



Gregory J. Swain, County Attorney

MEMORANDUM

To: Council Members, Anne Arundel County Council

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

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

Date: May 16, 2022

Subject: Resolution No. 11-22, approving the determination of certain County-owned property, located on the North side of Overlea Drive in Severna Park, Maryland, as surplus property

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 the attached Resolution, which approves the County Executive's determination of County-owned property as surplus property.

Background. 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 property totaling 0.058 acres of land, more or less, identified as the "residue" parcel which is comprised of the remaining part of Lots 24-26, Block T, as shown on a plat entitled "Sabrina Park" and recorded among the Plat Records of Anne Arundel County in Plat Book 5, at page 50, pursuant to a Deed dated December 8, 1995, recorded in the Land Records of Anne Arundel County ("Land Records") in Book 7286, Page 755 ("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 the 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 resolution as introduced. It does not address subsequent amendments to the resolution.

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 8-3-202 of the County Code authorizes the County Executive to dispose of real property owned by the County when the County Executive, with the approval of the County Council, has determined that the real property is surplus property. The County Executive inquired whether any office, department, or agency of the County has a present need or reasonably anticipates a future need for the Residue Parcel, and no such current or future need has been identified. In accordance with § 8-3-202(b) of the County Code, notice was mailed to each adjacent property owner and to the community association representing the area in which the Residue Parcel is located.

The County Executive determined that, to the extent that the Residue Parcel is or could be claimed to be owned by the County, the Residue Parcel is surplus property, and the County Executive wishes to dispose of it in accordance with Article 8, Title 3, Subtitle 2 of the County Code. Provided Council approves this Resolution declaring the Residue Parcel surplus, the County intends to seek Council's approval of the terms of a private disposition to Chessie Homes, LLC pursuant to Section 8-3-204(g) of the County Code.

The Council may be aware that there were various complaints about the house constructed on this property encroaching into the right of way. It is important to clarify that the approval of this Resolution will not result in conveyance of any right of way to the owner, and the County will retain full ownership of its right of way. The purpose of this Resolution is to initiate steps to resolve a cloud on title that is separate from the right of way encroachment. The owner of the parcel will in fact be required to remove the portion of the house that encroaches into the right of way as a condition of the County's transfer.

Summary. This Resolution gives County Council approval for the County Executive's determination that the Residue Parcel is surplus property.

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

cc: Honorable Stuart Pittman, County Executive
Matthew Power, Chief Administrative Officer
Dr. Kai Boggess-de Bruin, Chief of Staff
Peter Baron, Director of Government Relations
Chris Trumbauer, Senior Policy Advisor to the County Executive and Budget Officer
Christine Anderson, Central Services Officer
Christopher J. Phipps, Director of Public Works