



*Gregory J. Swain, County Attorney*

## MEMORANDUM

**To:** Council Members, Anne Arundel County Council

**From:** Christine B. Neiderer, Senior Assistant County Attorney /s/

**Via:** Gregory J. Swain, County Attorney /s/

**Date:** January 3, 2023

**Subject:** Bill No. 2-23, Private Disposition of Surplus Real Property – Approval of Terms and Conditions – Overlea Drive in Severna Park, Maryland

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### Legislative Summary

This summary was prepared by the Anne Arundel County Office of Law for use by members of the Anne Arundel County Council during consideration of Bill No. 2-23, an ordinance that approves the terms and conditions under which the County may convey certain County-owned property to Chessie Homes, LLC.

**Background.** Pursuant to Resolution No. 11-22, the County Council approved the County Executive's determination that certain County-owned property comprised of 0.058 acres, more or less, and located in the Fifth Councilmanic District, is surplus property ("Residue Parcel").

In 1995, the County acquired certain properties, easements, and rights from Frankie Wilson & Sons, Inc. for the Earleigh Heights Road Project No. H-3496, including the Residue Parcel.

In 1996 (a year after the Residue Parcel was transferred to the County), Frankie Wilson & Sons, Inc. purportedly conveyed the Residue Parcel, along with other lots, to Arundel Investments, Ltd. pursuant to a deed recorded in Land Records in Book 7679, page 494. Arundel Investments, Ltd. subsequently conveyed the Residue Parcel to Chessie Homes, LLC pursuant to a deed recorded in the Land Records in Book 33098, page 185. Chessie Homes, LLC constructed a home on part of the Residue Parcel, which improvements are known as 132 Overlea Drive, Severna Park, MD 21146.

Note: This Legislative Summary provides a synopsis of the bill as introduced. It does not address subsequent amendments to the bill.

Following construction of the residential improvements on part of the Residue Parcel, a title review revealed that the County and Chessie Homes, LLC may both have claims of the Residue Parcel. Chessie Homes, LLC now desires the County to convey the Residue Parcel by quitclaim deed to resolve any title issues.

Section 8-3-204(g) of the County Code provides that the County may negotiate and make a private disposition of property if the County Executive determines that the public interest will be furthered by a private disposition of property, and if the terms and conditions of such private disposition are first approved by ordinance of the County Council.

The existing house constructed on the Residue Parcel encroaches into the County's right-of-way ("ROW"). The Agreement of Sale ("AOS") provides that prior to conveying its interest in the Residue Parcel, Chessie Homes, LLC shall remove all encroachments from the ROW. Specifically, the AOS states that the conveyance is contingent upon:

- 1) Approval by ordinance of the County Council for a private disposition of the Residue Parcel to Chessie Homes, LLC; and
- 2) Within six (6) months of passage of the ordinance, 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.

The fair market value of the Residue Parcel in the amount of One Hundred Nineteen Thousand Eight Hundred Seventy-Five Dollars (\$119,875) was established by the average of two independent real estate appraisals. The County Executive has determined that the public interest will be furthered by a private disposition of the Residue Parcel to Chessie Homes, LLC for Zero Dollars (\$0) to resolve any title issues with the Residue Parcel.

**Purpose.** The purpose of the Bill is to approve the private disposition of the Residue Parcel to Chessie Homes, LLC in accordance with the terms and conditions of the AOS, which is attached to the Ordinance as Exhibit 1.

The Office of Law is available to answer any additional questions regarding this Bill. Thank you.

cc: Honorable Stuart Pittman, County Executive  
Christine Anderson, Chief Administrative Officer  
Jeff Amoros, Chief of Staff  
Peter Baron, Chief Strategy Officer  
Chris Trumbauer, Senior Policy Advisor to the County Executive and Budget Officer  
Karen Henry, Acting Director of Public Works  
Mark Wedemeyer, Director of Inspections and Permits