



Legislation Details (With Text)

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Type: Ordinance **Status:** Adopted

File created: 2/5/2019 **In control:** City Council

On agenda: 3/11/2019 **Final action:** 3/11/2019

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

Sponsors: Marc Rodriguez

Indexes:

Code sections:

Attachments: 1. O-6-19 Lee Conveyance of Castlegate Ordinance.pdf, 2. O-6-19 Exhibits A and B.pdf, 3. O-6-19 Staff Report and Fiscal Impact.pdf, 4. O-6-19 SIGNED.pdf

Date	Ver.	Action By	Action	Result
3/11/2019	1	City Council	adopt on second reader	Pass
3/11/2019	1	City Council	adopt on third reader	Pass
2/25/2019	1	City Council	declare the public hearing closed	
2/11/2019	1	City Council	adopt on first reader	Pass

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

**CITY COUNCIL OF THE
City of Annapolis**

Ordinance 6-19

Introduced by: Alderman Rodriguez

Referred to

AN ORDINANCE concerning

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

FOR the purpose of approving the conveyance of part of the unimproved portion of City-owned right of way containing the road bed of Castlegate Drive to Lee, et al., LLC; expressly authorizing said conveyance

to be made at private sale and not at public auction; and matters generally relating to said conveyance.

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

WHEREAS, part of the right of way containing the road bed of Castlegate Drive is unimproved;

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

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

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

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

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

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

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

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

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

1. That Lee, et al., LLC shall bear all of the costs in connection with the conveyance authorized by this Ordinance, including but not limited to attorneys' fees, document preparation, survey expenses, title search, title insurance for Lee, et al., LLC and for the City of Annapolis, recordation and transfer fees and taxes, and all other costs and expenses, if any, associated with the conveyance.
2. That all property descriptions, surveys, and deeds shall be subject to the review and approval of the City Attorney prior to final execution and recordation.

3. That, if deemed necessary by the City of Annapolis, Lee, et al., LLC shall apply for and obtain minor subdivision approval to consolidate the property located at 1415 Damsel Lane, Annapolis, MD with that portion of the abutting City-owned unimproved land known as Castlegate Drive.
4. That the property conveyed by this Deed shall not be used or approved for building lots.

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

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

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

EXPLANATION

CAPITAL LETTERS indicate matter added to existing law.
~~Strikethrough~~ indicates matter stricken from existing law.
Underlining indicates amendments

DEED

THIS DEED is made ____ day of _____, 2019, by and between the CITY OF ANNAPOLIS, a municipal corporation of the State of Maryland (“Grantor”) and the LEE, ET AL., LLC (“Grantee”).

WHEREAS, this Deed is authorized pursuant to Ordinance No. O-6-19 of the City Council of the City of Annapolis adopted on the ____ day of _____, 2019 by the Mayor and Aldermen.

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

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

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

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.

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

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

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 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 Five Thousand Five Hundred Twenty One Dollars and 50 Cents (\$5,521.50).

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

ATTESTATION, ACKNOWLEDGEMENT AND
ACCEPTANCE OF CONVEYANCE AS TO ALL:

REGINA WATKINS-ELDRIDGE, City Clerk

CITY COUNCIL OF THE CITY OF ANNAPOLIS:

By: _____(Seal)
GAVIN BUCKLEY, Mayor

_____ (Seal)
ELEANOR TIERNEY, Alderman

_____ (Seal)
FREDERICK M. PAONE, Alderman

_____ (Seal)
RHONDA PINDELL CHARLES, Alderwoman

_____ (Seal)

SHEILA M. FINLAYSON, Alderwoman

MARC RODRIGUEZ, Alderman

(Seal)

SHANEKA HENSON, Alderman

(Seal)

ROBERT SAVIDGE, Alderman

(Seal)

ROSS H. ARNETT, Alderman

(Seal)

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