



**Council of the Town of Leonardtown  
Ordinance No. 187  
Subject: Sale of Surplus Real Property**

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**Date Introduced on First Reading: November 13, 2018  
Date Adopted on Second Reading: December 10, 2018  
Date Effective: December 31, 2018**

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**AN ORDINANCE** for the purpose of approving the Town of Leonardtown's sale of certain real property located at 41660 Courthouse Drive, Condo Unit 300, in Leonardtown, Maryland, described in a deed dated April 17, 2006 and recorded among the Land Records of St. Mary's County, Maryland at Liber E.W.A. No. 2763, folio 706, and as shown on St. Mary's County Tax Map 133 as Parcel No. 412 with a tax account number of 03-076466, such property having previously been declared by the Mayor and Commissioners to be surplus and no longer necessary for present or anticipated future public use; and authorizing the Mayor and the Town Administrator, or such other officers of the Town as may be appropriate under the circumstances, to execute all documents and take any and all action necessary to effectuate the conveyance thereof to Robert Mattingly and Lillian Mattingly or their assigns; providing that the title of this Ordinance shall be deemed a fair summary; and generally relating to the sale of surplus real property in the Town of Leonardtown.

RECITALS

**WHEREAS**, pursuant to § 5-204(c)(3) of the Local Government Article of the Annotated Code of Maryland and §§ 501(49) and 1201 of the Charter of the Town of Leonardtown (the "Charter"), the Mayor and Commissioners of the Town of Leonardtown (the "Mayor and Commissioners"), as the chief legislative authority for The Commissioners of Leonardtown, a Maryland municipal corporation (the "Town"), have 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 Town when the Mayor and Commissioners determine that it is no longer needed for any public use; and

**WHEREAS**, pursuant to a deed dated April 17, 2006 and recorded among the Land Records of St. Mary's County, Maryland at Liber E.W.A. No. 2763, folio 706, Council Building, L.L.C. 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, located at

41660 Courthouse Drive, Condo Unit 300, and described in the foregoing deed as follows:

**UNIT 300** (three hundred), containing 1,048 sq. ft., as set forth on the plat entitled "PROFFITT BUILDING, STANDARD CONDOMINIUM PLAT" recorded among the plat records of St. Mary's County, Maryland at Liber EWA 60, Folio 109. Together with the common elements appurtenant thereto pursuant to the "DECLARATION OF PROFFITT BUILDING CONDOMINIUM ASSOCIATION" recorded among the land records of St. Mary's County, Maryland, at Liber EWA 2751, Folio 455 (the "Property"); and

**WHEREAS**, pursuant to Resolution No. 6-16, adopted November 14, 2016 during a public meeting, the Mayor and Commissioners declared the Property to be surplus and no longer needed for any public use and authorized the Mayor and Town Administrator to solicit bids for the purchase of the Property, subject to approval by the Mayor and Commissioners by ordinance; and

**WHEREAS**, Robert Mattingly and Lillian Mattingly were the only bidders for the Property, having submitted a bid of \$188,000 therefor; and

**WHEREAS**, during their November 13, 2018 regular monthly meeting, the Mayor and Commissioners unanimously voted to accept Mr. Mattingly and Ms. Mattingly's bid for the Property and move forward with the sale thereof; and

**WHEREAS**, the Mayor and Commissioners have determined that for and in consideration of the sum of One Hundred Eighty-Eight Thousand and 00/100 Dollars (\$188,000.00), and other terms and conditions set forth in the Contract attached hereto as Exhibit 1, the Town will convey the Property to Mr. Mattingly and Ms. Mattingly, together with any and all buildings and improvements thereupon erected, made, or being, any and all rights, ways, waters, privileges, appurtenances, and advantages thereto belonging or appertaining, and subject to any and all restrictions, covenants, easements, conditions, liens, or agreements as may appear among the Land Records of St. Mary's County, Maryland; and

**WHEREAS**, the Mayor and Commissioners find that approving the Town's sale of the Property to Mr. Mattingly and Ms. Mattingly as set forth herein would be in the best interest of the health, safety, and welfare of the citizens of the Town.

**SECTION I. BE IT ORDAINED BY THE MAYOR AND COMMISSIONERS OF THE TOWN OF LEONARDTOWN**, that the Mayor and Commissioners hereby authorize the Town's sale of all that real property located at 41660 Courthouse Drive, Condo Unit 300 in Leonardtown, Maryland, described in a deed dated April 17, 2006 and recorded among the Land Records of St. Mary's County, Maryland at Liber E.W.A. No. 2763, folio 706, and as shown on St. Mary's County Tax Map 133 as Parcel No. 412 with a tax account number of 03-076466, together with any and all buildings and improvements thereupon erected, made, or being, any and all rights, ways, waters, privileges, appurtenances, and advantages thereto belonging or

appertaining, and subject to any and all restrictions, covenants, easements, conditions, liens, or agreements as may appear among the Land Records of St. Mary's County, Maryland, such real property having previously been declared by the Mayor and Commissioners to be surplus and no longer needed for any public use.

**SECTION II. AND BE IT FURTHER ORDAINED** that the Mayor and Commissioners hereby authorize the Mayor to execute a contract for the sale of the foregoing Property in substantially the same form as the Contract attached hereto as Exhibit 1 for the sum of One Hundred Eighty-Eight Thousand and 00/100 Dollars (\$188,000.00).

**SECTION III. AND BE IT FURTHER ORDAINED** that the Mayor and Commissioners hereby authorize the Mayor and the Town Administrator to do any and all things and execute any and all documents necessary and incidental to the Town's sale of the foregoing Property.

**SECTION IV. AND BE IT FURTHER ORDAINED** that the recitals to this Ordinance are incorporated herein and deemed a substantive part of this Ordinance.

**SECTION V. AND BE IT FURTHER ORDAINED** that this Ordinance is not intended to become part of the Town Code.

**SECTION VI. AND BE IT FURTHER ORDAINED** that, if any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance, it being the intent of the Mayor and Commissioners that this Ordinance shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.

**SECTION VII. AND BE IT FURTHER ORDAINED** that all ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION VIII. AND BE IT FURTHER ORDAINED** that the title of this Ordinance, or a condensed version thereof, shall be deemed to be, and is, a fair summary of this Ordinance for publication and all other purposes.

**SECTION IX. AND BE IT FURTHER ORDAINED** that this Ordinance shall become effective twenty (20) days following approval by the Mayor or passage by the affirmative vote of four-fifths of the whole Commissioners after veto by the Mayor, in accordance with the provisions of Md. Code Ann., Local Gov't § 5-204(c)(3) and §§ 501(49) and 1201 of the Charter.

Attest:

Commissioners of Leonardtown:

*Laschelle E. McKay*

Laschelle E. McKay  
Town Administrator

*J. Maguire Mattingly, IV*

J. Maguire Mattingly, IV  
Vice President

Hayden T. Hammett  
Council Member

Seal:

*absent*

Tyler Alt  
Council Member

*Christy Hollander*

Christy Hollander  
Council Member

*Mary Maday Slade*

Mary Maday Slade  
Council Member

This Ordinance was presented to the Mayor for his approval or disapproval pursuant to Section 210 of the Charter of the Town of Leonardtown this 10<sup>th</sup> day of December, 2018.

*Laschelle E. McKay*

Laschelle E. McKay, Town Administrator

In accordance with Section 210 of the Charter of the Town of Leonardtown, I hereby (Approve) or (Disapprove) approve this Ordinance this 10<sup>th</sup> day of December, 2018.

*Daniel W. Burris*  
Daniel W. Burris, Mayor