COUNTY COUNCIL

OF

TALBOT COUNTY

2021 Legislative Session, Legislative Day No.: November 9, 2021

Resolution No. : 310

Introduced by: Mr. Divilio, Mr. Lesher, Mr. Pack, Ms. Price

A RESOLUTION AUTHORIZING THE TRANSFER OF ANY INTEREST TALBOT COUNTY, MARYLAND HOLDS IN FLOOD AVENUE TO THE TOWN OF EASTON AND THE EXECUTION OF A QUITCLAIM DEED TO EFFECTUATE THE SAME

By the Council: November 9, 2021

Introduced, read the first time, ordered posted and public hearing scheduled on Tuesday, December 14, 2021 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

Susan W. Moran, Secretary

A RESOLUTION AUTHORIZING THE TRANSFER OF ANY INTEREST TALBOT COUNTY, MARYLAND HOLDS IN FLOOD AVENUE TO THE TOWN OF EASTON AND THE EXECUTION OF A QUITCLAIM DEED TO EFFECTUATE THE SAME

WHEREAS, Talbot County, Maryland (the "County") owns and maintains a public road right-of-way known as Flood Avenue, which road runs parallel between Port Street and Glenwood Avenue in the Town of Easton, Maryland (the "Town"); and

WHEREAS, on September 22, 2021, the Town submitted a letter to the County requesting that the County convey any interest it holds in Flood Avenue, with the Town to assume maintenance thereof at its sole cost and expense, which letter is attached hereto as Exhibit A; and

WHEREAS, pursuant to Md. Code Ann., Local Government Article ("LG") § 10-312, the County may provide for the disposal of any real or leasehold County property that is no longer needed for public use; provided, however, that the County shall first publish notice of such disposition at least once a week for three successive weeks in at least one newspaper of general circulation in the County, which notice shall include the terms and the compensation to be received, and provide an opportunity for objections; and

WHEREAS, transferring Flood Avenue to the Town will not eliminate the road's continued availability and use as a public thoroughfare, as it will continue in use for the benefit of the general public following its transfer, but it shall be owned by and subject to the jurisdiction and control of the Town rather than the County; and

WHEREAS, the County Council, having determined that Flood Avenue is no longer needed for any County use, is desirous of adopting this Resolution to authorize the transfer of any interest the County holds therein and the execution of a quitclaim deed to effectuate the same.

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 finds that:

a. The County has duly advertised the proposed transfer and provided an opportunity for public comment pursuant to LG § 10-312;

b. The pertinent requirements of LG § 10-312 have been otherwise fulfilled;

c. Flood Avenue will continue in use as a public thoroughfare for the benefit of the general public, subject to the ownership, jurisdiction, and control of the Town rather than of the County; and

d. Flood Avenue is no longer needed for any public (i.e., County) use; provided, however, that said public road right-of-way shall continue to be used for a public use upon being transferred to the Town as stated in the preceding subsection; and

e. The County is lawfully authorized to transfer any interest it holds in Flood Avenue to the Town.

3. The County Council hereby authorizes the Council President to transfer any interest the County holds in Flood Avenue to the Town by quitclaim deed in a form and manner approved by the County Office of Law.

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

EXHIBIT A

RECEIVED
SEP 27 2021
TALBOT COUNTY COUNCIL

Town of Easton

14 S. Harrison Street, Easton, Maryland 21601
410-822-2525
bobwilley@town-eastonmd.com

Robert C. Willey
Mayor

September 22, 2021

RECEIVED
SEP 27 2021
TALBOT COUNTY COUNCIL

Chuck F. Callahan
President
Talbot County Council
11 North Washington Street
Easton, Maryland 21601

Re: Flood Avenue

Dear Chuck:

The Town of Easton would like to request that the County convey any interest it has in Flood Avenue to the Town of Easton. As you know, Flood Avenue is a road at Easton Point that runs parallel to the Easton Parkway between Port Street and Glenwood Avenue. A map highlighting Flood Avenue is attached for your reference. With a transfer, the Town would take over the maintenance of Flood Avenue at its cost and expense.

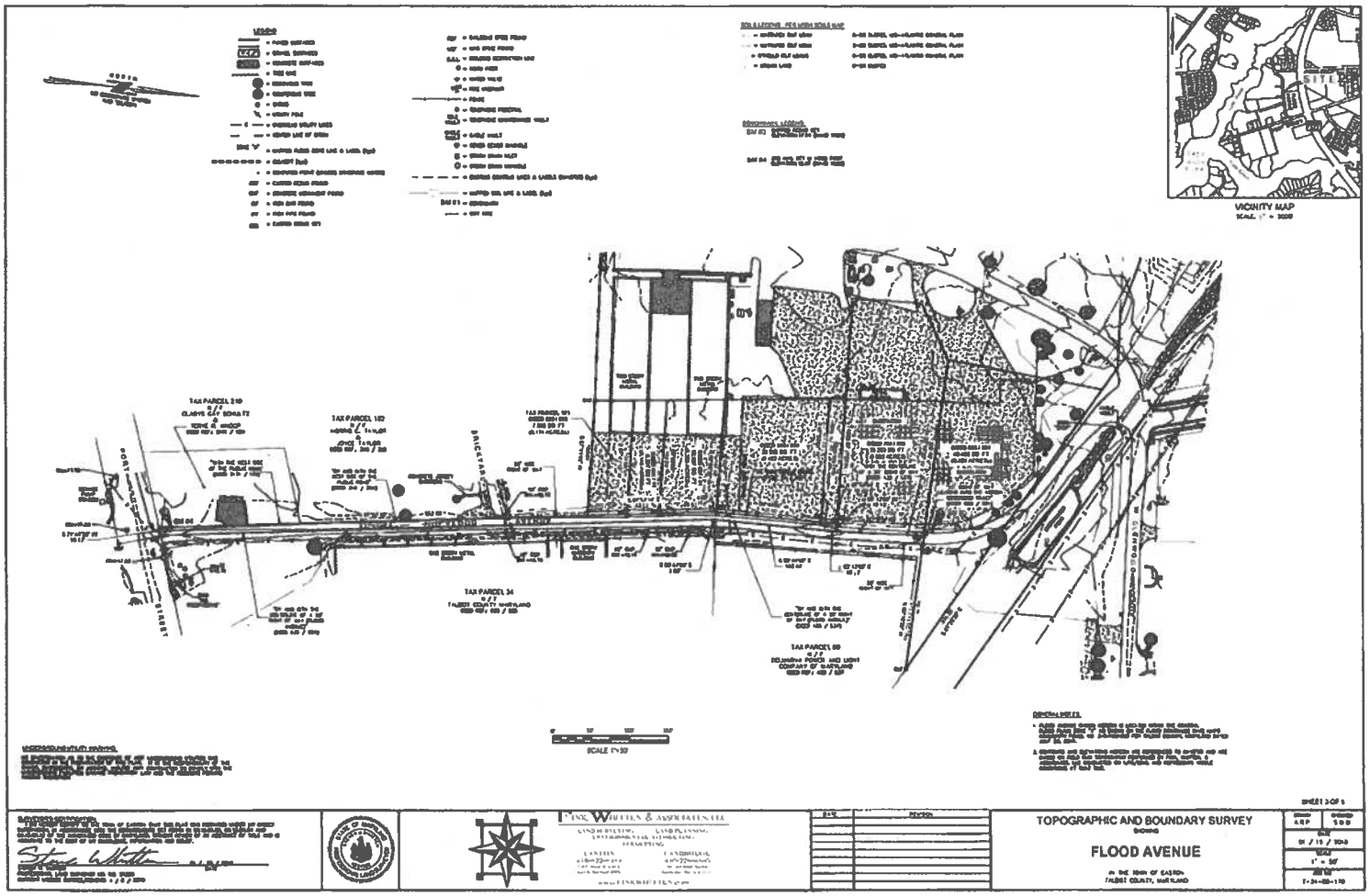
The Town will begin the process to authorize the acceptance of Flood Avenue from the County and ask that the County also begin its process to authorize the conveyance of Flood Avenue to the Town. The Town understands that there is some time involved in the County completing that process. However, the Town would like to repave Flood Avenue as part of its annual paving contract. That paving would likely occur at the end of October. While the County may not be completed with its authorization to convey the property by then, the Town asks for permission from the County to pave the road even if it is still under County control at the time. The paving would be at the cost and expense of the Town.

Please let me know if you have any questions.

Very truly yours,

Robert C. Willey

Robert C. Willey
Mayor


VICINITY MAP
TAX PARCEL 34
TAX PARCEL 80
SCALE 1"=50'
SHEET 3 OF 5
TOPOGRAPHIC AND BOUNDARY SURVEY
FLOOD AVENUE
IN THE TOWN OF EASTON
TALBOT COUNTY, MARYLAND

PUBLIC HEARING

Having been posted and Notice of time and place of hearing and Title of Resolution No. __ having been published, a public hearing was held on Tuesday, _____, 2021 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland.

_____
Susan W. Moran, Secretary

BY THE COUNCIL

Read the second time:

Adopted _____

By Order _____
Susan W. Moran, Secretary

Callahan -

Divilio -

Lesher -

Price -

Pack -

Effective Date: _____