



Legislation Text

File #: O-52-16, Version: 1

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 52-16

Introduced by: Alderman Littmann

Referred to

Economic Matters Committee

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 City owned right of way containing the road bed 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, Lee, et al., LLC is the owner of property located at 1606 Forest Drive, Annapolis, MD 21403;

WHEREAS, part of the property of Lee, et al., LLC adjoins part of the unimproved City owned right of way containing the unimproved portion of the road bed of Castlegate Drive, which Lee, et al., LLC is seeking to purchase from the City of Annapolis; 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 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 Lee, et al., LLC, as 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 Lee, et al., LLC, as shown in Exhibits A and B, as shown in the attached 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; 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.
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 1606 Forest Drive, Annapolis, MD with the City-owned unimproved land known as Castlegate Drive.
4. That no building permits (excluding fence permits, if City Code compliant) shall ever issue for the property conveyed.

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 _____, 2016, by and between the CITY OF ANNAPOLIS, a municipal corporation of the State of Maryland (“Grantor”) and LEE, ET AL., LLC (“Grantee”).

WHEREAS, this Deed is authorized pursuant to Ordinance No. O-52-16 of the City Council of the City of Annapolis adopted on the ____ day of _____, 2016 by the Mayor and Aldermen.

NOW, THEREFORE, in consideration of these premises, and for consideration of Nineteen Thousand Four Hundred Seventy Eight Dollars and 50 Cents (\$19,478.50) 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, its successors and assigns, in fee simple, forever, the following parcel of land lying and being in Anne Arundel County, Maryland, more particularly described as follows:

See attached Exhibit “A” and Exhibit “B”
Description of 4,051 square feet or 0.0930 of an acre of land

BEING part of the unimproved portion of the right of way containing the road bed of Castlegate Drive, 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 land hereby conveyed, that it will warrant specially the title to the land 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 Nineteen Thousand Four Hundred Seventy Eight Dollars and 50 Cents \$19,478.50.

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

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

(Seal)
JARED LITTMAN, Alderman

(Seal)
KENNETH A. KIRBY, Alderman

(Seal)
IAN PFEIFFER, Alderman

(Seal)
ROSS H. ARNETT, Alderman

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

GARY M. ELSON, Acting 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, Acting City Attorney

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:

PLEASE RETURN ORIGINAL TO:

Lee, et al., LLC
1606 Forest Drive
Annapolis, MD 21403