

RESOLUTION NO. 1-21

Resolution to Declare Certain Real Property Owned by The Commissioners of Leonardtown, Shown on Tax Map 133, Grid 10, Parcel 228 as: 1) a Portion of Parcel A, Tax Identification No. 03-063305, Located at Point Lookout Road; 2) a Portion of Parcel B, Tax Identification No. 03-063313, Located on Point Lookout Road; and 3) a Portion of Parcel C, Tax Identification No. 03-063321, Located on Dorsey Street, all Within the Corporate Limits of the Town of Leonardtown, Consisting in the Aggregate of 38.65 Acres of Land, More or Less, 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 of 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 February 1, 2000 and recorded among the Land Records of St. Mary's County, Maryland in Liber E.W.A. No. 1516, folio 132 (the "Deed"), the State of Maryland, to the use of the Department of Natural Resources, transferred to the Town all that real property 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 10, Parcel 228 as Parcels A through F and more fully shown on a subdivision plat entitled "Subdivision Plat Tudor Hill Farm Per M.R.B. 249/459 & M.R.B. 325/307 Third Election District St. Mary's County, Maryland" and recorded among the Plat Records of St. Mary's County at Liber E.W.A. No. 49, folio 15, consisting of 238.955 acres of land, more or less, which property is part of the Tudor Hall property ("Tudor Hall") and was initially intended to be developed as a golf course, with the remainder of Tudor Hall intended to be a mixed-use development; and

WHEREAS, the Town acquired the foregoing property for the public purpose and use of outdoor public recreation area and open space, including a golf course; and

WHEREAS, pursuant to the Deed, any conversion from outdoor public recreation or open space use must be approved by the Secretaries of the Departments of Natural Resources, Budget and Management, and Planning, and only after the Town replaces any such land with land of at least equivalent area and of equal recreation or open space value; and

WHEREAS, the Council is desirous of conveying a portion of Parcels A, B, and C, consisting in the aggregate of 39.645 acres of land, more or less, as shown on a plat dated October 2020, prepared by Bay Engineering, Inc., and entitled "Land Swap Exhibit 'Tudor Hill Farm' Plat Book 53, Page 85-90 Tax Map 133 – Parcel 228 3rd Assessment District St. Mary's County, MD 20650," (the "Plat") which is attached hereto and incorporated herein by reference as Exhibit 1 (the "Property") to Tudor Hall Funding, LLC, a Maryland limited liability company ("THF"), which owns the remainder of Tudor Hall, in exchange for acquiring certain parcels of real property from THF and Parcel K – Tudor Hall Farm, LLC, a Maryland limited liability company under the authority and control of THF, consisting in the aggregate of 38.65 acres, more or less, as shown on Exhibit 1 (the "THF Property"), whereby THF would develop a portion of Tudor Hall as a mixed-use residential development while the Town would retain the amount of outdoor public recreation area and open space required by the Deed; and

WHEREAS, the Property is not needed for any present or anticipated public purpose or use, as its outdoor recreation and open space uses will be accomplished through the THF Property, which consists of the same acreage as the Property; and

WHEREAS, the Property's conveyance to THF is a necessary component of the overall goal of developing a portion of Tudor Hall as a mixed-use residential development while retaining the amount of outdoor recreation area and open space as required by the Deed; therefore, soliciting public bids for the Property would be impractical; and

WHEREAS, the development of a portion of Tudor Hall as a mixed-use residential development while retaining the outdoor recreation area and open space required by the Deed will materially benefit the Town and its residents; and

WHEREAS, in consideration of the foregoing and following a public hearing held on March 8, 2021, 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 and as shown on the Plat, to be surplus property.

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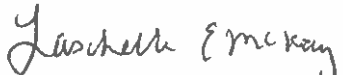
3. The Council hereby authorizes the Mayor and the Town Administrator to proceed with negotiating the terms of conveyance of the Property to THF as well as the Town's acquisition of the THF Property, with such terms being subject to final approval by ordinance of the Council.

4. The ordinance finally approving the terms of conveyance 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 conveyance shall become effective until and unless first approved by ordinance of the Council and approved by the Secretaries of the Departments of Natural Resources, Budget and Management, and Planning as required by the Deed.

READ AND ADOPTED THIS 8th day of March, 2021.

Attest:

Councilpersons of Leonardtown:



Laschelle E. McKay
Town Administrator



J. Maguire Mattingly, IV
Vice President

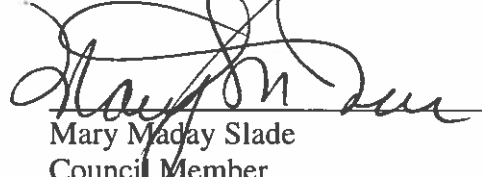


Tyler Alt
Council Member


Seal:

Virtual

Christy Hollander
Council Member



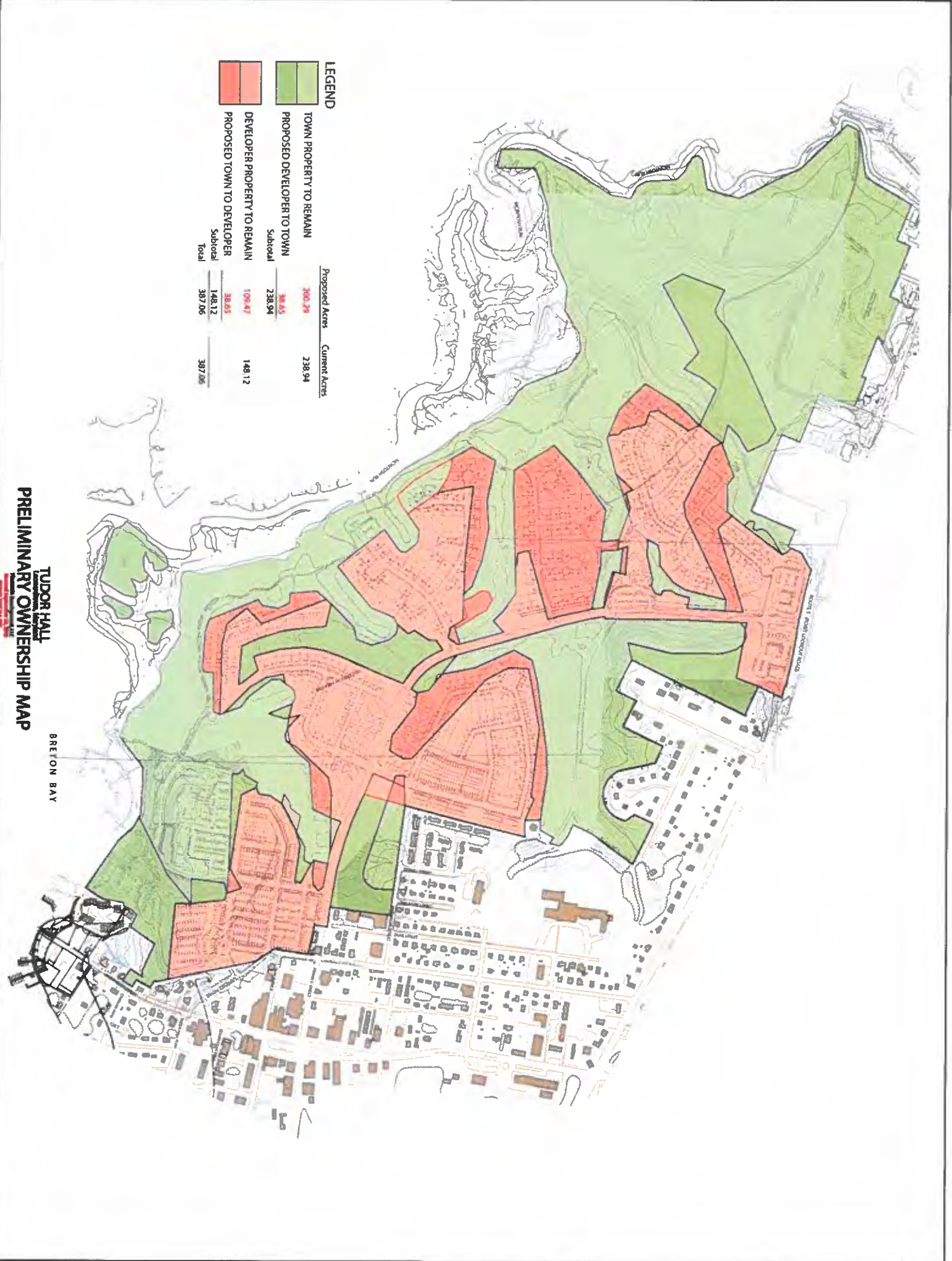
Mary Maday Slade
Council Member



Nick B. Colvin
Council Member

EXHIBIT 1

**Land Swap Exhibit “Tudor Hill Farm” Plat Book 53, Page 85-90 Tax Map 133 – Parcel 228 3rd
Assessment District St. Mary’s County, MD 20650**



LEGEND

	Proposed Acres	Current Acres
TOWN PROPERTY TO REMAIN	200.29	238.94
PROPOSED DEVELOPER TO TOWN	38.65	
Subtotal	238.94	
DEVELOPER PROPERTY TO REMAIN	109.47	148.12
PROPOSED TOWN TO DEVELOPER	38.65	
Subtotal	148.12	
Total	387.06	387.06

**TUDOR HALL
PRELIMINARY OWNERSHIP MAP**

BRETON BAY