

RESOLUTION NO. 8-16

Leonardtwn Resolution to Declare Certain Real Property Owned by the Commissioners of Leonardtown, Located at the Corner of Doctor's Crossing Road and Moakley Street, Leonardtown, Maryland, as Surplus and no Longer Needed for any Public Purpose or Use

WHEREAS, The Commissioners of Leonardtown (the "Town") is a Maryland municipal corporation; and

WHEREAS, the elected executive and legislative authority of the Town is known as the Mayor and Council of Leonardtown (the "Mayor and Commissioners"); and

WHEREAS, the Mayor and Commissioners are empowered to enact legislation applicable to the Town by, and within the scope of, Article XI-E (Municipal Corporations) of the Constitution of Maryland, as amended; by Division II (Municipalities) of the Local Government Article of the Annotated Code of Maryland, as amended; and by the Charter of Leonardtown, St. Mary's County, Maryland, as amended (the "Charter"); 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 Mayor and Commissioners 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, on May 30, 2001, Alfred S. Mattingly and Joan C. Mattingly, his wife, and Helen S. Mattingly, widow, did transfer 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, together with the buildings and improvements thereupon erected, made, or being, and all and every, the rights, alleys, ways, water, privileges, appurtenances, and advantages to the same belonging or in anywise appertaining, by deed recorded among the Land Records of St. Mary's County, Maryland at Liber E.W.A. No. 1649, folio 80, which is located at the corner of Doctor's Crossing Road and Moakley Street, Leonardtown, Maryland and is the subject of this Resolution (the "Property"); and

WHEREAS, the Town acquired the Property for the public purpose and use of stormwater management and a wildlife habitat sanctuary; and

WHEREAS, the Town's cost to maintain the Property exceeds its value to the Town, as it is not presently being used as a wildlife habitat sanctuary; and

WHEREAS, the Mayor and Commissioners have entered into a perpetual Easement Agreement with St. Mary's Hospital of St. Mary's County, Inc. (the "Hospital"), which owns the property adjacent to the Property, for the purpose of allowing the Hospital to use a portion of the Property in connection with the implementation of its stormwater management plan as required by State and local law; and

WHEREAS, in consideration of the foregoing and following a public hearing held on November 14, 2016, the Mayor and Commissioners have determined that the Property is no longer needed for any public purpose or use and are desirous of declaring the Property surplus; and

WHEREAS, the Mayor and Commissioners deem 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 Mayor and Commissioners of Leonardtown:

1. The Mayor and Commissioners hereby find that there is no 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.

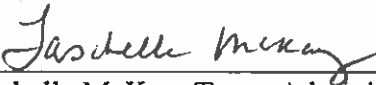
2. The Mayor and Commissioners hereby declare the Property, as is more fully described hereinabove, to be surplus property.

3. The Mayor and Commissioners hereby authorize the Mayor and the Town Administrator to publish or cause to be published a public notice soliciting bids for the Property and to establish terms and conditions for the sale thereof; provided, however, that the deadline for submission of bids shall be no less than 20 days following publication of the public notice and further provided that no contract or sale shall become effective until and unless first approved by the Mayor and Commissioners by ordinance.

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READ AND PASSED THIS 14th day of November, 2016.

ATTEST/WITNESS:

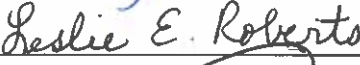


Laschelle McKay, Town Administrator

COMMISSIONERS OF LEONARDTOWN:



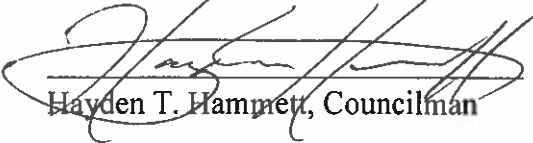
Daniel W. Burris, Mayor



Leslie E. Roberts, Vice President



Thomas M. Combs, Councilman



Hayden T. Hammett, Councilman



J. Maguire Mattingly, IV, Councilman



Roger L. Mattingly, Councilman