

TOWN OF BOONSBORO, MARYLAND

**ORDINANCE 2021-01; AN ORDINANCE MAKING A DETERMINATION
THAT CERTAIN PROPERTY IS NO LONGER
NEEDED FOR A PUBLIC PURPOSE AND AUTHORIZING
CONVEYANCE TO ADJOINING PROPERTY OWNER**

RECITALS

WHEREAS, the Town of Boonsboro is a Municipal Corporation existing under and by virtue of the laws of the State of Maryland; and

WHEREAS, the Town has an interest in a parcel of land lying northwest of Orchard Drive in the Town of Boonsboro and east of land owned by Eric B. Kitchen by virtue of a Deed recorded in Liber 1427 and folio 930 ("the Parcel"); and

WHEREAS, in accordance with the provisions of the Maryland Code and the Charter of the Town of Boonsboro, the Mayor and Council, as the duly constituted legislative body for the Town has determined that the Parcel is no longer needed for a public purpose; and

WHEREAS, Eric B. Kitchen owns property adjoining the Parcel and has requested that the Town execute a quit claim to its right, title and interest in the Parcel adjacent to and adjoining his property, and as depicted on the attached Quit Claim Deed and drawing; and

WHEREAS, the Town agrees to transfer its interest in the Parcel, further identified as Land Reserved for Possible Future Street as depicted on the attached Quit Claim Deed, Metes and Bounds Description, and Boundary Survey Drawing; and

WHEREAS, the introduction of this Ordinance shall constitute the twenty (20)-day notice of the proposed transfer as required by law; and

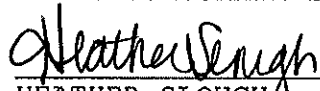
WHEREAS, the Mayor and Council find that the property may be quit claimed and conveyed to the adjoining property owner, Eric B. Kitchen.

NOW, THEREFORE, BE IT RESOLVED, ENACTED AND ORDAINED as follows:

1. That the foregoing recitals be and are incorporated herein as if fully set forth.
2. That the Mayor and Council find that the Parcel is no longer needed for a public purpose.
3. That the Mayor be and is hereby authorized to execute and deliver a Quit Claim Deed vesting all of the Town's right, title and interest in the Parcel to the adjoining property owner, Eric B. Kitchen. The description and extent of the property so conveyed is as depicted on the attached Quit Claim Deed.
4. That the Mayor be and is hereby authorized to execute the attached Quit Claim Deed, and such additional documentation and take all necessary steps to carry out the purpose of this Ordinance.

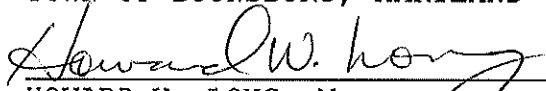
BE IT FURTHER RESOLVED, ENACTED AND ORDAINED, that this Ordinance shall become effective upon the expiration of 20 days from the date of its passage.

WITNESS AND ATTEST
AS TO CORPORATE SEAL


HEATHER SLOUGH

Town Clerk

MAYOR AND COUNCIL OF THE
TOWN OF BOONSBORO, MARYLAND


HOWARD W. LONG, Mayor

Date of Introduction: February 8, 2021
Date of Passage: March 8, 2021
Effective Date: March 29, 2021

PREPARED BY:
SALVATORE & MORTON
TOWN ATTORNEYS

THIS QUIT CLAIM DEED is made this 8 day of March, 2021, by The Mayor and Council of Boonsboro, a Municipal Corporation of the State of Maryland, hereinafter Grantor, and Eric B. Kitchen, hereinafter Grantee.

WHEREAS, Alfred M. Huffer and Delbert M. Huffer developed a certain parcel of land consisting of certain lots or parcels located along Orchard Drive and Ford Avenue in Boonsboro, Maryland, shown on an unrecorded Plat by subdivision dated December 10, 1964 by Joseph H. Seibert, Washington County Engineer and Surveyor; and

WHEREAS, a certain portion of the land was reserved for part of a possible future street that was never constructed to be located on the East side of and abutting part of lot 115, on the unrecorded Plat; and

WHEREAS, by virtue of a Deed recorded in Liber 1427, Folio 930, among the Land Records of Washington County, Maryland, Grantee owns the aforesaid Lot 115 on said unrecorded Plat; and

WHEREAS, the Town of Boonsboro has determined that said plat of land was never dedicated to nor accepted by the Town of Boonsboro, and therefore desires to grant and convey to Grantee any right, title, or interest, in and to said land, which it may have acquired; and

WHEREAS, at a regular meeting of the Town of Boonsboro, held on the 8 day of March, 2021, The Mayor and Council of the Town of Boonsboro, by motion duly made, seconded and carried unanimously, declaring the hereinafter described parcel of land, not necessarily for the use of the Corporation and has authorized the Mayor to dispose of any claim, right, title and interest it has in the same.

NOW THEREFORE WITNESSETH: That for and in **NO MONETARY CONSIDERATION**, the said **MAYOR AND COUNCIL OF BOONSBORO**, a Municipal Corporation of the State of Maryland, does hereby grant and convey and Quit Claim any and all claim, right, title and interest it may have in the hereinbelow described property unto **ERIC B. KITCHEN**, sole owner, in fee simple, all that lot or parcel of land, and all the rights, ways, privileges and appurtenances thereunto belonging on in anywise appertaining, situate in Election District No. 6, Washington County, Maryland, and being more particularly described per a boundary survey drawing and description prepared by Frederick, Seibert and Associates, Inc., dated September 4, 2020, said description and drawing are attached hereto and labeled Schedules A & B.

THE above-described property is conveyed subject to and together with any and all covenants, conditions, restrictions, reservations, easements, rights of way, and all matters of record applicable thereto.

NO TITLE SEARCH CERTIFICATION:

THIS DEED was prepared without the benefit of a title examination which Grantee affirms would disclose the status of title, including but not limited to the quality and quantity of title; the possibility of other persons having an interest in the property conveyed by this Deed, as well as any other matters disclosed by an examination of title. Notwithstanding, he has elected not to have an examination of title and releases Christopher Joliet, the scrivener of this Deed, from any and all loss, claim, damages, and/or liability resulting from a condition of title which might have been disclosed by a title examination of the property conveyed by this Deed.

AND the Grantee has joined in the execution of this instrument to acknowledge the no-title search recital set forth herein.

WITNESS the hands and seals of the parties hereto.

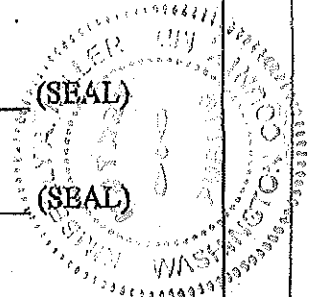
WITNESS:

[Handwritten signatures of witnesses]

THE MAYOR AND COUNCIL OF
BOONSBORO

Howard W. Long
Howard W. Long, Mayor, Grantor

Eric B. Kitchin
Eric B. Kitchin, Grantee



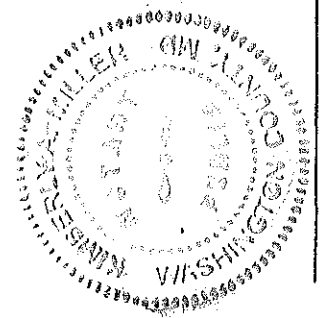
STATE OF MARYLAND, COUNTY OF WASHINGTON, To-Wit:

I HEREBY CERTIFY that on this 8 day of March, 2021, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared Howard W. Long, Grantor, Mayor of The Mayor and Council of Boonsboro, a body politic and corporate of the State of Maryland, and acknowledged the within instrument to be the act of said body politic and corporate; and at the same time, he made oath in due form of law that he is the Mayor of said body politic and corporate and is fully authorized to make this acknowledge on its behalf; and he did further acknowledge that he has read and understands the no-title search recital set forth herein.

WITNESS my hand and Official Notarial Seal.

My Commission Expires:
7-8-2023

Kennedy A. [Signature]
Notary Public



STATE OF MARYLAND, COUNTY OF WASHINGTON, To-Wit:

I HEREBY CERTIFY that on this 8 day of March, 2021, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared Eric B. Kitchen, Grantee, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within and foregoing instrument; and he did acknowledge the execution of the within and foregoing Deed to be his voluntary act and deed; and he did acknowledge that the consideration is true and correct; and he did further acknowledge that he has read and understands the no-title search recital set forth herein.

WITNESS my hand and Official Notarial Seal.

My Commission Expires:
7-8-2023


Kimberly A. Joliet
Notary Public

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 Court of Appeals of Maryland, but that the undersigned did not perform a title search or make any certification to title.

Christopher Joliet, Esquire

Mail to:
Eric B. Kitchen
115 Orchard Drive
Boonsboro, MD 21713

Schedule A

September 4, 2020

Suggested metes and bounds description for a parcel of land reserved for a future street located along Orchard Drive in Boonsboro, Maryland

Situate on the north side of Orchard Drive, approximately 960 feet west of St. Paul Street in the Town of Boonsboro, in Election District No. 6, Washington County, Maryland, and being more particularly described in accordance with a survey made by Frederick, Seibert and Associates, as follows:

Beginning at an iron pin and cap found at the end of the third or N70°03'00"E 177.20' line of the deed from Terry W. Doyle to Eric B. Kitchen, recorded in the Land Records of Washington County Maryland, in Liber 1427, Folio 930, thence with the lands now or formerly of Michael Leggett (L. 1539, F. 784), N70°03'00"E 50.00' to a point, thence with the lands now or formerly of Battlefield Est, LLC (L. 5522, F. 348) S21°20'00"E 91.86' to a point in the north marginal line of Orchard Drive, thence with the north marginal line of Orchard Drive the following two courses: S67°24'43"W 13.80' to a point, and with a curve to the left with an arc length of 84.48', a radius of 200.00', a chord of S52°34'04"W, 83.86' to an iron pin and cap found, thence leaving Orchard Drive and running with the lands of Eric B. Kitchen (L. 1427, F. 930) by a curve to the left with an arc length of 87.76', a radius of 82.69', a chord of N10°03'38"E, 83.70' to an iron pin and cap found, thence N20°21'00"W 45.18' to the point of beginning.

Containing 5277 square feet, or 0.12 acres of land, more or less.

Said lands are conveyed subject to and together with, any and all conditions, restrictions, easements or rights of way of record and applicable thereto.

Said lands being that portion of land reserved for a future public street that was never constructed, and being shown as lying along the east side of Lot 115 on an unrecorded plat for Londontown Plant Site, dated December 1964, prepared by J. H. Seibert, County Surveyor, drawing No. O-29, on file in the offices of Frederick, Seibert and Associates, Inc.

Note to attorney preparing deed:

This plat was never recorded as it predates Planning and Zoning, Therefore there was no platted offer of dedication. One could assume that this was a part of Orchard Drive, a public street, and therefore the Town of Boonsboro could quit claim their right, title and interest into this portion of the street.

Dhh/3046.1

P:\Projects\3046.1\Docs\3046.1-Description



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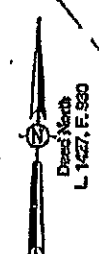
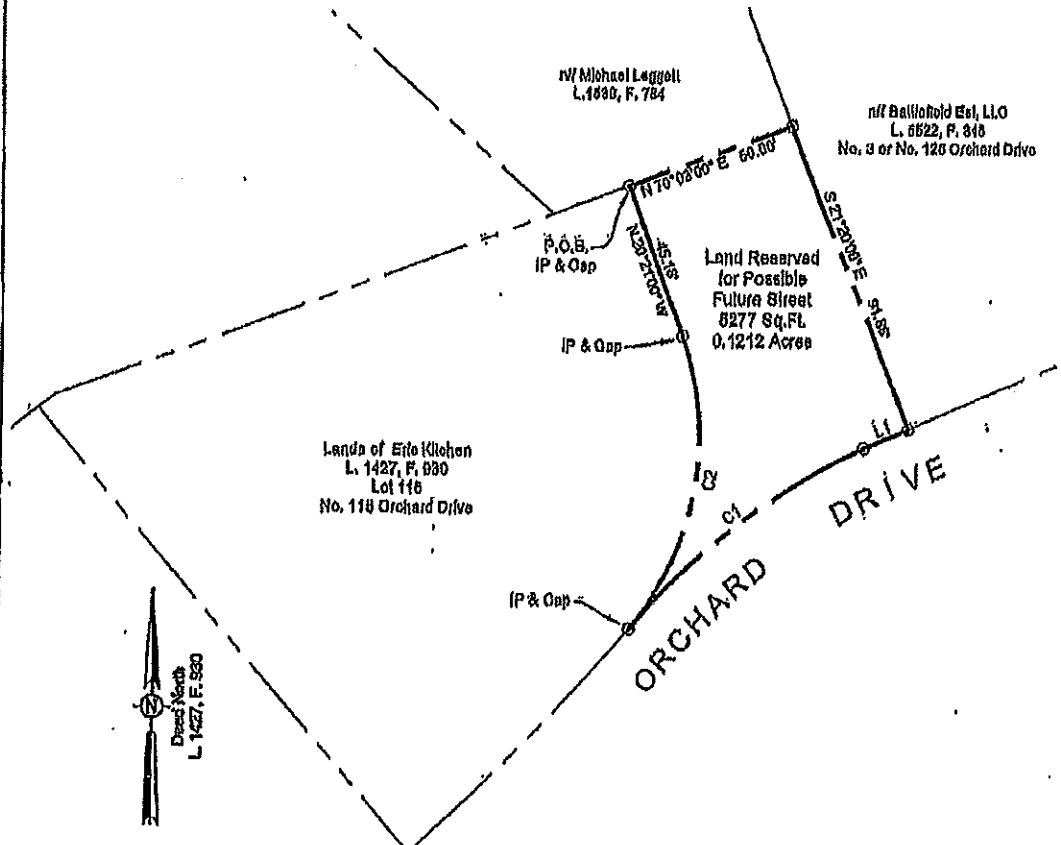
BOUNDARY SURVEY DRAWING
of
Land Reserved for Possible Future Public Street,
Boonsboro, Maryland
for
Erjo Kitchen

SURVEYOR'S CERTIFICATION

I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional land surveyor under the laws of the State of Maryland, License No. 10731, Expiration Date: January 18, 2022.

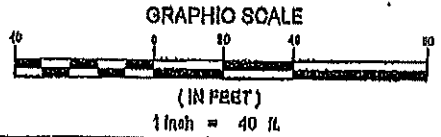


[Handwritten Signature]
Sept. 9, 2020



LINE	BEARING	DISTANCE
L1	S 47°24'43" W	113.80

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	84.48'	200.00'	23°12'08"	S 62°34'04" W	163.85'
C2	167.76'	82.69'	60°48'42"	N 10°03'30" E	163.70'



TAX MAP: 001-4-630	DISTRICT: B
DRAWING NUMBER: 1 OF 1	
DRAWN BY: DHH	DATE: 09.04.2020
CHANGED BY: <i>[Signature]</i>	DATE: 9.8.2020
SCALE: 1" = 40'	

FREDERICK SEIBERT & ASSOCIATES, INC.

CIVIL ENGINEERS • SURVEYORS • LANDSCAPE ARCHITECTS • LAND PLANNERS • ENVIRONMENTAL

126 SOUTH POTOMAC STREET, HAGERSTOWN, MARYLAND 21740
20 WEST BALTIMORE STREET, GREENSBORO, PENNSYLVANIA 17225
806 SOUTH HANOVER STREET, CARLSLE, PENNSYLVANIA 17013

(301) 781-5450 (610) 410-7419 (717) 597-1097 (717) 701-0111

JOB NUMBER:
3046-1