COUNTY COUNCIL

OF

TALBOT COUNTY

2019 Legislative Session, Legislative Day No.: December 10, 2019

Resolution No.: 279

Introduced by: Mr. Callahan, Mr. Divilio, Mr. Lesher, Mr. Pack, Ms. Price

A RESOLUTION TO FORMALLY ABANDON AND AUTHORIZE CONVEYANCE OF A CERTAIN PORTION OF WALKERS TURN ROAD (FORMER MARYLAND ROUTE 451) IN MCDANIEL, MARYLAND, SAID PORTION OF ROADWAY CONSISTING OF 0.05 MILES, MORE OR LESS, LOCATED ASTRIDE TWO PARCELS OF LAND HELD IN COMMON OWNERSHIP WITH AN ADDRESS OF 22641 WALKERS TURN ROAD, MCDANIEL, MARYLAND 21647, FURTHER DESCRIBED AS TAX MAP 22, PARCELS 167 AND 234 (COLLECTIVELY, THE "PROPERTY"); TO ESTABLISH CERTAIN CONDITIONS PRECEDENT TO SUCH ABANDONMENT AND CONVEYANCE, INCLUDING A SURVEY OF THE AREA TO BE ABANDONED AND REVISION PLAT AT THE OWNER'S EXPENSE; AND, TO AUTHORIZE CONVEYANCE OF THE COUNTY'S INTEREST IN SUCH ABANDONED PORTION OF THE ROADWAY BY QUITCLAIM DEED FOR NO MONETARY CONSIDERATION TO THE UNDERLYING FEE SIMPLE OWNER OF THE PROPERTY

By the Council: December 10, 2019

Introduced, read the first time, and ordered posted, with Public Hearing scheduled on Tuesday, January 14, 2020 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

Susan W. Moran, Secretary

A RESOLUTION TO FORMALLY ABANDON AND AUTHORIZE CONVEYANCE OF A CERTAIN PORTION OF WALKERS TURN ROAD (FORMER MARYLAND ROUTE 451) IN MCDANIEL, MARYLAND, SAID PORTION OF ROADWAY CONSISTING OF 0.05 MILES, MORE OR LESS, LOCATED ASTRIDE TWO PARCELS OF LAND HELD IN COMMON OWNERSHIP WITH AN ADDRESS OF 22641 WALKERS TURN ROAD, MCDANIEL, MARYLAND 21647, FURTHER DESCRIBED AS TAX MAP 22, PARCELS 167 AND 234 (COLLECTIVELY, THE "PROPERTY"); TO ESTABLISH CERTAIN CONDITIONS PRECEDENT TO SUCH ABANDONMENT AND CONVEYANCE, INCLUDING A SURVEY OF THE AREA TO BE ABANDONED AND REVISION PLAT AT THE OWNER'S EXPENSE; AND, TO AUTHORIZE CONVEYANCE OF THE COUNTY'S INTEREST IN SUCH ABANDONED PORTION OF THE ROADWAY BY QUITCLAIM DEED FOR NO MONETARY CONSIDERATION TO THE UNDERLYING FEE SIMPLE OWNER OF THE PROPERTY

WHEREAS, in 1930, the State of Maryland Highway Administration ("**SHA**") acquired a right-of-way for former Maryland Route 451, consisting of 0.34 miles, more or less. In 1956, SHA rerouted former Maryland Route 451, and in doing so abandoned an 0.08 mile portion, more or less, of Former Maryland Route 451, leaving approximately 0.26 miles, more or less, of the roadway in service; and,

WHEREAS, in a memorandum prepared by SHA dated April 30, 1996, SHA confirmed the status of former Maryland Route 451 and explained SHA's policy that abandoned areas of former State highways held as right-of-ways instead of fee simple would revert back to the abutting underlying fee simple property owners. A copy of the April 30, 1996, memorandum is attached hereto as Exhibit "A"; and,

WHEREAS, SHA transferred the still-utilized 0.26 mile± section, today known as Walkers Turn Road, to Talbot County pursuant to a Road Transfer Agreement dated November 30, 1998, a copy of which is attached hereto as Exhibit "B"; and,

WHEREAS, the County has maintained the entire 0.26 mile± section known as Walkers Turn Road since acquiring it from SHA in 1998, which maintenance has included, without limitation, snow plowing and removal; and,

WHEREAS, Walkers Turn Road begins at the intersection of Walkers Turn Road and Maryland Route 33 and extends in an easterly direction to the intersection of Walkers Turn Road and New Road, running thence in a northeasterly direction to a point of termination astride two parcels of land owned by Jerry R. Davis, Jr., and Susan W. Davis (collectively, "**Owner**"), pursuant to a deed recorded among the Land Records of Talbot County, Maryland in Liber 2604, folio 260, with an address of 22641 Walkers Turn Road, McDaniel, Maryland 21647, further described as Tax Map 22, Parcels 167 and 234 (the "**Property**"), which parcels are used jointly and recognized by the County as merged for zoning purposes.

WHEREAS, the Property is improved with a mini-storage structure and a shed, in addition to the still-utilized portion of Walkers Turn Road on the premises. The mini-storage use was approved by the Talbot County Board of Appeals on March 26, 1997, in Appeal No. 1004; and,

WHEREAS, Owner has requested that the County abandon that 0.05 mile± portion of Walkers Turn Road located on the Property, such portion of the roadway being shown and described in yellow hi-lite on an aerial produced by the Talbot County Geospatial Information

System Digital Map on November 27, 2019, which is attached hereto as Exhibit "C" (the portion to be abandoned shall be referred to hereinafter as the "**Surplus Roadway**"); and,

WHEREAS, abandonment of the Surplus Roadway would allow the Owner to install additional security measures on the premises, such as a gate, and realize the full use of the two parcels comprising the Property; and,

WHEREAS, abandonment of the Surplus Roadway would not impact any other property owner's access to Walkers Turn Road. All such owners who have direct access to Walkers Turn Road will still have direct access following abandonment of the Surplus Roadway; and,

WHEREAS, due to revenue and budgetary constraints, the County has been evaluating ways to reduce costs to the County and to become more efficient across all departments, including the Talbot County Roads Department; and,

WHEREAS, the Superintendent of the Roads Department does not believe that maintaining the Surplus Roadway is necessary to the inventory of public roads in Talbot County. If the Surplus Roadway were abandoned, the Roads Department would no longer be responsible for maintaining or plowing it, translating into savings for the Department; and,

WHEREAS, the County Engineer has recommended that abandonment of the Surplus Roadway be conditioned upon the dedication of a drainage easement to the County to address overland flow from Walkers Turn Road that drains in the direction of the Surplus Roadway; and,

WHEREAS, the Talbot County Director of Planning and Zoning has determined that abandonment of the Surplus Roadway will require a revision plat approved under Chapter 190 of the Talbot County Code (Zoning Ordinance) and recommends that the lot line between the two lots, which are presently considered merged for zoning purposes, be abandoned as a part of this process to create a single lot; and,

WHEREAS, to eliminate any doubt as to whether the neighboring property, owned by John H. Caldwell and Mary A. Caldwell pursuant to a deed recorded in the Land Records of Talbot County, Maryland in Liber 711, folio 684, with an address of 9645 Tilghman Island Road, McDaniel, Maryland 21647, further described as Tax Map 22, Parcel 253 (the "**Caldwell Property**"), has sufficient road frontage along Maryland Route 33, Owner has agreed to grant the Caldwell Property an access easement up to fifty feet (50') in width over the easterly corner of the Property; and,

WHEREAS, the County Council held a work session on Monday, October 28, 2019, at which the above issues were discussed. Owner attended and was permitted to comment. The work session was advertised in accordance with regular meeting notice practices and special notices of the meeting were sent to individual property owners abutting Walkers Turn Road; and,

WHEREAS, Local Government Article ("**LG**") § 10-312, Md. Code Ann., states that the County may dispose 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, Chapter 134 of the Talbot County Code (Roads Ordinance) authorizes the abandonment and disposition of public roads that are no longer needed for public use, provided that certain notice requirements are met, namely holding a public hearing on the proposed disposition, advertising the same for at least three consecutive weeks in the newspaper, and giving special notice of the proposed disposition and hearing to abutting property owners at least three weeks in advance; and,

WHEREAS, subject to public comment, the County desires to abandon and authorize conveyance of the Surplus Road on the terms and conditions herein.

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

1. The above recitals are hereby incorporated as if fully set forth herein.

2. The County Council finds that:

   (a) The County has duly complied with the notice, hearing, and comment requirements set forth in LG § 10-312 and Chapter 134 of the Talbot County Code;

   (b) The Surplus Roadway is not needed for a public use and the County is lawfully authorized to abandon and dispose of such portion of the roadway as provided herein; and,

   (c) Subject to satisfaction of the conditions set forth in Paragraph 3, below, the County Council President is authorized to execute a quitclaim deed in a form approved by the Talbot County Office of Law conveying the County's interest in the Surplus Roadway to Owner.

3. Conditions (a) through (d) below shall each be satisfied prior to the transfer of the County's interest in the Surplus Roadway to Owner:

   (a) Owner, at Owner's sole cost and expense, shall commission a survey of the Surplus Roadway by a Maryland-licensed land surveyor, which survey shall be approved by the County and include both a map/drawing and a metes and bounds legal description.

   (b) Owner, at Owner's sole cost and expense, shall apply for and obtain approval of a revision plat in accordance with Chapter 190 of the Talbot County Code, which plat shall:

      i. Identify the Surplus Roadway to be abandoned;

      ii. Provide for the consolidation of Owner's two parcels, described as Tax Map 22, Parcels 167 and 234, including the Surplus Roadway, into a single lot or parcel through the abandonment of existing lot lines separating the two parcels and lines delineating the Surplus Roadway; and,

      iii. Identify the easements set forth in subparagraph (c), below.

   (c) Owner, at Owner's sole cost and expense, shall grant the following easements, which shall be identified and included on the revision plat referred to above:

i. A drainage easement for the benefit of Talbot County on terms approved by the Department of Public Works to address overland flow from Walkers Turn Road that drains in the direction of the Surplus Roadway; and,

ii. An access easement to Maryland Route 33 over the easterly edge of the Property for the benefit of the Caldwell Property on terms approved by Owner, the owner of the Caldwell Property or his/her/their authorized agent, and the Department of Public Works, provided that if, after consultation with the aforementioned parties and, if necessary, State Highway Administration, it is determined that adequate access to Maryland Route 33 already exists for the Caldwell Property, then, in such event, Owner need not grant such an access easement.

(d) Owner shall enter into an indemnification agreement on terms approved by the Talbot County Office of Law, under which Owner shall (i) acknowledge that the County is no longer responsible for maintaining the Surplus Roadway or providing any service related thereto; (ii) agree that Owner is now responsible for any maintenance of the Surplus Roadway; and, (iii) agree to indemnify and hold harmless the County, its officials, department heads, employees, agents and contractors, from and against any claim of any kind or nature whatsoever arising out of or related to Owner's ownership and use of the Surplus Roadway.

(e) If the foregoing conditions are not satisfied within eighteen (18) months from the date this Resolution is adopted, then the County shall be under no obligation to convey the Surplus Roadway to Owner and may continue to maintain said Roadway as part of the inventory of public roads in the County. If Owner is diligently attempting to satisfy the foregoing conditions but is unable to do so by the 18-month deadline, Owner may request an extension of time from the County Manager, who is authorized to grant up to two (2) six-month (6-month) extensions in his sole and absolute discretion.

4. Upon timely satisfaction of the conditions set forth in Paragraph 3, above, the County Council President is authorized to execute a quitclaim deed in form approved by the Talbot County Office of Law conveying the Surplus Roadway to Owner for no monetary consideration, which deed shall (i) reference to the revision plat approved by the Talbot County Department of Planning and Zoning and (ii) promptly be recorded among the Land Records of Talbot County, Maryland at Owner's sole cost and expense.

5. Upon execution and delivery of the quitclaim deed to Owner, the Surplus Roadway shall be deemed formally abandoned.

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 _____, 2020, in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

BY THE COUNCIL

Read the second time:

Enacted: _____

By Order: _____
Susan W. Moran, Secretary

Pack -

Divilio -

Callahan -

Price -

Lesher -

EFFECTIVE: _____

EXHIBIT "A"

Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

April 30, 1996

RECEIVED
MAY 01 1996
TALBOT COUNTY, MD.
S.H.A.

MEMORANDUM

TO : Robert S. VandeVisser, Chief
Eastern Shore Region

ATTN : Patricia I. Quinn, Assistant Chief
Easter Shore Region - ORE

FROM : Dave Clifford, Chief
Records and Research Section

BY : Jennifer Gordon JG
Right-of-Way Technician

SUBJECT: Former Md. Route 451 - from
New Road to Pot Pie Road
Talbot County
T-32

This information is in response to a memorandum dated March 27, 1996, in which Patricia Quinn, Assistant Chief Right-of-Way Eastern Shore Region, is requesting the status (ownership) of Former Md. Route 451 for the Resident Maintenance Engineer of Talbot County (Gregory Holsey).

After speaking with Mr. Holsey, he expressed interest in utilizing the road bed (Former Md. 451) as a storage area. He mentioned the old road was not traveled, overgrown and not visible from Md. Route 33.

Enclosed is one copy each of SHA plats numbered 17117 through 17120 and 19378 through 19380 (for picture purposes only), showing the right-of-way acquired by this Administration for Md. Route 33. Acquisition references have been noted on the plats.

Also enclosed is one copy each of SHA plats lettered "ECI" and "ECJ", showing the right-of-way acquired in 1930 for former Md. Route 451. These plats show the Administration's degree of title to be a right-of-easement to be used exclusively by the SHA for highway related purposes only. The actual underlying fee may still be vested either in the county or the individual property owners.

Enclosed also is one copy of SHA conveyance plat numbered 43825.

Information obtained from the RME for Talbot County and the Highway Information Services Division (Joe Benedetta) indicate this road has not been officially maintained since the relocation in 1956.

Additional information gathered from Property Sales (Dwayne Kershner) and Road and Easement Conveyance Section (Kurt Oelmann) indicates former Md. Route 451 has never been conveyed, although a plat was prepared in 1973 for this purpose.

After researching the individual item files (numbered 39353 and 39354 under contract T 163-220), this office obtained a memorandum from Walter Claggett, to James S. Sfekas, Esq., dated May 11, 1972, (a copy of which is attached), in which the property owners, at that time, expressed an interest in acquiring the old road bed. The acquisition, from the relocation in the late 1950's, (shown on plats 17117 through 17120 and 19378 through 19380) left their parcels severed. The memo also stated the maintenance engineers at that time could not see a future use for the old road bed.

The general policy regarding old roads (which were not acquired in fee and are no longer used or maintained as traveled roadways) suggests:

> This portion of road (used for highway purposes) will, revert to the previous or adjoining owner and the state will have no further interest in this property.
>
> Therefore, it appears the SHA may have no control <u>or rights</u> in this road bed.

I would suggest you contact Ed Harris, Chief Counsel, Office of Counsel for a final determination on this matter.

You should check the Land Records of Talbot County for any property transfers or pertinent dedications to the SHA for highway purposes or public use, which may exist.

Please contact this office if we can be of any further assistance.

DAC/JG

Enclosures

cc: Ed Harris, Chief Counsel, Office of Counsel
Gregory Holsey, RME

EXHIBIT "B"

Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

David L. Winstead
Secretary

Parker F. Williams
Administrator

November 30, 1998

RE: SHA - Talbot County Road Trans.

Mr. William R. Runyan, P.E.
County Engineer
Talbot County Department of
Public Works
Talbot County Operations Center
605 Port Street
Easton, Maryland 21601

Dear Mr. Runyan:

This letter is in response to your letter dated November 18, 1998. Talbot County should be funded for the roads effective July 1, 1999. Attached is a copy of the executed road transfer agreement dated November 24, 1998 and a copy of the Memorandum of Action.

If you have any questions, please do not hesitate to call me at 410-545-2812 or Kevin Powers in H.I.S.D. at 410-545-5518.

Sincerely,

Hollis T. Cantwell, Jr.
Right of Way Coordinator
Utility and Road Conveyance Section

HTC:seb
Attachments

My telephone number is 410-545-2812

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

David L. Winstead
Secretary

Parker F. Williams
Administrator

MEMORANDUM OF ACTION OF DIRECTOR NEIL J. PEDERSEN
OFFICE OF PLANNING AND PRELIMINARY ENGINEERING

November 23, 1998

Neil J. Pedersen, Director of Office of Planning and Preliminary Engineering executed a road transfer agreement dated November 23, 1998, between the State Highway Administration and Talbot County, Maryland relative to the transfer of the following described sections of highway and subject to the conditions more fully set forth in the agreement. The effective date of the transfer of the Roadways to the County shall be upon the completion of and execution of this agreement.

I. State Highway Administration to Talbot County, Maryland

MD Rte. 839 (Service Road) - From MD Rte. 565A (N. Washington Street) M.P. 0.00 east to road end M.P. 0.22, a total distance of 0.22± mile

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

MD Rte. 841 - From MD 579 (Bozman Neavitt Road) M.P. 0.00 north to CO148 (May Port Road) M.P. 0.17, a total distance of 0.17± mile

MD Rte. 451 (Easton Claiborne Road) - From MD 33, M.P. 0.00, north to road end, M.P. 1.69, a total distance of 1.69± miles

MD Rte. 451A (Old Claiborne Road) - From MD 33 (Tilghman Island Road/St. Michaels Road) M.P. 0.00, north to MD 451 (Easton Claiborne Road) M.P. 0.40, a total distance of 0.40± mile

MD Rte. 451B (Claiborne Road) - From MD 33 (St. Michaels Road) M.P. 0.00, north to MD 451 (Easton Claiborne Road) M.P. 0.07, a total distance of 0.07± mile

My telephone number is 545-2812

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

MD Rte. 840A - From MD 33 (Tilghman Island Road) M.P. 0.00, east to road end, M.P. 0.26, a total distance of 0.26± mile

MD Rte. 840B - From CO83 (Macks Lane) M.P. 0.00, east to road end, M.P. 0.10, a total distance of 0.10± mile

MD Rte. 840C and Connector - From MD 33 (Tilghman Island Road) M.P. 0.00, north to MD 33 (Tilghman Island Road) M.P. 0.43 (including the connector at M.P. 0.39 to MD Rte. 33 - distance .02 mile), a total distance of 0.45± mile

MD Rte. 989 (Bolingbroke Point Drive) - From US 50 (Ocean Gateway) M.P. 0.00 to road end M.P. 0.10, a total distance of 0.10± mile

Total mileage to the County - 3.88± miles

II. Talbot County to the State Highway Administration

Centreville Road (CO 188) - From Airport Road to .02 south of Airpark Drive, a total distance of 1.30± miles

Total mileage to the State - 1.30± miles

Item No.: 87778

Said agreement has previously been executed by the appropriate officials of the S.H.A. and Talbot County, Maryland and approved as to form and legal sufficiency by Special Counsel, Sidney S. Campen, Jr.

HTC:seb

S.H.A.

Mr. S. Ade
Mr. M. Baxter
Mr. W.E. Brauer, III
Mr. R. Burns
Ms. Rose Davis
Mr. A.M. Capizzi
Mr. R. D. Douglass
Mr. L. H. Ege, Jr.
Mr. D. German
Mr. G. Hadel
Mr. T. Hicks
Ms. E. Homer
Mr. R Harrison
Mr. W. Kowalsky
Mr. E.S. Freedman
Mr. C. Larson
Mr. K. McClelland
Mr. J. Miller
Mr. K. Powers
Mr. D. Rose
Mr. K.G. Shelton
Mr. D. Simmons
Mr. D. Ward
Mr. D. Weddle
Mr. P.F. Williams
Mr. Richard Lindsay
Ms. Pat Quinn
Mr. Terry Wright
Mr. Jeffery Squires

TALBOT COUNTY

Ms. Belinda Armistead
County Administrator

Mr. William R. Runyan, P.E.
County Engineer

ROAD TRANSFER AGREEMENT

THIS ROAD TRANSFER AGREEMENT, made this 24 day of NOVEMBER, 1998, by and between the State Highway Administration of the Department of Transportation of Maryland, hereinafter referred to as the "Highway Administration", party of the first part, and Talbot County, Maryland, hereinafter referred to as the "County", party of the second part.

WHEREAS, under authority contained in Transportation Article Title 8-304 of the Annotated Code of Maryland, the State Highway Administration is empowered to agree to transfer title to, jurisdiction over and responsibility for the maintenance of any State highway, or portion thereof, to the political subdivisions of Maryland, and the political subdivisions of Maryland are empowered to agree to accept title to, jurisdiction over and responsibility for the maintenance of said State highway, or portion thereof, from the Highway Administration.

WHEREAS, the Highway Administration has agreed to transfer to the County the hereinafter described sections of road which heretofore were constructed by the State and the County has agreed to accept same as an integral part of the County's highway system.

NOW, THEREFORE, THIS AGREEMENT WITNESSETH, that for and in consideration of One Dollar ($1.00) payable by each party unto the other, the receipt and adequacy of which is hereby acknowledged by the parties hereto, and in further consideration of the conditions hereby set forth, the parties hereto agree as follows:

1. The Highway Administration does hereby transfer unto the County and the County does hereby accept from the Highway Administration jurisdiction over and responsibility for the maintenance of the following described sections of State highway and mileage as part of the County's highway system, as follows and as shown on Exhibits A,B and C attached hereto and incorporated herein and collectively referred to as the "Roadways":

SHA to Talbot County, Maryland:

MD Rte. 839 (Service Road) - From MD Rte. 565A (N. Washington Street) M.P. 0.00 east to road end M.P. 0.22, a total distance of 0.22± mile

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

MD Rte. 841 - From MD 579 (Bozman Neavitt Road) M.P. 0.00 north to CO148 (May Port Road) M.P. 0.17, a total distance of 0.17± mile

MD Rte. 451 (Easton Claiborne Road) - From MD 33, M.P. 0.00, north to road end, M.P. 1.69, a total distance of 1.69± miles

MD Rte. 451A (Old Claiborne Road) - From MD 33 (Tilghman Island Road/St. Michaels Road) M.P. 0.00, north to MD 451 (Easton Claiborne Road) M.P. 0.40, a total distance of 0.40± mile

MD Rte. 451B (Claiborne Road) - From MD 33 (St. Michaels Road) M.P. 0.00, north to MD 451 (Easton Claiborne Road) M.P. 0.07, a total distance of 0.07± mile

MD Rte. 840A - From MD 33 (Tilghman Island Road) M.P. 0.00,east to road end, M.P. 0.26, a total distance of 0.26± mile

MD Rte. 840B - From CO83 (Macks Lane) M.P. 0.00, east to road end, M.P. 0.10, a total distance of 0.10± mile

MD Rte. 840C and Connector - From MD 33 (Tilghman Island Road) M.P. 0.00, north to MD 33 (Tilghman Island Road) M.P. 0.43 (including the connector at M.P. 0.39 to MD Rte. 33 - distance .02 mile), a total distance of 0.45± mile

MD Rte. 989 (Bolingbroke Point Drive) - From US 50 (Ocean Gateway) M.P. 0.00 to road end M.P. 0.10, a total distance of 0.10± mile

Total mileage to the County - 3.88± miles

Item No. 87778

2. Conveyance of the Roadways to the County is subject to the following conditions:

   A. The effective date of transfer of the Roadways to the County shall be upon complete execution of this agreement.

   B. The Roadway mileage will be included in the County's inventory as of December 1st of the year following the date set forth in item 2-A above.

   C. The basis for the allocation of funds to the County will include the Roadway mileage (i.e. the additional 3.88± miles beginning July 1st of the year following the date as set forth in Item 2-B above).

   D. The transfer of said Roadways to the County is made on an "as-is" basis which pertains to the existing right of way and the existing condition of the Roadways including the appurtenances and bridge structures.

   E. The County hereby accepts jurisdiction over and responsibility for the maintenance of Roadways as of the effective date of transfer as set forth in Item 2-A above.

   F. The County hereby agrees to guarantee the Department of Natural Resources and the public's access to Fishing Pier Road via Bolingbroke Point Road.

3. Furthermore, the county does hereby transfer unto the Highway Administration and the Highway Administration does hereby accept from the County jurisdiction over

and responsibility for the maintenance of the following described section of County highway and mileage as part of the State's highway system, as follows and as shown on Exhibit D attached hereto and incorporated herein and referred to as the "County Roadway".

Talbot County to the SHA:

Centreville Rd (CO 188) - From Airport Rd to .02 south of Airpark Drive, a total distance of 1.30± miles

Total mileage to the State - 1.30± miles

4. Conveyance of the County Roadway to the Highway Administration is subject to the following conditions:

   A. The effective date of transfer of the Roadway to the Highway Administration shall be upon complete execution of this agreement.

   B. The transfer of said Roadway to the Highway Administration is made on an "as-is" basis which pertains to the existing right of way and the existing condition of the Roadways including the appurtenances and bridge structures.

   C. The Highway Administration hereby accepts jurisdiction over and responsibility for the maintenance of Roadway as set forth in Item 4-A.

5. The Highway Administration will hereafter prepare a deed conveying the Roadways to the County subject to the approval of the Board of Public Works of Maryland. A copy of the executed deed, plats, and Agreement will be presented to the County (party of the second part)

for review, with the understanding that the Highway Administration will record the deed unless notified to the contrary (by the party of the second part) within thirty (30) days.

6. The County will hereafter prepare a deed conveying the County roadway (CO 188 - Centreville Road) to the Highway Administration. A copy of the executed deed will be presented to the Highway Administration for review with the understanding that the County will record the deed unless notified to the contrary by the Highway Administration within thirty (30) days.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed by their proper officers thereunto duly authorized the day and year first written.

RECOMMENDED FOR APPROVAL

THE STATE HIGHWAY ADMINISTRATION
OF THE DEPARTMENT OF TRANSPORTATION

WITNESS:

By: Neil J. Pedersen
Director, Office of Planning
and Preliminary Engineering

Approved as to form and legal sufficiency this 12th day of November, 1998.

Chief, Utility and Road
Conveyance Section

Special Counsel

RECOMMENDED FOR APPROVAL

TALBOT COUNTY, MARYLAND

WITNESS:

By: Clinton S. Bradley III
President
County Council of Talbot County,
Maryland

William R. Runyan
County Engineer

Talbot County Maryland

EXHIBIT "C" to Resolution

188 0 94 188 Feet

November 27, 2019

This map is for reference only Land use layers that appear on this map may or may not be accurate

Legend

- Parcels
- Municipalities
- Address_point
- Roads
  - Other Roads
  - County Roads
  - State Roads
  - US Highway
- Out Buildings
- Streams
- lakes
- Water
- Driveways
- Docks
- Airport
- Chesapeake Bay Critical Area
- MD_SixInchImagery

Notes

Yellow hi-lite area represents approximate portion of Walkers Turn Road to be abandoned by the Resolution