

COUNTY COUNCIL

OF

TALBOT COUNTY

2013 Legislative Session, Legislative Day No.: May 14, 2013

Resolution No.: 205

Introduced by: Mr. Pack, Ms. Price

A RESOLUTION TO APPROVE THE SALE OF SIX (6) UNIMPROVED LOTS LOCATED ON U.S. ROUTE 50 AND CLEARVIEW ROAD, EASTON, MARYLAND, CONSISTING OF APPROXIMATELY 1.395 ACRES IN TOTAL AREA, MORE OR LESS, FOR THE TOTAL SUM OF THREE HUNDRED AND FIFTY-ONE THOUSAND THREE HUNDRED AND TWENTY-FOUR (\$351,324) DOLLARS

By the Council: May 14, 2013

Introduced, read the first time, and ordered posted, with Public Hearing scheduled on Tuesday, June 11, 2013 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, Secretary

A RESOLUTION TO APPROVE THE SALE OF SIX (6) UNIMPROVED LOTS LOCATED ON U.S. ROUTE 50 AND CLEARVIEW ROAD, EASTON, MARYLAND, CONSISTING OF APPROXIMATELY 1.395 ACRES IN TOTAL AREA, MORE OR LESS, FOR THE TOTAL SUM OF THREE HUNDRED AND FIFTY-ONE THOUSAND THREE HUNDRED AND TWENTY-FOUR (\$351,324) DOLLARS

1 **WHEREAS**, Talbot County, Maryland (the “County) is the owner of six (6) unimproved
2 lots located on U.S. Route 50 and on Clearview Road, Easton, Maryland, consisting of
3 approximately 1.395 acres in total, comprised of : (1) 29290 Clearview Road, Tax Map 25,
4 Parcel 130; (2) 29298 Clearview Road, Tax Map 25, Parcel 131; (3) 29304 Clearview Road, Tax
5 Map 25, Parcel 132; (4) 29310 Clearview Road, Tax Map 25, Parcel 133; (5) Lot 6, 70’ x 130’,
6 Tax Map 25, Parcel 135; and (6) Lots 7-8, 105’ x 130’, Tax Map 25, Parcel 136 (hereinafter the
7 “Property”); and,
8

9 **WHEREAS**, the Property was acquired with a grant from the Federal Aviation
10 Administration (“FAA”) for noise abatement in connection with operation of the Airport owned
11 by Talbot County in Easton, Maryland; and,
12

13 **WHEREAS**, the FAA grant included a condition that any Property acquired for noise
14 abatement would be subject to disposal, and that the FAA could designate the Property for
15 disposal by the County. If so designated, the County agreed to use its best efforts to dispose of
16 the Property, subject to retention or reservation of any interest or right therein necessary to insure
17 that the Property is used only for purposes which are compatible with the noise levels and
18 operation of the Airport; and,
19

20 **WHEREAS**, the FAA has designated the Property for disposition pursuant to the terms
21 and conditions of the grant; and,
22

23 **WHEREAS**, as required by the FAA grant, the County solicited offers to purchase the
24 Property by advertisement in a newspaper of general circulation in the County; and,
25

26 **WHEREAS**, the County Council at its meeting on Tuesday, May 7, 2013, awarded Bid
27 No. 13-06, which solicited offers to purchase the Property, to the highest responsive bidder,
28 Thomas C. Mitchell, for the sum of Three Hundred and Fifty-One Thousand Three Hundred and
29 Twenty-Four (\$351,324) Dollars under the terms in the bid documents and supplemental bid
30 addenda and subject to final award in accordance with the requirements of law.
31

32 **NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF**
33 **TALBOT COUNTY**, that

- 34 1. The Council adopts findings of fact as to whether the Property is needed for public use:
- 35 a. On September 28, 1988, the County accepted an FAA grant to acquire the
36 Property for noise abatement purposes in connection with ownership and
37 operation of the Airport;
- 38 b. That grant included the following terms:

- 39 (i). “[Talbot County] agrees that land in this project purchased for noise
40 compatibility purposes may be subject to disposal...the FAA may
41 designate such land which must be sold by [Talbot County]. [Talbot
42 County] will use its best efforts to so dispose of such land subject to
43 retention or reservation of any interest or right therein necessary to
44 insure that such land is used only for purposes which are compatible
45 with the noise levels of operation of the airport.”
- 46 (ii). “For land purchased under grant before, on, after (sic) December 30,
47 1987 for airport noise compatibility purposes, [Talbot County] will
48 dispose of the land, when the land is no longer needed for such
49 purposes, at fair market value at the earliest practicable time.”
- 50 (iii). “Disposition of such land...will be subject to the retention or
51 reservation on (sic) any interest or right therein necessary to ensure
52 that such land will only be used for purposes which are compatible
53 with noise levels associated with the operation of the airport.”
- 54 c. Under the grant the FAA has designated the Property as land that must be sold by
55 the County.
- 56 d. The Property is no longer needed for public use because both (1) the grant
57 agreement that obligates the County to dispose of the Property when required to
58 do so by the FAA, and (2) the County is being required to retain and is retaining
59 an aviation easement on the Property, and is being required to restrict the use
60 and is restricting use of the Property only for purposes which are compatible with
61 the noise levels of operation of the Airport, and therefore retention of the Property
62 is no longer needed for the public purpose for which it was acquired, namely
63 Airport noise abatement.
- 64 e. Based on the foregoing, the Property is declared to be surplus property no longer
65 needed for a public purpose, and is therefore subject to disposition as required by
66 the terms of the FAA grant and pursuant to the requirements of law set forth in
67 Article 25A § 5 B., Md. Ann. Code.
- 68 2. Adoption of this Resolution authorizes the County to enter into a contract of sale with the
69 high bidder, Thomas C. Mitchell, in accordance with the terms of the bid documents and
70 supplemental bid addenda, to include a deposit of \$10,000 in the form of a cashier’s
71 check, at a purchase price of Three Hundred and Fifty-One Thousand Three Hundred and
72 Twenty-Four (\$351,324) Dollars, subject to fulfillment of all requirements of law
73 applicable to disposition of public property.
- 74 3. The terms of the proposed disposition shall be advertised once a week for three
75 successive weeks in a newspaper of general circulation published in the County stating
76 the terms thereof and the compensation to be received therefor and giving opportunity for
77 objections thereto.

78 4. The terms of the proposed disposition include the following: the Property will be sold in
79 fee simple subject to an avigation easement reserved in favor of the County, and subject
80 to certain covenants that will run with and bind the land as required by the FAA. These
81 covenants include a restriction that the Property shall not be used for purposes that are
82 not compatible with noise levels associated with operation of the Airport. These include
83 residential purposes, including single-family, multifamily, or mobile home development;
84 nor shall the Property be used for educational facilities or other noise-sensitive land use
85 not compatible with airport noise as described in 14 Code of Federal Regulations, part
86 150, as amended from time to time. Settlement is to occur within 60 days of final
87 ratification of the proposed disposition.

88 5. Adoption of this Resolution authorizes advertisement of the proposed disposition in
89 accordance with Paragraph Three (3), above.

90 BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately upon its
91 date of passage.
92

PUBLIC HEARING

Having been posted and Notice of time and place of hearing and Title of Resolution No. _____ having been published, a public hearing was held on _____, _____, 2013 at _____ p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

BY THE COUNCIL

ADOPTED

By the Council, _____

Certified _____, Secretary
Susan W. Moran

By Order _____
Susan W. Moran, Secretary

Bartlett -
Hollis -
Pack -
Price -
Duncan -