

1 **..Title**

2 **The Conveyance of the Right of Way Containing Cobblestone Court** – For the purpose of
3 conveying by deed the right, title, and interest of the City of Annapolis in the right of way
4 containing Cobblestone Court to Annapolis Overlook Condominiums Association, Inc., and
5 matters generally relating to said conveyance.

6 **..Body**

7 **CITY COUNCIL OF THE**
8 **City of Annapolis**

9
10 **Ordinance No. O-49-15**

11
12 **Sponsors: Alderman Littmann**

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14
15 **Referred to**
16 **Economic Matters Committee**
17 **Finance Committee**

18
19
20 **AN ORDINANCE** concerning

21
22 **The Conveyance of the Right of Way Containing Cobblestone Court**

23
24 **FOR** the purpose of conveying by deed the right, title, and interest of the City of Annapolis in
25 the right of way containing Cobblestone Court to Annapolis Overlook Condominiums
26 Association, Inc., and matters generally relating to said conveyance.

27
28 **WHEREAS,** the City of Annapolis is the owner of the right of way containing Cobblestone
29 Court, which lies in the subdivision known as Annapolis Overlook, by Deed
30 recorded among the Land Records of Anne Arundel County, Maryland in Liber
31 11395 at folio 758, which is depicted in Exhibit 1 attached to this Ordinance and
32 incorporated herein; and

33
34 **WHEREAS,** the Annapolis Overlook Condominiums Association, Inc. has requested that the
35 City of Annapolis convey to it all of the right, title and interest of the City in the
36 right of way containing Cobblestone Court; and

37
38 **WHEREAS,** the Annapolis Overlook Condominiums Association, Inc. has represented to the
39 City of Annapolis that its charter is active and not forfeited, that it is in good
40 standing with the State of Maryland, that there are no violations of law by the
41 Annapolis Overlook Condominiums Association, Inc. existing or outstanding,
42 whether known to the State of Maryland or others, that it has authority to accept
43 the conveyance, that it has presented this matter to property owners adjacent to
44 the right of way containing Cobblestone Court and that no property owners have
45 any objection to the conveyance, that it has supplied all such documentation to

1 this effect to the City of Annapolis in a form required by the City of Annapolis,
2 and that it has complied with all requirements and formalities binding on it.
3

4 **WHEREAS**, by authorizing the deed attached to this Ordinance incorporated herein, the City of
5 Annapolis shall convey its right, title, and interest in the right of way containing
6 Cobblestone Court, as depicted on Exhibit 1, to the Annapolis Overlook
7 Condominiums Association, Inc., plus the ownership of storm drain facilities,
8 including pipes, manholes, inlets and appurtenances, within the right of way
9 containing Cobblestone Court, and shall transfer all maintenance, repair and
10 reconstruction obligations related to storm drain facilities to the Annapolis
11 Overlook Condominiums Association, Inc., and shall reserve and retain unto the
12 City of Annapolis, its successors and assigns, a permanent and perpetual easement
13 over, under, and through the entire area of the right of way containing
14 Cobblestone Court for purposes of water and sewer services.
15

16 **WHEREAS**, Article III, Section 7 of the Annapolis City Charter requires the passage of an
17 ordinance before the City of Annapolis may dispose of any property no longer
18 needed for public use.
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20

21 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS**
22 **CITY COUNCIL** that it hereby approves and authorizes the conveyance, by deed, of the City's
23 right, title, and interest in that part of the property known as the right of way containing
24 Cobblestone Court to the Annapolis Overlook Condominiums Association, Inc., more
25 particularly identified in the attached Exhibit 1, subject to the following conditions:
26

- 27 1. That the Annapolis Overlook Condominiums Association, Inc. shall bear all of the
28 costs in connection with the conveyance authorized by this Ordinance, including but
29 not limited to attorneys' fees, document preparation, survey expenses, title search,
30 title insurance recordation and transfer fees and taxes, and all other costs and
31 expenses, if any, associated with the conveyance; and
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- 33 2. That all property descriptions, surveys, and deeds shall be subject to the review and
34 approval of the City Attorney prior to final execution and recordation of the Deed;
35
- 36 3. That the Deed shall contain a provision conveying, to the Annapolis Overlook
37 Condominiums Association, Inc., the ownership of storm drain facilities, including
38 pipes, manholes, inlets and appurtenances, within the right of way containing
39 Cobblestone Court, and transferring all maintenance, repair and reconstruction
40 obligations related to the storm drain facilities;
41
- 42 4. That the Deed shall contain a provision reserving unto the City of Annapolis,
43 successors and assigns, a permanent and perpetual easement in the entire area of the
44 right of way containing Cobblestone Court, for purposes of water and sewer services.
45

No Consideration Deed
No Title Examination

DEED

THIS DEED is made ____ day of _____, 2015, by and between the City of Annapolis, a municipal corporation of the State of Maryland (“Grantor”) and Annapolis Overlook Condominiums Association, Inc. (“Grantee”).

WHEREAS, this Deed is authorized pursuant to Ordinance No. O-49-15 of the City Council of the City of Annapolis adopted on the ____ day of _____, 2015.

NOW, THEREFORE, in consideration of this premise, and for consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which the Grantor and Grantee acknowledge, the Grantor hereby grants and conveys to the Grantee, its successors and assigns, in fee simple, forever, all of that parcel of land situate, lying and being in the City of Annapolis, Anne Arundel County, Maryland, more particularly described as the right of way containing Cobblestone Court, and as depicted and described in Exhibit 1 attached to this Deed.

BEING the same property conveyed to the Grantor by Deed dated January 14, 2002, recorded among the Land Records of Anne Arundel County, Maryland, in Liber 11395, Folio 758.

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.

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.

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

THE GRANTOR also conveys to the Grantee the ownership of the storm drainage facilities, including pipes, manholes, inlets and appurtenances, within the right of way containing Cobblestone Court, to the Grantee for purposes of exclusive ownership and the exclusive obligation for maintenance, repair and reconstruction.

THE GRANTOR further reserves and retains unto itself, its successors and assigns, a permanent and perpetual utility easement throughout the entire area of the right of way containing Cobblestone Court, for water and sewer service purposes and for access to other easement areas shown on Annapolis Overlook Plats Numbered 6475 thru 6480.

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 zero.

1
2 IN WITNESS WHEREOF, the Grantor has executed this Deed on the day and year first
3 herein written.

4
5 ATTESTATION, ACKNOWLEDGEMENT AND
6 ACCEPTANCE OF CONVEYANCE AS TO ALL:
7

8
9
10 _____
11 REGINA WATKINS-ELDRIDGE, MMC
12 City Clerk

_____ Date:

13 **CITY COUNCIL OF THE CITY OF ANNAPOLIS:**

14
15
16 By: _____ (Seal)
17 MICHAEL J. PANTELIDES, Mayor

18
19
20 _____ (Seal)
21 JOSEPH BUDGE, Alderman

22
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24 _____ (Seal)
25 FREDERICK M. PAONE, Alderman

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28 _____ (Seal)
29 RHONDA PINDELL CHARLES, Alderwoman

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32 _____ (Seal)
33 SHEILA M. FINLAYSON, Alderwoman

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36 _____ (Seal)
37 JARED LITTMANN, Alderman

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40 _____ (Seal)
41 KENNETH A. KIRBY, Alderman

42
43
44 _____ (Seal)
45 IAN PFEIFFER, Alderman

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48 _____ (Seal)
49 ROSS H. ARNETT, Alderman
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ANNAPOLIS OVERLOOK
CONDOMINIUMS ASSOCIATION, INC.

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Witness

By: _____ (Seal)
Christina Hambruch, President

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

PLEASE RETURN ORIGINAL TO:

Office of Law
City of Annapolis
160 Duke of Gloucester Street
Annapolis, MD 21401