



**Council of the Town of Leonardtown**  
**Ordinance No. 178**  
**Subject: Sale of Surplus Real Property**

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**Date Introduced on First Reading: June 12, 2017**

**Date Adopted on Second Reading: Emergency 6/12, 2017**

**Date Effective: 7/3, 2017**

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AN ORDINANCE for the purpose of approving the Town of Leonardtown's sale of certain real property located at the corner of Doctors Crossing Road and Moakley Street in Leonardtown, Maryland, described in a deed dated May 30, 2001 and recorded among the Land Records of St. Mary's County, Maryland at Liber E.W.A. No. 1649, folio 80, and as shown on St. Mary's County Tax Map 127 as Parcel No. 86 with a tax account number of 03-066096, such property having previously been declared by the Mayor and Commissioners to be surplus and no longer necessary for present or anticipated future public use; and authorizing the Mayor and the Town Administrator, or such other officers of the Town as may be appropriate under the circumstances, to execute all documents and take any and all action necessary to effectuate the conveyance thereof to Richard A. Braam; providing that the title of this Ordinance shall be deemed a fair summary; and generally relating to the sale of surplus real property in the Town of Leonardtown.

RECITALS

**WHEREAS**, pursuant to § 5-204(c)(3) of the Local Government Article of the Annotated Code of Maryland and §§ 501(49) and 1201 of the Charter of the Town of Leonardtown (the "Charter"), the Mayor and Commissioners of the Town of Leonardtown (the "Mayor and Commissioners"), as the chief legislative authority for The Commissioners of Leonardtown, a Maryland municipal corporation (the "Town"), have the express ordinance-making power to sell at public or private sale after 20 days' public notice and to convey to the purchaser thereof any real property belonging to the Town when the Mayor and Commissioners determine that it is no longer needed for any public use; and

**WHEREAS**, pursuant to a deed dated May 30, 2001 and recorded among the Land Records of St. Mary's County, Maryland at Liber E.W.A. No. 1649, folio 80, Alfred S. Mattingly and Joan C. Mattingly, his wife, and Helen S. Mattingly, widow, transferred to the Town all that lot or parcel of ground situate, lying, and being in the Town of Leonardtown, in the Third Election District of St. Mary's County, Maryland, located at the corner of Doctor's

Crossing Road and Moakley Street, and described in the foregoing deed as follows:

All that lot, tract, piece or parcel of land, situate, lying and being in the Town of Leonardtown Third Election District of St. Mary's County, Maryland, and described as follows, that is to say:

1.20 acres, more or less, located at the intersection of DOCTORS CROSSING ROAD and MOAKLEY STREET in SINGLETREE as the same is shown and reflected on a survey plat dated January 10, 2001 prepared by Little Silences Rest, Inc. and titled STORMWATER MANAGEMENT PARCEL, the same being affixed hereto and made a part hereof.

Being a portion of the same property which was conveyed to James Moakley Mattingly, Jr. and Helen S. Mattingly, his wife; and Alfred S. Mattingly and Joan C. Mattingly, his wife, by deeds dated December 27, 1973 and January 4, 1974 and recorded among the aforesaid Land Records in Books D.B.K. No. 203, Page 245 and D.B.K. No. 204, Page 114 respectively (the "Property"); and

**WHEREAS**, pursuant to Resolution No. 8-16, adopted November 14, 2016 during a public meeting, the Mayor and Commissioners declared the Property to be surplus and no longer needed for any public use and authorized the Mayor and Town Administrator to solicit bids for the purchase of the Property, subject to approval by the Mayor and Commissioners by ordinance; and

**WHEREAS**, Richard A. Braam was the only bidder for the Property, having submitted a bid of \$525 therefor, which exceeded the minimum bid of \$500; and

**WHEREAS**, during their April 10, 2017 regular monthly meeting, the Mayor and Commissioners unanimously voted to accept Mr. Braam's bid for the Property and move forward with the sale thereof; and

**WHEREAS**, the Mayor and Commissioners have determined that for and in consideration of the sum of Five Hundred Twenty-Five and 00/100 Dollars (\$525.00), and other terms and conditions set forth in the Contract attached hereto as Exhibit 1, the Town will convey the Property to Mr. Braam, together with any and all buildings and improvements thereupon erected, made, or being, any and all rights, ways, waters, privileges, appurtenances, and advantages thereto belonging or appertaining, and subject to any and all restrictions, covenants, easements, conditions, liens, or agreements as may appear among the Land Records of St. Mary's County, Maryland; and

**WHEREAS**, the Mayor and Commissioners find that approving the Town's sale of the Property to Mr. Braam as set forth herein would be in the best interest of the health, safety, and welfare of the citizens of the Town.

**SECTION I. BE IT ORDAINED BY THE MAYOR AND COMMISSIONERS OF**



**THE TOWN OF LEONARDTOWN**, that the Mayor and Commissioners hereby authorize the Town's sale of all that real property located at the corner of Doctors Crossing Road and Moakley Street in Leonardtown, Maryland, described in a deed dated May 30, 2001 and recorded among the Land Records of St. Mary's County, Maryland at Liber E.W.A. No. 1649, folio 80, and as shown on St. Mary's County Tax Map 127 as Parcel No. 86 with a tax account number of 03-066096, together with any and all buildings and improvements thereupon erected, made, or being, any and all rights, ways, waters, privileges, appurtenances, and advantages thereto belonging or appertaining, and subject to any and all restrictions, covenants, easements, conditions, liens, or agreements as may appear among the Land Records of St. Mary's County, Maryland, such real property having previously been declared by the Mayor and Commissioners to be surplus and no longer needed for any public use.

**SECTION II. AND BE IT FURTHER ORDAINED** that the Mayor and Commissioners hereby authorize the Mayor to execute a contract for the sale of the foregoing Property in substantially the same form as the Contract attached hereto as Exhibit 1 for the sum of Five Hundred Twenty-Five and 00/100 Dollars (\$525.00).

**SECTION III. AND BE IT FURTHER ORDAINED** that the Mayor and Commissioners hereby authorize the Mayor and the Town Administrator to do any and all things and execute any and all documents necessary and incidental to the Town's sale of the foregoing Property.

**SECTION IV. AND BE IT FURTHER ORDAINED** that the recitals to this Ordinance are incorporated herein and deemed a substantive part of this Ordinance.

**SECTION V. AND BE IT FURTHER ORDAINED** that this Ordinance is not intended to become part of the Town Code.

**SECTION VI. AND BE IT FURTHER ORDAINED** that, if any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance, it being the intent of the Mayor and Commissioners that this Ordinance shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.

**SECTION VII. AND BE IT FURTHER ORDAINED** that all ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.


**SECTION VIII. AND BE IT FURTHER ORDAINED** that the title of this Ordinance, or a condensed version thereof, shall be deemed to be, and is, a fair summary of this Ordinance for publication and all other purposes.


**SECTION IX. AND BE IT FURTHER ORDAINED** that this Ordinance shall become

effective twenty (20) days following approval by the Mayor or passage by the affirmative vote of four-fifths of the whole Commissioners after veto by the Mayor, in accordance with the provisions of Md. Code Ann., Local Gov't § 5-204(c)(3) and §§ 501(49) and 1201 of the Charter.

Attest:

Commissioners of Leonardtown:

  
\_\_\_\_\_  
Laschelle E. McKay  
Town Administrator

  
\_\_\_\_\_  
Leslie E. Roberts  
Vice President

  
\_\_\_\_\_  
Thomas M. Combs  
Council Member

Seal:

  
\_\_\_\_\_  
Hayden P. Hammett  
Council Member

  
\_\_\_\_\_  
J. Maguire Mattingly, IV  
Council Member

  
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Roger L. Mattingly  
Council Member

This Ordinance was presented to the Mayor for his approval or disapproval pursuant to

Section 210 of the Charter of the Town of Leonardtown this 12<sup>th</sup> day of June, 2017.

Laschelle E McKay  
Laschelle E. McKay, Town Administrator

In accordance with Section 210 of the Charter of the Town of Leonardtown, I hereby (Approve) or (Disapprove) approve this Ordinance this 12<sup>th</sup> day of June, 2017.

Daniel W. Burris  
Daniel W. Burris, Mayor