

DEED

This Deed is made ___ day of _____, 2016, by and between the City of Annapolis, a municipal corporation of the State of Maryland, Grantor, and Anne Arundel County, Maryland, a political subdivision of the State of Maryland, Grantee.

Whereas, this Deed is authorized pursuant to Ordinance O-46-16 of the City Council of the City of Annapolis, which was adopted on the ___ day of _____, 2016.

Now, Therefore, in consideration of this premise and the sum of \$3.1 million (Three Million, One Hundred Thousand) Dollars and other good and valuable consideration, the receipt and sufficiency of which the parties acknowledge, the Grantor hereby grants and conveys to the Grantee, its successors and assigns, in “as is” condition, in fee simple, forever, the following parcel of land lying and being in Anne Arundel County, Maryland, more particularly described as follows:

Being the same property which was conveyed by John M. Gantt to the Annapolis Water Company by deed dated September 1, 1904 recorded among the land records of Anne Arundel County in liber GW 28, Folio 311, containing 208.70 acres of land, exclusive of the railroad right of way, more or less, the City of Annapolis being the successor to the Annapolis Water Company, and being the same property which is subject to a lease between the parties dated June 13, 1966 recorded among the land records of Anne Arundel County, Maryland in liber 2006, page 202, and an unrecorded Amendment No. 1 to Lease dated May 27, 2016.

Together with the buildings and improvements thereon erected, made or being and all of the rights, alleys, ways, waters, privileges, appurtenances and advantages to the same belonging, or in anywise appertaining, in “as is” condition.

To have and to hold the above described parcel of land unto and to the proper use and benefit of the Grantee, its successors and assigns, in fee simple, forever.

Subject to the following State of Maryland Program Open Space (POS) restrictions on use set forth in the Annotated Code of Maryland, Natural Resources Article, Section 5-906(e)(7) and 5-906(e)(8)(i):

Land acquired or developed under a State grant from POS may not be converted without written approval of the Secretary of the Department of Natural Resources and the Secretary of the Department of the budget from outdoor public recreation or open space use to any other use. Any conversion in land use may be approved only after the local governing body replaces the land with land of at least equivalent area and of equal recreation or open space value.

For any conversion of land acquired or developed under a State grant from POS as provided in paragraph (7) of this subsection, the appraised monetary value of the land proposed for acquisition shall be equal to or greater than the appraised monetary value of the land to be converted under the proposed new use of the converted land.

Subject further to the mutual understanding and agreement of the parties that the restrictions of in use of continuous and permanent open space area set forth in this Deed shall run with the property and shall be binding on the parties and their successors and assigns, and that the open space use of the property shall forever remain an open space use.

The Grantor covenants that it has not done or suffered to be done any act, matter or thing whatsoever to encumber the land conveyed by this Deed, that it will warrant specially the title to the land conveyed by this Deed, and that it will execute such further assurances of the same as may be requisite.

The Grantor declares and affirms under the penalty of perjury that the consideration paid or to be paid for this conveyance, including the amount of any mortgage or deed of trust outstanding, is \$3.1 million (Three Million, One Hundred Thousand) Dollars.

In Witness Whereof, the Grantor has executed this Deed on the day and year written above.

ATTESTATION AS TO ALL:

Regina Watkins-Eldridge, City Clerk

CITY COUNCIL OF THE CITY OF ANNAPOLIS:

By: _____ (Seal)
Michael J. Pantelides, Mayor

_____ (Seal)
Joe Budge, Alderman

_____ (Seal)
Frederick M. Paone, Alderman

_____ (Seal)
Rhonda Pindell Charles, Alderwoman

_____ (Seal)
Sheila M. Finlayson, Alderwoman

Jared Littman, Alderman (Seal)

Kenneth A. Kirby, Alderman (Seal)

Ian Pfeiffer, Alderman (Seal)

Ross H. Arnett, Alderman (Seal)

State of Maryland, County of Anne Arundel:

I hereby certify that on this _____ day of _____, 2016, before me, a notary public in and for the State and County indicated, appeared the individuals whose signatures appear above, and they have signed this Deed in my presence and they have acknowledged it to be their free and voluntary act made for the purposes set forth herein.

Witness my signature and notary seal.

Notary Public
My Commission Expires:

Approved as to form and legal sufficiency:

Gary M. Elson, Acting City Attorney
City of Annapolis

Date

Acceptance on behalf of Anne Arundel County:

Steven R. Schuh, County Executive
Anne Arundel County

Approved as to form and legal sufficiency:

Nancy M. Duden, County Attorney
Anne Arundel County

Date

Approved as to financial sufficiency:

John R. Hammond, Budget Officer
Anne Arundel County

Date

Pursuant to the Annotated Code of Maryland, Real Property Article, Section 3-104, I hereby certify that this Deed has been prepared by me, an attorney admitted to practice before the Court of Appeals of Maryland.

Gary M. Elson, Acting City Attorney
City of Annapolis

Please return to:

Anne Arundel County, Maryland
Office of Law
2660 Rive Road
Annapolis, MD 21401