

COUNTY COUNCIL

OF

TALBOT COUNTY

2024 Legislative Session, Legislative Day No.: March 26, 2024

Resolution No.: 356

Introduced by: Mr. Callahan, Ms. Haythe, Mr. Leshner, Ms. Mielke, Mr. Stepp

A RESOLUTION TO FORMALLY DECLINE TO ACCEPT THE OFFER OF DEDICATION FOR THE PAPER STREET PORTION OF *CALVERT AVENUE* AS SHOWN ON A SUBDIVISION PLAT ENTITLED “*MAP OF ‘RIO VISTA’ DEVELOPMENT*” DATED FEBRUARY 1954, RECORDED AMONG THE LAND RECORDS OF TALBOT COUNTY, MARYLAND AT PLAT BOOK J.T.B. 8, FOLIO 11, AND TO AUTHORIZE THE EXECUTION OF A QUITCLAIM DEED TO CONVEY A 4,195 SQUARE FOOT PORTION OF THE PAPER STREET ADJACENT TO 226 TYLER AVENUE, ST. MICHAELS, MARYLAND TO THE OWNERS OF SUCH PROPERTY, DR. GRAYSON R. BOWERS AND TERESA M. BOWERS, FOR NO MONETARY CONSIDERATION

By the Council: March 26, 2024

Introduced, read the first time, and ordered posted, with Public Hearing scheduled on Tuesday, April 23, 2024 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

By order: 
Susan W. Moran, Secretary

A RESOLUTION TO FORMALLY DECLINE TO ACCEPT THE OFFER OF DEDICATION FOR THE PAPER STREET PORTION OF CALVERT AVENUE AS SHOWN ON A SUBDIVISION PLAT ENTITLED “MAP OF ‘RIO VISTA’ DEVELOPMENT” DATED FEBRUARY 1954, RECORDED AMONG THE LAND RECORDS OF TALBOT COUNTY, MARYLAND AT PLAT BOOK J.T.B. 8, FOLIO 11, AND TO AUTHORIZE THE EXECUTION OF A QUITCLAIM DEED TO CONVEY A 4,195 SQUARE FOOT PORTION OF THE PAPER STREET ADJACENT TO 226 TYLER AVENUE, ST. MICHAELS, MARYLAND TO THE OWNERS OF SUCH PROPERTY, DR. GRAYSON R. BOWERS AND TERESA M. BOWERS, FOR NO MONETARY CONSIDERATION

WHEREAS, as more fully depicted in a plat entitled “Map of Rio Vista Development Property of Theodore E. Fletcher Near the Town of St. Michaels, Talbot County, Maryland” dated February 1954, and recorded among the Land Records of Talbot County, Maryland in Plat Book J.T.B. No. 8, folio 11 (the “Plat”), the streets and roadways shown thereupon were expressly offered to be dedicated to public use when the Rio Vista Development was originally platted in 1954; and

WHEREAS, the portion of Calvert Avenue shown on the Plat as running between Forrest Avenue and Monroe Street, as delineated in blue outline and described as “Area for Which Talbot County is Declining Offer of Dedication,” on Exhibit "A" attached hereto and incorporated herein by reference as if fully set forth (the “Paper Street”), is a paper street that has never been cut out and opened, nor does the County have any intention of opening the same as a County road, and the same is overgrown with vegetation; and

WHEREAS, Dr. Grayson R. Bowers and Teresa M. Bowers (collectively, “Owner”), the current owners of 226 Tyler Ave., St. Michaels, Maryland, Tax Map 32, Grid 10, Parcel 105, Section G, Lot 6, Second Election District, Talbot County (the “Property”), have requested the County to formally decline to accept the offer to dedicate the Paper Street to public use and to quitclaim whatever interest the County may have in a 4,195 square foot part of the Paper Street located on, over, or adjacent to the Property, as more fully described in a legal description entitled “Legal Description Area of Petition ‘Rio Vista Development’ Section G Lot 6” prepared by Davis, Bowen & Friedel, Inc., attached hereto as Exhibit “B” and incorporated herein by reference as if fully set forth; and

WHEREAS, the Talbot County Department of Public Works and the Talbot County Roads Department have conducted an investigation of existing adjacent public and private roads, existing drainage and utility easements, and have submitted written recommendations to the County Council.

NOW, THEREFORE, BE IT RESOLVED by the County Council of Talbot County, Maryland as follows:

Section 1. Upon introduction of this Resolution, a public hearing shall be scheduled, and the date, time, place, and purpose of the public hearing shall be advertised once a week for three successive weeks in a newspaper of general circulation in the County in accordance with the requirements of Md. Code Ann., Local Gov't § 10-312(f)(1), at which time this request will be open for receipt and consideration of public comment. The advertisement shall state the terms of any proposed disposition, the compensation, if any, to be received therefor, and shall give the public an opportunity to be heard and to make any objections thereto.

Section 2. The County finds that there would be no public purpose served by accepting, opening, constructing, operating, or maintaining the Paper Street, including the portion thereof for which the Owner seeks a quitclaim deed, as a public County road, right-of-way, or other means of public access, and hereby declines to accept the offer of dedication of the same.

Section 3. Upon satisfaction of the conditions set forth in Section 4 below, the President of the County Council is authorized to execute the Quitclaim Deed in substantially the form attached hereto as Exhibit "C." The Secretary shall attach a certified copy of this Resolution to the above referenced Quitclaim Deed, to be recorded at the Owner's expense among the Land Records of Talbot County, Maryland.

Section 4. The execution of the Quitclaim Deed disposition is contingent upon the following conditions:

- A. There are no existing drainage easements, facilities, or public utilities currently located in, upon, under, or through the Paper Street, and if there are any, they shall continue in place;
- B. The Owner has granted a perpetual easement to the County, in content and form acceptable to the County, for drainage and utility easements adjacent to all public roads and roadways abutting the Property, and in, upon, under, or through the Property as necessary to serve the Property or other properties in the area;
- C. The Owner has, or will, prepare all deeds, surveys, plats, or other documents in a form satisfactory to the County, and pay the cost thereof for the recording, duplication, and other costs associated with all instruments authorized and prepared pursuant to this Resolution;
- D. The Owner shall pay all advertising costs for the public hearing; and

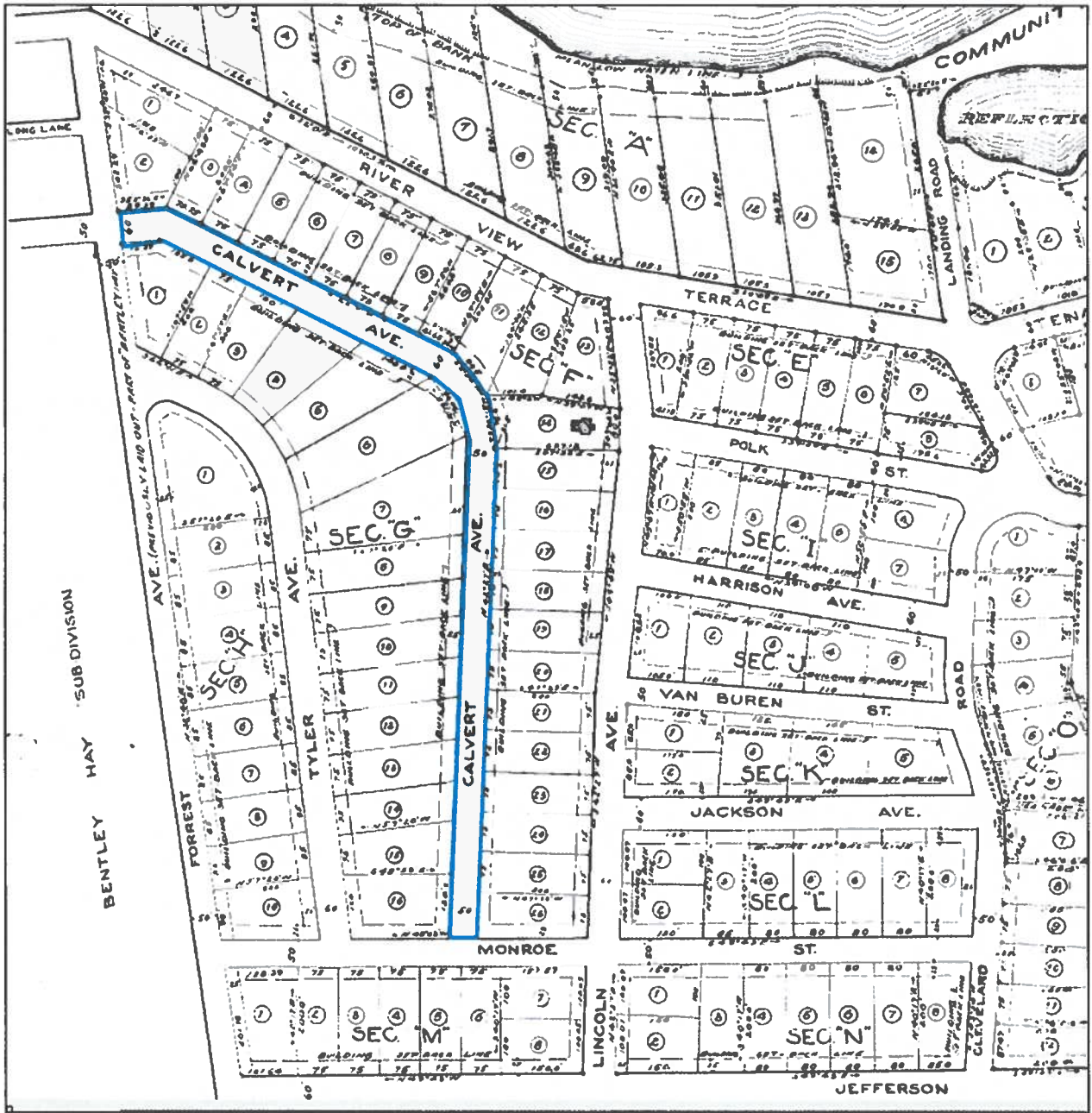
- E. The Owner shall execute the “*Release, Waiver, and Indemnification Agreement*” attached hereto as Exhibit “D”.

Section 5. Nothing in this Resolution shall be deemed to be an acceptance or rejection by, or manifestation of the intent or belief of, the County Council with respect to the remainder of those paper streets and alleys shown on the Plat which were offered to be dedicated to public use.

AND BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon its date of passage.

EXHIBIT "A"

Paper Street Portion of Calvert Avenue



Area for Which Talbot County
Is Declining Offer of Dedication

EXHIBIT "B"

LEGAL DESCRIPTION



ARCHITECTS • ENGINEERS • SURVEYORS

Legal Description
Area of Petition
"Rio Vista Development"
Section G Lot 6

Ring W. Lordner, P.E.

W. Zachary Crouch, P.E.

Michael E. Wheedleton, AIA, LEED GA

Jason P. Loar, P.E.

All that piece or parcel of land, being the westerly one half (1/2) of Calvert Avenue (variable width unimproved right-of-way) lying easterly of Tax Map: 32, Grid: 10, Parcel: 105, Section: G, Lot: 6 as shown on a plat titled "Map of Rio Vista Development Property of Theodore E. Fletcher Near The Town of St. Michaels, Talbot County, Maryland" dated February 1954 and recorded in the land records of Talbot County in liber 8 folio 11; said piece or parcel of land being more particularly describes as follows:

COMMENCING, at an iron rod with cap found on the easterly right-of-way of Tyler said iron rod and cap being the north-westerly most corner of the aforementioned Lot 6 (Deed Reference: 1651 / 61) and the south-westerly most corner of Lot 5 (Deed Reference: 1064 / 112) as shown on the aforementioned plat; Thence, with the division of said Lots 5 and 6 S 78°25'13" E a distance of 298.42 feet to an iron rod with cap found and the westerly right-of-way of the aforementioned Calvert Avenue and the point of beginning.

BEGINNING, at said iron rod with cap found, 1) THENCE, S 78°25'13" E a distance of 32.48 to a point in the center of said Calvert Avenue and the arc of a non-tangent curve deflecting to the right having a radius of 166.47 feet and an arc length of 153.85 feet;

2) THENCE, with said centerline of Calvert Avenue, with said curve having a chord bearing S 12°07'47" W a distance of 148.43 feet to a point;

3) THENCE, N 73°07'28" W a distance of 28.43 feet to an iron rod with cap found and the arc of a non-tangent curve deflecting to the left, having a radius of 140.00 feet and an arc length of 153.38 feet; said iron rod and cap being the south-easterly most corner of the aforementioned Lot 6 and the north-easterly most corner of Lot 7 (Deed Reference: 2380 / 195) as shown on the aforementioned plat;

4) THENCE, with said Lot 6, with said curve having a chord bearing N 10°30'10" E a distance of 145.83 feet to the place of beginning.

CONTAINING, 4,195 square feet of land more or less.

EXHIBIT "C"

QUITCLAIM DEED

THIS QUITCLAIM DEED, dated the _____ of _____, 2024, from Talbot County, Maryland, a charter County and political subdivision of the State of Maryland, Grantor, to Grayson R. Bowers and Teresa M. Bowers, husband and wife, as joints tenants with right of survivorship, Grantees.

The Grantor, for no monetary consideration, grants, conveys, releases, assigns and quitclaims to the Grantees, their personal representatives, heirs and assigns, all of the Grantor's right, title, interest and estate in a certain lot of ground described as follows:

All that piece or parcel of land, being the westerly one half (1/2) of Calvert Avenue (variable width unimproved right-of-way) lying easterly of Tax Map: 32, Grid: 10, Parcel: 105, Section: G, Lot: 6 as shown on a plat titled "Map of Rio Vista Development Property of Theodore E. Fletcher Near The Town of St. Michaels, Talbot County, Maryland" dated February 1954 and recorded in the land records of Talbot County in liber 8 folio 11; said piece or parcel of land being more particularly describes as follows:

COMMENCING, at an iron rod with cap found on the easterly right-of-way of Tyler said iron rod and cap being the north-westerly most corner of the aforementioned Lot 6 (Deed Reference: 1651 / 61) and the south-westerly most corner of Lot 5 (Deed Reference: 1064 / 112) as shown on the aforementioned plat; Thence, with the division of said Lots 5 and 6 S 78°25'13" E a distance of 298.42 feet to an iron rod with cap found and the westerly right-of-way of the aforementioned Calvert Avenue and the point of beginning.

BEGINNING, at said iron rod with cap found, 1) THENCE, S 78°25'13" E a distance of 32.48 to a point in the center of said Calvert Avenue and the arc of a non-tangent curve deflecting to the right having a radius of 166.47 feet and an arc length of 153.85 feet;

2) THENCE, with said centerline of Calvert Avenue, with said curve having a chord bearing S 12°07'47" W a distance of 148.43 feet to a point;

3) THENCE, N 73°07'28" W a distance of 28.43 feet to an iron rod with cap found and the arc of a non-tangent curve deflecting to the left, having a radius of 140.00 feet and an arc length of 153.38 feet; said iron rod and cap being the south-easterly most corner of the aforementioned Lot 6 and the north-easterly most corner of Lot 7 (Deed Reference: 2380 / 195) as shown on the aforementioned plat;

4) THENCE, with said Lot 6, with said curve having a chord bearing N 10°30'10"
E a distance of 145.83 feet to the place of beginning.

CONTAINING, 4,195 square feet of land more or less.

Together with all improvements thereupon, and the rights, alleys, ways, waters, easements, privileges, appurtenances and advantages belonging to or appertaining thereto. Subject to, however, any rights of access of adjoining property owners over any of said alleys or ways.

WITNESS the hand and seal of the Grantor.

ATTEST:

Talbot County, Maryland

Susan Moran, Secretary

By: _____
Chuck F. Callahan, III, President
County Council of Talbot County, Maryland

STATE OF MARYLAND, COUNTY OF _____, TO WIT:

I HEREBY CERTIFY, that on this _____ day of _____, 2024, before me, the subscriber, a Notary Public of the State of Maryland, personally appeared CHUCK F. CALLAHAN, III, who acknowledged himself to be the President of the County Council of Talbot County, Maryland, a Maryland political subdivision, and that he as such President, being authorized so to do, acknowledged that he executed the foregoing instrument for the purposes therein contained, by signing the name of Talbot County by himself as President of the County Council of Talbot County, Maryland, and further made oath, under the penalties of perjury, that the consideration as recited herein is true and correct, and further certified that this conveyance is not part of a transaction in which there is a sale, lease, exchange or other transfer of all or substantially all of the property and assets of the Grantor.

AS WITNESS my hands and Notarial seal.

Notary Public

My commission expires:

CERTIFICATION

This is to certify that the within instrument was prepared by or under the supervision of the undersigned, an attorney duly admitted to practice before the Supreme Court of Maryland.

Anthony P. Kupersmith, Esq.

EXHIBIT "D"

RELEASE, WAIVER, AND INDEMNIFICATION AGREEMENT

Grayson R. Bowers and Teresa M. Bowers, husband and wife (collectively, "Owner"), on behalf of themselves, their personal representatives, heirs, successors, and assigns, hereby agree to indemnify, defend, and hold Talbot County, Maryland harmless from and against any and all claims, actions, demands, damages, liabilities, losses, expenses, suits, costs, or judgments of every kind, nature, or description whatsoever arising from or related to the quitclaim deed for the 4,195 square foot part of the paper street portion of Calvert Avenue authorized pursuant to Resolution No. ___. As more fully set forth therein, the County Council of Talbot County declined to accept an offer to dedicate to public use an unimproved portion of Calvert Street between Forrest Avenue and Monroe Street, as more fully depicted in a plat entitled "Map of Rio Vista Development Property of Theodore E. Fletcher Near the Town of St. Michaels, Talbot County, Maryland" dated February 1954, and recorded among the Land Records of Talbot County, Maryland in Plat Book J.T.B. No. 8, folio 11, abutting the Owner's property located at 226 Tyler Ave., St. Michaels, Maryland, Tax Map 32, Grid 10, Parcel 105, Section G, Lot 6, Second Election District, Talbot County (the "Property").

Owner's obligation to indemnify and defend shall include Talbot County, Maryland, its elected and appointed officials, officers, boards, commissions, agencies, department heads, employees, servants, and agents and shall run with and bind the Property, and shall be binding upon the Owner, their personal representatives, heirs, successors, and assigns in perpetuity.

IN WITNESS WHEREOF, we hereunto affix our hands and seals this ___ day of _____
_____ 2024.

Witness:

Owner:

_____(SEAL)

Grayson R. Bowers

_____(SEAL)

Teresa M. Bowers

STATE OF _____
COUNTY OF _____, to wit:

I HEREBY CERTIFY, on this ____ day of _____ 2024 before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared GRAYSON R. BOWERS, known to me, or satisfactorily proven to be the person whose name appears above, who acknowledged himself/herself to be the same, and being authorized so to do, executed the foregoing document for the purposes therein contained.

IN WITNESS WHEREOF I set my hand and official seal.

Notary Public

My commission expires:

STATE OF _____
COUNTY OF _____, to wit:

I HEREBY CERTIFY, on this ____ day of _____ 2024 before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared TERESA M. BOWERS, known to me, or satisfactorily proven to be the person whose name appears above, who acknowledged himself/herself to be the same, and being authorized so to do, executed the foregoing document for the purposes therein contained.

IN WITNESS WHEREOF I set my hand and official seal.

Notary Public

My commission expires:

PUBLIC HEARING

Having been posted and Notice, Time and Place of Hearing and Title of Resolution No. 356 having been published, a public hearing was held on Tuesday, April 23, 2024, at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 N. Washington Street, Easton, Maryland.

BY THE COUNCIL

Read the second time:

Adopted: May 14, 2024

By Order: Susan W. Moran
Susan W. Moran, Secretary

Callahan	-	Aye
Stepp	-	Aye
Leshner	-	Nay
Mielke	-	Aye
Haythe	-	Aye

Effective: May 14, 2024