



Legislation Text

File #: O-49-15, Version: 1

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

**CITY COUNCIL OF THE
City of Annapolis**

Ordinance No. O-49-15

Sponsors: Alderman Littmann

**Referred to
Economic Matters Committee
Finance Committee**

AN ORDINANCE concerning

The Conveyance of the Right of Way Containing Cobblestone Court

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

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

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

WHEREAS, the Annapolis Overlook Condominiums Association, Inc. has represented to the City of Annapolis that its charter is active and not forfeited, that it is in good standing with the State of Maryland, that there are no violations of law by the Annapolis Overlook Condominiums

Association, Inc. existing or outstanding, whether known to the State of Maryland or others, that it has authority to accept the conveyance, that it has presented this matter to property owners adjacent to the right of way containing Cobblestone Court and that no property owners have any objection to the conveyance, that it has supplied all such documentation to this effect to the City of Annapolis in a form required by the City of Annapolis, and that it has complied with all requirements and formalities binding on it.

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

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 property known as the right of way containing Cobblestone Court to the Annapolis Overlook Condominiums Association, Inc., more particularly identified in the attached Exhibit 1, subject to the following conditions:

1. That the Annapolis Overlook Condominiums Association, Inc. 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 recordation and transfer fees and taxes, and all other costs and expenses, if any, associated with the conveyance; and
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 of the Deed;
3. That the Deed shall contain a provision conveying, to the Annapolis Overlook Condominiums Association, Inc., the ownership of storm drain facilities, including pipes, manholes, inlets and appurtenances, within the right of way containing Cobblestone Court, and transferring all maintenance, repair and reconstruction obligations related to the storm drain facilities;
4. That the Deed shall contain a provision reserving unto the City of Annapolis, successors and assigns, a permanent and perpetual easement in the entire area of the right of way containing Cobblestone Court, for purposes of water and sewer services.

SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that it hereby expressly finds that the interest of the City of Annapolis in the property to be conveyed is not needed for any public use.

SECTION III: 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.

[brackets] indicate matter stricken from existing law.

Underlining indicates amendments. 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.

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, MMC
City Clerk

Date:

CITY COUNCIL OF THE CITY OF ANNAPOLIS:

By: _____ (Seal)
MICHAEL J. PANTELIDES, Mayor

_____ (Seal)
JOSEPH BUDGE, Alderman

_____ (Seal)
FREDERICK M. PAONE, Alderman

_____ (Seal)
RHONDA PINDELL CHARLES, Alderwoman

_____ (Seal)
SHEILA M. FINLAYSON, Alderwoman

_____ (Seal)
JARED LITTMANN, Alderman

_____ (Seal)
KENNETH A. KIRBY, Alderman

_____ (Seal)
IAN PFEIFFER, Alderman

_____ (Seal)
ROSS H. ARNETT, Alderman

ANNAPOLIS OVERLOOK
CONDOMINIUMS ASSOCIATION, INC.

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