

1 **..Title**

2 **The Conveyance of part of the unimproved portion of the City-owned right of way**  
3 **containing the road bed of Castlegate Drive to Lee, et al., LLC** – For the purpose of  
4 approving the conveyance of part of the unimproved portion of City-owned right of way  
5 containing the road bed of Castlegate Drive to Lee, et al., LLC; expressly authorizing  
6 said conveyance to be made at private sale and not at public auction; and matters  
7 generally relating to said conveyance.

8 **..Body**

9 **CITY COUNCIL OF THE**

10 *City of Annapolis*

11 **Ordinance 6-19**

12 **Introduced by: Alderman Rodriguez**

13  
14  
15 **Referred to**

16  
17  
18  
19 **AN ORDINANCE** concerning

20  
21 **The Conveyance of part of the unimproved portion of the City-owned right of way**  
22 **containing the road bed of Castlegate Drive to Lee, et al., LLC**

23  
24 **FOR** the purpose of approving the conveyance of part of the unimproved portion of  
25 City-owned right of way containing the road bed of Castlegate Drive to Lee, et  
26 al., LLC; expressly authorizing said conveyance to be made at private sale and not  
27 at public auction; and matters generally relating to said conveyance.

28  
29 **WHEREAS**, the City of Annapolis is the owner of the right of way containing the road  
30 bed of Castlegate Drive, Annapolis, Maryland, as described and reflected in  
31 the attached Exhibits A and B, which are incorporated herein and made a  
32 part hereof; and

33  
34 **WHEREAS**, part of the right of way containing the road bed of Castlegate Drive is  
35 unimproved;

36  
37 **WHEREAS**, on January 23, 2017 the Annapolis City Council adopted O-51-16, which  
38 authorized the conveyance of part of the unimproved portion of the City-  
39 owned right of way containing the road bed of Castlegate Drive set forth in  
40 Exhibits A and B to the Lydia May Grant Revocable Trust;

41  
42 **WHEREAS**, the Deed of conveyance was drafted and presented to the Lydia May Grant  
43 Revocable Trust for execution, but the Lydia May Grant Revocable Trust  
44 never executed the Deed or took any further action concerning the  
45 conveyance;

1  
2 **WHEREAS**, on April 12, 2018, the Lydia May Grant Revocable Trust sold the property  
3 located at 1415 Damsel Lane, Annapolis MD 21403 to Maria Carmela C.  
4 Oncita;

5  
6 **WHEREAS**, Lee, et al., LLC now seeks to purchase from the City of Annapolis the right  
7 of way containing the road bed of Castlegate Drive, Annapolis, Maryland,  
8 as described and reflected in the attached Exhibits A and B; and

9  
10 **WHEREAS**, the City of Annapolis is willing to make the conveyance which Lee, et al.,  
11 LLC is seeking; and

12  
13 **WHEREAS**, by authorizing the deed attached to this Ordinance and which is  
14 incorporated herein, the City of Annapolis shall convey its right, title, and  
15 interest in that part of the unimproved portion of the right of way containing  
16 the road bed of Castlegate Drive, which adjoins the property of 1415  
17 Damsel Lane shown in Exhibits A and B to Lee, et al., LLC; and

18  
19 **WHEREAS**, it is in the best interest of the City of Annapolis to make this conveyance by  
20 private sale and not by public auction; and

21  
22 **WHEREAS**, Article III, Section 7 of the Annapolis City Charter requires the passage of  
23 an ordinance before the City of Annapolis may dispose of any property no  
24 longer needed for public use.

25  
26 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS**  
27 **CITY COUNCIL** that it hereby approves and authorizes the conveyance, by deed, of the  
28 City's right, title, and interest in that part of the unimproved portion of the right of way  
29 containing the road bed of Castlegate Drive which adjoins the property of 1415 Damsel  
30 Lane, as shown in Exhibits A and B, to Lee, et al., LLC, subject to the following  
31 conditions:

- 32
- 33 1. That Lee, et al., LLC shall bear all of the costs in connection with the  
34 conveyance authorized by this Ordinance, including but not limited to  
35 attorneys' fees, document preparation, survey expenses, title search, title  
36 insurance for Lee, et al., LLC and for the City of Annapolis, recordation and  
37 transfer fees and taxes, and all other costs and expenses, if any, associated  
38 with the conveyance.
  - 39
  - 40 2. That all property descriptions, surveys, and deeds shall be subject to the  
41 review and approval of the City Attorney prior to final execution and  
42 recordation.
  - 43
  - 44 3. That, if deemed necessary by the City of Annapolis, Lee, et al., LLC shall  
45 apply for and obtain minor subdivision approval to consolidate the property

1 located at 1415 Damsel Lane, Annapolis, MD with that portion of the abutting  
2 City-owned unimproved land known as Castlegate Drive.

- 3  
4 4. That the property conveyed by this Deed shall not be used or approved for  
5 building lots.

6  
7 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**  
8 **ANNAPOLIS CITY COUNCIL** that it hereby expressly finds that the City-owned land  
9 to be conveyed is not needed for public use.

10  
11 **SECTION III: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY**  
12 **THE ANNAPOLIS CITY COUNCIL** that, it hereby authorizes and approves the sale  
13 and conveyance of all of its rights, title and interest in and to said land, by private sale  
14 and not by public auction.

15  
16 **SECTION IV: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY**  
17 **THE ANNAPOLIS CITY COUNCIL** that this Ordinance shall take effect from the date  
18 of its passage.

19  
20  
21 **EXPLANATION**

22 CAPITAL LETTERS indicate matter added to existing law.

23 ~~Strikethrough~~ indicates matter stricken from existing law.

24 Underlining indicates amendments

25

**DEED**

1  
2  
3  
4 THIS DEED is made \_\_\_\_ day of \_\_\_\_\_, 2019, by and between the  
5 CITY OF ANNAPOLIS, a municipal corporation of the State of Maryland (“Grantor”)  
6 and the LEE, ET AL., LLC (“Grantee”).  
7

8 WHEREAS, this Deed is authorized pursuant to Ordinance No. O-6-19 of the City  
9 Council of the City of Annapolis adopted on the \_\_\_\_ day of \_\_\_\_\_, 2019 by the  
10 Mayor and Aldermen.  
11

12 NOW, THEREFORE, in consideration of these premises, and for consideration of  
13 Five Thousand Five Hundred Twenty One Dollars and 50 Cents (\$5,521.50) and other good  
14 and valuable consideration, the receipt and sufficiency of which the Grantor and Grantee  
15 acknowledge, the Grantor hereby grants, conveys and assigns to the Grantee, his successors  
16 and assigns, in fee simple, forever, all of those parcels of land situate, lying and being in  
17 Anne Arundel County, Maryland, more particularly described as follows:  
18

19 See attached Exhibit “A” and Exhibit “B”  
20 Description of 1,148 square feet or 0.0264 of an acre of land  
21

22 BEING or intending to be a portion of land owned by the Mayor and Aldermen of  
23 the City of Annapolis, as shown on a Plat of Subdivision entitled “Plat 2 of 4,  
24 Knightsbridge” and recorded among the Land Records of Anne Arundel County, Maryland,  
25 in Liber 69, Folio 30, Plat Number 3655.  
26

27 TOGETHER with the buildings and improvements thereon erected, made or  
28 being and all of the rights, alleys, ways, waters, privileges, appurtenances and advantages  
29 to the same belonging, or in anywise appertaining.  
30

31 TO HAVE AND TO HOLD the above described parcel of land unto and to the  
32 proper use and benefit of the Grantee, its successors and assigns, in fee simple, forever.  
33

34 SUBJECT to the retention by the Grantor of a permanent and perpetual general  
35 utility easement in favor of the Grantor on, over, under, along, across and through the  
36 entire area of land conveyed by this Deed for purposes, if deemed necessary by the  
37 Grantor, of construction, installation, maintenance, repair, or replacement of utilities.  
38

39 SUBJECT also to a permanent and perpetual restriction that the land conveyed by  
40 this Deed that shall not constitute a building lot for any purpose, and shall remain in its  
41 unpaved state.  
42

43 THE GRANTOR covenants that it has not done or suffered to be done any act,  
44 matter or thing whatsoever to encumber the property hereby conveyed, that it will  
45 warrant specially the title to the property hereby conveyed, and that it will execute such  
46 further assurances of the same as may be requisite.

1  
2 THE GRANTOR declares and affirms under the penalty of perjury that the  
3 consideration paid or to be paid for this conveyance, including the amount of any  
4 mortgage or deed of trust outstanding, is Five Thousand Five Hundred Twenty One  
5 Dollars and 50 Cents (\$5,521.50).

6  
7 IN WITNESS WHEREOF, the Grantor has executed this Deed on the day and  
8 year first herein written.

9  
10  
11 ATTESTATION, ACKNOWLEDGEMENT AND  
12 ACCEPTANCE OF CONVEYANCE AS TO ALL:

13  
14  
15 \_\_\_\_\_  
16 REGINA WATKINS-ELDRIDGE, City Clerk  
17

18  
19 CITY COUNCIL OF THE CITY OF ANNAPOLIS:

20  
21  
22 By: \_\_\_\_\_ (Seal)  
23 GAVIN BUCKLEY, Mayor  
24

25  
26 \_\_\_\_\_ (Seal)  
27 ELEANOR TIERNEY, Alderman  
28

29  
30 \_\_\_\_\_ (Seal)  
31 FREDERICK M. PAONE, Alderman  
32

33  
34 \_\_\_\_\_ (Seal)  
35 RHONDA PINDELL CHARLES, Alderwoman  
36

37  
38 \_\_\_\_\_ (Seal)  
39 SHEILA M. FINLAYSON, Alderwoman  
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41  
42 \_\_\_\_\_ (Seal)  
43 MARC RODRIGUEZ, Alderman  
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46 \_\_\_\_\_ (Seal)

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SHANEKA HENSON, Alderman

\_\_\_\_\_  
(Seal)

ROBERT SAVIDGE, Alderman

\_\_\_\_\_  
(Seal)

ROSS H. ARNETT, Alderman

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

\_\_\_\_\_  
GARY M. ELSON, Assistant City Attorney

\_\_\_\_\_  
Date

Pursuant to the Annotated Code of Maryland, Real Property Article, Section 3-104, it is hereby certified that this Deed has been prepared by or under the supervision of an attorney admitted to practice before the Court of Appeals of Maryland.

\_\_\_\_\_  
Gary M. Elson, Assistant City Attorney

PLEASE RETURN ORIGINAL TO:  
Lee, et al, LLC  
1606 Forest Drive  
Annapolis, MD 21403