COUNTY COUNCIL

OF

TALBOT COUNTY

2011 Legislative Session, Legislative Day No.: July 12, 2011

Resolution No.: 187

Introduced by: Mr. Duncan, Mr. Pack, Ms. Price

A RESOLUTION TO CONSIDER THE PETITION OF THE UNITARIAN UNIVERSALIST FELLOWSHIP AT EASTON, 7401 OCEAN GATEWAY, EASTON, MARYLAND, TAX MAP 34 PARCEL 165, IN THE FIRST ELECTION DISTRICT, TALBOT COUNTY, MARYLAND

THE PETITION REQUESTS THAT TALBOT COUNTY FORMALLY DECLINE TO ACCEPT AN OUTSTANDING, UNACCEPTED OFFER OF DEDICATION IN AND TO A CERTAIN PLATTED BUT UNIMPROVED PAPER STREET KNOWN AS FOURTH STREET

By the Council: July 12, 2011

Introduced, read the first time, and ordered posted, with Public Hearing scheduled on Tuesday, August 9, 2011 at 2:00 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 CONSIDER THE PETITION OF THE UNITARIAN UNIVERSALIST FELLOWSHIP AT EASTON, 7401 OCEAN GATEWAY, EASTON, MARYLAND, TAX MAP 34 PARCEL 165, IN THE FIRST ELECTION DISTRICT, TALBOT COUNTY, MARYLAND

THE PETITION REQUESTS THAT TALBOT COUNTY FORMALLY DECLINE TO ACCEPT AN OUTSTANDING, UNACCEPTED OFFER OF DEDICATION IN AND TO A CERTAIN PLATTED BUT UNIMPROVED PAPER STREET KNOWN AS FOURTH STREET

WHEREAS, The Unitarian Universalist Fellowship at Easton, (the "Petitioner") are the current owners of 7401 Ocean Gateway, Tax Map 34, Parcel 165, First Election District, Talbot County, Maryland (the "South Parcel"); and

WHEREAS, Petitioner is the Contract purchaser of a certain parcel of property located along Ocean Gateway and adjacent to Fourth Street being identified as Parcel 252 on Tax Map 34 of the Official Tax Maps of Talbot County (the "North Parcel"); and

WHEREAS, Petitioner has petitioned the County to formally decline to accept an outstanding, unaccepted offer of dedication in and to a certain platted but unimproved paper street described in said Petition, which is incorporated by reference herein;

NOW, THEREFORE, be it resolved by the County Council of Talbot County, Maryland as follows:

Section 1. Upon introduction of this Resolution, a public hearing shall be scheduled, and the date, time, place, and purpose of the public hearing shall be advertised at Petitioner's expense once a week for three successive weeks in a newspaper of general circulation in the County in accordance with the requirements of Article 25A § 5 (B), Md. Ann. Code. The advertisement shall state the terms of any proposed disposition, the compensation, if any, to be received therefor, and shall give opportunity for objections thereto.

Section 2. The County shall conduct a public hearing, at which time the Petition will be open for receipt and consideration of public comment. Upon receipt and consideration of any recommendations from the Planning Commission and Public Works Advisory Board, and recommendations by the Talbot County Department of Public Works and the Talbot County Roads Department, conclusion of the public hearing(s), and closing of the record, the County Council will consider the merits of the Petition.

Section 3. This Petition pertains to the following described property or interest in property:

Fourth Street, a platted and unimproved paper street subject to a heretofore unaccepted offer of dedication, is shown on a Plat entitled "MAP SHOWING 'MECKLENBURG' LOT PURCHASED BY WILLIAM H. COLEMAN AND SON TALBOT COUNTY MARYLAND", prepared by Kastenhuber & Anderson, dated March 1956, recorded among the Plat Records of Talbot County, Maryland at Liber 10, folio 24, and attached hereto as Exhibit A and a Plat entitled "PLAT SHOWING FOURTH STREET IN THE FIRST ELECTION DISTRICT TALBOT COUNTY, MARYLAND TAX MAP 34 GRID 24", prepared by Lane Engineering, LLC, dated May 24, 2011, and attached hereto as Exhibit B. Fourth Street is more particularly described in the description attached hereto as Exhibit C.

Section 4. The County finds that that there would be no public purpose served by construction, operation or maintenance of a public road or alley at this location and hereby declines to accept the offer of dedication of the above-described portion of Fourth Street. These findings and disposition are subject to the following conditions:

(a) There are no drainage facilities or public utilities located in, upon, under, or through Fourth Street;

(b) The Petitioner has granted or will grant a perpetual easement to the County, in form and content acceptable to the County, for drainage and utility easements adjacent to all public roads and roadways abutting, in, upon, or through the Property, as necessary to serve the Property or other properties in the area, if any;

(c) The Petitioner shall prepare all deeds, surveys, plats, or other documents in a form satisfactory to the County, and pay the cost thereof, including without limitation all duplication and other costs associated with all instruments prepared pursuant to this Resolution;

(d) The Petitioner shall execute a "*Release, Waiver, and Indemnification*" as described in the Petition.

Section 5. The President of the County Council is authorized to execute an deliver a Quitclaim Deed, consistent with the terms of this Resolution and in form and content acceptable to the County Attorney, conveying the County's interest in Fourth Street, if any, to the Petitioner at settlement of Petitioner's purchase of the North Parcel, or if it is determined that such settlement will not occur, to execute and deliver a quit-claim deed conveying the County's interest, if any, in the Northern half of Fourth Street to the National Bank of Cambridge, and the County's interest, if any, in the Southern half of Fourth Street to the Petitioner, said deed(s) to be recorded at the Grantee's expense among the Land Records of Talbot County, Maryland.

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:

Adopted: _____

By Order: _____
Susan W. Moran Secretary

Bartlett	-
Hollis	-
Pack	-
Price	-
Duncan	-

BEFORE THE COUNTY COUNCIL FOR TALBOT COUNTY, MARYLAND

IN THE MATTER OF	*	7401 Ocean Gateway
	*	Easton, Maryland
	*	Tax Map 34, Parcel 135,
THE PETITION OF	*	First Election District,
THE UNITARIAN UNIVERSALIST	*	Talbot County, Maryland
FELLOWSHIP AT EASTON		

PETITION OF THE UNITARIAN UNIVERSALIST FELLOWSHIP AT EASTON REQUESTING TALBOT COUNTY COUNCIL TO DECLINE UNACCCEPTED OFFER OF DEDICATION OF PAPER STREET

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1. The Unitarian Universalist Fellowship at Easton, (the "Petitioner"), by and through Sharon M. VanEmburgh, Patrick J. Fitzgerald and Ewing, Dietz, Fountain & Kehoe, its Attorneys, petition the County Council of Talbot County, Maryland to formally decline to accept an outstanding, unaccepted offer of dedication in and to a certain platted but unimproved avenue adjacent to its property known as Fourth Street.

2. Fourth Street, a platted and unimproved paper street subject to a heretofore unaccepted offer of dedication, is shown on a Plat entitled "MAP SHOWING 'MECKLENBURG' LOT PURCHASED BY WILLIAM H. COLEMAN AND SON TALBOT COUNTY MARYLAND", prepared by Kastenhuber & Anderson, dated March 1956, recorded among the Plat Records of Talbot County, Maryland at Liber 10, folio 24, and attached hereto as Exhibit A and a Plat entitled "PLAT SHOWING FOURTH STREET IN THE FIRST ELECTION DISTRICT TALBOT COUNTY, MARYLAND TAX MAP 34 GRID 24", prepared by Lane Engineering, LLC, dated May 24, 2011, and attached hereto as Exhibit B. Fourth Street is more particularly described in the description attached hereto as Exhibit C.

3. Petitioner is the owner of the property located at 7401 Ocean Gateway, Tax Map 34, Parcel 135, First Election District, Talbot County, Maryland (the "South Parcel"). The South Parcel is adjacent to Fourth Street and is shown to the South of said Fourth Street on Exhibit B attached hereto.

4. Petitioner is the Contract purchaser of a certain parcel of property located along Ocean Gateway and adjacent to Fourth Street being identified as Parcel 252 on Tax Map 34 of the Official Tax Maps of Talbot County (the "North Parcel"). The North Parcel is currently owned by the National Bank of Cambridge and is shown to the North of said Fourth Street on Exhibit B attached hereto.

5. Petitioner avers that the paper street known as Fourth Street is unimproved, that it does not now nor has it ever served the public or adjacent property owners.

6. Petitioner avers that there would be no public purpose served by construction, operation or maintenance of a public road, alley, or thoroughfare at this location and it would be in the County's interest to formally decline to accept any outstanding offer of dedication concerning Fourth Street.

7. Pursuant to the requirements of Article 25A § 5 (B), Md. Ann. Code, Petitioner agrees to pay for and otherwise assure publication of an advertisement once a week for three successive weeks in one or more newspapers of general circulation published in Talbot County, Maryland, stating the terms of the proposed disposition, stating the compensation, if any, to be received by the County therefor, and giving opportunity for objections thereto. A copy of the proposed Notice to be published is appended hereto and made a part hereof.

8. In the event this Petition is granted, Petitioner, for themselves and for the successors-in-interest or title to the Property, agree to indemnify and hold the County harmless to the

maximum extent permitted by law from any and all liabilities, damages, expenses, suits, actions, causes of action, demands, or judgments (collectively "Claim" or "Claims"), including payment of reasonable attorneys' fees, costs of defense, and investigation of any such Claim or Claims arising from or relating in any way from any decision to formally decline to accept the outstanding offer of dedication of Fourth Street. This indemnification and hold harmless agreement shall include, without limitation, the County's elected and appointed officials, directors, employees, agents, successors, assigns, and representatives.

WHEREAS, your Petitioner requests the County Council of Talbot County to formally determine and decide to decline to accept the outstanding offer of dedication concerning Fourth Street, and, further, to authorize the President of the County Council to execute and deliver a quit-claim deed conveying the County's interest in the same, if any, to your Petitioner at settlement of Petitioner's purchase of the North Parcel, or if it is determined that such settlement will not occur, to execute and deliver a quit-claim deed conveying the County's interest, if any, in the Northern half of Fourth Street to the National Bank of Cambridge and the County's interest in the Southern half of Fourth Street, if any, to your Petitioner.

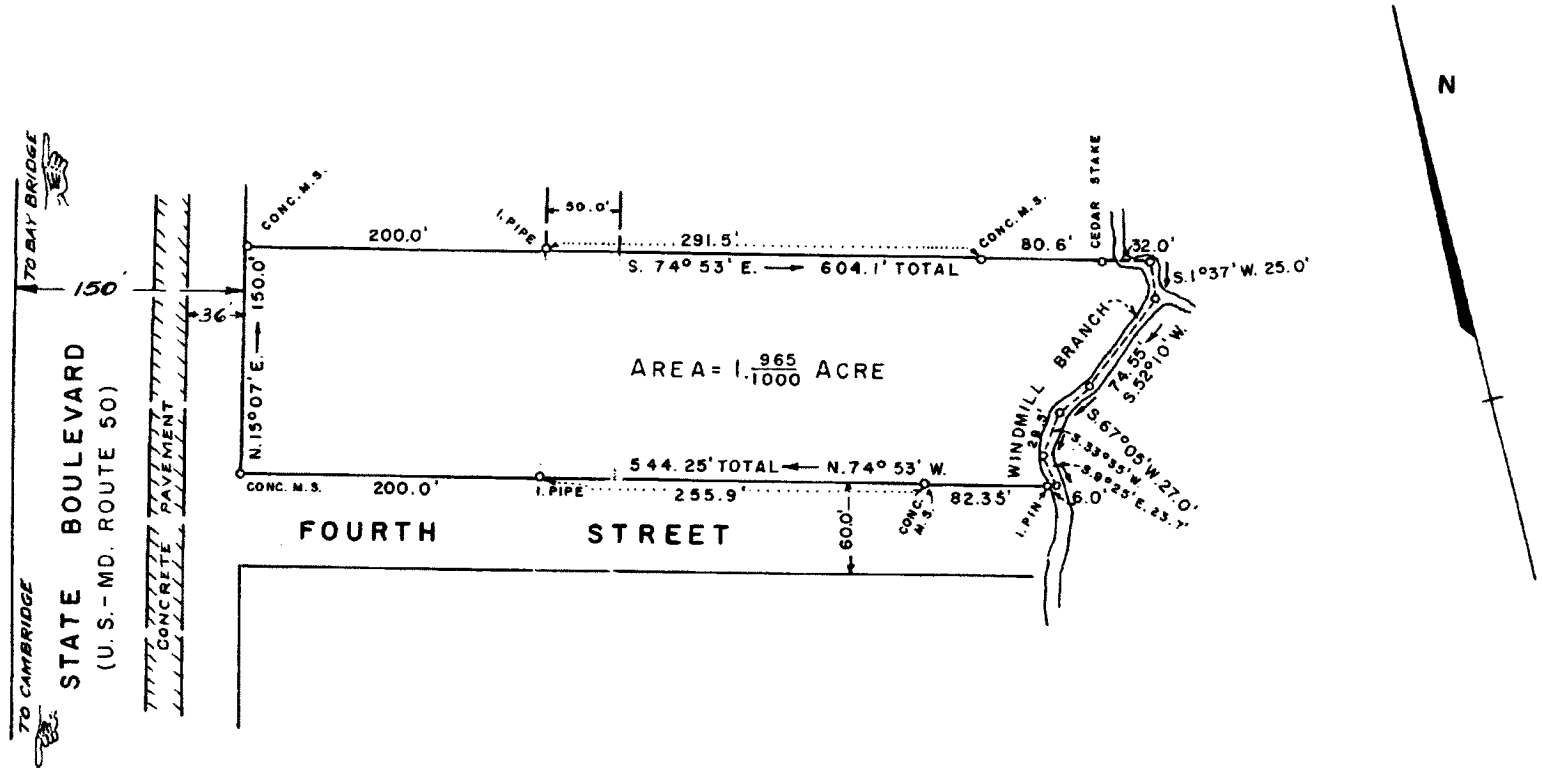
WE DO SOLEMNLY DECLARE AND AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE CONTENTS OF THE FOREGOING PETITION ARE TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE, INFORMATION, AND BELIEF.

THE UNITARIAN UNIVERSALIST
FELLOWSHIP AT EASTON,
A Maryland Religious Corporation

_____

By:

66 12



Approved 4/3/56/
Easton Planning + Zoning Commission
By W. H. Coleman
Chairman

MAP
SHOWING
"MECKLENBURG" LOT
PURCHASED BY
WILLIAM H. COLEMAN AND SON
TALBOT COUNTY
MARYLAND

SCALE:- 100' TO 1" MARCH 1956

KASTENHUBER & ANDERSON
CIVIL ENGINEERS AND SURVEYORS
EASTON, MARYLAND

BY E. G. Kastenhuber

10/24

NOTE BEARINGS ARE COMPUTED FROM THE ANGLES WHICH HAVE BEEN OBSERVED PRECISELY AND ARE REFERRED TO A MAGNETIC MERIDIAN CORRECTED FOR THE DECLINATION: DECLINATION AT PRESENT BEING APPROXIMATELY 8° DEGREES 03 MINUTES WEST.

W.O.C.

66 12

tabbies

EXHIBIT A

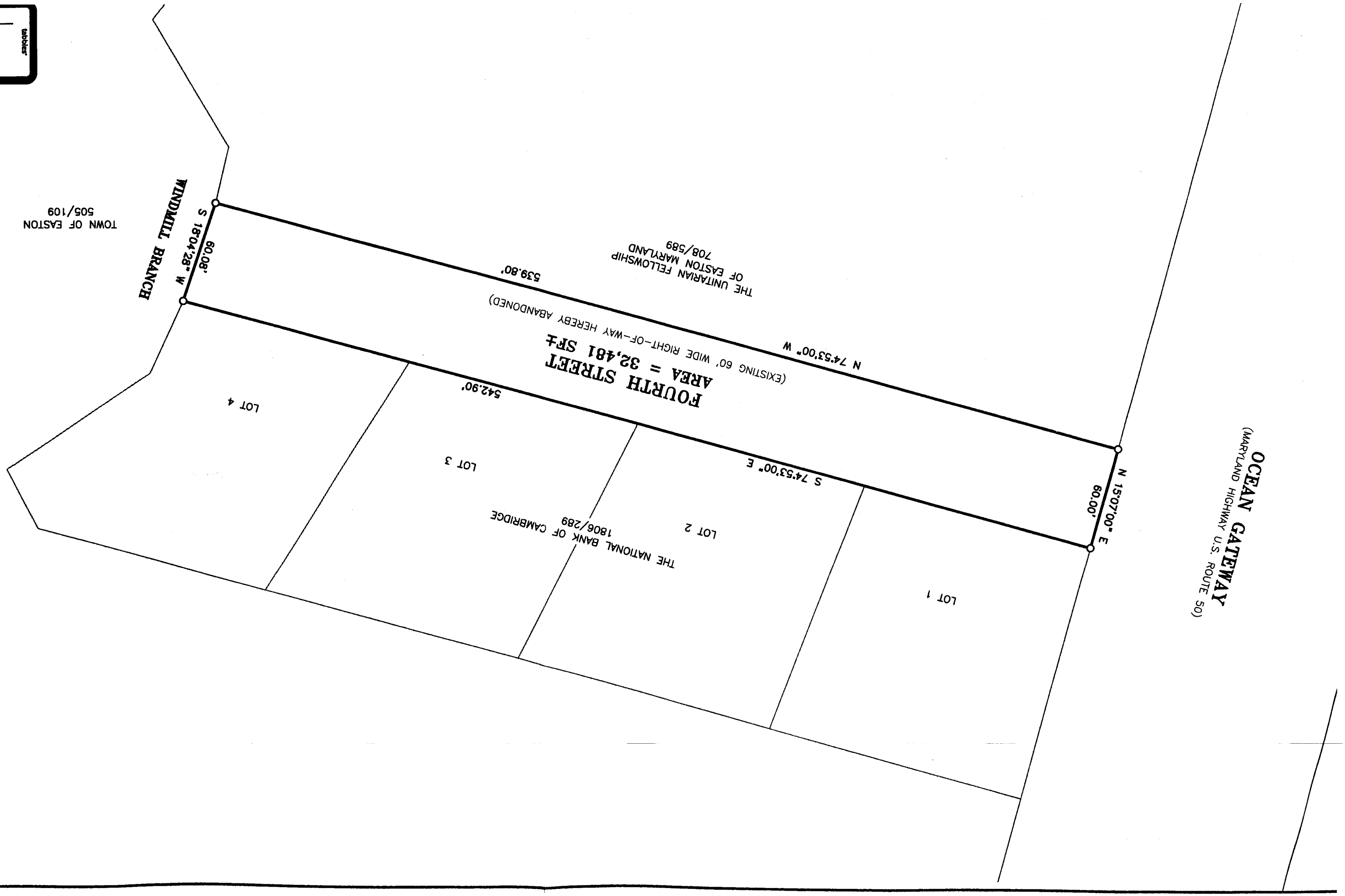


EXHIBIT
B
tabbies

Lane Engineering, LLC

Established 1986

Civil Engineers • Land Planning • Land Surveyors

15 Washington Street
Cambridge, Maryland 21613
Tel: 410-221-0818
Fax: 410-476-9942

117 Bay Street
P.O. Box 1767
Easton, Maryland 21601
Tel: 410-822-8003
Fax: 410-822-2024

354 Pennsylvania Avenue
Centreville, Maryland 21617
Tel: 410-758-2095
Fax: 410-758-4422

DESCRIPTION OF
FOURTH STREET
IN THE FIRST ELECTION DISTRICT
TALBOT COUNTY, MARYLAND

Beginning for the same at a point, said point being the northwesterlymost corner of the herein described land, said point also being the southwesterlymost corner of Lot 1, as shown on a plat recorded in the Plat Records of Talbot County, Maryland in Book 35 Page 28, of the land of The National Bank of Cambridge (Liber 1806 Folio 289), said point also being on the easterly side of the public road known as Ocean Gateway, Maryland Highway No. U. S. 50; and from said **Place of Beginning** running by and with the said The National Bank of Cambridge land (1) South 74 degrees 53 minutes 00 seconds East 542.90 feet to Windmill Branch and the land of The Town of Easton (Liber 505 Folio 109), Thence by and with the said Town of Easton land and the centerline of the said Windmill Branch (2) South 18 degrees 04 minutes 28 seconds West 60.08 feet to the land of The Unitarian Fellowship of Easton Maryland (Liber 708 Folio 589), thence by and with the said land of The Unitarian Fellowship of Easton Maryland (3) North 74 degrees 52 minutes 00 seconds West 539.80 feet to the aforesaid Ocean Gateway, thence by and with the easterly side of the said Ocean Gateway (4) North 15 degrees 07 minutes 00 seconds East 60.00 feet to the **Place of Beginning**, containing 32,481 Square Feet of Land, more or less.

Lane Engineering, LLC
Thomas D. Lane
Property Line Surveyor #340

STATE OF MARYLAND
THOMAS D. LANE
No. 340
REGISTERED
PROPERTY LINE SURVEYOR

This legal description has been prepared by the licensee named, personally or under their direction and supervision and complies with the requirements as set forth in Regulation 09.13.06.12 of The Maryland Minimum Standards for Surveyors

www.leinc.com
general@leinc.com

EXHIBIT
C