

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2023, Legislative Day No. 1

Bill No. 2-23

Introduced by Mr. Smith, Chair
(by request of the County Executive)

By the County Council, January 3, 2023

Introduced and first read on January 3, 2023
Public Hearing set for and held on February 6, 2023
Public Hearing on AMENDED bill set for and held on February 21, 2023
Bill Expires April 8, 2023

By Order: Laura Corby, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Private Disposition of Surplus Real Property – Approval
2 of Terms and Conditions – Overlea Drive in Severna Park, Maryland

3
4 FOR the purpose of approving the terms and conditions under which the County may
5 transfer its interest in real property determined to be surplus, consisting of
6 approximately 0.058 acres, and located on the North Side of Overlea Drive in Severna
7 Park, Maryland to Chessie Homes, LLC.

8
9 WHEREAS, pursuant to Resolution No. 11-22, the County Council approved the
10 County Executive’s determination that the County’s interest in certain County-
11 owned property comprised of 0.058 acres, more or less, located in the Fifth
12 Councilmanic District on the North side of Overlea Drive in Severna Park,
13 Maryland (the “Property”), as more fully described in the Agreement of Sale
14 between Chessie Homes, LLC (“Chessie Homes”) and Anne Arundel County (the
15 “County”), attached hereto as ~~Exhibit 1~~ Exhibit 1-A (“Agreement of Sale”), is
16 surplus property; and

17
18 WHEREAS, a title review has revealed that the County and Chessie Homes may
19 both have claims to title to the Property; and

20
21 WHEREAS, Chessie Homes obtained County permits (building permit
22 B02368512) and constructed residential improvements (“Improvements”) on the
23 Property before the title issue was revealed; and

EXPLANATION: Underlining indicates matter added to bill by amendment.
~~Strikeover~~ indicates matter removed from bill by amendment.

1 WHEREAS, the County has determined that the Improvements encroach onto the
2 County's right-of-way ("ROW"); and

3
4 WHEREAS, Chessie Homes desires for the County to convey to it any interest in
5 the Property that the County may have to resolve the title issues, and prior to
6 conveying its interest in the Property, the County requires that Chessie Homes
7 remove all encroachments from the ROW; and

8
9 WHEREAS, the County and Chessie Homes have negotiated the Agreement of
10 Sale, in which the transfer of the County's interest in the Property is contingent
11 upon Chessie Homes removing encroachments from the ROW, and building permit
12 B02368512 has been revised consistent therewith; and

13
14 WHEREAS, the fair market value of the Property in the amount of One Hundred
15 Nineteen Thousand Eight Hundred Seventy-Five Dollars (\$119,875) was
16 established by the average of two independent real estate appraisals; and

17
18 WHEREAS, pursuant to § 8-3-204(g) of the County Code, the County may
19 negotiate and make a private disposition of interests in real property if the County
20 Executive determines that the public interest will be furthered by a private
21 disposition of property, and if the terms and conditions of such private disposition
22 are first approved by ordinance of the County Council; and

23
24 WHEREAS, the County Executive has determined that the public interest will be
25 furthered by this private disposition of the Property pursuant to the terms and
26 conditions set forth in the negotiated Agreement of Sale; and

27
28 WHEREAS, by this Ordinance, the County Council approves the private
29 disposition of the Property from the County to Chessie Homes, LLC for Zero
30 Dollars (\$0); now, therefore


31
32 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
33 That in accordance with § 8-3-204(g), it approves the private disposition of the Property
34 pursuant to the terms and conditions of the Agreement of Sale, attached hereto as ~~Exhibit~~
35 † Exhibit 1-A.

36
37 SECTION 2. *And be it further enacted,* That this Ordinance shall take effect 45 days
38 from the date it becomes law.


AMENDMENTS ADOPTED: February 6, 2023

READ AND PASSED this 21st day of February, 2023

By Order:


Laura Corby
Administrative Officer

PRESENTED to the County Executive for his approval this 22nd day of February, 2023


Laura Corby
Administrative Officer

APPROVED AND ENACTED this 1st day of March, 2023


Steuart Pittman
County Executive

EFFECTIVE DATE: April 15, 2023

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF
BILL NO. 2-23 THE ORIGINAL OF WHICH IS RETAINED IN THE FILES
OF THE COUNTY COUNCIL.


Laura Corby
Administrative Officer

Department of Public Works
Right of Way Division
2662 Riva Road
Annapolis, MD 21401

AGREEMENT OF SALE

THIS AGREEMENT OF SALE, made this ___ day of _____, 2023, by and between **CHESSIE HOMES, LLC**, a Maryland Limited Liability Company (hereinafter called “Chessie Homes”) and **ANNE ARUNDEL COUNTY, MARYLAND**, a body corporate and politic of the State of Maryland (hereinafter called “County”).

WHEREAS, pursuant to Resolution No. 11-22, the County Council approved the determination of certain County-owned property as surplus property, which property is comprised of 0.058 acres, more or less, located on the North side of Overlea Drive in Severna Park, Maryland, and further described in **Exhibit A** attached hereto (the “Property”); and

WHEREAS, a title review has revealed that the County and Chessie Homes may both have claims to title to the Property; and

WHEREAS, Chessie Homes obtained County permits (building permit B02368512) and constructed residential improvements (“Improvements”) on the Property before the title issue was revealed; and

WHEREAS, the County has determined that the Improvements encroach onto the County’s right-of-way (“ROW”); and

WHEREAS, Chessie Homes desires for the County to convey to it any interest in the Property that the County may have to resolve the title issues; and

WHEREAS, prior to conveying its interest in the Property, the County requires that Chessie Homes remove all encroachments from the ROW; and

WHEREAS, building permit B02368512 has been revised to remove the portion of the Improvements that encroach onto the ROW; now, therefore,

WITNESSETH: That for and in consideration of mutual covenants and promises herein made by the parties, the above recitals, which are incorporated herein by reference and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Chessie Homes and the County hereby agree as follows:

1. The County agrees to grant and convey to Chessie Homes its rights, title, and interest in the Property under the terms and conditions set forth in this Agreement of Sale.

2. The total purchase price for the Property shall be Zero Dollars (\$0), plus all costs of transfer, with settlement to occur no later than forty-five (45) days after the satisfaction of the following contingencies::

(a) Approval by ordinance of the Anne Arundel County Council for the private disposition of the Property to Chessie Homes; and

(b) Within six (6) months of approval of the ordinance referenced in (a), removal by Chessie Homes of all encroachments in the ROW in accordance with all permits and to the satisfaction of the County, to include passage of a final inspection on permit number B02368512, as revised.

8. This Agreement shall be governed by Maryland law and be subject to the exclusive jurisdiction of the courts of Anne Arundel County, Maryland.

9. This Agreement shall inure to the benefit of the parties hereto, their heirs, personal representatives, legal representatives, successors and assigns as appropriate.

10. Any financial obligation of the County hereunder is subject to the availability of funds duly appropriated by the Anne Arundel County Council.

Witness: CHESSIE HOMES LLC

LeAnn Brown

By: [Signature] (Seal)
Name: Kyle W Squires
Title: Member

Attest: ANNE ARUNDEL COUNTY, MARYLAND

By: _____ (Seal)
Christine Anderson,
Chief Administrative Officer

Reviewed and Approved:

Director, _____

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:
Gregory J. Swain, County Attorney:

Christine B. Neiderer
Senior Assistant County Attorney

Date

EXHIBIT A

Legal Description

Part of Lots 24-26, Block T, Sabrina Park, Plat Book 5, Page 50
Property situated on the North Side of Overlea Drive, Severna Park
Third District, Anne Arundel County

Beginning for the same at a point located at the northern side of Overlea Drive, a 50 foot wide public right-of-way, said place of beginning also being located on the property owned by Frankie Wilson & Sons Inc. by a deed dated September 9, 1957, and recorded among the Land Records of Anne Arundel County, Maryland ("Land Records") in Liber 1149, at Folio 440; said property being Lots 10-43, Block "T", as show on a plat entitled, "Sabrina Park" and recorded among the Plat Records of said county, and state in Plat Book 5, at Page 50; said point of beginning being further located 30.00 feet left of the baseline of Right-of-Way (as now surveyed) of the relocated Earleigh Heights Road, Station 15 + 16.54, as shown on the Anne Arundel County Right-of-Way Plat #42,822.

Thence leaving said place of beginning and running with the bounds of herein described Fee Simple Property the following four (4) courses and distances viz:

1. 63.76 feet along the arc of the curve to the left having a radius of 700.00 feet and a chord bearing and distance of North 64°25'43" East, 63.73 feet to a point of reverse curvature, thence,
2. 43.26 feet along the arc of a curve to the right having a radius of 885.12 feet and a chord bearing and distance of North 63°13'31" East, 43.26 feet to a point in the westerly side of an un-named road (40' platted right-of-way) as shown on the plat of Sabrina Park, thence with said right of way,
3. South 19°51'21" West, 76.85 feet to intersect the aforementioned northerly side of Overlea, thence with Overlea Drive,
4. North 70°08'38" West, 74.44 feet to the place of beginning.

Containing in all 2,508 square feet or 0.058 acres of land, more or less.

SUBJECT TO a Perpetual Drainage Easement located along the first or north 64°25'43" East, 63.73 feet line of the above described parcel and shown on the Anne Arundel County Right of Way Plat #42,822, as prepared by Park Engineering, Inc., containing 605.35 square feet of land.

BEING part of the fee simple property in the conveyance from Frankie Wilson & Sons, Inc. to Anne Arundel County, Maryland by deed dated December 8, 1995, and recorded in the Land Records in Book 7286, at page 755.

ALSO BEING part of the fee simple property in the conveyance from Arundel Investments, LTD to Chessie Homes, LLC by deed dated April 30, 2019, and recorded in Land Records in Book 33098, at page 185.