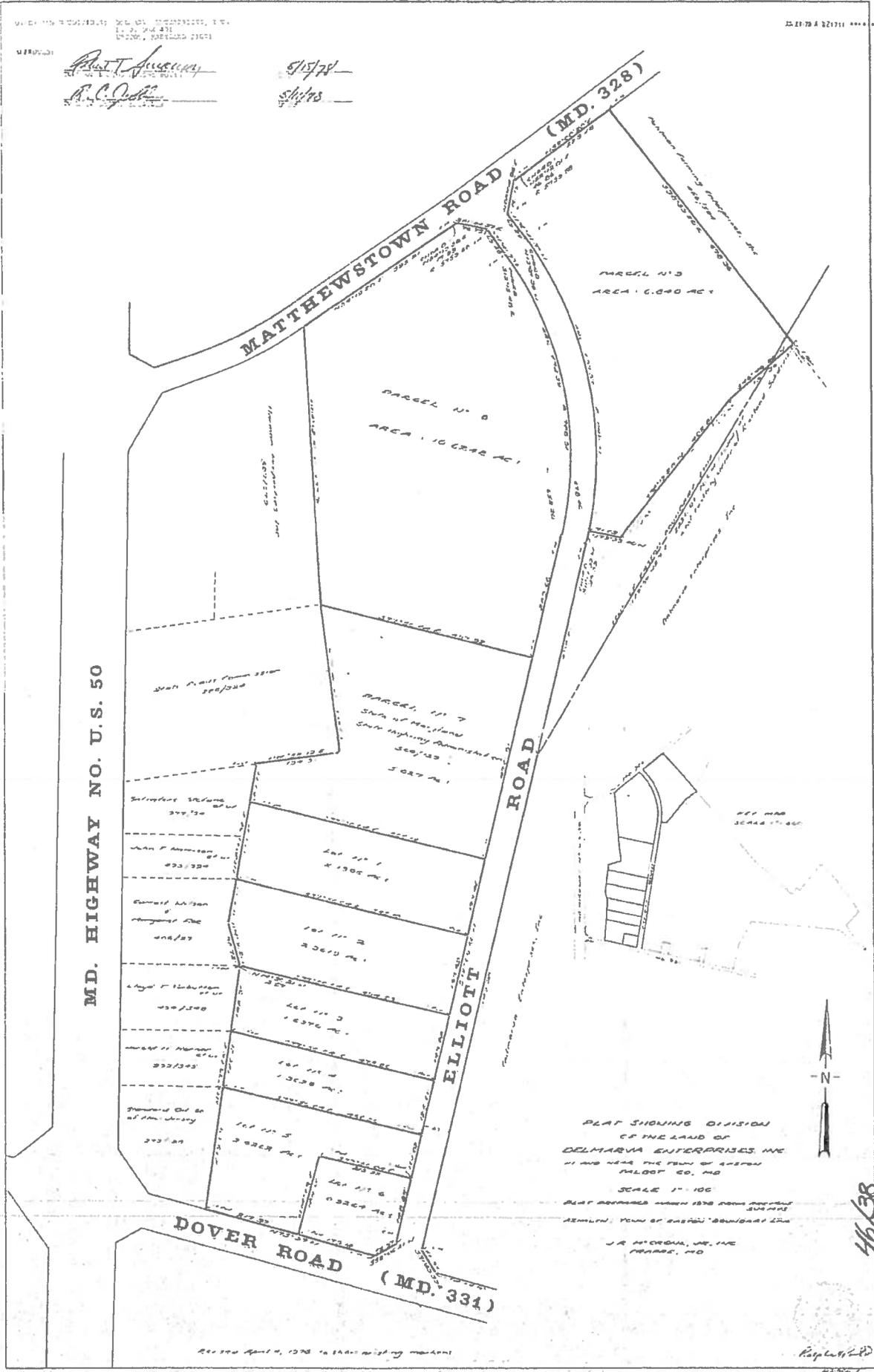




UNIVERSITY MICROFILMS
SERIALS ACQUISITION
300 N. ZEEB RD.
ANN ARBOR, MICHIGAN 48106

15-21704 4 221711 ***** 130

APPROVED: Paul T. Anthony 5/15/78
R. C. O'Neil sk/s



MD. HIGHWAY NO. U.S. 50

MATTHEWSTOWN ROAD (MD. 328)

ELLIOTT ROAD

DOVER ROAD (MD. 331)

PARCEL N° 3
AREA: 6.000 AC.

PARCEL N° 6
AREA: 10.0248 AC.

PARCEL N° 7
SOUTH OF MATTHEWSTOWN ROAD
SOUTH HIGHWAY RIGHT-OF-WAY
300' WIDE
5.027 AC.

LOT N° 1
1.1305 AC.

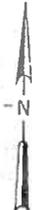
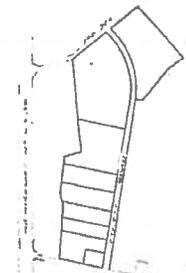
LOT N° 2
2.0670 AC.

LOT N° 3
1.6376 AC.

LOT N° 4
1.3138 AC.

LOT N° 5
3.0268 AC.

LOT N° 6
0.6264 AC.



PLAT SHOWING DIVISION
OF THE LAND OF
DELMARVA ENTERPRISES, INC.
AS AND NEAR THE PLAN OF EASEMENT
FILED IN CO., MD.
SCALE 1" = 100'
PLAT DISTANCE MARKED 1878 FROM RECORD
SURVEY
AS SHOWN FROM THE EASEMENT BOUNDARY LINE
J. A. MCCOY, JR., THE
PLATTEE, MD.

46/38

Replat 4/28/80

RECORDED APR 10, 1978 IN THE REGISTERED PLAT

QUITCLAIM DEED

THIS QUITCLAIM DEED, dated the 13th of March 2017, from TALBOT COUNTY, MARYLAND, a political subdivision of the State of Maryland, ("Grantor"), to THE TOWN OF EASTON, MARYLAND, a political subdivision of the State of Maryland, ("Grantee").

WHEREAS, Grantor has agreed to transfer to Grantee a certain portion of Glebe Road and all of Elliott Road in "as is" condition, which Grantor owns but are located in the Town;

WHEREAS, Grantor and Grantee have duly approved this transfer by taking all necessary and appropriate steps required by law and the Road Transfer Agreement between the Parties, including without limitation Grantor's adoption of Resolution No. 242 and Grantee's adoption of Ordinance No. 702; and,

WHEREAS, the Parties desire to effectuate the transfer of the roads in question by this Quitclaim Deed.

NOW, THEREFORE, WITNESSETH, Grantor, for good and valuable consideration, including One Hundred Thousand Dollars (\$100,000) payable to Grantee in accordance with the terms of the Road Transfer Agreement, the receipt and sufficiency of which are hereby acknowledged, 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 the following County-owned roads or portions thereof:

ALL that portion of Glebe Road beginning at Md. Rt. 322 (Easton Parkway) proceeding in a northwesterly direction to and including the northwesterly side of the intersection of Glebe Road with and beyond Mistletoe Drive, as shown on Exhibit "A" attached; and,

ALL of Elliott Road (save and except the intersections owned by the State), a public road lying within the Town of Easton between Md. Rt. 329 (Denton Road) and Md. Rt. 331 (Preston Road), shown on Exhibit "B" attached.

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.

WITNESS the hand and seal of the Grantor.

[SIGNATURES ON FOLLOWING PAGE]

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 10th day of March, 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
PATRICIA JEAN FINNEYFROCK
Notary Public - Maryland
Talbot County
My Commission Expires
01-25-19

Patricia J. Finneyfrock
Notary Public

My commission expires

ACCEPTED AS TO ALL TERMS:

Town of Easton

Kathy M. Ruf
Kathy M Ruf, Town Clerk

Robert C. Willey
Robert C. Willey, Mayor

STATE OF MARYLAND, COUNTY OF Queen Anne's TO WIT:

I HEREBY CERTIFY that on this 13th day of March, 2017, before me, the subscribed, a Notary Public of the State and County aforesaid, personally appeared Robert C. Willey, and did acknowledge that he, being authorized to do so, executed the foregoing instrument as the act and deed of said Town of Easton.

AS WITNESS my hand and Notarial Seal.

JOANNE H. DRUMMER
Notary Public-Maryland
Queen Anne's County
My Commission Expires
June 16, 2017

My Commission expires: 6-16-17

Joanne H. Drummer
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.

ml Pullen
Michael L. Pullen, County Attorney

Submit 4u

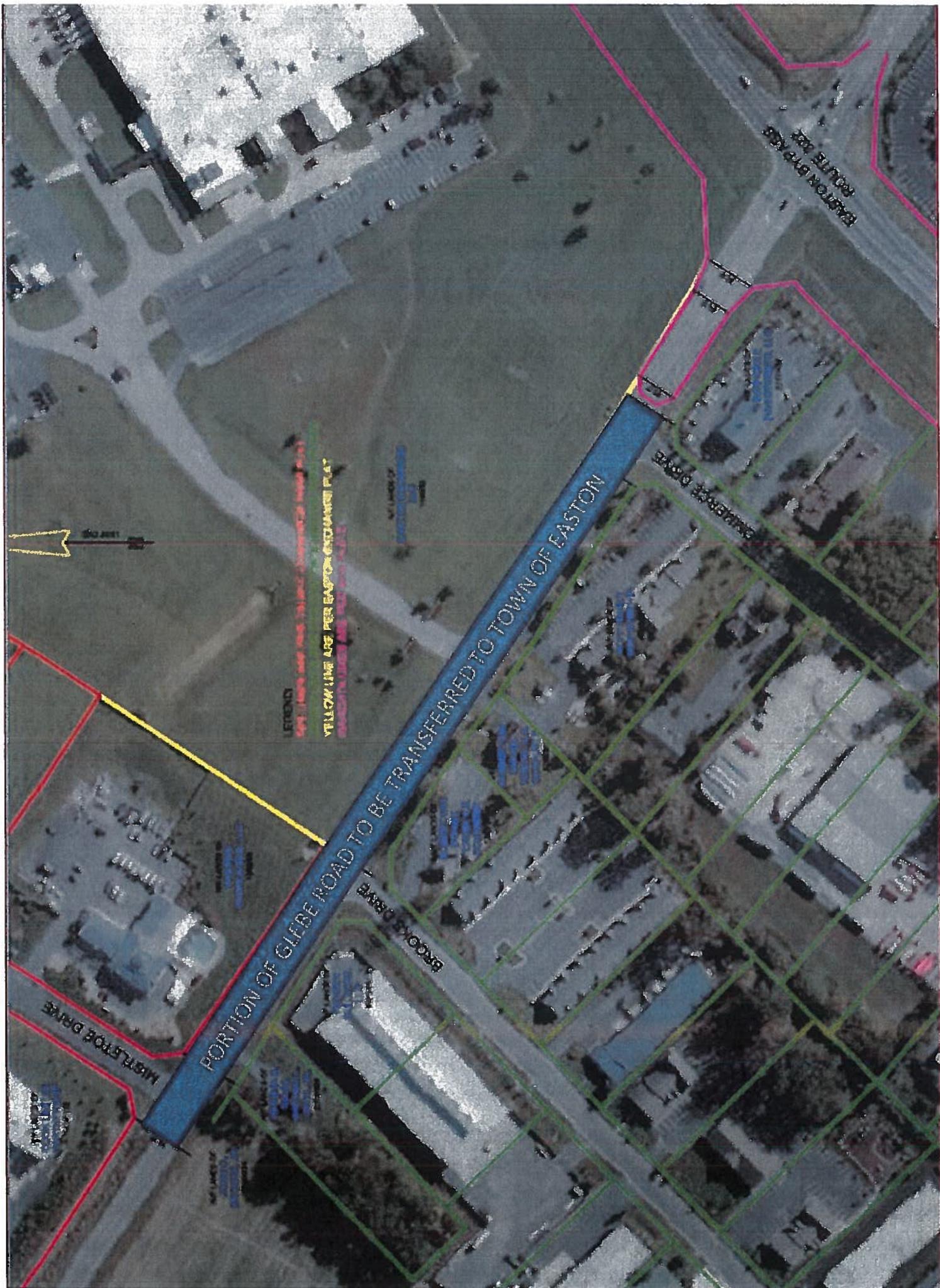
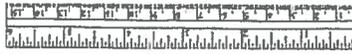


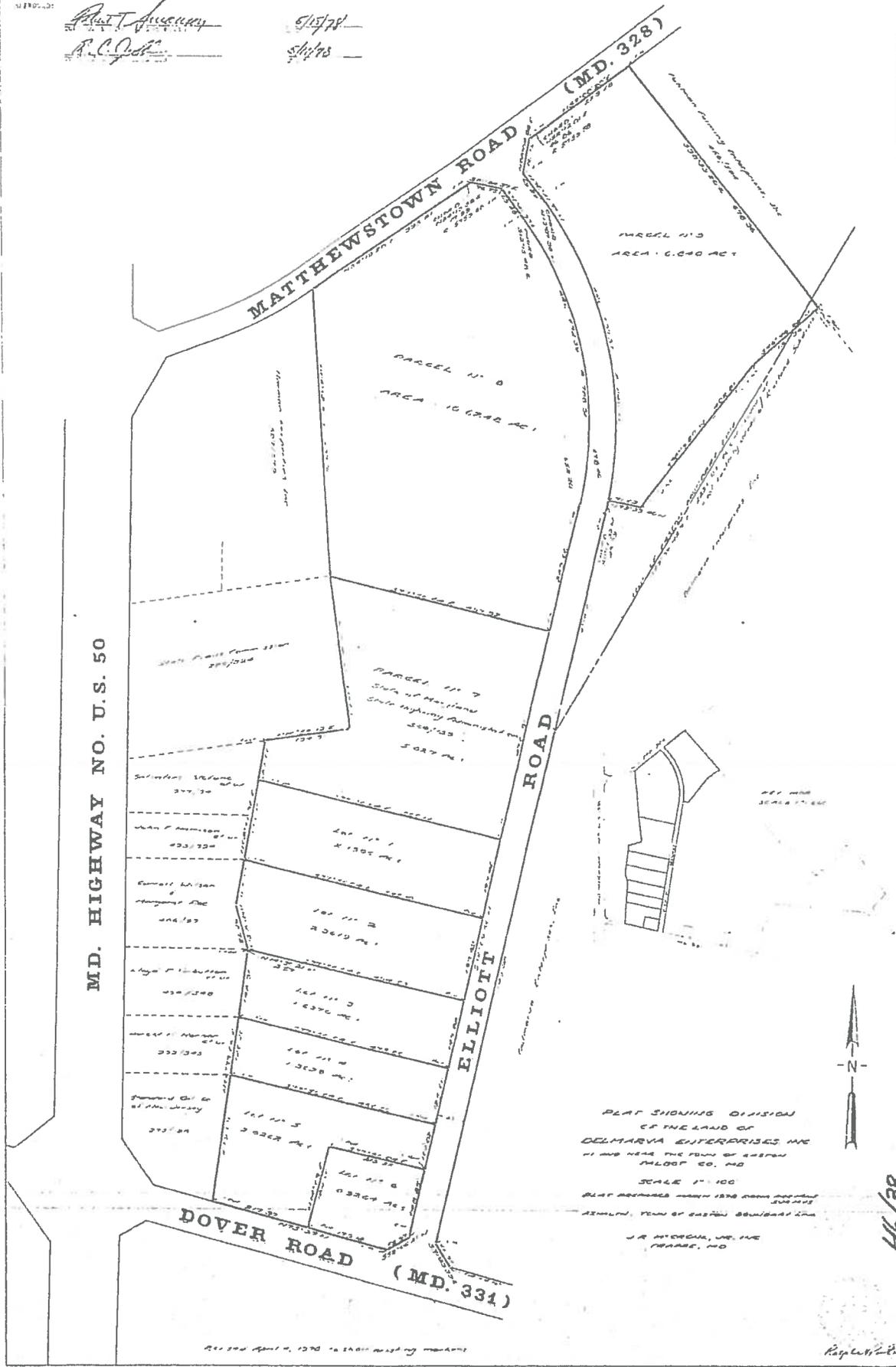
Exhibit "B"



STATE OF DELAWARE
COUNTY OF NEWCASTLE

25-27-78 4 22111 0000 1250

APPROVED: Paul T. Freeman 5/15/78
R. C. Goff 5/17/78



MD. HIGHWAY NO. U.S. 50

MATTHEWSTOWN ROAD (MD. 328)

ELLIOTT ROAD

DOVER ROAD (MD. 331)

PARCEL N° 3
AREA: 6.040 AC.

PARCEL N° 0
AREA: 10.6242 AC.

PARCEL N° 7
STATE OF DELAWARE
COUNTY OF NEWCASTLE
300/100
300/100
300/100

LOT N° 1
2,180 SQ. FT.

LOT N° 2
2,369 SQ. FT.

LOT N° 3
1,820 SQ. FT.

LOT N° 4
1,308 SQ. FT.

LOT N° 5
2,022 SQ. FT.

LOT N° 6
1,200 SQ. FT.

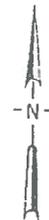
PLAT SHOWING DIVISION
OF THE LAND OF
DELMARVA ENTERPRISES INC
AS NEAR THE TOWN OF ELLIOTT
ALBION CO. MD

SCALE 1" = 100'

PLAT PREPARED UNDER 1978 DELAWARE
GENERAL STATUTES

ATTEST: TOWN OF ELLIOTT, DELAWARE

J. A. HICKMAN, JR. THE
CLERK, MD



46/38

Paul T. Freeman
R. C. Goff

25-27-78 April 1, 1978 to 1980 existing plat

THIS PLAT IS SUBJECT TO THE RECORDS OF THE COUNTY OF NEWCASTLE, DELAWARE

ORDINANCE NO. 702

AN ORDINANCE OF THE TOWN OF EASTON AUTHORIZING THE TOWN OF EASTON TO ACCEPT MISTLETOE DRIVE, BRYAN DRIVE, MARY'S COURT, ELLIOTT ROAD AND A PORTION OF GLEBE ROAD FROM TALBOT COUNTY, MARYLAND

INTRODUCED BY: Mr. Silverstein

WHEREAS, the terms of the annexation of Talbot Commerce Park state that the Town will accept the roads in Talbot Commerce Park, namely Mistletoe Drive, Bryan Drive, and Mary's Court from Talbot County;

WHEREAS, pursuant to the terms of a Road Transfer Agreement, a copy of which is attached as Exhibit A, the Town wishes to accept Elliott Road and a portion of Glebe Road from Talbot County;

WHEREAS, in accordance with § 5-204(c)(1) of the Local Government Article of the Annotated Code of Maryland, the Town Council has determined that acceptance of the roads serves a public purpose; and

NOW, THEREFORE, be it ordained by the Town of Easton that:

Section 1. The recitals set forth above are incorporated herein by reference and made a part of this Ordinance.

Section 2. In accordance with § 5-204(c)(1) of the Local Government Article of the Annotated Code of Maryland, the Town Council has determined that acceptance of Mistletoe Drive, Bryan Drive, Mary's Court, Elliott Road, and a portion of Glebe Road from Talbot County serves a public purpose.

Section 3. The Road Transfer Agreement attached hereto as Exhibit A is hereby approved.

Section 4. The Mayor, Town Manager, and Town Clerk are hereby authorized to execute the Road Transfer Agreement, and any other documents necessary to effectuate the Town's acceptance of the above referenced roads, and to take whatever additional actions are reasonably necessary to effectuate the terms of this Ordinance;

Section 5. In accordance with Article II Section 9 of the Easton Town Charter, this ordinance shall become effective twenty (20) calendar days after approval by the Mayor or passage of this ordinance by the Council over the Mayor's veto.

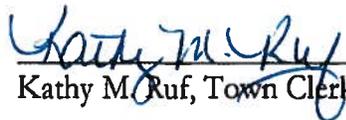
Silverstein	-	Yea
Leshner	-	Yea
Engle	-	Yea
Cook	-	Yea
Ford	-	Yea

I hereby certify that the above Ordinance was passed by a yea and nay vote of the Council this sixth day of February, 2017.



John F. Ford, Town Council President

Delivered to the Mayor by me this seventh day of February, 2017.



Kathy M. Ruf, Town Clerk

APPROVED: February 7, 2017

Date: February 7, 2017

Robert C. Willey
Robert C. Willey, Mayor

EFFECTIVE DATE: February 27, 2017.

ROAD TRANSFER AGREEMENT

This Road Transfer Agreement (the "Agreement") effective as of February 27, 2017 by and between Talbot County, Maryland, a political subdivision of the State of Maryland (the "County"), and the Town of Easton, a municipal corporation of the State of Maryland (the "Town"), witnesseth:

1. The County shall grant and convey to the Town by quitclaim deed or deeds substantially in the form set forth on the attached Exhibit "A", and the Town shall accept from the County, all of the County's right, title, and interest in and to that portion of the "Roadways" described in Paragraph 2, below. Conveyance of said Roadways to the Town shall be "as is". The County shall pay to the Town the sum of One Hundred Thousand Dollars (\$100,000) at closing as consideration for the conveyance of Elliott Road.
2. The Roadways to be conveyed by the County to the Town lie within the existing corporate boundaries of the Town and are more particularly described as:
 - (a) That portion of Glebe Road beginning at Md. Rt. 322, (Easton Parkway) proceeding in a northwesterly direction to and including the northwesterly side of the intersection of Glebe Road with and beyond Mistletoe Drive, shown on Exhibit "A"; and,
 - (b) All of Elliott Road (save and except the intersections owned by the State), a public road lying within the Town of Easton between Md. Rt. 329 (Denton Road) and Md. Rt. 331 (Preston Road), shown on Exhibit "B."
3. The County has had discussions with the State Highway Administration ("SHA") regarding improvements by SHA to the extended portions of Elliott Road lying within the State right-of-way at and near the intersection of Elliott Road and Dover Road (Maryland Route 331) and the intersection of Elliott Road and Matthewstown Road (Maryland Route 328). The County will work with the Town and SHA for SHA to make those improvements.
4. The Town and the County agree to promptly advertise, introduce, schedule, and hold all requisite meetings, public hearings, or proceedings and to introduce and act upon whatever motions, resolutions, legislation or other approvals that are or may be required by law to: (i) approve this Agreement; and (ii) transfer and convey the Roadways from the County to the Town pursuant to this Agreement.
5. Settlement and closing shall occur within the Town of Easton at a mutually convenient date, time, and place as soon as reasonably practicable after execution of this Agreement and performance of all matters and things required pursuant to Paragraph 5, but in no event later than 90 days after the effective date of this Agreement unless that period is extended due to: (i) a Party's inability to schedule or conveniently hold or conclude any matter or thing required by Paragraph 4; (ii) causes beyond a Party's or the Parties reasonable control; or, (iii) mutual written agreement of the Parties.

6. From and after closing, the Town shall continue to operate and maintain the Roadways as public roads or streets for the use and benefit of the general public.

IN WITNESS WHEREOF, the parties have affixed their hands and seals on the date(s) indicated.

Attest:


Kathy M. Ruf, Town Clerk

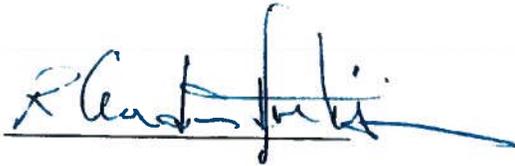
TOWN OF EASTON, MARYLAND


By: Robert C. Willey, Mayor

Date February 7, 2017



TALBOT COUNTY, MARYLAND



 (SEAL)
By: Jennifer Williams, President
Talbot County Council

Date: 2/7/17