

COUNTY COUNCIL
OF
TALBOT COUNTY

2023 Legislative Session, Legislative Day No.: March 14, 2023

Resolution No.: 340

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

A RESOLUTION TO FORMALLY ACCEPT THE OFFER FROM TRIPPES CREEK, LLC TO DEDICATE JENNINGS ROAD TO PUBLIC USE AS A PUBLIC COUNTY ROAD, SAID ROAD BEING MORE PARTICULARLY SHOWN AND DESIGNATED AS "JENNINGS ROAD (50' PUBLIC R/W)" ON A PLAT ENTITLED "LOT LINE ABANDONMENT & FINAL SUBDIVISION PLAT & FCP 2001-08 SCHWANINGER FARM AT COOKE'S HOPE IN THE FIRST ELECTION DISTRICT TALBOT COUNTY, MARYLAND TAX MAP 42 GRIDS 16 & 22 PARCELS 7, 21, 215," DATED APRIL 22, 2002 (REVISED THROUGH SEPTEMBER 5, 2006), AND RECORDED AMONG THE PLAT RECORDS OF TALBOT COUNTY, MARYLAND IN LIBER M.A.S. NO. 82, PAGE 42, AND TO ACCEPT FEE SIMPLE TITLE TO THE SAME, FOR NO CONSIDERATION

By the Council: March 14, 2023

Introduced, read the first time, and ordered posted, with Public Hearing scheduled on Tuesday, April 11, 2023 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 ACCEPT THE OFFER FROM TRIPPES CREEK, LLC TO DEDICATE JENNINGS ROAD TO PUBLIC USE AS A PUBLIC COUNTY ROAD, SAID ROAD BEING MORE PARTICULARLY SHOWN AND DESIGNATED AS “JENNINGS ROAD (50’ PUBLIC R/W)” ON A PLAT ENTITLED “LOT LINE ABANDONMENT & FINAL SUBDIVISION PLAT & FCP 2001-08 SCHWANINGER FARM AT COOKE’S HOPE IN THE FIRST ELECTION DISTRICT TALBOT COUNTY, MARYLAND TAX MAP 42 GRIDS 16 & 22 PARCELS 7, 21, 215,” DATED APRIL 22, 2002 (REVISED THROUGH SEPTEMBER 5, 2006), AND RECORDED AMONG THE PLAT RECORDS OF TALBOT COUNTY, MARYLAND IN LIBER M.A.S. NO. 82, PAGE 42, AND TO ACCEPT FEE SIMPLE TITLE TO THE SAME, FOR NO CONSIDERATION

WHEREAS, pursuant to Chapter 134 (Roads and Bridges), § 134-4.2(A)(1) of the Code of Talbot County Maryland, Talbot County, Maryland (the “County”), by resolution adopted by the County Council of Talbot County (the “County Council”), may accept any offer of dedication of property from any person; and

WHEREAS, Trippes Creek LLC, a Maryland limited liability company (“Trippes Creek”), is the fee simple owner of all that real property situate, lying, and being in the First Election District of Talbot County, Maryland and known as Jennings Road, being a portion of the property acquired by Trippes Creek pursuant to the following Deeds recorded among the Land Records of Talbot County, Maryland: (1) from William T. Hunter, Jr., et al., dated December 23, 1994, and recorded at Liber M.A.S. No. 794, folio 98; (2) from Stanley C. Ballard, et al., dated November 12, 1996, and recorded at Liber M.A.S. No. 842, folio 792; and (3) from Robert Addison Brittingham, Jr., et al., dated January 19, 1998, and recorded at Liber M.A.S. No. 877, folio 150 (“Jennings Road”); and

WHEREAS, Jennings Road is shown as “JENNINGS ROAD (50’ PUBLIC R/W)” on a Plat prepared by Lane Engineering, Inc., titled “LOT LINE ABANDONMENT & FINAL SUBDIVISION PLAT & FCP 2001-08 SCHWANINGER FARM AT COOKE’S HOPE IN THE FIRST ELECTION DISTRICT TALBOT COUNTY, MARYLAND TAX MAP 42 GRIDS 16 & 22 PARCELS 7, 21, 215,” dated April 22, 2002 (revised through September 5, 2006), and recorded among the Plat Records of Talbot County, Maryland in Liber M.A.S. No. 82, page 42; and

WHEREAS, Jennings Road is included in the County’s Road Inventory, and the Talbot County Roads Department has continuously maintained the same for over 15 years; and

WHEREAS, Trippes Creek is desirous of formally dedicating Jennings Road to public use as a public County road and conveying the same to the County in fee simple and for no consideration; and

WHEREAS, the Talbot County Department of Public Works has reviewed the construction of Jennings Road and recommends that the County Council accept the offer to dedicate Jennings Road to public use as a public County road; and

WHEREAS, the County Council is desirous of formally accepting the offer from Trippes Creek to dedicate Jennings Road to public use as a public County road and accepting fee simple title to the same for no consideration.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND, that:

1. The foregoing recitals are not merely prefatory but are a substantive part of this Resolution and are incorporated by reference herein as if fully set forth.
2. The County Council hereby accepts the offer from Trippes Creek to dedicate Jennings Road to public use as a public County road.
3. The County Council will accept a deed from Trippes Creek conveying Jennings Road to the County in fee simple and for no consideration, in substantially the form attached hereto as Exhibit A.

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately upon the date of its adoption.

PREPARED WITHOUT TITLE EXAMINATION.
BASED UPON INFORMATION PROVIDED BY
THE PARTIES HERETO.

THIS DEED, made this _____ day of _____, 2023, by and between **TRIPPES CREEK LLC, a Maryland limited liability company (“Grantor”); and TALBOT COUNTY, MARYLAND, a charter county and political subdivision of the State of Maryland (“Grantee”).**

WITNESSETH, that for and in consideration of the acceptance of the hereinafter described property as part of the public road system of Talbot County, Maryland, to be hereinafter maintained by Grantee as a public county road, and for no cash consideration, Grantor hereby grants and conveys to Grantee, its successors and assigns, in fee simple, the following described property:

ALL that tract or parcel of land situate, lying and being in the First Election District of Talbot County, Maryland and being more particularly shown and designated as “JENNINGS ROAD (50’ PUBLIC R/W)” on a Plat consisting of eight (8) sheets prepared by Lane Engineering, Inc., titled “LOT LINE ABANDONMENT & FINAL SUBDIVION PLAT & FCP 2001-08 SCHWANINGER FARM AT COOKE’S HOPE IN THE FIRST ELECTION DISTRICT TALBOT COUNTY, MARYLAND TAX MAP 42 GRIDS 16 & 22 PARCELS 7, 21, 215,” dated April 22, 2002 (revised through September 5, 2006), and recorded among the Plat Records of Talbot County, Maryland in Liber 82, beginning at page 42.

BEING a portion of the property acquired by Trippes Creek LLC, a Maryland limited liability company, pursuant to the following Deeds recorded among the Land Records of Talbot County, Maryland: (1) from William T. Hunter, Jr., et al., dated December 23, 1994, and recorded in Liber 794, folio 98; (2) from Stanley C. Ballard, et al., dated November 12, 1996, and recorded in Liber 842, folio 792; and (3) from Robert Addison Brittingham, Jr., et al., dated January 19, 1998, and recorded in Liber 877, folio 150.

TOGETHER with all buildings and improvements thereon erected, made or being; and all and every the rights, alleys, ways, waters, easements, privileges, appurtenances and advantages, to the same belonging or in anywise appertaining.

TO HAVE AND TO HOLD said tract or parcel of land and premises above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining, unto and to the proper use and benefit of Grantee, its successors and assigns, in fee simple, forever.

AND Grantor does hereby covenant that it has not done or suffered to be done any act, matter or thing whatsoever to encumber the property hereby conveyed, and that it will warrant specially the property granted, and that it will execute such further assurances of the same as may be requisite.

IN WITNESS WHEREOF, Grantor has caused this Deed to be properly executed and sealed the day and year first above written.

WITNESS:

TRIPPES CREEK LLC, a Maryland limited liability company

By: _____ (SEAL)
Peter J. Hunter, Manager

STATE OF MARYLAND, COUNTY OF TALBOT, TO WIT:

I HEREBY CERTIFY, that on this _____ day of _____, 2023, before me, the subscriber, a Notary Public of the State of Maryland, personally appeared **PETER J. HUNTER**, who acknowledged himself to be Manager of Trippes Creek LLC, a Maryland limited liability company, and that he as such Manager, being authorized so to do, executed the foregoing Deed for the purposes therein contained, and further did certify said Deed to be the valid and proper act of said limited liability company, and that the actual consideration paid for the foregoing conveyance is **Zero Dollars (\$0.00)**.

AS WITNESS my hand and Notarial seal.

Notary Public

My commission expires:

ACCEPTED AS A PUBLIC ROAD BY TALBOT COUNTY, MARYLAND

TALBOT COUNTY, MARYLAND,
a charter county and political subdivision
of the State of Maryland

By: _____ (SEAL)
Chuck F. Callahan, President
Talbot County Council

STATE OF MARYLAND, COUNTY OF TALBOT, TO WIT:

I HEREBY CERTIFY, that on this _____ day of _____, 2023, before me, the subscriber, a Notary Public of the State of Maryland, personally appeared **CHUCK F. CALLAHAN**, who acknowledged himself to be the President of the Talbot County Council of Talbot County, Maryland, a charter county and political subdivision of the State of Maryland, and that he as such President, being authorized so to do, executed the foregoing Deed for the purposes therein contained by signing the name of said Talbot County Council by himself as President, and further did certify that the actual consideration paid for the foregoing conveyance is **Zero Dollars (\$0.00)**.

AS WITNESS my hand and Notarial seal.

Notary Public

My commission expires:

THE UNDERSIGNED, a member in good standing of the Bar of the Court of Appeals of Maryland, hereby certifies that this Deed was prepared by him or under his supervision.

Zachary A. Smith

PUBLIC HEARING

Having been posted and Notice, Time and Place of Hearing, and Title of Resolution No. 340 having been published, a public hearing was held on Tuesday, April 11, 2023 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland.

BY THE COUNCIL

Read the second time:

Enacted: April 11, 2023

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

Callahan - Aye

Stepp - Aye

Leshner - Aye

Mielke - Aye

Haythe - Aye

Effective: April 11, 2023