



**Council of the Town of Leonardtown
Ordinance No. 179
Subject: Sale of Surplus Real Property**

Date Introduced on First Reading: June 12, 2017
Date Adopted on Second Reading: Emergency 6/12, 2017
Date Effective: July 3, 2017

AN ORDINANCE for the purpose of approving the Town of Leonardtown's sale of certain real property located on the north side of Church Street in Leonardtown, Maryland, described in a deed dated April 20, 1925 and recorded among the Land Records of St. Mary's County, Maryland at Liber J.M.M. No. 3, folio 87, and as shown on St. Mary's County Tax Map 127 as Parcel No. 22 with a tax account number of 03-036510, 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 Philip H. Dorsey, III; 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 April 20, 1925 and recorded among the Land Records of St. Mary's County, Maryland at Liber J.M.M. No. 3, folio 87, The Vestry of St. Andrew's Parish in St. Mary's County 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 on the north side of Church Street, and described in the foregoing

deed as follows:

All that lot, part of a lot, piece or parcel of ground and premises, situate, lying and being in the town of Leonardtown, in the Third Election District of St. Mary's County and State of Maryland, and described as follows, that is to say:

All that rectangular lot of ground and premises, sixty feet square, upon which has been erected a water tower and water tank for the water supply system of the town of Leonardtown, in said St. Mary's County, whose northern boundary line, sixty feet long, is a section of the dividing line between the lot upon which stands St. Peter's Chapel and the lot to the south which is owned by the said Vestry of St. Andrew's Parish, and which is located at the northern extremity of a thirty-foot alley extending from Griswold Street and bisecting the entire lot served by said Vestry as aforesaid from south to north; containing thirty-six hundred square feet of land.

Being a part of all that lot which, by deed of the Convention of the Protestant Episcopal Church of the Diocese of Washington, dated April 9, 1907, recorded among the Land Records of said St. Mary's County in Liber E.B.A. No. 6, folio 357, was conveyed to the said vestry of St. Andrew's Parish.

Together with the structure thereon, being the water tower and water tank hereinbefore mentioned, and with the right and privilege of using said alley for egress and ingress from and to the said water tower and water tank and of laying, constructing and maintaining pipes and a water main along and under said alley from said Griswold Street to said water tower and water tank so as not to interfere with the use and occupation of the lots adjoining, nor to the obstruction, injury and passability of said alley for use as a way for vehicles and traffic (the "Property"); and

WHEREAS, pursuant to Resolution No. 916, 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, Philip H. Dorsey, III was the only bidder for the Property, having submitted a bid of \$4,400 therefor, which exceeded the minimum bid of \$4,000; and

WHEREAS, during their April 10, 2017 regular monthly meeting, the Mayor and

Commissioners unanimously voted to accept Mr. Dorsey'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 Four Thousand Four Hundred and 00/100 Dollars (\$4,400.00), and other terms and conditions set forth in the Contract attached hereto as Exhibit 1, the Town will convey the Property to Mr. Dorsey, 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. Dorsey 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 on the north side of Church Street in Leonardtown, Maryland, described in a deed dated April 20, 1925 and recorded among the Land Records of St. Mary's County, Maryland at Liber J.M.M. No. 3, folio 87, and as shown on St. Mary's County Tax Map 127 as Parcel No. 22 with a tax account number of 03-036510, 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 Four Thousand Four Hundred and 00/100 Dollars (\$4,400.00).

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

Laschelle E. McKay
Town Administrator

Leslie E Roberts

Leslie E. Roberts
Vice President

[Signature]

Thomas M. Combs
Council Member

Seal:

[Signature]

Hayden T. Hammett
Council Member

[Signature]

J. Maguire Mattingly, IV
Council Member

[Signature]

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 13th 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 12th day of June, 2017.

[Signature]
Daniel W. Burris, Mayor