

RESOLUTION NO. 4-20

Resolution to Declare a Portion of Certain Real Property Owned by The Commissioners of Leonardtown, Shown on Tax Map 133, Grid 11, as a Portion of Parcel 360, With a Tax Identification Number of 03-015297, Consisting of 970 Square Feet, More or Less, Located at Court House Drive, Leonardtown, Maryland, as Surplus and No Longer Needed for any Present or Anticipated Public Purpose or Use

WHEREAS, The Commissioners of Leonardtown (the "Town") is a Maryland municipal corporation; and

WHEREAS, the elected legislative authority of the Town is known as the Council of the Town Leonardtown (the "Council"); and

WHEREAS, the Council is empowered to enact legislation applicable to the Town by, and within the scope of, Article XI-E (Municipal Corporations) of the Constitution of Maryland, Division II (Municipalities) of the Local Government Article of the Annotated Code of Maryland, and by the Charter of the Town of Leonardtown (the "Charter"), as each may be amended; and

WHEREAS, pursuant to Md. Code Ann., Local Gov't § 5-204(c)(3), the legislative body of every municipal corporation in the State of Maryland has the express ordinance-making power to sell at public or private sale after 20 days' public notice and to convey to the purchaser thereof any real property belonging to the municipal corporation when such legislative body determines that it is no longer needed for any public use; and

WHEREAS, pursuant to §§ 501(49) and 1201 of the Charter, the Council are authorized to convey any real or leasehold property when no longer needed for the public use, after having given at least 20 days' public notice of the proposed conveyance; and

WHEREAS, pursuant to a deed dated November 8, 1972 and recorded among the Land Records of St. Mary's County, Maryland in Liber D.B.K. No. 183, folio 406, Margaret D. Frazier, Personal Representative of the Estate of Mary Lillian Drury Duke, transferred to the Town all that lot or parcel of ground situate, lying, and being in the Town of Leonardtown, in the Third Election District of St. Mary's County, Maryland, shown on Tax Map 133, Grid 11 as Parcel 360, with a Tax Identification Number of 03-015297, located at Court House Drive, consisting of 2.93 acres of land, more or less; and

WHEREAS, the Town acquired the foregoing property for the public purpose and use of a well that supplies drinking water to the Town; and

WHEREAS, the Council is desirous of selling a portion of the foregoing property consisting of 970 square feet, more or less, as highlighted in orange on the concept plan prepared by Little Silences Rest, Inc. dated January 11, 2010 entitled "Concept Development Plan Van Wert Industrial Center Parcels 362, 363, & 364 Town of Leonardtown Third Election District St. Mary's County, Maryland for Paragon Properties," attached hereto and incorporated herein by reference as Exhibit 1 (the "Property") to Van Wert, LLC, a Maryland limited liability company ("Van Wert"), as partial consideration for the Town's acquisition of certain real property owned by Van Wert and immediately adjacent to the Property, which property is shown on Tax Map 133, Grid 11 as Parcel 364, and consists of 16,190 square feet of land, more or less (the "Van

Wert Property”), for the public purpose and use of expanding the Town’s wastewater treatment plant and for the exchange of easements between the Town and Van Wert to alleviate runoff issues at the Town’s wastewater treatment plant and for parking; and

WHEREAS, the Property is not needed for any present or anticipated public purpose or use, as its conveyance to Van Wert would not materially affect the Town’s continued use and operation of the well on the remainder of the parcel; and

WHEREAS, the Property is a landlocked parcel that would have no value to a purchaser other than Van Wert, which can incorporate the Property into its adjacent property shown on Tax Map 133, Grid 11 as Parcel 363; therefore, soliciting public bids for the Property is unlikely to attract another purchaser and would only serve to delay the Town’s acquisition of the Van Wert Property for the stated public purpose and use; and

WHEREAS, the Town’s acquisition of the Van Wert Property and subsequent expansion of its wastewater treatment plant, as well as the exchange of easements between the Town and Van Wert, will materially benefit the Town and its residents; and

WHEREAS, in consideration of the foregoing and following a public hearing held on December 14, 2020, the Council has determined that the Property is no longer needed for any present or anticipated public purpose or use and is desirous of declaring the Property surplus; and

WHEREAS, the Council deems it in the interest of the public health, welfare, and safety of the citizens of the Town, and for the good government of the Town, to adopt this Resolution.

NOW THEREFORE BE IT RESOLVED, by the Council of the Town of Leonardtown:

1. The Council hereby finds that there is no present or anticipated public purpose or use for the Property, or any part thereof, to be served by its retention by the Town, nor will the public health, safety, or welfare be served by such retention.

2. The Council hereby declares the Property, as is more fully described hereinabove, to be surplus property.


3. The Council hereby authorizes the Mayor and the Town Administrator to proceed with negotiating the terms of sale of the Property to Van Wert, LLC as well as the Town’s acquisition of the Van Wert Property and the exchange of easements between the parties for stormwater management and parking purposes, with such terms being subject to final approval by ordinance of the Council.

4. The ordinance finally approving the terms of sale set forth in Section 3 herein shall not be passed earlier than 20 days from the date notice of the adoption of this Resolution declaring the Property to be surplus and no longer needed for any public purpose or use is published in a newspaper of general circulation in the Town. No contract or sale shall become effective until and unless first approved by ordinance of the Council.

READ AND ADOPTED THIS 14th day of December, 2020.


Concept Plan Prepared by Little Silences Rest, Inc. dated January 11, 2010 entitled “Concept Development Plan Van Wert Industrial Center Parcels 362, 363, & 364 Town of Leonardtown Third Election District St. Mary’s County, Maryland for Paragon Properties”

Attest:



Laschelle E. McKay
Town Administrator

Councilpersons of Leonardtown:



J. Maguire Mattingly, IV
Vice President

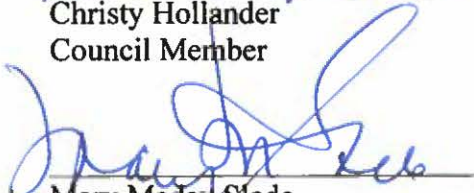


Tyler Alt
Council Member

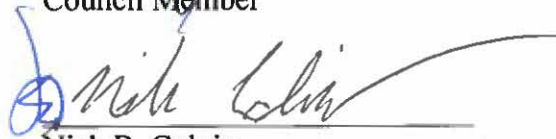
Seal:



Christy Hollander
Council Member



Mary Maday Slade
Council Member



Nick B. Colvin
Council Member

